



City of Appleton

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

Meeting Agenda - Final-revised Common Council

Wednesday, March 16, 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

[16-396](#) Common Council Meeting Minutes of March 2, 2016

Attachments: [CC Minutes 3-2-2016.pdf](#)

- H. BUSINESS PRESENTED BY THE MAYOR

[16-313](#) Presentation of St. Joseph's 150th Jubilee Year Proclamation

[16-314](#) Announcement of the winning poems for the 2016 Sidewalk Poetry Program

[16-384](#) Appointment of Dana Reader to the Exhibition Center Advisory Committee of the Appleton Redevelopment Authority

Attachments: [APPT TO EC ADVISORY COMM OF THE ARA DANA READER 031116.pdf](#)

- I. PUBLIC HEARINGS

[16-398](#) Public Hearing- Comprehensive Plan Amendment #1-16

Attachments: [Class I Public Hearing Notice Newspaper_E Werner Rd_Comp Plan Amend.pdf](#)

[16-400](#) Public Hearing - Rezoning #1-16

Attachments: [Public Hearing - RZ #1-16.pdf](#)

- J. SPECIAL RESOLUTIONS
- K. ESTABLISH ORDER OF THE DAY
- L. COMMITTEE REPORTS
- 1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE**

15-2051

Recommend to Outagamie County Highway Department to reconstruct CTH JJ from Ballard Road to Lightning Drive as follows:

Reconstruct the existing roadway with concrete pavement having the following design components as shown on attached sketch and described below:

- o Construct a raised concrete median with two left-turn access points to the north.
- o Provide an enhanced pedestrian crosswalk of Edgewood Drive at the west side of the Appleton North High School (ANHS) entrance.
- o Construct a single-lane roundabout with east, west, north, and south approaches at the Lightning Drive intersection, with right-of-way sufficient for future roundabout expansion to two lanes, if needed.
- o Construct one 12-foot eastbound and one 12-foot westbound through lane (plus 2.5-foot curb and gutter)
- o Construct one 4-foot eastbound and one 4-foot westbound bike lane (plus 2.5-foot curb and gutter)
- o Construct one 5-foot concrete sidewalk along north right-of-way line and one 10-foot asphalt multi-use trail along south right-of-way line.
- o Construct a dedicated eastbound right-turn lane at the ANHS entrance.
- o Construct a dedicated westbound left-turn lane at Ballard Road.
- o Construct a second through lane for westbound traffic at the approach to Ballard Road.
- o Construct a second through lane for eastbound traffic from Ballard Road to the ANHS right turn lane.
- o Construct approximately 600' of Lightning Drive north of Edgewood Drive with one northbound through lane, one southbound through lane, and a two-way-left-turn lane.
- o Construct a stormwater pond meeting state and local stormwater management requirements northeast of the Edgewood/Lightning intersection.

Attachments: [CTH JJ Project Goals.pdf](#)

[Design map CTH JJ.pdf](#)

[CTH JJ Design Concept-Todd Van Zeeland.pdf](#)

Legislative History

12/8/15	Municipal Services Committee	held
	<i>Item 15-2051 was held until the February 9, 2016 meeting.</i>	
2/9/16	Municipal Services Committee	recommended for denial
	<i>The recommendation was for option 2.</i>	

2/17/16	Common Council	referred to the Municipal Services Committee
3/8/16	Municipal Services Committee	recommended for approval

[15-2076](#)

#17-R-15/Martin

RESOLUTION- Public Art in Street right-of-way

WHEREAS, Sec. 23-507. Signs in the right-of-way. No signs shall be placed upon any street right-of-way

WHEREAS, Public art is something that is created with imagination and skill and that is beautiful or that expresses important ideas or feelings

WHEREAS, The city has approved murals, works created by artists: paintings, sculptures, etc.

NOW THEREFORE BE IT RESOLVED, The City of Appleton Attorney's office is directed to prepare a new ordinance that would allow commercial companies and foundations to attach their names to public art. In a way that is not obtrusive or offensive in the street right-of-way.

Attachments: [Guidelines for Signs in the Street Right-of-Way.pdf](#)

Legislative History

12/8/15	Municipal Services Committee	held
<i>Item 15-2076 was referred to the Attorneys Office recommendation will be coming back to committee.</i>		
3/8/16	Municipal Services Committee	recommended for approval

[16-341](#)

Approve streetscape elements for the S. Oneida Street Reconstruction Project.

Attachments: [S. Oneida Street Streetscape Elements.pdf](#)

Legislative History

3/8/16	Municipal Services Committee	recommended for approval
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[16-346](#)

Award of Contract for 2016 Land Acquisition Services for Oneida Street reconstruction to OMNNI Associates, Inc. in an amount not to exceed \$193,000.

Attachments: [2016 Land Acquisition-Oneida Street.pdf](#)

Legislative History

3/8/16 Municipal Services recommended for approval
 Committee

[16-348](#)

Approve Amendment No. 1 to OMNNI Associates, Inc. for additional land acquisition services related to the STH 47/CTH OO Project in the amount of \$15,775.00 for a revised not to exceed amount of \$50,525.00.

Attachments: [Amendment No. 1 to OMNNI Associates.pdf](#)

Legislative History

3/8/16 Municipal Services recommended for approval
 Committee

[16-349](#)

Request from Charlotte Olson, 725 E. Roeland Avenue to have her sidewalk snow removal bill of \$75 waived.

Attachments: [Snow removal bill-725 E. Roeland Ave.pdf](#)

[Snow removal 725 Roeland Avenue.pdf](#)

Legislative History

3/8/16 Municipal Services recommended for approval
 Committee

3/8/16 Municipal Services recommended for denial
 Committee

[16-352](#)

Award 2016 Bridge Inspections Services Contract to Collins Engineers, Inc. in an amount not to exceed \$30,000.

Attachments: [2016 Bridge Inspections Services Contract.pdf](#)

Legislative History

3/8/16 Municipal Services recommended for approval
 Committee

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[16-358](#)

Operator's License application of Revis D. Engle, 86 Northbreeze Drive.

Attachments: [16-358 Attachment- R. Engle Application.pdf](#)

Legislative History

3/9/16 Safety and Licensing recommended for denial
 Committee

Mr. Engle appeared before the Committee and spoke requesting that the Committee reconsider the recommendation for denial as the incident occurred years ago when he was a teenager.

- [16-326](#) Request for an extension on the Reserve "Class B" Beer/Liquor License application for RiverHeath Hospitality LLC for the new Marriott Courtyard Hotel, RiverHeath Way. Kris L. Oates, Agent, Mark Geall, Contact Person.

Legislative History

3/9/16 Safety and Licensing recommended for approval
 Committee

- [16-302](#) Secondhand Article License Renewal application of Heid Music, Kristin J. Masarik, Applicant, 308 E. College Ave., contingent upon approval from all departments.

Legislative History

3/9/16 Safety and Licensing recommended for approval
 Committee

- [16-306](#) Class "A" Beer License application of Banee Corporation d/b/a Appleton Citgo, Parmeet Kaur Arora, Agent, 1717 W. College Ave., contingent upon approval from all departments.

Legislative History

3/9/16 Safety and Licensing recommended for approval
 Committee

- [16-310](#) Operator's Licenses

Attachments: [Operator's Licenses for 3-9-16 S & L.pdf](#)

- [16-325](#) Request to Approve the Adoption of the Winnebago County Natural Hazard Mitigation Plan.

Attachments: [Winnebago County Natural Hazard Mitigation Plan.pdf](#)

Legislative History

3/9/16 Safety and Licensing recommended for approval
 Committee

3. MINUTES OF THE CITY PLAN COMMISSION

16-120

Request to approve Comprehensive Plan 2010-2030 Future Land Use Map Amendment #1-16 for Lot 1 of Glacier Ridge Plat (Tax Id #31-1-9300-01) located along the south side of E. Werner Road, west of N. Ballard Road from Commercial and One and Two-Family Residential designation to Multifamily Residential designation as shown on the attached map and approve the attached resolution

Attachments: [StaffReport_EWernerRd_CompPlan+Rezoning_For02-08-16.pdf](#)
[Docs Submitted by Neighborhood at 1-25 PC meeting.pdf](#)
[Glacier Ridge_Restrictive Covenants.pdf](#)

Legislative History

1/25/16	City Plan Commission	held
2/8/16	City Plan Commission	recommended for approval

Proceeds to Council on March 16, 2016.

16-122

Request to approve Rezoning #1-16 for Lot 1 of Glacier Ridge Plat (Tax Id #31-1-9300-01) located along the south side of E. Werner Road, west of N. Ballard Road, including to the centerline of the adjacent right-of-way, as shown on the attached maps, from R-1B Single-Family District to R-3 Multi-Family District

Attachments: [StaffReport_EWernerRd_CompPlan+Rezoning_For02-08-16.pdf](#)
[Docs Submitted by Neighborhood at 1-25 PC meeting.pdf](#)
[Glacier Ridge_Restrictive Covenants.pdf](#)

Legislative History

1/25/16	City Plan Commission	held
2/8/16	City Plan Commission	recommended for approval

Proceeds to Council on March 16, 2016.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE**5. MINUTES OF THE FINANCE COMMITTEE**16-323***CRITICAL TIMING***

Request for approval to reallocate funds in the amount of \$305,660 budgeted in 2016 for Leona Pond Land Acquisition to the Northland Pond Construction Project.

Attachments: [Northland Const_Leona Land FINAL 03-01-2016.pdf](#)

Legislative History

3/8/16	Finance Committee	recommended for approval
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[16-338](#)

Request to award Unit A-16 Concrete Paving to Vinton Construction in the amount of \$3,181,258.91 with a 4.3% contingency of \$138,000 for a project total not to exceed \$3,319,258.91.

Attachments: [Award of Contract A-16.pdf](#)

Legislative History

3/8/16

Finance Committee

recommended for approval

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

[16-330](#)

****CRITICAL TIMING**** Request to approve the allocation of 2016 Community Development Block Grant funding as described in the attached memorandum

Attachments: [Alloc Recs Memo to CEDC Final Award 3-03-16.pdf](#)

[Alloc Recs Memo to CEDC 11-11-15.pdf](#)

[Revised Alloc Recs Spreadsheet 3-3-2016.pdf](#)

[2016 CDBG Executive Summary of Recommendations Revised Award 3-03-16](#)

Legislative History

3/9/16

Community & Economic
Development Committee

recommended for approval

7. MINUTES OF THE UTILITIES COMMITTEE

[16-319](#)

Approve revisions to Article VI Chapter 20 of Municipal Code to be effective May 1, 2016.

Attachments: [Post Construction Ord - Redline - 02-15-16.pdf](#)

[Article VI Chapter 20.pdf](#)

Legislative History

3/8/16

Utilities Committee

recommended for approval

The attachment was further amended by striking the paragraph in Sec. 20-321(b)(3).

[16-320](#)

Accept the 2015 Annual Stormwater Report for submittal to the Wisconsin Department of Natural Resources.

Attachments: [2015 Annual report.pdf](#)

Legislative History

3/8/16

Utilities Committee

recommended for approval

[16-322](#)

Award of Phase V Sanitary Sewer Flow Monitoring Contract to R.A. Smith National, Inc. in an amount not to exceed \$100,000.

Attachments: [Award of Contract I-16.pdf](#)

Legislative History

3/8/16 Utilities Committee recommended for approval

[16-331](#)

Award Matthias Tower Clean and Inspect Project to McMahon and Associates, Inc. in the amount of \$5,596 with a 5% contingency of \$280 for a project total not to exceed \$5,876 and authorization to negotiate a sole source future engineering contract with McMahon and Associates, Inc.

Attachments: [Matthias Tower Clean and Inspect Engineering Award.pdf](#)

Legislative History

3/8/16 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

M. CONSOLIDATED ACTION ITEMS

O. ITEMS HELD

P. ORDINANCES

[16-359](#)

Ordinance 16-16 through Ordinance 41-16

Attachments: [Ordinances going to Council 3-16-16.pdf](#)

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

Kami Lynch, City Clerk

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



City of Appleton

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Meeting Minutes - Final Common Council

Wednesday, March 2, 2016

7:00 PM

Council Chambers

A. CALL TO ORDER

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

B. INVOCATION

The Invocation was given by Alderperson Williams.

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

Present: 12 - Alderperson Chris Croatt, Alderperson Greg Dannecker, Alderperson Joe Martin, Mayor Timothy Hanna, Alderperson Christine Williams, Alderperson Vered Meltzer, Alderperson William Siebers, Alderperson Ed Baranowski, Alderperson Margret Mann, Alderperson Patti Coenen, Alderperson Kyle Lobner and Alderperson Jeffrey Jirschele

Excused: 3 - Alderperson Cathy Spears, Alderperson Kathleen Plank and Alderperson Curt Konetzke

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

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

F. PUBLIC PARTICIPATION

G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[16-307](#)

Common Council Meeting Minutes of February 17, 2016

Attachments: [CC Minutes 2-17-2016.pdf](#)

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

Aye: 11 - Alderperson Chris Croatt, Alderperson Greg Dannecker, Alderperson Joe Martin, Alderperson Christine Williams, Alderperson Vered Meltzer, Alderperson William Siebers, Alderperson Ed Baranowski, Alderperson Margret Mann, Alderperson Patti Coenen, Alderperson Kyle Lobner and Alderperson Jeffrey Jirschele

Excused: 3 - Alderperson Cathy Spears, Alderperson Kathleen Plank and Alderperson Curt Konetzke

Abstained: 1 - Mayor Timothy Hanna

H. BUSINESS PRESENTED BY THE MAYOR

I. PUBLIC HEARINGS

[16-308](#)

Public Hearing- Comprehensive Plan Amendment #3-15

Attachments: [Class I Public Hearing Notice CPA #3-15.pdf](#)

The Public Hearing was held. No one spoke for or against this item.

[16-309](#)

Public Hearing- Rezoning #7-15

Attachments: [Public Hearing - RZ #7-15.pdf](#)

The Public Hearing was held. No one spoke for or against this item.

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

[16-300](#)

Resolution #3-R-16 Amending Sec. 10-4 & 10-48 of the Municipal Code pursuant to 2015 Wisconsin Act 149

Attachments: [Resolution #3-R-16 S&L.pdf](#)

#3-R-16

Amending Sec. 10-4 & 10-48 of the Municipal Code pursuant to 2015 Wisconsin Act 149

WHEREAS, the Common Council of the City of Appleton, pursuant to Section 66.0409 of the Wisconsin Statutes, has previously regulated the possession of weapons within the Municipal Code of the City of Appleton; and
WHEREAS, on February 6, 2016, the State of Wisconsin enacted 2015 Wisconsin Act 149, which in summary and in pertinent part, repealed Wisconsin State Statute §941.24 (the previous prohibition of switchblade knives); and
WHEREAS, 2015 Wisconsin Act 149 as it relates to Wis. Stat. § 66.0409(2) also now prevents local units of government from enacting or enforcing any ordinance that regulates the sale, purchase, purchase delay, transfer, ownership, use, keeping, possession, bearing, transportation, licensing, permitting, registration, or taxation of any knife, unless the ordinance or resolution is the same as or similar to, and no more stringent than a state statute; and
WHEREAS, 2015 Wisconsin Act 149 as it relates to Wis. Stat. § 66.0409(3)(c) does allow for a political subdivision to enact or enforce an ordinance or adopt a resolution that prohibits the possession of a knife in a building, or part of a building, that is owned, occupied, or controlled by the political subdivision;
NOW, THEREFORE BE IT RESOLVED, that in order to comply with the newly enacted state statute, the following redactions of Appleton city ordinance 10-4 be approved:

Sec. 10-4. Sale of dangerous weapons to minors.

No person shall buy for, sell or give away to any minor any dangerous weapon, except household-purpose knives or knives having blades less than three (3) inches long, without first having obtained the written consent of the parent or guardian of such minor. For purposes of this section, the term "dangerous weapon" shall mean and include the following instruments: blackjack, billy, sandclub, pistol, revolver, any instrument which impels a missile by compressed air, spring or other means, any weapon in which loaded or blank cartridges are used, cross knuckles of any metal, barbed or blade-type Bowie knife, nunchaku or nunchuck sticks, throwing stars or shurikens, dirk knife, dirk, dagger, switchblade knife or any knife which has a blade within itself but is automatically opened by a slight pressure on the handle or some other part of the knife and is commonly known as a switchblade knife, or straight edge razor or other knife having a blade three (3) inches or longer.

BE IT FURTHER RESOLVED, that in order to comply with state statute as well as meet the safety needs of Appleton residents and promote Appleton as a safe community, that the following redactions of Appleton city ordinance Sec. 10-48 be approved:

Sec. 10-48. Firearms restricted in certain City buildings.

(a) Definitions.

(1) Firearm means a weapon that acts by force of gunpowder.

(2) Law enforcement officer means a person who is employed by a law enforcement agency as defined in Wisconsin Statutes Section 175.49(1)(f) for the purpose of engaging in, or supervising others engaging in, the prevention, detection, investigation or prosecution of, or the incarceration of any person for, any violation of law and who has statutory powers of arrest.

(3) Weapon means a handgun, an electronic weapon as defined as Wis. Stats. §941.295 (1c)(a), a knife other than a switchblade knife under s. 941.24, or a billy club.

(b) In addition to the provisions of Wis. Stats. §175.60 enumerating places where the carrying of a weapon or a firearm is prohibited, including exceptions thereto, it shall be unlawful for any person other than a law enforcement officer to enter any posted building, or portion of a posted building owned, occupied or controlled by the City of Appleton while carrying a firearm or concealed weapon.

(c) Signs meeting the requirements of Wis. Stats. §943.13(2)(bm)1 shall be posted in prominent places near all entrances of such buildings regarding such restriction.

(d) Any person who enters or remains in any aforementioned City building contrary to such signage shall be considered a trespasser subject to penalty as proscribed under §10-26 of this code.

Alderson Croatt moved, seconded by Alderson Lobner, that Resolution #3-R-16 be approved. Roll Call. Motion carried by the following vote:

Aye: 11 - Alderson Chris Croatt, Alderson Greg Dannecker, Alderson Joe Martin, Alderson Christine Williams, Alderson Vered Meltzer, Alderson William Siebers, Alderson Ed Baranowski, Alderson Margret Mann, Alderson Patti Coenen, Alderson Kyle Lobner and Alderson Jeffrey Jirschele

Excused: 3 - Alderson Cathy Spears, Alderson Kathleen Plank and Alderson Curt Konetzke

Abstained: 1 - Mayor Timothy Hanna

16-268

Award Unit K-16 Native Landscape Management Contract to Applied Ecological Services, Inc. in an amount not to exceed \$135,030.41.

Attachments: [K-16 contract award.pdf](#)

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

Aye: 10 - Alderson Chris Croatt, Alderson Greg Dannecker, Alderson Joe Martin, Alderson Christine Williams, Alderson Vered Meltzer, Alderson William Siebers, Alderson Ed Baranowski, Alderson Margret Mann, Alderson Patti Coenen and Alderson Kyle Lobner

Excused: 3 - Alderson Cathy Spears, Alderson Kathleen Plank and Alderson Curt Konetzke

Abstained: 2 - Mayor Timothy Hanna and Alderson Jeffrey Jirschele

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

Alderson Croatt moved, Alderson Coenen seconded, to approve the balance of the agenda. The motion carried by the following vote:

Aye: 11 - Alderson Chris Croatt, Alderson Greg Dannecker, Alderson Joe Martin, Alderson Christine Williams, Alderson Vered Meltzer, Alderson William Siebers, Alderson Ed Baranowski, Alderson Margret Mann, Alderson Patti Coenen, Alderson Kyle Lobner and Alderson Jeffrey Jirschele

Excused: 3 - Alderson Cathy Spears, Alderson Kathleen Plank and Alderson Curt Konetzke

Abstained: 1 - Mayor Timothy Hanna

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[16-271](#) Approve Variance Policy for Public Buildings and Places of Employment.

Attachments: [Variance Policy for Public Buildings and Places of Employment.pdf](#)

This Report Action Item was approved.

[16-272](#) Request from Dye Painting and Restoration, LLC for waiver of parking meter bag fees (estimated at \$432.00) in conjunction with a proposed temporary street occupancy permit for a dumpster at 318 W. College Avenue.

This Report Action Item was approved.

[16-295](#) Approve parking changes near the Community Early Learning Center (State Street and Seventh Street). Follow-up to Six-Month Trial Period.

Attachments: [Parking changes-Community Early Learning Center.pdf](#)

This Report Action Item was approved.

[16-296](#) Approve parking changes near Huntley Elementary School (Marquette Street, Byrd Street, Lindbergh Street and Ullman Street). Follow-up to Six-Month Trial Period.

Attachments: [Parking changes-Huntley School.pdf](#)

This Report Action Item was approved.

[16-297](#) Approve parking changes near Richmond Elementary School (Kernan Avenue and Dewey Street). Follow-up to Six-Month Trial Period.

Attachments: [Parking changes-Richmond School.pdf](#)

This Report Action Item was approved.

- [16-298](#) Approve revised State/Municipal agreement for the construction of the Lawe Street Bridge over the power canal.

Attachments: [Lawe Street Bridge.pdf](#)

This Report Action Item was approved.

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

- [16-274](#) Operator's Licenses

Attachments: [Operator's Licenses for 2-24-16 S & L.pdf](#)

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION

- [16-032](#) Request to approve Comprehensive Plan 2010-2030 Future Land Use Map Amendment #3-15 for Lot 1 (Tax Id #31-2-0116-00), Lot 2 (Tax Id #31-2-0126-01), and Lot 3 (Tax Id #31-2-0126-00) of CSM 5460 from Public/Institutional and Multifamily designation to Central Business District designation as shown on the attached map and approve the attached resolution

Attachments: [Comp Plan Amendment #3-15 Staff Report.pdf](#)

This Report Action Item was approved.

- [16-034](#) Request to approve Rezoning #7-15 for Lot 1 (Tax Id #31-2-0116-00), Lot 2 (Tax Id #31-2-0126-01), and Lot 3 (Tax Id #31-2-0126-00) of CSM 5460, including to the centerline of the adjacent right-of-way, as shown on the attached maps, from P Parking District and R-3 Multifamily District to CBD Central Business District

Attachments: [Rezoning #7-15 Staff Report.pdf](#)

This Report Action Item was approved.

- [16-247](#) Request to approve the Pond View Estates Final Plat as shown on the attached maps and subject to the attached conditions

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

This Report Action Item was approved.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

[16-260](#)

Action: Request Approval of Updated Parks, Pavilions and Special Areas-Rental & Fee Schedule Policy

Attachments: [Memo-Updated Parks, Pavilions & Special Areas Policy \(2-22-16\).doc](#)
[Park Facilities - Rental and Fee Schedule Redlined 2-18-16.pdf](#)
[Park Pavilions and Special Areas - Rental and Fee Schedule Clean 2-18-16.doc](#)

This Report Action Item was approved.

5. MINUTES OF THE FINANCE COMMITTEE

[16-277](#)

Request to award Unit W-16 Sewer and Water Main Reconstruction No. 1 to Jossart Brothers, Inc. in the amount of \$2,547,865 with a 3.7% contingency of \$93,135 for a project total not to exceed \$2,641,000.

Attachments: [Award of Contract W-16.pdf](#)

This Report Action Item was approved.

[16-305](#)

Request to approve Land Dedication Agreements with ARBB Farm, LLC and Clearwater Creek Development, LLC for Haymeadow Avenue, Spartan Drive and Spartan Lift Station.

Attachments: [Land Dedication Agreements.pdf](#)
[ARBB Agreement.pdf](#)
[Clearwater Agreement.pdf](#)

This Report Action Item was approved.

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

7. MINUTES OF THE UTILITIES COMMITTEE

[16-267](#)

A Resolution authorizing the Department of Public Works to enter a grant agreement with the Wisconsin Department of Natural Resources for construction of the Northland Detention Pond.

Attachments: [Northland Pond MFC Grant Resolution Memo.pdf](#)

This Report Action Item was approved.

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****N. ITEMS HELD****O. ORDINANCES**

[16-311](#) Ordinances 14-16 and 15-16

Attachments: [Ordinances going to Council 03-02-2016.pdf](#)

This Report Action Item was approved.

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**

Alderson Baranowski moved, seconded by Alderson Martin, that the meeting be adjourned at 7:31 p.m. Roll Call. Motion carried by the following vote:

Aye: 12 - Alderson Chris Croatt, Alderson Greg Dannecker, Alderson Joe Martin, Mayor Timothy Hanna, Alderson Christine Williams, Alderson Vered Meltzer, Alderson William Siebers, Alderson Ed Baranowski, Alderson Margret Mann, Alderson Patti Coenen, Alderson Kyle Lobner and Alderson Jeffrey Jirschele

Excused: 3 - Alderson Cathy Spears, Alderson Kathleen Plank and Alderson Curt Konetzke

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

March 11, 2016

Members of the Common Council:

The following is being presented for your confirmation at the March 16 Council meeting:

**EXHIBITION CENTER ADVISORY COMMITTEE OF THE APPLETON
REDEVELOPMENT AUTHORITY**

Appointment of one (1) member to fill the City of Appleton Representative position:

DANA READER

2-year term to expire January 2018

Dana Reader, her husband, and his family own and operate Good Company Restaurant Group. Dana has been responsible for the daily operations and marketing since 2005. Her specialties are management, customer service, and advertising.

Dana was born and raised in the Fox Cities and holds a Bachelor's Degree in Education and Spanish from the University of Wisconsin-Green Bay. Dana has held a board position on the Fox Cities Convention and Visitors Bureau since 2014.

It is with pleasure that I make this recommendation.

Sincerely,

TIMOTHY M. HANNA
Mayor of Appleton

CITY OF APPLETON

NOTICE OF PUBLIC HEARING

PROPOSED COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT

NOTICE IS HEREBY GIVEN a Comprehensive Plan Future Land Use Map amendment request has been initiated by the owner, Kurey Ridge LLC, and Vision Realty & Development, 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, March 16, 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:

An undeveloped parcel along the south side of E. Werner Road, west of N. Ballard Road further described as: Lot 1 (Tax Id. #31-1-9300-01), Glacier Ridge, City of Appleton, Outagamie County, Wisconsin, from future Commercial and One and Two-Family Residential use to Multi-Family Residential use.

A copy of the proposed amendment to the Comprehensive Plan Future Land Use Map is available in the Appleton Community and Economic Development Department or the Office of the City Clerk from 8:00 a.m. until 4:30 p.m., Monday through Friday.

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 David Kress in the Community and Economic Development Department at 920-832-6428.

CITY PLAN COMMISSION
APPLETON, WISCONSIN

COMMUNITY & ECONOMIC DEVELOPMENT
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: February 13, 2016

NOTICE OF PUBLIC HEARING

#1-16

RE: Proposed Zone Change

A public hearing will be held in the Council Chambers, City Hall, Appleton, Wisconsin, on March 16, 2016, at 7:00 P.M., or as soon thereafter as can be heard, to consider the following proposed zone change:

Rezoning #1-16 has been initiated by Vision Realty & Development, agent on behalf of the owner, Kurey Ridge LLC, pursuant in the matter of amending Chapter Twenty-three (Zoning Ordinance) of the Municipal Code of the City of Appleton for the following described real estate. The owner requests to rezone:

LEGAL DESCRIPTION:

Lot 1 (Tax Id. #31-1-9300-01), Glacier Ridge, City of Appleton, Outagamie County, Wisconsin, including to the midpoint of the adjacent road right-of-way, from R-1B Single-Family District to R-3 Multi-Family District.

February 10, 2016

KAMI SCOFIELD
City Clerk

RUN: February 20, 2016
February 23, 2016

CTH JJ Project Goals

1	Improved pedestrian access between High School and businesses to the north	Goal Met
2	Construction of sidewalk on northside and multi-use trail on the southside of CTH JJ	Goal Met
3	Connection of High School sidewalk to the multi-use trail	Goal Met
4	Installation of on-street bike lanes along length of project	Goal Met
5	Additional street lighting along project length	Goal Met
6	Eliminate left turns into and out of the High School driveway	Goal Met
7	Eliminate north/south traffic directly from High School driveway to businesses to the north	Goal Met
8	Improved CTH JJ/Lightning Drive intersection with construction of roundabout	Goal Met
9	Construction of Lightning Drive to the north for improved access to future development	Goal Met
10	Construction of pond to meet stormwater requirements	Goal Met
FUTURE STEPS		
1	Reduce traffic queing on CTH JJ west of High School driveway	1. Traffic signal study to optimize traffic signal efficiency at Ballard/CTH JJ 2. School studying ways to improve internal circulation
2	Eliminate left-turns into Citgo Property	Will be eliminated in future as determined by County
3	Eliminate left-turns into Evergreen Commons Development	Will be eliminated in future as determined by County

RIGHT-IN/RIGHT-OUT/LEFT-IN CONCEPT
DRAWN BY OUTAGAMIE COUNTY
3/4/16 1" = 60'

DESIGN NOTES:

CONCEPT SHOWN IN RED COMPARED TO OPTION 2 (BLACK LINE WORK).

MEDIAN WIDTH HELD CONSTANT FROM BALLARD RD TO SCHOOL AND DEVELOPMENT DRIVEWAYS, THEN TAPERS TO MATCH PROPOSED DESIGN EAST TO ROUNDABOUT. ALLOWS FOR SUFFICIENT WIDTH FOR TURN LANES AND ISLANDS FOR CHANNELIZATION.

RIGHT-TURN CHANNELIZING ISLANDS PROPOSED AT SCHOOL AND DEVELOPMENT DRIVEWAYS TO HELP DIRECT AND CONTROL TRAFFIC MOVEMENTS.

CITGO DRIVEWAY FUNCTIONS SIMILAR TO DEVELOPMENT DRIVEWAY. PROPOSED IN-MOVEMENT MOVED EAST TO MAXIMIZE LEFT TURN LANE LENGTH AT BALLARD RD. RIGHT TURN OUT OF CITGO AT EXISTING DRIVEWAY LOCATION, REDUCES ON-SITE WORK.

PEDESTRIAN CROSSING SHOWN AT SAME LOCATION AS OPTION 2.

Paula Vandehey

From: TODD VAN ZEELAND <todd@vzoil.com>
Sent: Friday, March 04, 2016 2:43 PM
To: 'Rowell, Andrew A.'; Paula Vandehey; 'Troy Mleziva'; jfletcher@pcfcom.com; 'Hans Zietlow'; James Huggins; 'SARGENT, JOSEPH'; 'Dennis Jochman'
Cc: Christopher Croatt; Kyle Lobner; 'Steingraber, Dean E.'; Eric Lom; Karen Harkness; Peter Neuberger
Subject: RE: CTH JJ Design Concept

Good afternoon to all,

You did it!

I have reviewed the drawing and Project Goals sheet and I am happy to support this design. I believe this will work for all parties and serve the community and our customers for many years. This is a good design. While every design will have strengths and weaknesses, this is an example of compromise for a common good.

While this has been a very complicated and challenging project, I believe this is the best possible outcome for all involved.

Special thanks to, Karen Harkness, Mayor Tim Hanna, Paula Vandehey, Municipal Services Committee, and the Common Council, for their patience, understanding, and recognizing the importance of the need to serve the businesses both present and future.

I am not able to attend the Municipal Services Meeting on Tuesday but please feel free to relay this response.

Thank You,

Todd Van Zeeland
Van Zeeland Oil Company

From: Rowell, Andrew A. [mailto:Andy.Rowell@outagamie.org]
Sent: Friday, March 04, 2016 12:23 PM
To: Paula Vandehey; Troy Mleziva; jfletcher@pcfcom.com; Hans Zietlow; James Huggins; 'SARGENT, JOSEPH'; 'Dennis Jochman'; todd@vzoil.com
Cc: Christopher Croatt; Kyle Lobner; Steingraber, Dean E.; Eric Lom; Karen Harkness; Peter Neuberger
Subject: RE: CTH JJ Design Concept

Good afternoon,

Sorry I could not get this to you all sooner today. Attached is a concept that County and City staff believes accommodates all of the critical needs that we heard from the impacted businesses, and is in line with the transportation goals that our agencies have for the project. A summary of project goals is also attached.

I understand after review we may not all be completely thrilled with this concept, but I think is a good compromise that all parties can work with that is fair and realistic. The main highlights are as follows:

- 1-The high school driveway is restricted to eastbound right-in/right out at its current location.
- 2-The development driveway and Citgo driveway are restricted to westbound right-in/right-out and eastbound left-in.



Effective Date: 10-15-2014

GUIDELINES for Signs in the Street Right-of-Way

These guidelines have been established to determine which signs may be administratively approved to be installed within the street right-of-way. Requests for signs not meeting these requirements will be denied. Appeals will be to the Common Council through the Municipal Services Committee.

GROUND SIGNS

No ground signs may be installed within the street right-of-way.

PROJECTING SIGNS/AWNINGS

Projecting signs meeting the following criteria may be administratively approved to be installed within the street right-of-way:

1. Minimum clearance of 10 feet between the bottom of the sign and the normal grade.
2. Maximum projection of 4 feet into the street right-of-way.
3. Maximum size of sign within the street right-of-way is 35% of the wall size abutting the street frontage, or 350 square feet, whichever is less.
4. Maximum size of a changeable copy sign within the street right-of-way is 48 square feet.

BANNERS

See Banner Policy

SANDWICH BOARD SIGNS

See Sandwich Board Sign Policy

OTHER SIGNS

Signs not included in the provisions above, which are attached to public property, shall be submitted to the Department of Public Works for review. Applications not approved may appeal as indicated above.

S. Oneida Street Streetscape Elements

Streetscape Element	Limits
Marigold Mile	Yes, Calumet Street to McKinley Street
Street Name Signs (similar to College and Wisconsin)	Yes, with Marigold. Entire project.
Banners on Light Poles	Yes, entire project.
Median Islands colored concrete grass grass with some flowers	Yes, grass with flowers <u>if</u> we can get a MOU with Marigold Mile, LLC on 3 medians north of Calumet.
Benches (require additional r/o/w or easements)	Yes, where opportunities exist.
Street Lighting Standard Semi-decorative Decorative	HOLD this element until 3/22/2016 meeting.
Welcome to Downtown Appleton sign (Similar to W. College Ave sign by Badger Ave)	Yes, somewhere south of Skyline Bridge
Trash & Recycling Receptacles	Yes, adjacent to benches
Bike Lane Enhanced Pavement Markings	Yes, Eric will investigate viable enhancements
Upgrade Oneida Skyline Bridge Signs	Yes



Department of Public Works – Engineering Division

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

MEMO

TO: Municipal Services Committee

FROM: Mark Lahay, Assistant City Engineer

DATE: March 8, 2016

RE: Award of Contract for 2016 Land Acquisition Services for Oneida Street reconstruction to Omni Associates, in an amount not to exceed \$193,000.

The Department of Public Works is recommending to contract with Omni Associates, in an amount not to exceed \$193,000 to provide Land Acquisitions Services for the Oneida Street reconstruction project scheduled for construction in 2018. The Wisconsin Department of Transportation requires that the City obtain all right-of-way prior to the PS&E for this construction project. This contract will authorize Omni Associates to provide services enabling the City to meet this requirement.

The Department of Public Works received five qualified proposals from Omni Associates, Steigerwaldt Land Services Inc., Becher-Hoppe Associates, Inc., Prairie Land Services and Single Source.

Omni Associates demonstrated the related experience and personnel necessary to complete the required tasks. In addition, they also demonstrated a good project understanding and approach. Quotes received from the five firms were as follows (these quotes assume standard appraisals will be required from 55 parcels and short form appraisals will be required from 45 parcels. In the end, many of these parcels may not require any appraisal):

Omni Associates = \$193,000
Prairie Land Services = \$220,450
Becher Hoppe Associates, Inc. = \$244,625
Single Source = \$278,300
Steigerwaldt = \$369,100

AMENDMENT TO AGREEMENT

This Amendment, Number 1, to the AGREEMENT FOR CONSULTING SERVICES, dated April 8, 2015 (the Agreement), between City of Appleton (Client) and OMNNI Associates, Inc. (Consultant) is made effective as of the 1ST day of February, 2016.

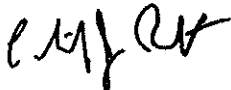
1. Consultant shall perform the following services:
 - a. Parcels acquired increased from 19 parcels to 24 parcels. (4 nominals, 1 standard appraisal)
 - b. 7 short form appraisal parcels required standard abbreviated appraisals.
 - c. 2 utility release of rights were added.
 - d. 24 title updates were added.
 - e. Some of the parcel acquisitions were more complex due to easements and parking agreements. In addition, the complexity of landscape damages was more extensive than originally anticipated.
2. In conjunction with the performance of the foregoing Services, Consultant shall provide the following submittals/deliverables (Documents) to Client:
All acquisitions will be recorded by August 1, 2016.
3. Consultant shall perform the Services and deliver the related Documents (if any) according to the following schedule: The project schedule remains unchanged. Acquisitions will be completed by August 1, 2016.
4. In return for the performance of the foregoing obligations, Client shall pay to Consultant the amount of \$15,775.00, payable on a unit price basis. The total contract amount, including Amendment 1, is \$50,525.00.
5. Except to the extent modified herein, all terms and conditions of the Agreement shall continue in full force and effect.

CITY OF APPLETON
A Wisconsin Municipal Corporation

Agreement: STH 47 – CTH OO Real Estate Services Amendment 1
OMNNI Associates, Inc.

Date: February 1, 2016

OMNNI Associates, Inc.

By: 
Phil Ramlet, President/CEO

City of Appleton

By: _____
Timothy M. Hanna, Mayor

Attest: _____
Kami Scofield, City Clerk

Approved as to form:
§62.09(10),

Countersigned pursuant to

Wis. Stats.:

James P. Walsh, City Attorney
Director of Finance

Anthony D. Saucerman,

Parcel Number	Owner	OMNNI				
		original negotiation fee	ammendment 1	original appraisal fee	ammendment 1	rel of mort
1	Michael R. Thomas & Sharon A. Thomas	\$875.00		\$500.00	-\$500.00 x	\$0.00
2	The Manor Condominium	\$875.00		\$500.00	-\$500.00	\$0.00
3	Cole WG Appleton (Northland Avenue)	\$875.00		\$500.00	-\$500.00	\$0.00
4	Associated Bank-Corp	\$875.00	\$375.00	\$500.00	\$1,000.00 x	\$0.00
6	Kasper Murphy Company LLC	\$875.00	\$375.00	\$500.00	\$1,000.00	\$0.00
7	JS Food Mart, Inc.	\$875.00	\$375.00	\$500.00	\$1,000.00	\$0.00
8	Xtreme Properties LLC	\$875.00	\$375.00	\$500.00	\$1,000.00	\$0.00
9	Maas Investments, LLC	\$875.00	\$375.00	\$500.00	\$1,000.00	\$0.00
11	Tauber Enterprises, LLC	\$875.00		\$500.00	\$0.00	\$0.00
12	Wisconsin Electric Power Company	\$875.00		\$500.00	-\$500.00	\$0.00
13	Richmond Center Development LLC	\$1,250.00		\$1,500.00	\$0.00 x	\$0.00
14	R. Lewis & R. Lewis LLC	\$1,250.00		\$1,500.00	\$0.00 x	\$0.00
16	Lor & Lor LLC	\$875.00		\$500.00	\$1,000.00	\$0.00
17	Arc CafeHdoo1 LLC	\$1,250.00		\$1,500.00	\$0.00 x	\$0.00
18	631 W Northland Avenue LLC	\$875.00		\$500.00	\$0.00	\$0.00
19	Northland Mall LLC	\$875.00	\$375.00	\$500.00	\$1,000.00 x	\$0.00
21	McDonalds Corporation	\$875.00		\$500.00	-\$500.00	\$0.00
22	Border Patrol LLC	\$875.00	\$375.00	\$500.00	\$1,000.00	\$0.00
23	Convenience Store Investments	\$875.00		\$500.00	-\$500.00	\$0.00
24	Johnson		\$875.00		\$0.00	
26	Spirit SPE Portfolio		\$1,250.00		\$1,500.00	
27	Albertfest Holdings		\$875.00		\$0.00	
28	Northshore Bank		\$875.00		\$0.00	
29	TD Enterprises		\$875.00		\$0.00	
100	We Energies	\$200.00		\$0.00		\$0.00
101	City of Appleton	\$200.00		\$0.00		\$0.00
102	Time Warner Cable Inc	\$200.00		\$0.00		\$0.00
103	American Transmission Company	\$200.00		\$0.00		\$0.00
104	AT&T Wisconsin	\$200.00		\$0.00		\$0.00
105	We Energies		\$200.00			
106	City of Appleton		\$200.00			
	Project Data Book and Nominal Parcel Payment Repd	\$3,500.00				
	landscape damages calculations		\$780.00			
	title updates		\$720.00			
	Prepare Reimbursement forms and documents	\$0.00			included	
	Complete LPA 3028	\$0.00			included	
		\$22,250.00	\$9,275.00	\$12,500.00	\$6,500.00	\$0.00
				\$50,525.00		

APPLETON CODE

as to obstruct or unreasonably interfere with the free passage of pedestrians, motor vehicles or other modes of travel. No person shall stand or remain at or near the entrance to any public or private building in such a manner as to annoy persons entering or leaving or passing such entrance. No person shall stand, sit, lie, remain or otherwise occupy any motor vehicle without permission of the owner.

(b) No kiosk, bulletin board or other decorative object shall be placed upon the street right-of-way except upon benches or other seating facilities provided for such purposes by the City.

(c) Sandwich board/temporary signs may be placed in the street right-of-way in conformance with the City of Appleton Sandwich Board/Temporary Sign Policy. (Code 1965, §5.07(1)(d), Ord 164-07, §1, 12-25-07)

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

Sec. 16-10. Snow and ice removal.

(a) Every person shall, no later than thirty-six (36) hours following cessation of a snowfall, remove all snow and/or ice from the entire width of the sidewalk along the entire perimeter of the premises owned or occupied by him, including any handicap access ramps along the perimeter of the premises; provided that, immediately after the accumulation of ice on such sidewalk, it shall be treated with sand, salt or other substance to prevent it from being slippery. The ice shall continue to be so treated in such a manner as to prevent the ice from being dangerous until it can be removed and shall then be promptly removed. If the owner or occupant of such premises shall fail to remove and keep removed, such snow and ice or to sprinkle a sidewalk as required, the work shall be done under the direction of the Common Council and the expenses thereof made a special tax upon the lot along the entire perimeter of where such work was done.

(b) No person shall remove or cause to be removed any snow or ice from his premises, residence, parking lot, parking area, business property or other area onto any public right-of-way or property. Snow removed from public sidewalks shall not be stored in any manner which will obstruct or limit vehicular or pedestrian vision, movement or access. Snow accumulations on sidewalks, handicap ramps or driveway aprons resulting from street snow plowing operations shall be removed by the owner of the abutting premises in accordance with the provisions of this section. In those instances where insufficient space exists between the sidewalk and street for the storage of all snow removed, it shall be stored on the abutting premises.

(c) The deposit of any snow or ice upon any sidewalk alley or street of the city contrary to the provisions of this

section is a nuisance, and in addition to the penalty provided for violation of this chapter, the City may summarily remove any snow or ice so deposited and cause the cost of the removal to be charged to the owner of the property from which the snow or ice has been removed.

(Code 1965, §5.10; Ord 155-10, §1, 10-26-10; Ord 98-13, §1, 11-26-13)

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

Sec. 16-11. Compliance with City plans and specifications.

All streets and alleys shall be graded, graveled, paved or improved, all sidewalks shall be constructed or rebuilt, and all underground utilities in public streets, alleys and public grounds, all bridges, and all other public works of any kind whatever shall be built, constructed, erected or completed according to the plans and specifications kept on file in the office of the Director of Public Works. Such work shall be done in a manner and of the materials the specifications prescribe. Said work shall be completed in accordance with the requirements set forth in the City's *Temporary Traffic Control Manual for Street Construction and Maintenance Operations in the City of Appleton*, latest edition.

(Code 1965, §5.06; Ord 143-05, §1, 12-13-05)

Sec. 16-12. Work in public right-of-way – permit.

(a) *Administrative authority.* Permits shall be issued by the Engineering Division of the Department of Public Works.

(b) *Fee; commencement of work without permit.*

(1) An established permit fee in the amount which is on file in the Department of Public Works shall be paid for each permit issued under this section. If work is commenced before a permit is obtained and the permit request is denied, the Director of Public Works shall order the work ceased or the condition removed until a permit is obtained, for which the applicant shall pay a fee of four (4) times the established fee.

(2) If a permit is denied, the Director of Public Works or the Common Council may cause any offending conditions to be removed or corrected and the expense thereof charged to the person responsible.

(c) *Application; issuance.* Permits may be applied for on forms provided in the Department of Public Works. Permits will be issued after the necessary bond, certificate of insurance and Common Council authorization have been

2016

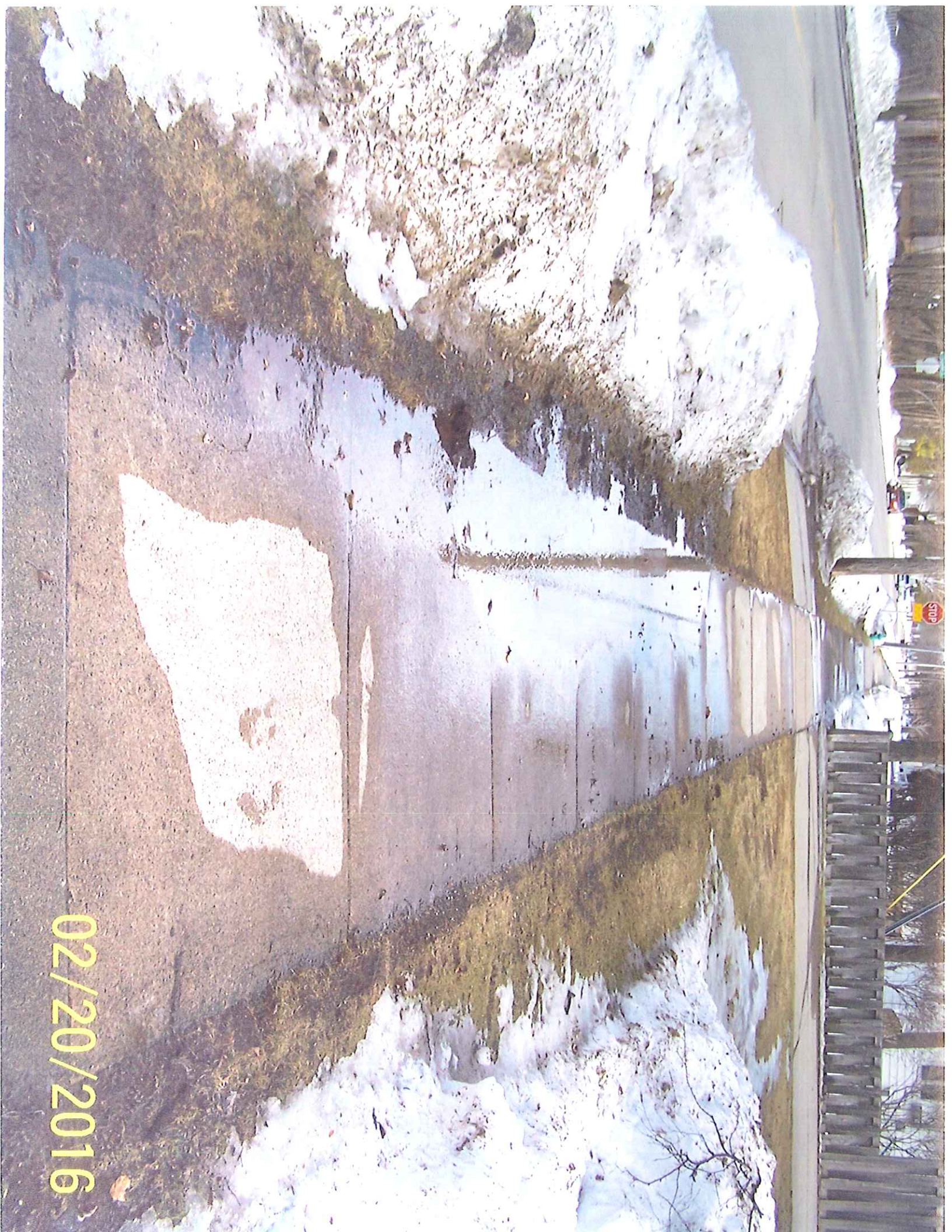
ADDRESS	Official End of Storm	36 Hour Time	Cleared and/or salted	Fee
725 E. Roeland Avenue	2/3/2016 @ 1:00 PM	2/5/2016 @ 1:00 AM	2/8/2016 @ 10:07 AM	\$ 75.00



02/08/2016 10:04



02/08/2016 10:07



02/20/2016



02/20/2016



03/

3/6/16



Department of Public Works – Engineering Division

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

MEMO

TO: Municipal Services Committee

FROM: Chad Weyenberg, Project Engineer

DATE: March 8, 2016

RE: Notification of Award of Contract for 2016 Bridge Inspections to Collins Engineers, Inc., in an amount not to exceed \$30,000.

The State of Wisconsin requires that the City inspect, record and report to the State on the condition of its bridges every two years. The Department of Public Works requested proposals from four qualified Wisconsin consulting firms. The City received two qualified proposals from AECOM Technical Services, Inc. and Collins Engineers, Inc.

Collins Engineers, Inc. demonstrated the related experience and personnel necessary to complete the required tasks. In addition, they also demonstrated a good project understanding and approach. Collins Engineers' team leader, Steven Miller P.E., recently served as the City's consultant bridge engineer for the state mandated dive inspections. He provides an excellent service and a detailed understanding of the City's bridges.

Therefore, staff recommends award of the 2016 Bridge Inspection Services Contract to Collins Engineers, Inc. in an amount not to exceed \$30,000.00

COLLINS ENGINEERS, INC.

AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT, entered on the _____ day of _____ 2016 by and between the City of Appleton, WI hereinafter called "CLIENT," and COLLINS ENGINEERS, INC., hereinafter called "COLLINS," is as follows:

The CLIENT engages COLLINS to perform professional services for a project known and described as: **Bridge Inspections in the City of Appleton (Unit R-16)**, hereinafter called the "PROJECT." The CLIENT and COLLINS, for mutual consideration hereinafter set forth, agree as follows:

- A. COLLINS agrees to provide and perform certain professional services for CLIENT upon the PROJECT. The Scope of Services and the period during which services are to be provided are specified in **Exhibit A** to this Agreement, which is made a part hereof.
- B. The CLIENT's responsibilities shall be as set forth in **Exhibit A** to this Agreement.
- C. The CLIENT agrees to pay COLLINS as compensation for its services as set forth in **Exhibit B**.

The Standard General Terms and Conditions and the Exhibits constitute the full and complete Agreement between the parties and may be changed, amended, added to, suspended, or waived only if both parties specifically agree in writing to such amendment of the Agreement. In the event of any inconsistencies between the Standard General Terms and Conditions and any proposal, contract, purchase order, requisition, notice to proceed, or like document, the Standard General Terms and Conditions shall govern.

IN WITNESS WHEREOF, the parties hereto have accepted, made and executed this Agreement upon the terms, conditions, and provisions stated, both above and included in the STANDARD GENERAL TERMS AND CONDITIONS and EXHIBITS, which are made a part hereof, the day and year above written. Upon execution of this Agreement by CLIENT, COLLINS will proceed with the services in accordance with the provisions of this Agreement.

COLLINS ENGINEERS, INC. (COLLINS)
2149 Velp Avenue, Suite 203
Howard, WI 54303

CITY OF APPLETON, WI (CLIENT)
100 North Appleton Street
Appleton, WI 54911

Steven J. Miller, PE
By _____

By _____

Regional Manager
Title _____

Title _____

Date _____

Date _____



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

**LICENSE APPLICATION for
OPERATOR'S (BARTENDER'S) LICENSE**

FEES ARE NON-REFUNDABLE

Date Rec'd 1/26/16

Operator License \$60.00 Acct. 11030.4307

☐ Operator License

☒ Plus a provisional \$75.00 Acct. 11030.4307

☒ Investigation fee 80 \$7.00 Acct. 100.2359

Total fee paid \$ 80 Receipt _____

☒ Original Application

☐ Renewal - License # _____

SECTION 1 - APPLICANT INFORMATION

Applicant Name (Last, First, MI)

Engle, Bevis D

Maiden

Street Address

86 Northbreeze Dr

City

Appleton

State

WI

Zip

54911

Driver's License Number

State License Issued In:

WI

Date of Birth

Sex

Male

Home Phone Number

Cell phone Number

Name and Address of Establishment you will be selling alcohol

Applebee's

SECTION 2 - CONVICTION RECORD - NEW APPLICANT: You are required to list each and every violation and/or offense for which you have been convicted. Failure to provide complete answers may result in a denial of your application.

Have you EVER had an Operator's (Bartender's) License? ☒ YES ☐ NO

If Yes; where? Grand Chute

Have you EVER been convicted of a felony? ☒ YES ☐ NO

If Yes; when, where and what type of violation? (Please be specific)

Waupaca, ?

Have you EVER been convicted of a misdemeanor or ordinance violation? ☐ YES ☒ NO

If Yes; when, where and what type of violation? (Example: speeding, OWI) _____

SECTION 2 - CONVICTION RECORD - RENEWAL APPLICANT: List any pending charges, citations, tickets and all convictions since last license application. Failure to provide complete answers may result in a denial of your application.

Have you EVER had an Operator's (Bartender's) License? ☐ YES ☐ NO

If Yes; where? _____

Have you been convicted of a felony since last license application? ☐ YES ☐ NO

If Yes; when, where and what type of violation? (Please be specific) _____

Have you been convicted of a misdemeanor or ordinance violation since last license application? ☐ YES ☐ NO

If Yes; when, where and what type of violation? (Example: speeding, OWI) _____

SECTION 3 - PENALTY NOTICE

Under penalty of law, I swear that the information provided in this application is true and correct to the best of my knowledge and belief.

Signature:

Raez Bnde

FOR OFFICE USE ONLY

Department

Approve

Deny

By

Reason

POLICE

X

Miller

Date sent to APD

1/26/16

Scheduled FVTC Class

Class Completion Date

Current other license:

Muni G. Chute # Exp 2017

Safety and Licensing

Common Council

Date Issued

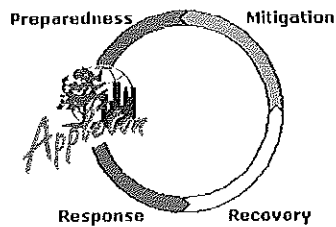
Expiration Date

License Number

Operator's Licenses for 3/9/16 S & L

Approved

Michael G. Bierstaker	1715 S. Hillcrest Drive
Misty L. Broerman	1900 E. Newberry Street
Kerry J. Brown	1026 E. Kimberly Avenue
Jesse J. Heimlich	531 Kramer Lane, Kimberly
Hollie K. Helgeson	1621 Schaefer Circle, #6
Joshua J. Jones	1502 Tri Park Way, #15
George E. Kuchenmeister	1117 S. Commercial Street, #D, Neenah
Christopher A. Lashock	1354 W. Washington Street
Xian Ying Li	1620 Tri Park Way, #8
Pablo A. Morales	124 N. Durkee Street, #1
Justin B. Retza	3311 N. Rankin Street
Corey J. Santorello	397 N. Westhaven Drive, #J203, Oshkosh
TraciLee Tracy	11 High Street, Menasha
Joshuah L. Woltman	120 N. Jackson Street, #1, Green Bay
Carrie A. Zachow	N257 VanHandel Drive




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

APPLETON EMERGENCY MANAGEMENT
700 N. DREW STREET APPLETON, WI 54911
(920) 832-1704 FAX (920) 832-5830

MEMORANDUM

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

From: Eugene R. Reece, Jr., Emergency Management Coordinator 

Date: March 2, 2016

Re: Request to Approve Adoption of Winnebago County Natural Hazard Mitigation Plan

In an effort to curb rising costs associated with natural disasters, the federal government adopted the Disaster Mitigation Act of 2000 (DMA 2000). DMA 2000 reinforced the importance of hazard mitigation planning to proactively devise strategies intended to avoid and reduce the negative effects of natural hazards.

Winnebago County and participating municipalities, including the City of Appleton, prepared an initial plan to meet this requirement in 2005. Winnebago County Conducted a comprehensive update in 2010. Consistent with federal law, the county undertook a comprehensive five-year update of the 2010 plan. Although the plan must meet minimum requirements, this plan is an expression of local needs and priorities.

The plan focuses on twelve types of natural hazards, including; dam failure, flooding, ice shoves, fog, tornado and high winds, hailstorms, thunderstorms, winter storms, extreme heat and cold, drought and wildfire. As part of the inventory phase, more than 855 critical facilities in Winnebago County were identified.

The updating of the plan was partially funded through a grant provided by Wisconsin Emergency Management from the Pre-Disaster Mitigation Program. The project was supervised by Bernie Sorenson, Winnebago County Deputy Emergency Manager. A ten member steering committee assisted in the updating process for the development of the Draft Plan.

Attached you will find a copy of the Executive Summary of the Winnebago County Natural Hazards Mitigation Plan: 2015-2019. This summary should provide you with an overview of the proposed adopted draft plan. Additionally, a copy of the Winnebago County Adoption resolution has been provided for your review.

The majority of the changes can be found in Chapter 6 of the plan. Chapter 6 is the Mitigation Strategy, there have been additions of strategies and a few changes to some the original strategies. But the changes to the strategies only apply to the specific municipalities.

The plan has been submitted to Wisconsin Emergency Management and the Federal Emergency Management Agency (FEMA) and has been formally approved. Our local adoption of the plan will ensure that the City of Appleton will be able to apply for federal grants related to hazard mitigation.

I am requesting that the committee "Recommended approval of Winnebago County's updated hazard mitigation plan for those portions of the City of Appleton located in Winnebago County" and recognize that;

1. Natural disasters do pose a tangible threat to residents and property.
2. Undertaking hazard mitigation actions before disasters occur will reduce the potential for harm to residents and property and save taxpayer dollars.
3. Preparation of this plan is in the public interest.
4. This plan is intended to serve as a general strategy and may be amended from time to time.
5. Nothing in this plan obligates the City of Appleton to undertake any of the recommended activities and/or projects.

Should you have any questions regarding the request to adopt the plan, please feel free to contact me.

Resolution ____
City of Appleton

**A RESOLUTION ADOPTING THE WINNEBAGO COUNTY NATURAL
HAZARDS MITIGATION PLAN: 2015-2019 (5-YEAR UPDATE)**

WHEREAS, the United States Congress passed the Disaster Mitigation Act of 2000 (DMA2K), which requires that a local unit of government must have an approved all hazard mitigation plan before it can receive Federal grant monies from the Federal Emergency Management Agency for pre-disaster mitigation projects; and

WHEREAS, the City of Appleton worked with Winnebago County Emergency Management to update the countywide mitigation plan, initially adopted in 2004; and

WHEREAS, the City of Appleton Common Council conducted a public hearing on _____, 2016, to accept public input concerning the updated plan; and

WHEREAS, the City of Appleton Common Council makes the following findings:

1. Natural disasters do pose a tangible threat to residents and property.
2. Undertaking hazard mitigation actions before disasters occur will reduce the potential for harm to residents and property and save taxpayer dollars.
3. Preparation of this plan is in the public interest.
4. This plan is intended to serve as a general strategy and may be amended from time to time.
5. Nothing in this plan obligates the City of Appleton to undertake any of the recommended activities and/or projects.

NOW THEREFORE, BE IT RESOLVED, the City of Appleton hereby adopts the Winnebago County Natural Hazards Mitigation Plan: 2015-2019 (5-Year Update); and

BE IT FURTHER RESOLVED, the City Clerk is directed to send a signed copy of this resolution, at her earliest convenience to: Bernie Sorenson, Deputy Director; Winnebago County Emergency Management; 4311 Jackson Street; Oshkosh WI 54901.

Adopted this __ day of _____, 2016

Attest:

Mayor Timothy Hanna

Clerk Kami Scofield

Winnebago County Natural Hazards Mitigation Plan: 2015-2019 5-Year Update

Executive Summary

1. GENERAL OVERVIEW

In an effort to curb rising costs associated with natural disasters, the federal government adopted the Disaster Mitigation Act of 2000 (DMA 2000). It amended the Robert T. Stafford Disaster Relief and Emergency Act, which is the primary law at the federal level dealing with disaster planning, mitigation, response, and recovery.

DMA 2000 reinforced the importance of hazard mitigation planning to proactively devise strategies intended to avoid and reduce the negative effects of natural disasters. If a community wants to apply for grant funding from the Pre-Disaster Mitigation (PDM) Program or the Hazard Mitigation Grant Program (HMGP), it must have an approved hazard mitigation plan. If a disaster strikes a community that does not have an approved plan, it can only receive funding if it agrees to prepare a plan within one year.

Winnebago County and participating municipalities prepared a plan to meet this new requirement in 2004, and in so doing, helped its citizens mitigate the effects of natural disasters. Consistent with federal law, the county is undertaking a comprehensive five-year update of the plan (2015-2019). Although a plan must meet minimum requirements, this plan is an expression of local needs and priorities.

2. PLAN CONTENTS

The plan consists of six chapters, a map series, and a number of appendices. The first chapter provides an overview of the plan. The second chapter presents background information about Winnebago County including its setting, demographic and economic characteristics, climate, natural resources, land use, and development trends. Chapter 3 presents background information related to special needs populations and groups in the county. Chapter 4 contains a complete inventory of critical facilities in the county. Natural hazards are reviewed in chapter 5 along with estimated losses to buildings, infrastructure, and critical facilities. In chapter 6, goals, objectives, and policies are identified that will help to craft appropriate solutions to the identified problems. A range of activities are also presented to help foster hazard mitigation efforts. Various funding sources are reviewed with an eye towards identifying options for funding identified projects. Most of the maps in the plan are included in the final section of the plan.

The plan focuses on 12 types of natural hazards:

- | | | |
|---------------|----------------------------|-----------------|
| ♦ dam failure | ♦ tornadoes and high winds | ♦ extreme heat |
| ♦ flooding | ♦ hailstorms | ♦ extreme cold |
| ♦ ice shoves | ♦ thunderstorms | ♦ drought |
| ♦ dense fog | ♦ winter storms | ♦ wildland fire |

As part of the inventory phase, 855 critical facilities in the county were identified including:

- | | |
|---------------------------------|--|
| ♦ bridges | ♦ fire and police services |
| ♦ dams | ♦ National Guard facilities |
| ♦ public-use airports | ♦ government facilities |
| ♦ telecommunication towers | ♦ schools (public and private) |
| ♦ telephone facilities | ♦ special care facilities-residential |
| ♦ electric facilities | ♦ special care facilities-nonresidential |
| ♦ natural gas facilities | ♦ health care facilities |
| ♦ petroleum pipeline facilities | ♦ vulnerable housing, such as manufactured/mobile home parks and |
| ♦ public water facilities | campgrounds |
| ♦ wastewater facilities | |

3. GOALS, OBJECTIVES, POLICIES, AND ACTIVITIES

The most important part of the plan is Chapter 6, which presents a unified plan of action to mitigate the effects of hazards on property, people, and assets. It lists goals, objectives, and policies that should guide decision-makers and other officials. Goals are intended to describe an end state, usually in general terms. In contrast, objectives describe an end state in measurable and specific terms. Policies give clear direction on what will be done to help achieve a goal and objective.

Following the listing of goals, objectives, and policies, a chart lists specific action items along with estimated implementation costs. Responsible entities are listed for each so that implementation is well defined. The activity charts are a work in progress. As items are completed they should be deleted and as new opportunities or issues arise items will be added. Further, depending on available resources, including funding and staff time, priorities may change.

Activities are prioritized as low, medium, or high. Cost estimates are provided to help formulate funding priorities. When a project is to be undertaken, a more detailed budget should be prepared to assess a project's cost. At that time a benefit cost analysis should be completed to show how the benefits of the project compare to anticipated costs. Federal funding for mitigation activities can only be obtained when benefits clearly outweigh the costs.

Goal 1. Flooding

Protect the public health, safety, and welfare of county residents and public and private property during flood events.

Objectives

1. Minimize the impact of flooding on structures.
2. Decrease the number of structures currently located in the 100-year floodplain that are not properly flood-proofed.
3. Minimize the amount of impervious surface in future development projects to allow more infiltration of stormwater into the ground.
4. Decrease the number of repetitive loss sites.
5. Increase public awareness of flooding.
6. Improve communication between the county and local units of government when floods occur or are likely to occur.
7. Increase the number of municipalities that pursue becoming part of the Community Rating System (CRS). **(New 2009)**
8. Maintain compliance with the National Flood Insurance Program (NFIP). **(New 2009, NFIP Compliance)**

Policies

1. Continue to enforce floodplain regulations to ensure that future development in the 100-year floodplain is consistent with state minimum objectives. **(NFIP Compliance)**
2. Support the identification and conservation of land with high flood mitigation value (e.g., wetlands, upland storage, and infiltration areas).
3. Support land acquisition and other management strategies to preserve open space for flood mitigation purposes.
4. Ensure that governmental officials and employees, county residents, and real estate agents are aware of floodplain regulations. **(NFIP Compliance)**
5. Ensure that people owning property in the 100-year floodplain, and their agents, notify buyers when selling their property. **(NFIP Compliance)**
6. Adopt standards to control the proportion of a site that can be covered with impervious surfaces.
7. Design all public infrastructure that is located in the 100-year floodplain to be floodproofed or otherwise protected from flood water.
8. Design and properly size all new bridges to accommodate the 100-year flood without creating a significant upstream back-water effect.
9. Continue to enforce stormwater management regulations.
10. Install flood barriers and devise flood proofing measures where necessary.
11. Use data records in on-going assessment of flood problems and effectiveness or response programs.
12. Formalize communications links and establish procedures.
13. Update flood insurance rate maps (FIRMs) when it can be shown that they are substantially inaccurate. **(NFIP Compliance)**
14. Support the continued operation of the National Weather Service monitoring station in the Town of Wolf River. **(Minor edits 2015)**
15. Ensure that all large dams in the county have emergency action plans as required.
16. Implement "no-wake" rules during periods of high water. **(New 2009)**
17. Refer to stormwater plans and analysis to ensure that mitigation projects identified in them are completed. **(New 2009)**
18. Undertake such activities as may be required to remain compliant with the requirements of the National Flood Insurance Program (NFIP). **(New 2009, NFIP Compliance)**

	Schedule		Cost	Potential		Schedule		
	2015	2020				2015	2020	
	to	to	Estimate	Funding	Priority	to	to	
Implementation Actions / Strategies			(2015)	Source		2019	2024	Responsible Entity
1. Analyze repetitive flood properties and identify feasible mitigation options for each. (2015 Status: Ongoing)			Staff time	Departmental budget	Medium	Continuous		City of Oshkosh
2. Apply for funding through the federal Hazard Mitigation Grant program, Flood Mitigation Assistance Program, and the Pre-Disaster Mitigation Program as well as any other resources that may be available to help flood proof repetitive loss sites or remove them through acquisition followed by demolition or relocation. (2015 Status: Ongoing)			Staff time	Departmental budget	Medium	X	X	Winnebago County Emergency Management; cities of Appleton, Menasha, Neenah, Omro, and Oshkosh; Village of Winneconne
3. Design and budget for stormwater management facilities consistent with adopted stormwater management plans than have been or will be prepared / amended. (2015 Status: Ongoing)			Unknown	Departmental budget	Medium	X	X	Winnebago County Emergency Management; cities of Appleton, Menasha, Neenah, Omro, and Oshkosh; Village of Winneconne; all Towns as appropriate

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Implementation Actions / Strategies	Cost Estimate (2015)	Potential Funding Source	Priority	Schedule		Responsible Entity
				2015 to 2019	2020 to 2024	
4. Develop a computerized database containing information on culverts under public roadways in the county. (2015 Status: Ongoing)	Staff time	Departmental budget	Low	X		Winnebago County Planning, Zoning & GIS Department; cities of Appleton, Menasha, Neenah, Omro, and Oshkosh; Village of Winneconne
5. Identify those culverts and bridges that are undersized or are otherwise unable to handle expected flood flows. (2015 Status: Ongoing)	Staff time	Departmental budget	Medium	X		County Highway Department; cities of Appleton, Menasha, Neenah, Omro, and Oshkosh; Village of Winneconne
6. Prepare a strategy to prioritize efforts to ensure that existing culverts and bridges are retrofitted to handle expected flood flows. (2015 Status: Ongoing)	Unknown	Departmental budget	Medium	X		County Highway Department; cities of Appleton, Menasha, Neenah, Omro, and Oshkosh; Village of Winneconne
7. Prepare a strategy to prioritize road improvements for public roadways that are susceptible to flooding. (2015 Status: Ongoing)	Unknown	Departmental budget	Medium	X	X	County Highway Department; Winnebago County Planning, Zoning & GIS Department; cities of Appleton, Menasha, Neenah, Omro, and Oshkosh; Village of Winneconne
8. Identify specific areas with flood mitigation value and develop appropriate strategies for protection. (2015 Status: County comprehensive plan has been adopted – additional follow-up to continue.)	Staff time	Departmental budget	High	X		County Highway Department; Winnebago County Land and Water Conservation Department
9. Establish a framework to compile and coordinate surface water management plans and data throughout Winnebago County. (2015 Status: To do yet)	Staff time	Departmental budget	High	X	X	Winnebago County Land and Water Conservation Department
10. Post flood recovery plans and programs to help county residents rebuild and implement mitigation measures to protect against future floods. (2015 Status: To do yet)	Staff time	Departmental budget	High	X	X	Winnebago County Land and Water Conservation Department
11. Distribute National Flood Insurance Program information. (NFIP Compliance) (2015 Status: Ongoing)	\$1,000	Departmental budget	Medium	Continuous		Winnebago County Planning, Zoning & GIS Department
12. Explore options for improving the ability of local units of government to report flooding, receive information, and request assistance. (2015 Status: To do yet)	Staff time	Departmental budget	High	X		Winnebago County Planning, Zoning & GIS Department
13. Maintain the "Ellenbecker" program, a geographic database for natural disaster events that graphically displays damage areas and automatically calculates financial impact. (2015 Status: Ongoing)	Staff time	Departmental budget	Medium	Continuous		Winnebago County Emergency Management
14. Evaluate the support for and the feasibility of becoming part of the Community Rating System to lower flood insurance premiums for property owners. (NFIP Compliance) (2015 Status: Ongoing)	Staff time	Departmental budget	Medium	X		Cities of Appleton, Menasha, Neenah, Omro, and Oshkosh; Village of Winneconne
15. Create a brochure containing information about various flood dangers that exist in Winnebago County. (2015 Status: To do yet)	Staff time	Departmental budget	Medium	X		Winnebago County Emergency Management; cities of Appleton, Menasha, Neenah, Omro, and Oshkosh; Village of Winneconne
16. Provide information and offer education to make people aware of natural floodplain resources and functions and how they can protect them. (2015 Status: Ongoing)	Staff time	Departmental budget	Medium	X		Winnebago County Emergency Management; cities of Appleton, Menasha, Neenah, Omro, and Oshkosh; Village of Winneconne
17. Review and update the "Riverview Lane Emergency Action Plan" as adopted by the Board of County Supervisors on July 16, 1991. (2015 Status: Ongoing)	Staff time	Departmental budget	High	X		Winnebago County Emergency Management; Winnebago County Planning, Zoning & GIS Department; cities of Appleton, Menasha, Neenah, Omro, and Oshkosh; Village of Winneconne

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Implementation Actions / Strategies	Cost Estimate (2015)	Potential Funding Source	Priority	Schedule		Responsible Entity
				2015 to 2019	2020 to 2024	
18. Work with DNR to prepare Emergency Action Plans for large dams in the County. (2015 Status: Ongoing)	Staff time	Departmental budget	Medium	X		Winnebago County Planning, Zoning & GIS Department; owners of dam; City of Oshkosh for Armory Detention dam
19. Further study what the potential hazards are for the critical facilities that are located in the 100-year floodplain. (2015 Status: Ongoing)	Staff time	Departmental budget	Medium	X		Winnebago County Planning, & Zoning
20. All projects identified in stormwater management plans that will lessen flooding should be accomplished when funding is available for them. (2015 Status: Ongoing)	Specific to each individual project	Departmental budget	High	X	X	Winnebago County Emergency Management, Local Public Works Departments, applicable local jurisdictions
21. Analyze and review ways to retain and control water in Honey Creek and its tributaries to ensure that excessive volumes of rain will not flood the SW quarter of the Town of Algoma. The northern end of the town near Horse Shoe Road should also be looked at for ways to reduce flooding. Any mitigation projects resulting from this analysis would also allow safer water flows to Lake Butte des Morts. (2015 Status: Ongoing)	Unknown	Departmental budget	High	X	X	Town of Algoma
22. Create a Storm Water Assessment for the Town of Algoma. (2015 Status: Ongoing)	Unknown	Departmental budget	High	X		Town of Algoma
23. Develop a Manitowoc/Brighton Beach Roads Storm Water Project. (2015 Status: Ongoing)	Unknown	Departmental budget	High	X		Winnebago County Emergency Management, Town of Menasha Public Works Department
24. Implement specified stormwater mitigation projects enumerated in stormwater management plans and studies. (2015 Status: Ongoing)	Cost will vary by project	Departmental budget	High	Continuous		City of Oshkosh
25. Implement the recommendations for a regional detention pond system along Honey Creek (to Lake Butte de Morts) listed in The Stormwater Management Plan (Strand, v. 7/99). (2015 Status: Ongoing)	\$1,965,000	Capital budget	High	X		Town of Algoma
26. River gauge for the Town of Wolf River (Fremont) south of Fremont (2015 Status: Ongoing)	Unknown	Departmental budget	High	X		Town of Wolf River
27. River gauge for the Fox River in Omro (2015 Status: Funding is not available)	Unknown	Departmental budget	High	X		City of Omro
28. Libbey / Nicolet Detention Basin (2015 Status: Slated for 2016)	\$3,750,000	Departmental budget	High	X		City of Oshkosh
29. Campbell Creek Westhaven East (2015 Status: Dropped from further consideration, not deemed feasible)	\$11,382,800	Capital budget	High	X		City of Oshkosh
30. Sawyer Creek Westhaven West (2015 Status: Dropped from further consideration, not deemed feasible)	\$7,562,500	Capital budget	High	X		City of Oshkosh
31. Glatz Creek stormwater structures (2015 Status: Ongoing)	\$2,500,000	Capital budget	High	X		City of Oshkosh
32. Stringham Creek South Park Ponds (2015 Status: Ongoing)	\$625,000	Capital budget	Medium	X		City of Oshkosh

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Implementation Actions / Strategies	Cost Estimate (2015)	Potential Funding Source	Priority	Schedule		Responsible Entity
				2015 to 2019	2020 to 2024	
33. Fernau Watershed Detention (2015 Status: Ongoing)	\$2,750,000	Capital budget	High	X		City of Oshkosh
34. Gallups Creek Flood Study (2015 Status: Ongoing)	\$60,000	Capital budget	High	X		City of Oshkosh
35. Gallups Creek Detention (2015 Status: Ongoing)	\$2,500,000	Capital budget	High	X		City of Oshkosh
36. Johnson Creek Flood Study (2015 Status: Planned for next 5 years)	\$50,000	Capital budget	High	X		City of Oshkosh
37. Johnson Creek Detention (2015 Status: Planned for next 5 years)	\$2,500,000	Capital budget	Medium	X		City of Oshkosh
38. Replace the existing four 60-inch culverts with one 20-foot clear span box culvert or a bridge on County Road N, ¼ mile east of James Rd. (2015 Status: Planned for next 5 years)	\$103,000	Capital budget	High	X		Winnebago County Highway Department
39. Revise existing floodplain regulations to ensure they comply with the most recent (2013) model floodplain regulations developed by the Wisconsin Department of Natural Resources. (NFIP Compliance, New 2009)	Staff time	Departmental budget	High	X		Cities of Appleton, Neenah, Omro, and Oshkosh; and Village of Winneconne
40. West Murdock Avenue Watershed Upgrades (2015 Status: Not done yet)	\$3,250,000	Capital budget	Low	X		City of Oshkosh
41. EB4 Thackery Dr. Detention Basin (2015 Status: Ongoing)	\$315,000	Capital budget	High	X		Town of Algoma
42. WB1 – WB4 Hy 21 & Leonards Point Rd Detention Basin (2015 Status: Ongoing)	\$650,000	Capital budget	High	X		Town of Algoma
43. WB2-WB6 Horseshore Road Detention Basin (2015 Status: Ongoing)	\$475,000	Capital budget	High	X		Town of Algoma
44. Leonards Point Lane Detention Basin (2015 Status: Ongoing)	\$325,000	Capital budget	High	X		Town of Algoma
45. East Reighmoore Rd Flood Prevention (2015 Status: Not done yet)	\$300,000	Capital budget	High	X		Town of Omro
46. West Reighmoore Rd Flood Prevention (2015 Status: Not done yet)	\$90,000	Capital budget	High	X		Town of Omro
47. Sammers Bay Culvert for Flood Prevention (2015 Status: Not done yet)	\$25,000	Capital budget	High	X		Town of Omro
48. Sand Pit Road Culvert Replacement (2015 Status: Not done yet)	\$150,000	Capital budget	High	X		Town of Omro
49. Youngs Channel Road Flood Proofing (2015 Status: Not done yet)	\$225,000	Capital budget	High	X		Town of Omro
50. Valley Road Storm Water project (2015 Status: To be done yet)	Unknown	Capital budget	High	X		Town of Menasha, City of Menasha, Winnebago Co. Highway
51. Stroebe Island causeway reconstruction/stabilization (2015 Status: budgeted with construction in 2016)	Unknown	Capital budget	High	X		Winnebago County Emergency Management, Town of Menasha Public Works
52. Stormwater diversion and Red Oak Ravine reconstruction (New 2015)	Unknown	Capital budget	High	X		Town of Menasha in cooperation with City of Appleton
53. Planning for Green Valley Ditch Flood Control (New 2015)	Unknown	Capital budget	High	X		Town of Menasha in cooperation with Town of Neenah
54. Establish a workgroup to evaluate flooding from Seventh Street to Eighth Street from Grove Street to Melissa Street (New 2015)	Unknown	Departmental budgets	High	X		City of Menasha (public works)
55. Participate in the NFIP CRS program to reduce insurance rates for property owners (New 2015)	Staff time	Department budget	High	X		Village of Winneconne
56. Commerce Court Pond Expansion and Storm Sewer Extension (New 2015)	\$350,000	Capital budget	High	X		City of Neenah
57. Winneconne/Harrison Pond (New 2015)	\$1,100,000	Capital budget	High	X		City of Neenah
58. S. Commercial Street Flood Control (New 2015)	\$170,000	Capital budget	High	X		City of Neenah
59. Cecil Street Flood Prevention (New 2015)	\$350,000	Capital budget	Medium	X		City of Neenah

Implementation Actions / Strategies	Cost Estimate (2015)	Potential Funding Source	Priority	Schedule		Responsible Entity
				2015 to 2019	2020 to 2024	
60. S. Park Avenue Flood Prevention (New 2015)	\$100,000	Capital budget	Medium	X		City of Neenah
61. Sunset Court/ Waukau Road Stormwater Management (New 2015)	Not known	Capital budget	High	X		City of Omro
62. Brooks - Ashley Court (Watrop Landings) Storm Sewer (New 2015)	Not known	Capital budget	High	X		City of Omro
63. Grant Street Storm sewer design, engineering, and installation (New 2015)	Not known	Capital budget	High	X		City of Omro

Completed Tasks/Projects

Description	Responsible Entity
Review the cost-effectiveness of working with the Federal Emergency Management Agency (FEMA) to review its community rating. The project should only proceed if it proves to be cost-effective. (#14 in 2009 plan)	Winnebago County
Put up "no-wake" signs for boaters on the lakes during times of high-water (#21 in 2009 plan)	Winnebago County
County Road N road Improvements to stop road flooding and shoulder and ditch washouts near the Intersection of County Road I south of Oshkosh. (#28 in 2009 plan)	Winnebago County
Campbell Creek Landmark to Tipler Storm Sewer (#31 in 2009 plan)	City of Oshkosh
Campbell Creek Tipler Dry Detention Pond (#33 in 2009 plan)	City of Oshkosh
Campbell Creek Armory Wet Detention Pond (#36 in 2009 plan)	City of Oshkosh
Glatz Creek Flood Study (#42 in 2009 plan)	City of Oshkosh
Sawyer Creek Oakwood Road Detention (#45 in 2009 plan)	City of Oshkosh
Fernau Watershed Flood Study (#46 in 2009 plan)	City of Oshkosh
Sawyer Creek James Road Area Detention (#52 in 2009 plan)	City of Oshkosh
Replace the deteriorating 3 foot x 4 foot concrete box culvert under County Road I, just south of Black Wolf Avenue, with new #54 arch CMP. This would improve the flow of water through the culvert due to the fact that the concrete box culvert is breaking and has pieces blocking the flow line in it. (#55 in 2009 plan)	Winnebago County
Revised floodplain regulations	City of Menasha
Oakwood Rd Box Culvert	Town of Algoma
Create a Storm Water Assessment for the Town of Menasha. (#69 in 2009 plan)	Town of Menasha
Southwood Drive/Wilson Avenue Storm Water project. (#71 in 2009 plan)	Town of Menasha
Determine the feasibility and cost effectiveness of various alternatives to deal with recurrent flooding problems that are happening in the Sleepy Hollow subdivision in the City of Omro. (#21 in 2009 plan)	City of Omro

Goal 2. Tornadoes

Lessen the impacts to Winnebago County residents from the effects of a tornado to the extent feasible and speed recovery following an event.

Objectives

1. Increase public education and awareness of the potential severity of tornadoes.
2. Minimize the amount of time that businesses damaged by a tornado are not operational.
3. Minimize the amount of time it takes to rebuild or restore dwellings damaged by a tornado.
4. Prevent injuries and death from tornadoes.

Policies

1. Bury overhead power and utility lines where feasible as a way to reduce power outages during all types of storm events.
2. Require that mobile homes and manufactured housing are securely anchored in place.
3. Ensure that adequate tornado shelters are available to county residents especially those living in mobile home parks.
4. Include redevelopment objectives in smart growth comprehensive plans to support post-disaster development activities.
5. Continue to support the efforts of weather spotters.
6. Keep the current siren system functioning and in good repair.
7. Encourage residents to obtain NOAA weather radios especially in those areas of the county that are not covered by a siren.

Implementation Actions / Strategies	Timeline		Cost Estimate	Potential Funding Source	Priority	Schedule		Responsible Entity
	2015 to	2020 to				2015 to 2019	2020 to 2024	
1. Annually, update the contact telephone number for each of the shelters. (2015 Status: Ongoing)			Staff time	Departmental budget	Low	X	X	Winnebago County Emergency Management; American Red Cross
2. Conduct a facility survey every three years of each shelter in the county and update records accordingly. (2015 Status: Ongoing)			Staff time	Departmental budget	Low	X	X	American Red Cross
3. Apply for mitigation funding to purchase NOAA weather radios for county residents. (2015 Status: Ongoing)			Staff time	Departmental budget	Low	X	X	Winnebago County Emergency Management; local jurisdictions
4. Study the feasibility of and support for adopting a local regulation which would require new mobile home parks and future expansions of existing parks to provide for a tornado shelter. (2015 Status: Ongoing)			Staff time	Departmental budget	High	X		Winnebago County Planning, Zoning & GIS Department; cities of Appleton, Menasha, Neenah, Omro, and Oshkosh; and Village of Winneconne
5. Evaluate the need for constructing tornado shelters to serve vulnerable residents and construct facilities where needed (2015 Status: Ongoing)			\$100,000	Capital budget, federal matching grants	High	X		Winnebago County Emergency Management; local jurisdictions and other partners as appropriate
6. Maintain the "Ellenbecker" program, a geographic database for natural disaster events that graphically displays damage areas and automatically calculates financial impact. (2015 Status: Ongoing)			\$1,000	Departmental budget	High		X	Winnebago County Planning, Zoning & GIS Department; Emergency Management

Completed Tasks/Projects

Description	Responsible Entity
Develop and Implement strategies for debris management (#5 in 2009 plan)	Winnebago County

Goal 3. Extreme Temperatures (Cold and Heat)

Protect the health of Winnebago County residents from extreme temperature.

Objectives

1. Prevent deaths from extreme temperature.

Policies

1. Encourage volunteers to look after vulnerable individuals, especially the elderly, during times of extreme temperature.
2. Open county and other public facilities with air conditioning as appropriate for public access during periods of extreme heat.
3. Ensure that county residents are aware that there are different forms of assistance to help qualified individuals pay their winter heating costs.

Implementation Actions / Strategies	Schedule		Cost Estimate	Potential Funding Source	Priority	Schedule		Responsible Entity
	2015 to 2016	2017 to 2018				2015 to 2019	2020 to 2024	
1. Call a meeting of public and nonprofit organizations that may be able to mobilize a volunteer corps of individuals willing to assist vulnerable people during periods of extreme temperature. (2015 Status: To do yet)			Staff time	Departmental budget	High	X	X	Winnebago County Emergency Management; Winnebago County Human Services; ADVOCAP; cities of Appleton, Menasha, Neenah, Omro, and Oshkosh; Village of Winneconne; American Red Cross; County and local health departments
2. Publicize available programs that help residents pay for their utility expenses. (2015 Status: Ongoing)			\$1,000	Departmental budget	Medium	Continuous		Winnebago County Emergency Management; Winnebago County Human Services; ADVOCAP; cities of Appleton, Menasha, Neenah, Omro, and Oshkosh; Village of Winneconne; American Red Cross
3. Maintain the "Ellenbecker" program, a geographic database for natural disaster events that graphically displays damage areas and automatically calculates financial impact. (2015 Status: Ongoing)			Staff time	Departmental budget	High	X	X	Winnebago County Planning, Zoning & GIS Department; Emergency Management
4. Investigate the possibility of establishing a database of individuals who are vulnerable to extreme temperature and who have voluntarily placed their name on the call list (New 2015)			Staff time	Departmental budget	High	X		Winnebago County Emergency Management; Winnebago County Human Services;

Completed Tasks/Projects

Description	Responsible Entity
Develop a directory of public buildings that would be open to the public during heat waves. (# 1 In 2009 Plan)	Winnebago County

Goal 4. Severe Storms, Hail, & High Winds

Protect and prepare Winnebago County residents from the dangers of extreme weather events.

Objectives

1. Increase public education and awareness of the potential dangers of thunderstorms, snow storms, hail, and windstorms.

Policies

1. Bury overhead power and utility lines where feasible as a way to reduce power outages during all types of storm events.
2. Provide citizens with early storm warnings.
3. Encourage the use of surge protectors on critical electronic equipment in governmental and critical facilities.
4. Work with utility companies to assess and to improve, when necessary, electric service reliability.
5. Work with utility companies to ensure that trees are properly trimmed near utility lines.

Implementation Actions / Strategies	Schedule		Cost Estimate	Potential Funding Source	Priority	Schedule		Responsible Entity
	2015 to	2020 to				2015 to	2020 to	
1. Continue to update and/or monitor the County's public early warning system and network. (2015 Status: Ongoing)			Staff time	Departmental budget	High	Continuous		Winnebago County Emergency Management
2. Produce and distribute emergency preparedness information related to thunderstorms, snow storms, hailstorms, and windstorm hazards. (2015 Status: Ongoing)			\$4,000	Departmental budget	Medium	Continuous		Winnebago County Emergency Management; American Red Cross; cities of Appleton, Menasha, Neenah, Omro, and Oshkosh; Village of Winneconne
3. Identify and pursue funding opportunities to develop and implement local and county mitigation activities. (2015 Status: Ongoing)			Staff time	Departmental budget	Medium	Continuous		Winnebago County Emergency Management; cities of Appleton, Menasha, Neenah, Omro, and Oshkosh; Village of Winneconne
4. Install lightning grade surge protection devices for critical electronic components used by government, public service, and public safety facilities, such as warning systems, control systems, communications, and computers. (2015 Status: Ongoing)			\$2,500	Departmental budget	Medium	X	X	Winnebago County Information Systems; cities of Appleton, Menasha, Neenah, Omro, and Oshkosh; Village of Winneconne;
5. Provide the public with information about proven lightning safety guidelines to reduce the risk of lightning hazards. (2015 Status: Ongoing)			\$2,000	Departmental budget	Medium	Continuous		Winnebago County Emergency Mgmt; American Red Cross; cities of Appleton, Menasha, Neenah, Omro, and Oshkosh; Village of Winneconne; National Weather Service
6. Apply for mitigation funding to purchase NOAA weather radios for county residents. (2015 Status: To do yet)			\$25 to \$50 per radio	Capital budget, federal grants	Low	Continuous		Winnebago County Information Systems; cities of Appleton, Menasha, Omro, and Oshkosh; Village of Winneconne
7. Maintain the "Ellenbecker" program, a geographic database for natural disaster events that graphically displays damage areas and automatically calculates financial impact. (2015 Status: Ongoing)			\$1,000	Departmental budget	High	X		Winnebago County Planning, Zoning & GIS Department; Emergency Management
8. Install a backup generator or a prewired hook-up at critical facilities related to public safety. (2015 Status: To do yet)			\$3,000 to \$8,000 per site	Capital budget	Medium	X		Winnebago County Emergency Management; Cities of Appleton, Menasha, Neenah, Omro, and Oshkosh; Village of Winneconne
9. Work to become a StormReady Community (New 2015)			Staff time	Departmental budget	Medium	X		Village of Winneconne
10. Apply for mitigation funding to purchase NOAA weather radios for city residents. (New 2015)			\$25 to \$50 per radio	Capital budget	Medium	X		City of Neenah

Completed Tasks/Projects

Description	Responsible Entity
Develop and implement strategies for debris management. (#6 in 2009 Plan)	Winnebago County

Goal 5. Drought

Protect the public health, safety, and welfare of Winnebago County residents during periods of drought.

Objectives

1. Decrease water use during periods of drought.
2. Minimize the economic impacts of drought on the local economy.

Policies

1. Encourage water conservation during periods of drought.
2. Impose watering restrictions during periods of extreme drought.
3. Work with multiple agencies to conserve water, provide drought prediction, and provide stream and groundwater monitoring.
4. Work with agencies that can assist with and promote soil health, preserve soil moisture and help to minimize the loss of the crops and topsoil in the event of a drought.
5. Continue to monitor groundwater levels to identify the status of groundwater resources and trends.
6. Work cooperatively with state agencies and other levels of government in developing appropriate strategies on a regional basis.
7. Provide water for livestock when the needs of humans have been or are being met.

Implementation Actions / Strategies	Schedule		Cost Estimate	Potential Funding Source	Priority	Schedule		Responsible Entity
	2015	2020				2015	2020	
	to	to				to	to	
	2019	2024						
1. Create an ordinance to prioritize or control water use during drought conditions. (2015 Status: To do yet)			Staff time	Departmental budget	High	X		County Board; cities of Appleton, Menasha, Neenah, Omro, and Oshkosh; Village of Winneconne
2. Maintain the "Ellenbecker" program, a geographic database for natural disaster events that graphically displays damage areas and automatically calculates financial impact. (2015 Status: Ongoing)			\$1,000	Departmental budget	High	X		Winnebago County Planning, Zoning & GIS Department; Emergency Management

Completed Tasks/Projects

Description	Responsible Entity
Provide public education about the potential severity of drought events (#2 in 2009 plan)	Winnebago County
Develop a set of procedures for water distribution during drought to those in need. (#3 in 2009 plan)	Winnebago County

Goal 6. Wildland Fire

Protect structures and residents in Winnebago County from the hazard of uncontrolled wildfire.

Objectives

1. Decrease the number of wildland fires occurring in the county.
2. Decrease the number of acres burned from wildland fires.
3. Increase public education.

Policies

1. Support the use of controlled burns as a way of reducing the threat of dangerous wildland fires.
2. Enhance emergency services to increase the efficiency of wildfire response and recovery activities.
3. Keep track of wildfire events in the County to better document the extent and location of these events.

Implementation Actions / Strategies	Schedule		Cost Estimate (2015)	Potential Funding Source	Priority	Schedule		Responsible Entity
	2015 to 2019	2020 to 2024				2015 to 2019	2020 to 2024	
1. Apply for federal and state grants to enhance the capability of local fire departments. (2015 Status: To do yet)			Staff time	Departmental budget	High	X	X	Local fire departments
2. Provide education to county and municipality personnel about federal cost-share and grant programs, Fire Protection Agreements, and other related federal programs so the full array of assistance available to local agencies is understood. (2015 Status: Ongoing)			Staff time	Departmental budget	Medium	X		Winnebago County Emergency Management; Winnebago County Planning, Zoning & GIS Department
3. Develop a database to keep track of wildfire events in the County. (2015 Status: Ongoing)			\$500	Departmental budget	Medium	X		Winnebago County Emergency Management; cities of Appleton, Menasha, Neenah, Omro, and Oshkosh; Village of Winneconne
4. Maintain the "Ellenbecker" program, a geographic database for natural disaster events that graphically displays damage areas and automatically calculates financial impact. (2015 Status: Ongoing)			\$1,000	Departmental budget	High	X		Winnebago County Planning, Zoning & GIS Department; Emergency Management

Completed Tasks/Projects

Description	Responsible Entity
Study the feasibility of and support for adopting a local burning permit program at the Town level. (#3 in 2009 plan)	Winnebago County

Goal 7. Public Education

Provide the public with the education to adequately respond to natural hazards including dam failure, flooding, ice shoves, dense fog, tornadoes, hailstorms, winter storms, extreme temperature, drought, and wildland fire. **(Revision 2009)**

Objectives

Provide the necessary facilities and equipment to maintain a high quality of fire and police protection and emergency medical services throughout Winnebago County.

1. Strengthen emergency service preparedness and response by enhancing public education throughout the County.

Policies

1. Work with nongovernmental organizations (youth, service, professional, religious) to promote mitigation education and awareness.
2. Look for multiple and varied opportunities to disseminate educational information to county residents.

Implementation Actions / Strategies	Cost Estimate (2015)	Potential Funding Source	Priority	Schedule		Responsible Entity
				2015 to 2019	2020 to 2024	
1. Continue providing community disaster education presentations to citizens, public agencies, private property owners, businesses, and schools. (2015 Status: Ongoing)	Staff time	Departmental budget	Medium	X	X	Winnebago County Emergency Management; American Red Cross
2. Keep the County's website up-to-date and continue to provide hazard related information that is easily accessible. (2015 Status: Ongoing)	Staff time	Departmental budget	Medium	Continuous		Winnebago County Emergency Management and Information Systems
3. Work with the schools within the County to promote hazard mitigation education and awareness and discuss ways to better integrate mitigation into the curriculum. (2015 Status: Ongoing)	Staff time	Departmental budget	Medium	X	X	Winnebago County Emergency Management; American Red Cross
4. Identify, improve, and sustain collaborative programs focusing on the real estate and insurance industries, public and private sector organizations, and individuals to avoid activity that increases risk to natural hazards. (2015 Status: To do yet)	Staff time	Departmental budget	Medium	X		Winnebago County Emergency Management; American Red Cross; cities of Appleton, Menasha, Neenah, Omro, and Oshkosh; Village of Winneconne
5. Continue to work with the Winnebago County Public-Private Partnership, Inc. to provide educational resources. (2015 Status: To do yet)	Staff time	Departmental budget	Medium	X	X	Winnebago County Emergency Management
6. Maintain the "Ellenbecker" program, a geographic database for natural disaster events that graphically displays damage areas and automatically calculates financial impact. (2015 Status: Ongoing)	Staff time	Departmental budget	Medium	X		Winnebago County Planning, Zoning & GIS Department; Winnebago County Emergency Management
7. Keep city website up-to-date and continue to provide hazard-related information that is easily accessible (2015 Status: New)	Staff time	Departmental budget	Medium	Continuous		City of Neenah

Completed Tasks/Projects

Description	Responsible Entity
Create displays for use at public events (health fair, public awareness day, county fair, school events, and community events). (#2 in 2009 plan)	Winnebago County



REPORT TO CITY PLAN COMMISSION

New information is underlined.

Plan Commission Public Hearing Meeting Date: January 25, 2016

Plan Commission Meeting Date: February 8, 2016 (held PC January 25, 2016)

Common Council Public Hearing Meeting Date: March 16, 2016 (Public Hearing on Comprehensive Plan Amendment and Rezoning)

Items: City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map Amendment #1-16 and Rezoning #1-16

Case Manager: David Kress

GENERAL INFORMATION

Owner: Kurey Ridge, LLC

Applicant: Vision Realty & Development, LLC c/o Jill Hendricks

Lot/Parcel: Lot 1 of the Glacier Ridge Plat (Tax Id #31-1-9300-01)

Petitioner's Request: The applicant is requesting to amend the City's *Comprehensive Plan 2010-2030* Future Land Use Map from the Commercial and One and Two-Family Residential designation to the Multi-Family Residential designation for the subject parcel. In conjunction with this request, the applicant is also proposing to rezone the subject parcel from R-1B Single-Family District to R-3 Multi-Family District. The requests are being made to accommodate the proposed development of seven single-family condos on the western portion of the site.

BACKGROUND

On January 25, 2016, the Plan Commission held these items until their February 8, 2016 meeting. The applicant recently provided a copy of the restrictive covenants for Glacier Ridge, since they were mentioned during the public hearing on January 25, 2016. These covenants are attached to the February 8, 2016 meeting agenda simply for reference. However, the City is not party to these covenants, and the covenants are not a factor in staff review of Comprehensive Plan Amendment #1-16 and Rezoning #1-16.

The subject area was annexed to the City in 2006, as part of the Kurey Annexation. The subject area and surrounding land was then rezoned to R-1B Single-Family District in 2007, by Kurey Ridge, LLC for their first phase of residential development. Approximately 56 acres of land surrounding the subject area was subdivided in 2008, creating the subject parcel in the Glacier Ridge plat.

The *Comprehensive Plan 2010-2030*, adopted by Common Council on March 3, 2010, establishes a vision for future land use, physical development, and quality of life in the City and provides a comprehensive set of goals, policies, and initiatives to achieve that vision. The Comprehensive Plan document and the accompanying Future Land Use Map also serve as a guide for future growth and

development in the City. Periodically, development proposals or changing circumstances within the City may trigger consideration of an amendment to the *Comprehensive Plan 2010-2030*. That is the case for this request.

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.

Existing Site Conditions: The subject site is currently undeveloped and is approximately 5.14 acres in size. The property has frontage along East Werner Road, which is classified as a collector street on the City's Arterial/Collector Plan. A navigable waterway crosses the site, and conservation easements exist on the eastern portion of the property, limiting its buildable area.

- **Collector street** means a street intended to carry traffic from local streets to an arterial street and to provide circulation within neighborhood areas.

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

North: Zoning – Town of Center
Future Land Use Designation – Multi-Family Residential
Current Land Use – Agricultural

South: Zoning – P-I Public Institutional District
Future Land Use Designation – Commercial
Current Land Use – City stormwater pond

East: Zoning – R-1A Single-Family District
Future Land Use Designation – Public / Institutional
Current Land Use – City water tower

West: Zoning – P-I Public Institutional District and R-1B Single-Family District
Future Land Use Designation – One and Two-Family Residential
Current Land Use – City stormwater pond and single-family dwelling

Proposed Future Land Use Designation: Amendments to the *Comprehensive Plan* are sometimes triggered by technical corrections to omissions or errors, specific development proposals, or changing circumstances in the City. In this case, a specific development proposal for the subject site is necessitating the change to Multi-Family Residential designation. An area to the north is already shown as Multi-Family Residential designation on the Future Land Use Map, so the proposed amendment would represent an expansion of the Multi-Family Residential designation along the south side of East Werner Road.

Comprehensive Plan 2010-2030 Goals and Objectives: The *Comprehensive Plan 2010-2030* and Future Land Use Map are intended to guide City growth and development in an organized, efficient

manner. 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 amendment for consistency with relevant goals, objectives, and policies is necessary in determining if changes to the Future Land Use Map are appropriate. The proposed amendment appears to be consistent with the following excerpts from the City's *Comprehensive Plan 2010-2030*.

Goal 1 – Community Growth

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

Goal 3 – Housing Quality and Affordability

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

OBJECTIVE 5.3 Housing and Neighborhoods:

Provide a range of housing styles that meet the needs and appeal to all segments of the community.

OBJECTIVE 10.1 Land Use:

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

Policy 10.1.1 Adopt, and as necessary, amend the Future Land Use Map in the Comprehensive Plan.

Proposed Zoning Classification: The purpose of the R-3 Multi-Family District is to provide for and maintain residential areas characterized by multiple family dwellings, while maintaining the basic qualities of a dense residential neighborhood, which may include other housing types and institutional and limited non-residential uses. The development standards for the R-3 District are listed below:

1) **Minimum lot area:**

- a. 6,000 square feet for single-family dwelling.
- b. 7,000 square feet for two story two-family dwellings.
- c. 9,000 square feet for single story two-family dwelling.
- d. 3,000 square feet per dwelling unit for multi-family dwellings.
- e. 7,000 square feet for all other uses.

2) **Maximum lot coverage:** 70%.

3) **Minimum lot width:**

- a. 50 feet for single-family dwellings.
- b. 70 feet for two-family dwellings.
- c. 80 feet for all other uses.

4) **Minimum front yard:**

- a. 20 feet.
- b. 25 feet if located on an arterial street.

5) **Minimum rear yard:** 35 feet.

- 6) **Minimum side yard:**
 - a. 6 feet for single and two-family dwellings.
 - b. 20 feet all other uses.
- 7) **Minimum setback from single or two-family lot line:** 30 feet.
- 8) **Maximum building height:**
 - a. 35 feet for single and two-family dwellings.
 - b. 45 feet or all other uses.
- 9) **Minimum distance between multi-family buildings:** 12 feet.

Zoning Ordinance Review Criteria: The requests are being made to accommodate the proposed development of seven single-family condos, which is a permitted use in the R-3 Multi-Family District. Per Section 23-40(a)(4) of the Municipal Code, no more than one principal building shall occupy a single lot, except where a lot is in a PD district or used for multi-family, educational, institutional, motel, hotel, commercial, or industrial purposes. Rezoning to the R-3 District would allow for multiple single-family dwellings to occupy the subject lot, as proposed by the applicant.

The applicant included a concept plan with their submittal (see attached), which shows a cul-de-sac providing access to the proposed condos. A decision has yet to be made about the proposed cul-de-sac being dedicated as public right-of-way or a private ingress/egress easement. This decision will impact which setback standards are applicable for the subject site. These and other development standards will be reviewed prior to the issuance of a building permit.

Standards for Zoning Map Amendments: Per Section 23-65(d)(3) of the Municipal Code, all recommendations for Official Zoning Map amendments shall be consistent with the adopted plans, goals, and policies of the City and with the intent of the Zoning Ordinance. Related excerpts are listed below.

- a. Prior to making a recommendation on a proposed rezoning, the Plan Commission shall make a finding to determine if the following conditions exist. No rezoning of land shall be approved prior to finding at least one of the following:
 - 1. The request for a zone change is in conformance with the Comprehensive Plan for the City of Appleton. *If Future Land Use Map Amendment #1-16 is approved, to identify this area for future multi-family residential uses, the rezoning request will be in conformance with the Comprehensive Plan 2010-2030.*
 - 2. A study submitted by the applicant that indicates that there has been an increase in the demand for land in the requested zoning district, and as a result, the supply of land within the City mapped as such on the Official Zoning Map, is inadequate to meet the demands for such development.
 - 3. Proposed amendments cannot be accommodated by sites already zoned in the City due to lack of transportation, utilities or other development constraints, or the market to be served by the proposed use cannot be effectively served by the location of the existing zoning district(s).
 - 4. There is an error in the code text or zoning map as enacted.

- b. In addition to the findings required to be made by subsection (a), findings shall be made by the Plan Commission on each of the following matters based on the evidence presented:
 1. The adequacy of public facilities such as transportation, utilities and other required public services to serve the proposed site. *The subject area is served by existing infrastructure, and the transportation network should be able to accommodate the proposed rezoning.*
 2. The effect of the proposed rezoning on surrounding uses. *The single-family residential uses located to the southwest are separated from the subject area by City-owned property (featuring stormwater ponds and a waterway), which is approximately 340 feet wide. Also, the navigable waterway and conservation easements that exist on the subject site limit its overall buildable area. Therefore, the proposed rezoning request is unlikely to create adverse impacts in the surrounding neighborhood.*

Review Criteria: Based upon the above analysis, it would appear the criteria established by Section 23-65(d)(3) Zoning Amendments has been satisfied, provided Comprehensive Plan Future Land Use Map Amendment #1-16 is approved.

Technical Review Group (TRG) Report: These items were discussed at the January 5, 2016 Technical Review Group meeting.

- Department of Public Works Comments: The developer must submit a revised Stormwater Management Plan and new Stormwater Permit Application for the Glacier Ridge Subdivision, based on anticipated increase in impervious area compared to the current stormwater design.
- Fire Department Comments: When a new development takes shape, the Fire Chief makes a deterministic evaluation of our response capabilities, based on response time and distance involved. In this proposal to move an area to multi-family housing, the Fire Chief has indicated there may be a need for a developers agreement for either monitored smoke alarms, or monitored fire sprinklers, as similar with past developments including, but not limited to, Pondview. Please consult the Fire Chief for a final determination.

Written Public Comments: Members of the surrounding neighborhood handed out several documents at the January 25, 2016 Plan Commission meeting. For reference, these documents are attached to the February 8, 2016 meeting agenda.

RECOMMENDATION

Based upon the above analysis, staff recommends the proposed City of Appleton *Comprehensive Plan 2010-2030 Future Land Use Map Amendment #1-16* from Commercial and One and Two-Family Residential designation to Multi-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, that Rezoning Application #1-16 to rezone the subject parcel located south of East Werner Road (Tax Id #31-1-9300-01) from R-1B Single-Family District to R-3 Multi-

Comprehensive Plan 2010-2030 Future Land Use Map Amendment #1-16 & Rezoning #1-16
February 8, 2016
Page 6

Family District, including to the centerline of the adjacent right-of-way and as shown on the attached map, **BE APPROVED.**

NOTE: If approved, Rezoning #1-16 will be reported out at the same Common Council meeting as the proposed Comprehensive Plan Amendment #1-16 to accurately reflect the change in future land use from Commercial and One and Two-Family Residential designation to Multi-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 January 25, 2016, by the City Plan Commission, wherein the following Comprehensive Plan amendment (Amendment #1-16) 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 meetings held on January 25, 2016 and February 8, 2016; 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 and One and Two-Family Residential Use) to (Multi-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.

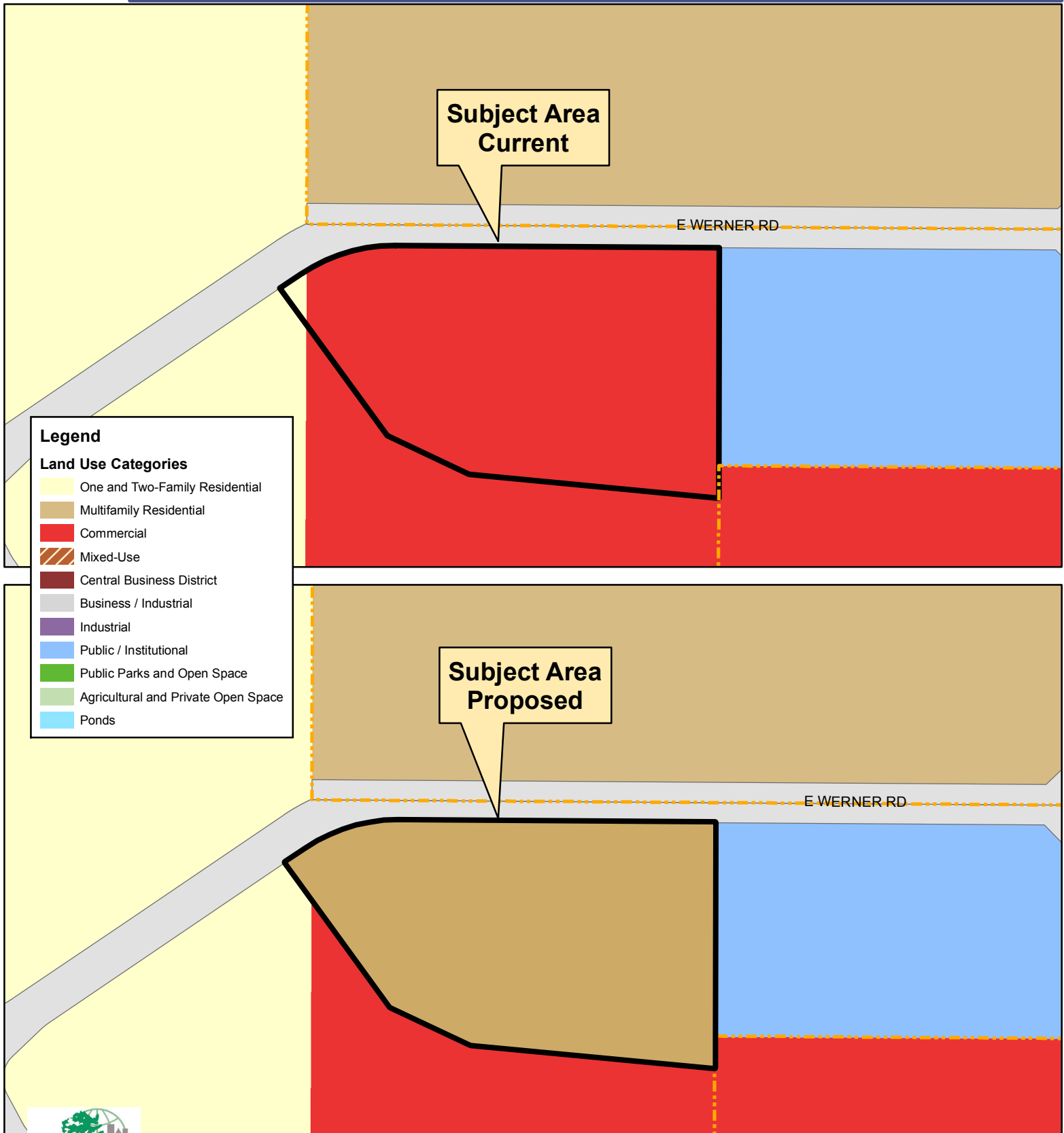
Adopted this _____ day of _____, 2016.

Timothy M. Hanna, Mayor

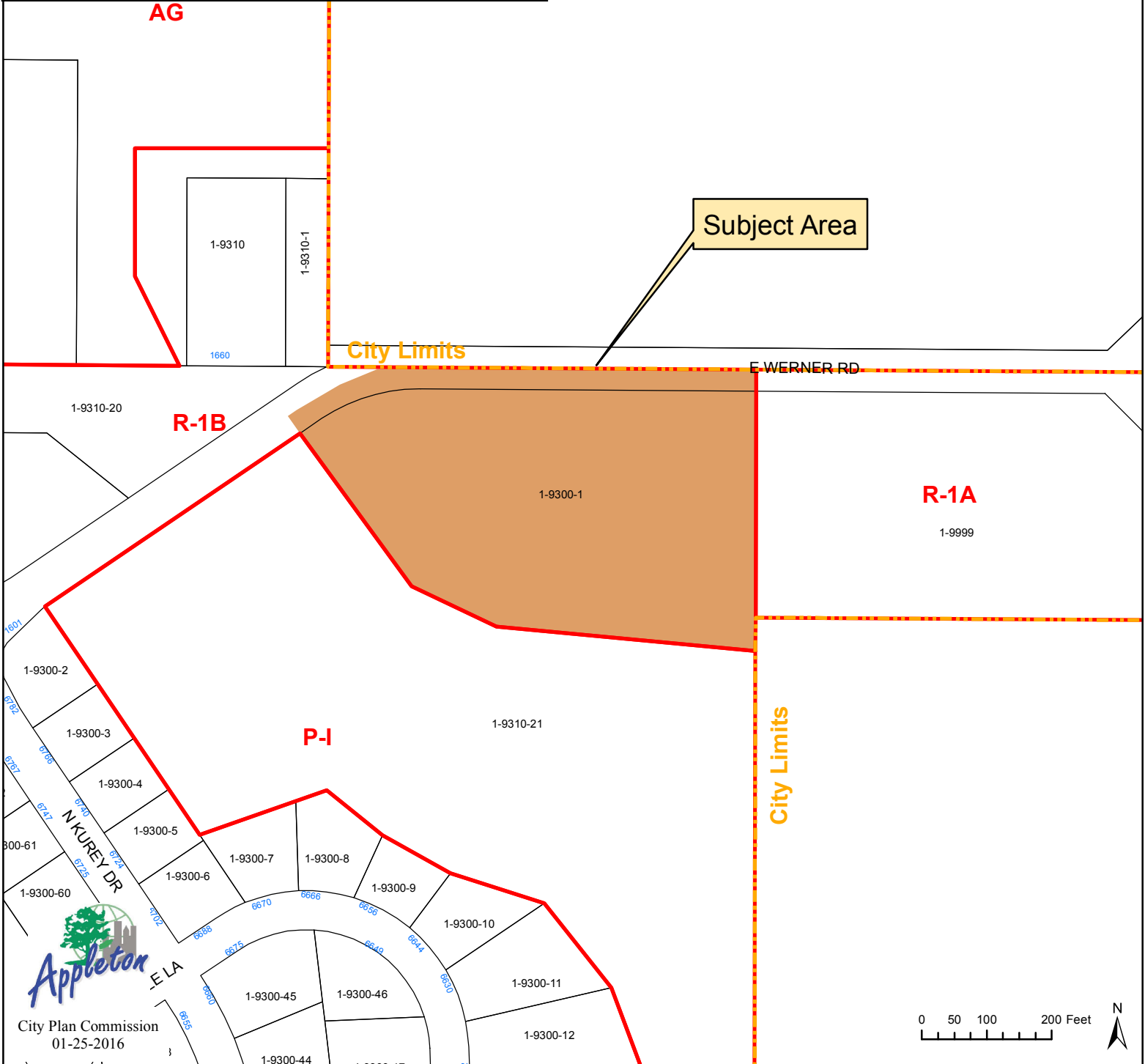
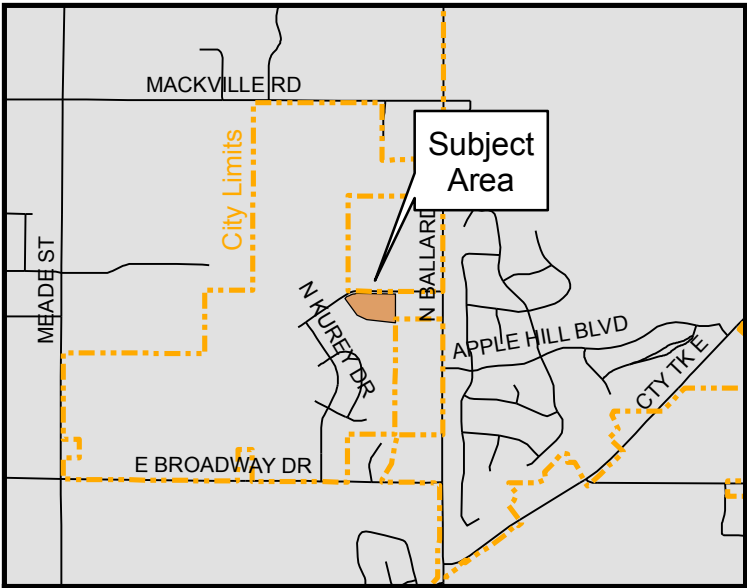
ATTEST:

Kami Scofield, City Clerk

E. Werner Road Future Land Use Map Amendment Commercial and One and Two-Family Residential to Multi-Family Residential

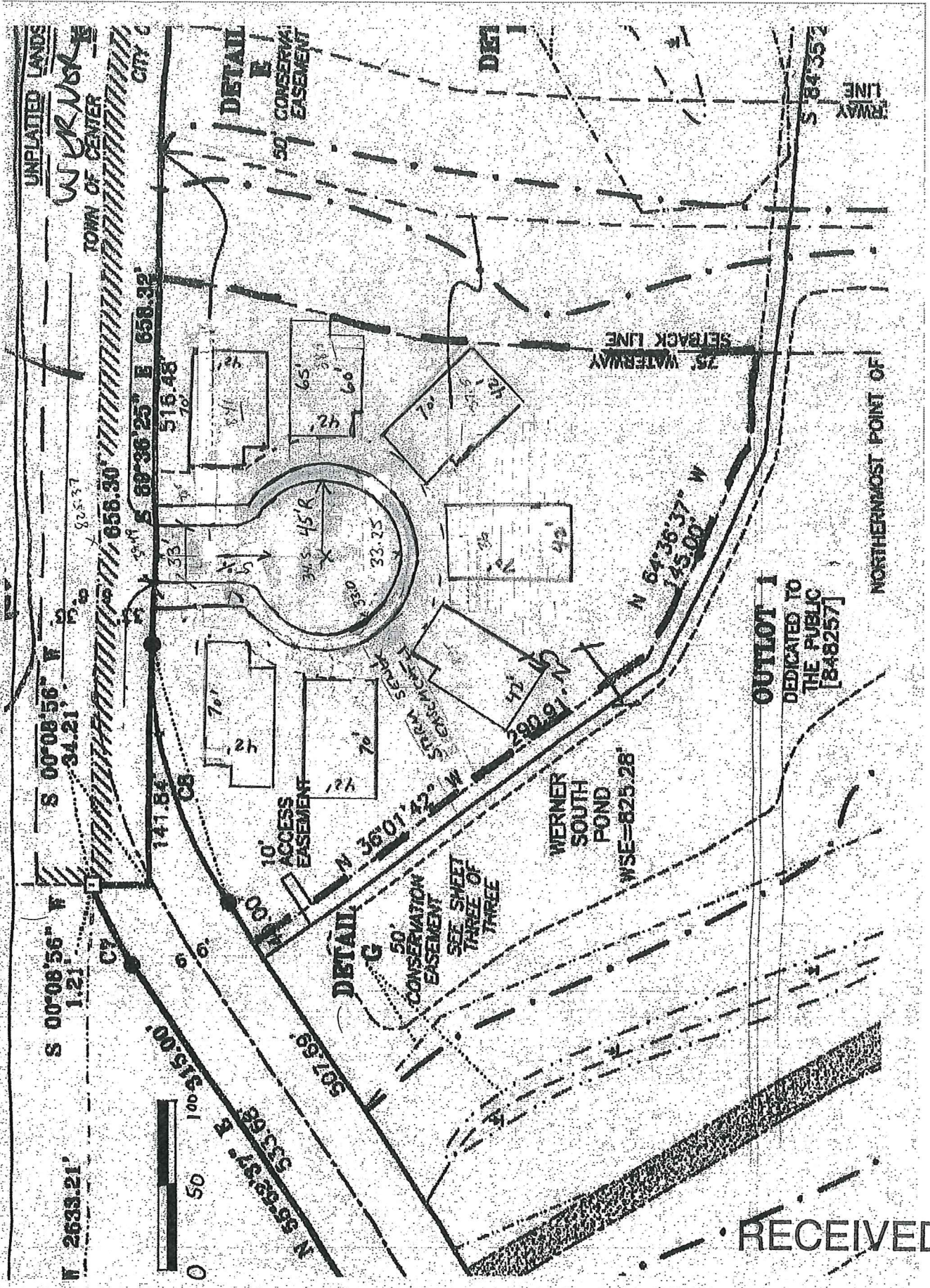


E. Werner Road
Rezoning
R-1B Single-Family District to
R-3 Multi-Family District
Zoning Map



E. Werner Road
Rezoning
R-1B Single-Family District to R-3 Multi-Family District
Aerial Map





RECEIVED

DEC 28 2015

RECEIVED

January 23, 2016

JAN 25 2016

Appleton City Plan Commission:

CITY OF APPLETON
COMMUNITY/ECON DEVELOPMENT

Thank you for the notification I received in the mail in regards to the Future Plan Use Map amendment request initiated by Vision Realty & Development. I am unfortunately traveling for work and will not be able to voice my opinion at the meeting on Monday, January 25, 2016. Please let this letter serve as my voice and my overall frustration and disapproval with Vision Realty & Development, their rezoning request, and the communication that has happened to date.

Having lived in Glacier Ridge for almost two years, I have enjoyed living in a part of Appleton that is truly unique and different. I fully understood when purchasing my house, that I was paying a premium to be living within Appleton city limits while enjoying more of a country atmosphere. While I cannot speak for my neighbors, I feel this is what draws the majority of homeowners to Glacier Ridge. The entire subdivision currently enjoys the views of wildlife that inhabit much of the area and tree line proposed to be demolished. The proposed family condo units will not only eliminate much of this experience for all, but also create more of an atmosphere of inner-city living that many specifically chose to get away from.

Being a part of the construction industry for the last 10 years, I'm fully aware of the difficulties many developers are facing to make their quotas work. My frustrations, however, lie in the opportunities for Vision Realty & Development to continue to develop lots and build the subdivision rather than resorting to building condos. Instead of creating an eyesore and lessening the values of the current homes, they should discuss internally with their investors other opportunities to turn a profit while enhancing the City of Appleton. Listing lots at their current size within Glacier Ridge for approximately \$70,000 - \$80,000 is ludicrous as is, let alone turning our view into condo units. I urge the Appleton City Planning Commission to not rezone the current property and force Vision Realty & Development to make some tough decisions rather than resorting to this last ditch effort.

I find it amazing that Vision Realty & Development can affect the lives of so many trying to push the rezoning effort through, while not properly communicating to anyone. Receiving a quick and careless letter on Thursday, January 21, 2016 from Jill Hendricks explaining their anticipated future plans is extremely frustrating and ridiculous for a meeting that takes place the following Monday, January 25, 2016. The current homeowners deserve better, as does the City of Appleton. I hope the City Planning Commission listens and upholds the wishes and frustrations of so many current residents, rather than give in to a company trying to fly under the radar and push through plans that not only affect our neighborhood but also the appearance and perception of northern Appleton.

Vision Realty & Development's mission statement is, *"It is our goal to develop neighborhoods for many generations to enjoy, while serving the community with honesty and integrity."* Through this process, it is easy to see that honesty and integrity were not shown to the homeowners of Glacier Ridge. This idea

RECEIVED
CITY OF APPLETON
COMMUNITY DEVELOPMENT
was never discussed or mentioned from anyone at Vision Realty with the current homeowners. When this idea or vision arose from Jill and her team, there should have been meetings set by Vision Realty to discuss the options and ideas to the current homeowners. None of these meetings took place or were considered.

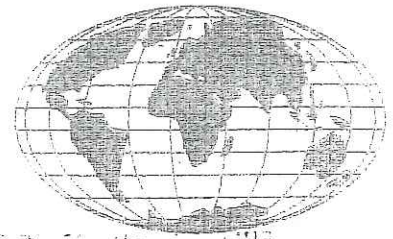
Any good company is built on trust and relationships. I have a hard time correlating these adjectives with Vision Realty and Development throughout this process. I have seen many great examples that members of the City Planning Commission have done for numerous areas throughout this city. Please share in our enjoyment of the current landscape of Glacier Ridge and northern Appleton and DO NOT rezone this parcel of land. Thank you for your consideration.

Regards,

Dan Voss
6724 Kurey Dr.
Appleton, WI 54913

Vision Realty & Development

"looking for your future"



RECEIVED

JAN 25 2016

January 19 2016

CITY OF APPLETON
COMMUNITY/ECON DEVELOPMENT

Dear Glacier Ridge Homeowners:

You recently received a letter in the mail with regard to rezoning a parcel on the north section of our subdivision which is considered Lot 1 on the plat map. Currently it is zoned both residential and commercial. This allows us to use the land for residential or commercial development without any approval.

Our intent is to allow Meier Builders who has been building in our community for 4 generations and most recently is just completing a development called Clearwater Creek Condos. It consists of two duplex buildings and 16 single family homes on Haymeadow Ave approximately one mile from your homes. Each home is exceptionally built and has great curb appeal and character. We invite you to take a drive past to see their proposal homes for Glacier Ridge. We are requesting that this small section of land be rezoned to allow 7 single family condos only. The term Multifamily is somewhat of a reach as Condo units are considered multifamily when it comes to zoning.

We will be at the 1/25/16 planning meeting to get this approved by the City. Please feel free to call me directly prior to this meeting should you have any concerns or questions.

I can be reached at 920-676-4788 or email me at Jill@visionrealtyanddev.com I would be happy to talk about this in detail.

Respectfully,

Jill Hendricks
Vision Realty & Development LLC

SINGLE-FAMILY HOMES:

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DUPLEX:



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CITY OF APPLETON
COMMUNITY/ECON DEVELOPMENT

CONDO:



Declaration of Conditions, Covenants, and Restrictions for the
REPLAT OF LOTS 3-8, 20-24, 27-32, 36-41 and 44-48 of
Clearwater Creek

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CITY OF APPLETON

JAN 25 2016

This declaration is made the 13th, day of December, 2006, by Clearwater Creek, LLC, a Wisconsin corporation ("Developer").

CITY OF APPLETON
COMMUNITY/ECON DEVELOPMENT

1. No building erected elsewhere shall be moved onto any lot or lots.
2. No permanent structures (including, without exclusion of others, trailers, basement without residence above, tent, shack, garage, or barns of any kind) will be permitted for dwelling purposes.
3. No long term exterior storage (in excess of 30 days) of boats, motor homes, trailers, campers, RV's or vehicles of any kind permitted on lots within this subdivision.
4. All structures to be erected in the Subdivision shall have a pleasing and harmonious external design. Any dwelling which fails to conform to the following minimum specifications shall not be permitted on any lot:
 1. Minimum roof pitch shall be 8/12
 2. All homes shall have a minimum of ¾ masonry fronts.
 3. The minimum square footage of the main structure, exclusive of open porches, breezeways, and garages shall be not less than the following:
 - i. All Lots in the re-plat now numbered as follows: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23.

<u>Dwelling Type</u>	<u>Minimum Size</u>
One story above grade	2,000 square feet
Story and a half above grade	2,200 square feet
Two story above grade	2,400 square feet
5. Every house shall have a foundation below frost line. All dwellings shall have not less than a two-car garage attached thereto.
6. No residence shall be erected in the plat until the final plans and site plans for each building have been approved in writing by the proprietors of this Plat or by such person or persons as they may delegate, provided, however, that when a residence is completed it shall be conclusively presumed that this covenant has been complied with.
7. No fence shall be erected upon any lot in the plat without express written approval of the plat proprietors or their delegates.
8. All buildings shall be started on the grade established by the City Engineer of the City of Appleton. Setback lines shall conform to local zoning regulations except that Declarant may, in promoting overall harmony, establish other requirements in addition to such regulations.
9. The land occupied by public utility easements of the lots shall not be graded in such a manner as to interfere with drainage of storm water.
10. One single-story storage shed shall be allowed per lot. Said shed shall be located to the rear of the dwelling on said lot, shall have a maximum storage area not to exceed 144

square feet, and shall be constructed in a style and of materials that are similar to those used in the construction of the dwelling located on said lot.

11. All dwellings shall be completed within one year after the beginning of construction and every structure must have a permanent finish on the exterior within 6 months after the start of construction.
12. The covenants and restrictions herein contained shall be in effect for a term of twenty (20) years from the date this Declaration is recorded, after which time they shall automatically be extended for successive periods of ten (10) years, unless an instrument terminating or reducing this term shall be executed and recorded in the office of the Register of Deeds for Outagamie County.
13. No horse, cattle, swine, sheep, goats, or live poultry of any kind, nor more than two pets, shall be kept on any lot in this plat.
14. No nuisance shall be maintained or suffered to exist in the plat.
15. Driveways to be of concrete or brick pavers and must be completed within one year after the curb and gutter is installed.
16. These covenants are enforceable by the proprietors of the plat and/or the owner of any lot in the subdivision by injunctive relief as well as any and every other legal right.
17. All fill and/or topsoil from plat must remain in the subdivision. Any fill or topsoil stockpiled within the subdivision is the property of the subdivision developer and is not part of the sale of the lot on which it is stockpiled. No fill or topsoil may be hauled out of this subdivision without permission of the developer.
18. All decisions of the developer shall be enforceable against any lot owner if made in a good faith exercise of the judgment or discretion of its members so long as such decision is not clearly in conflict with the express provisions of the declaration. Any lot owner or other person seeking to avoid, set aside or challenge any such decision of the developer shall have the burden of proof to establish that such standards were not met at the time the decision was made.
19. In furtherance and not in limitation of any of the terms of this declaration, the developer intends that this declaration shall be and remain at all times until expiration hereof, fully enforceable against all lots and any person, entity, trust, organization, governmental unit, or sovereign nation which becomes a lot owner. According, such person, entity, trust, organization, governmental unit, or sovereign nation which becomes a lot owner, whether by virtue or conveyance, operation of the law otherwise, shall be conclusively deemed to have waived any and all defenses to and immunity from enforcement of this declaration based upon the legal or ethnic status of such lot owner, including without limitation sovereign immunity, this declaration serving as full and adequate public notice of said waiver. Said waiver shall apply to the terms, conditions and encumbrances established in this declaration, together with any future liens, claims easements or encumbrances expressly permitted hereunder.
20. These declarations shall be construed and interpreted in favor of restricting the use of each lot consistent with the purposes hereof and any ambiguity shall be resolved against any lot owner who installs any structure or engages in any activity not clearly authorized under these declarations or approved in writing by the developer. These declarations shall be interpreted and construed in accordance with the laws of the state of Wisconsin.
21. No lot owner shall block, dam, or otherwise obstruct the flow of the surface water drainage so as to cause such water to back-up onto the lot of another property owner or so

22. Lawn and landscaping shall be completed within one year of occupancy in strict compliance with approved subdivision drainage plan.
23. *Any walkouts or exposed windows from lower level must have developer or designing engineer approval.*
24. Satellite dishes less than 26" in diameter, mounted on the principal structure, and not visible from the street shall be permitted. All other TV antennas must be contained within the home and not mounted on the roof.
25. The land on all side and rear lot lines of all lots shall be graded by the property owner and maintained by the abutting property owners to provide adequate drainage of surface water.
26. No poles, pedestals or buried cable are to be placed so as to disturb any survey stake or obstruct vision along lot lines or street line, a disturbance of a survey stake by anyone is a violation of section 236.32 of the Wisconsin Statutes.
27. The lot owner is required to perform all necessary maintenance and upkeep of the lot prior to construction, including keeping the lot free of trash, waste, brush, weeds, and long grass. At all times during construction, the site shall be maintained to developer's reasonable satisfaction in a neat and orderly manner. Construction debris shall be contained at all times in some manner as will prevent such material from blowing onto neighboring properties and/or streets.

Notary Public, State of Wisconsin
My commission expires:

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JAN 25 2016

Petition to deny Application for Rezoning








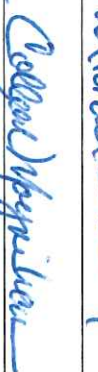
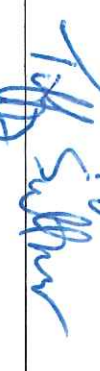


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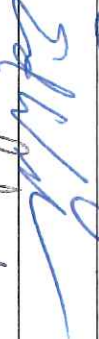


CITY OF APPLETON

COMMITTEE ON DEVELOPMENT Petition Summary and background

A rezoning application has been filed with the City of Appleton requesting a zoning change for Lot 1 (Parcel 1-9300-1) on Werner Road within the Glacier Ridge Subdivision. The zoning change requested is from Single Family to Multi-Family to support the building of seven (7) single family condominiums on a 5.14 acre lot. The current property owners in the Glacier Ridge subdivision are opposed to this rezoning and the plan to develop condominiums.

We, the undersigned, are concerned residents of Glacier Ridge Subdivision who urge our City Plan Commission and Common Council to deny the Application for Rezoning.

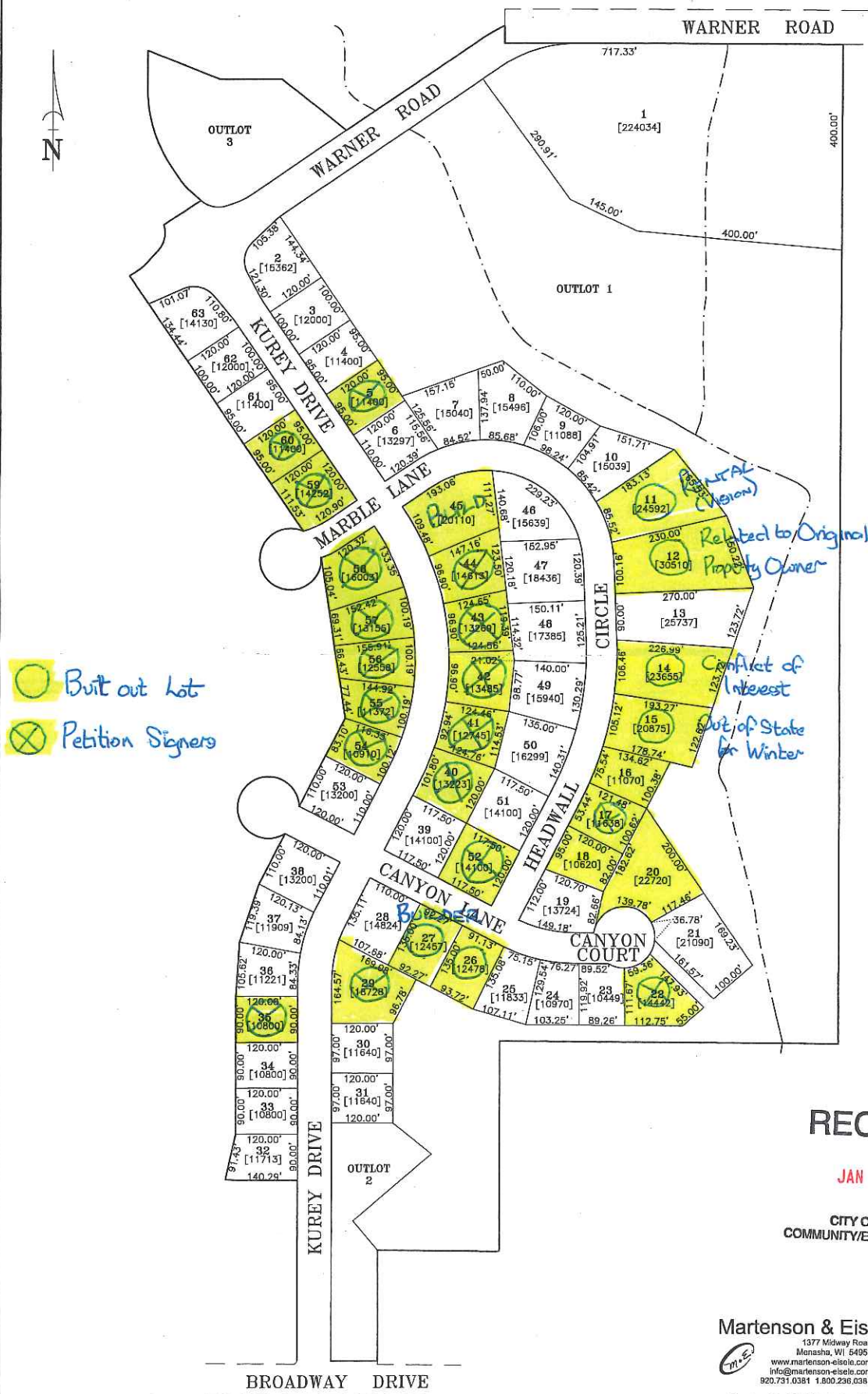
Printed Name	Signature	Address	Comment	Date
GRAENE HODSON		6622 N. KUREY DR		1/10/16
Amy M. Hodson		6622 N. Kurey Dr.		1/10/16
Tim Eikes		6703 N. Kurey Dr.		1/10/16
Paul Van Vleet		6545 N Kurey Dr		1/10/16
Michael Berg		6505 N Headwall Cir		1-10-16
Tegan Berg		10505 N Headwall Cir		1-10-16
Charlotte P. VanVleet		6545 N. Kurey Dr.		1-10-16
Lathane Tourey		6520 N. Kurey Dr.		1-10-16
Michael R Tourey		6520 N. Kurey Dr.		1-10-16
Colleen Meynken		6540 N. Headwall Cir.		1-10-16
Tiffany Suther		6419 N. Kurey Dr.		1-10-16

Printed Name	Signature	Address	Comment	Date
Don Suther		6449 N. Kurey Dr.		1-10-16
JEFF DANE		17617 Canton Court		1/10/16
AMANDA DENO				
Lisa Pierre	Dea Pierre	6634 N. Kurey Rd		1/10/16
Davis Pierce	Dea Pierce	6631 N. Kurey Rd		1/10/16
Julie Kolo	Dea Kolo	6402 N. Kurey Rd.		1-10-16
Art Kolo	Art Kolo	6402 N. Kurey Dr		1-10-16
Jackie Trunk	Jackie Trunk	6655 N. Kurey Dr.		1/23/16
Jim Trunk	Jim Trunk	6655 N. Kurey Dr.		1/23/16
DAN LOSS		6724 N. Kurey Dr.		1/23/16
Cornie Loores	Cornie Loores	6521 N. Kurey Dr.		1-23-16
CHRIS HSU		6544 N. Kurey Dr.		1/23/16
Marcy Throp		6600 N. Kurey Dr.		1/23/16
Edward Miller		6600 N. Kurey Dr.		1/23/16
Mary Ann Treaswell		6613 N. Kurey Dr.		1/23/16
Tammi Greene		6725 N. Kurey Dr		1/24/16

[illegible]

GLACIER RIDGE

CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN



RECEIVED

JAN 25 2016

CITY OF APPLETON
COMMUNITY/ECON DEVELOPMENT

Martenson & Eisele, Inc.

1377 Midway Road
Menasha, WI 54952
www.martenson-eisele.com
info@martenson-eisele.com
920.731.0381 1.800.236.6381

Drawing No. 157753/glacier ridge/663001 plat layout.dwg
Revised January 25, 2012

Amended
Restrictive Covenants
for
Glacier Ridge

Document Number

Document Title

Glacier Ridge Lots 1 through 63 City of Appleton, Outagamie County Wisconsin.

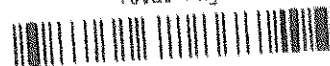
Being recorded to amend original document # 1805003

dated August 5, 2008 @ 12:00pm

Robert A. DeBruin wishes to add to original document
"NO SOLAR PANELS TO BE ALLOWED IN THE PLAT."

1807512

Recorded
Aug. 29, 2008 AT 01:15PM
OUTAGAMIE COUNTY
JANICE FLENZ
REGISTER OF DEEDS
Fee Amount: \$11.00
Total Pages 1



Recording Area

Name and Return Address

Vision Realty & Development
200 E Washington St
Appleton, WI 54911

ENVELOPE

Parcel Identification Number (PIN)

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals this 27 day of
August, 2008.

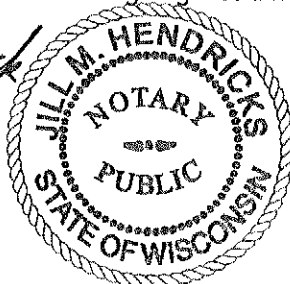
Glacier Ridge

By: Robert A. DeBruin
Robert A. DeBruin

STATE OF WISCONSIN)
)SS
COUNTY OF OUTAGAMIE)

Personally came before me this 28 day of August, 2008, the above named Robert A. DeBruin, known to me to be the person who executed the foregoing instrument.

Notary Public
Outagamie County, Wisconsin
My commission expires 12-25-2011



Drafted by Robert A. DeBruin

This information must be completed by submitter: document title, name & return address, and PIN (if required). Other information such as the granting clauses, legal description, etc. may be placed on this first page of the document or may be placed on additional pages of the document. Note: Use of this cover page adds one page to your document and \$2.00 to the recording fee. Wisconsin Statutes, 59.517. WRDA 2/96

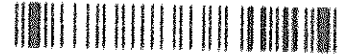
Restrictive Covenants
for
Glacier Ridge

Document Number

Document Title

1805003

Recorded
Aug. 05, 2008 AT 12:00PM
OUTAGAMIE COUNTY
JANICE FLENZ
REGISTER OF DEEDS
Fee Amount: \$21.00
Total Pages 6



Recording Area

21.00
6

Name and Return Address

VISION Realty & Development
200 E Washington St
Appleton, WI 54911

ENVELOPE

Parcel Identification Number (PIN)

RESTRICTIVE COVENANTS FOR GLACIER RIDGE
CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN

WHEREAS, Glacier Ridge (hereinafter Developer) is the owner of property known as Glacier Ridge, Lots 1 through 63, City of Appleton, Outagamie County, Wisconsin.

WHEREAS, said plat was recorded in the office of the Register of Deeds for Outagamie County, Wisconsin, on the 5th day of August, 2008, and filed as Document No. 1805002 Glacier Ridge is a part of the SECTION 36 TOWN 22 North, City of Appleton, Outagamie County, Wisconsin, Cabinet K, page 79-81 RANGE 17 East

1. PURPOSE

The purpose of these covenants is to ensure the use of property for attractive residential purposes only, to prevent nuisance and the impairment of the attractiveness of the property, to seek the use of quality materials and workmanship, to maintain the desired atmosphere and appearance of the community and, thereby, to secure to each site owner the full benefit and enjoyment of their home, with no greater restriction on the free and undisturbed use thereof, than is necessary, to ensure the same advantages to the other site owners.

2. MINIMUM FLOOR AREA & DESIGN

All structures to be erected in the Subdivision shall be of a pleasing and harmonious external design and shall conform with all established setback lines; and any dwelling that fails to conform to the specified minimum areas shall not be permitted on any lot, except with prior written approval of Developer. The square footage of the main structure, exclusive of open porches, breezeways and garages, shall not be less than the following:

Dwelling – Single Family Lots 1 through 6 Lots 27 through 45 Lots 53 through 63	Minimum Size
Ranch	2000 Sq. Ft. above grade
Split Level, Bi-Level & 1-1/2 Story	2400 Sq. Ft. above grade
Two Story	2400 Sq. Ft. above grade

Dwelling – Single Family Lots 7 through 26 Lots 46 through 52	Minimum Size
Ranch	2400 Sq. Ft. above grade
Split Level, Bi-Level & 1-1/2 Story	3000 Sq. Ft. above grade
Two Story	3000 Sq. Ft. above grade

3. LAND USE & BUILDING TYPE

No lot, whether alone or in combination with one or more other lots in this Subdivision, shall be used except for single-family residential purposes and restricted as follows:

- a. All dwellings shall have not less than a two-car garage attached thereto, of no less than 480 square feet
- b. All dwellings shall have a roof pitch of not less than 8/12.
- c. No used, modular, manufactured, geodesic dome or earth homes will be allowed on any lot.
- d. Developer requires that any and all builders obtain the written approval of Developer before commencing construction of any dwelling in the Subdivision.

- e. All homes, including attached garages, shall be completed within twelve (12) months after commencement of building construction and shall not be occupied prior to completion, except that the interior of the below grade level of split level and raised ranch homes need not be completed. All landscaping must be completed within one (1) year after occupancy, except that the Developer may approve a variance. Rocks, painted earth or sand in place of grass, to give a desert look, shall not be permitted. All lawns shall be a minimum of 80% mowed grass, except that the Developer may approve a variance. No un-mowed meadow growth (Prairie grass) shall be allowed. All driveways to the sidewalk line are to be hard-surfaced with concrete or brick pavers within one year of occupancy. The driveway from the sidewalk to the street is to be of concrete or brick pavers and completed within one year of the completion of the concrete street.
- f. Developer reserves the right to complete construction or landscaping that has commenced, but has not been completed within the above time-frame, and owner is not proceeding with due diligence to complete construction or landscaping. Any costs so incurred by Developer (including, but not limited to, attorney's fees and court costs) shall become a lien on the lot.
- g. No trailer, tent, shack, basement, garage, barn or other outbuilding shall be used temporarily or permanently as a residence.
- h. No dwelling shall exceed two (2) stories in height above finished grade level.
- i. All residential homes constructed within the Subdivision shall be required, at a minimum, to have brick or stone on 75% of the front of the home facing the street, except that a variance may be approved by the Developer for certain styles of homes, such as "Salt Box", etc.
- j. No outbuildings and/or sheds shall be allowed in the plat.
- k. During construction, no access to the building site shall be allowed through a ditch or over adjacent lots. If any damage is done to adjacent lots or ditches, the owner of the home under construction shall restore or pay the Developer or lot owner for the restoration of said property to its pre-damaged condition.
- l. No building materials shall be placed on any lot more than thirty (30) days prior to the time construction is to begin. No building materials shall remain on any lot more than thirty (30) days after construction is completed.
- m. All residences shall have basements or footings extending at least four (4) feet below grade.
- n. All trash and waste shall be kept in sanitary containers inside garage. Each lot owner is required to perform all necessary maintenance and upkeep of their lot. No trash, waste, brush, weeds or long grass is permitted. It is the lot owner's responsibility to keep the grass and weeds mowed prior to the start of construction of their residence.
- o. No external antenna, unless approved by the Developer, and no satellite dishes more than twenty-four (24) inches in diameter shall be allowed. No satellite dish shall be visible from the street passing by the front of the home.
- p. No above ground swimming pool shall be allowed in the Plat.
- q. The lot owner is required to perform all necessary maintenance and upkeep of the lot prior to construction, including keeping the lot free of trash, waste, brush, weeds, and long grass. At all times during construction, the site shall be maintained to Developer's reasonable satisfaction in a neat and orderly manner. Construction debris shall be contained at all times in some manner as will prevent such material from blowing unto neighboring properties and/or streets.

4. ARCHITECTURAL REVIEW

No dwelling or other house or structure shall be erected on any lot of this subdivision until the plans and specifications have been submitted to and approved by the Developer or Developer's assigns. If the Developer or Developer's assigns, as the case may be, fails to approve or disapprove such plans and specifications within sixty (60) days after the same have been submitted, said plans and specifications shall be deemed to have been approved. All decisions of the Developer or Developer's assigns shall be enforceable against any lot owner if made in a good faith exercise of the judgment or discretion

so long as such decision is not clearly in conflict with the express provisions of this declaration. Any person seeking to challenge any such decision of the Developer or Developer's assigns shall have the burden of proof to establish that such standards were not met at the time of the decision was made.

Submit plans and specifications to:
Jill Hendricks
Vision Realty & Development, LLC
200 E. Washington
Appleton, WI 54911

5. SET BACK

All set back lines shall conform to local zoning regulations except Declarant may, in promoting overall harmony, establish other requirements in addition to such municipal regulations.

6. IMPROVEMENTS

All lot sales will include paved streets, sewer and water lines stubbed to the lot line, and access to natural gas, telephone lines, cable television and underground electric.

7. GRADES

No building or structure shall be erected or landscaping done until grades have been established by a licensed land surveyor or engineer showing conformity with the approved drainage plan for the Subdivision. The cost of establishing grades shall be borne by the property owner. All lot owners shall be required to sign an affidavit acknowledging receipt of drainage requirements for each lot. The land on all side and rear lot lines of all lots shall be graded by the property owner and maintained by the abutting property owners to provide adequate drainage of surface water. All lots must maintain the site drainage plan and home elevation specified for each lot, as approved by the City of Appleton.

8. PETS

No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot; with the exception of dogs, cats or other household pets, which may be kept, provided they are not kept, bred or maintained for any commercial purpose. No doghouses, dog kennels, cages, sleeping quarters or any kind of outside housing for animals shall be allowed, except that a dog or pet run no larger than 100 sq. ft. in size may be constructed provided that it is not visible from the street passing by the front of the residence. In addition any dog or pet run must be visually hidden from the view of any adjacent lot owner. A dog or pet run may be visually hidden from view by wood fencing, as long as the finished side of the fence faces the lot of the adjoining neighbor or by shrubbery or plantings of sufficient size and placement to impede the view of the dog or pet run to adjacent owners. Solid wood fences are not allowed; board on board or basket weave patterns are acceptable.

9. VEHICLES

No unlicensed vehicles will be permitted on any lot, unless stored within a garage. No boats, recreational vehicles, campers, trailers, tractors, motorcycles, ATV's or lawn maintenance equipment will be permitted to be stored on any lot, unless stored within a garage. No bus, large truck, semi tractor and/or trailer shall be parked anywhere within the exterior boundaries of all phases or additions to Glacier Ridge, unless they are there less than 48 hours to facilitate a lot owners moving in or out.

10. COLORS

No bright or vivid green, blue, red or yellow siding shall be allowed on any residence or garage. The Developer shall have final approval of any shades of the aforementioned colors.

11. SIGNS

No sign of any kind shall be displayed to the public view on any lot, except one professional sign of not more than one (1) square foot and/or one sign of not more than five (5) square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

12. FENCING

No chain link or bare wire fencing will be allowed on any lot. Solid wood fences are not allowed. All other fencing shall require the prior written approval of the Developer or a designee. The City of Appleton may require a permit to install a fence on any lot.

13. FILL

All fill and/or topsoil from plat must remain in the subdivision. Any fill or topsoil stockpiled within the subdivision is the property of the subdivision Developer and is not part of the sale of the lot on which it is stockpiled. As long as the Developer owns any lot, in Glacier Ridge, the Developer reserves the right to direct the disposition of any dirt that is to be removed from any lot. However, such disposition, as directed by the Owner/Developer, shall be within a one-mile radius of the lot. It is the responsibility of the owner of the lot to contact the Developer prior to hauling out any fill. No fill or topsoil may be hauled out of this subdivision without permission of the Developer.

14. EASEMENTS

Easements for the installation and maintenance of utilities and drainage facilities are reserved, as shown on the recorded plat. Within these easements, no structure, planting or other materials shall be placed or permitted to remain that may damage or interfere with the installation or maintenance of utilities, or that may change the direction of flow of drainage channels in the easements, or that may obstruct or retard the flow of water through drainage channels in the easements. The easement area of each lot, and all improvements in it, shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility is responsible.

15. NUISANCES

No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

16. COVENANTS

a. These covenants shall run with the land, and all future conveyances of any lots of the Subdivision shall be subject to the conditions, covenants, obligations and restrictions set forth herein. Acceptance of a deed by any purchaser is considered an agreement to observe and abide by such covenants, conditions and restrictions for the protection of all owners within the subdivision.

b. Invalidity of any one of these covenants by judgment or court order shall in no way effect the remaining provisions, which shall remain in full force and effect.

c. These covenants and restrictions may be removed, modified, annulled, waived, changed and/or amended at any time and in any manner by a written Declaration setting forth such amendment, (a) by the Developer as long as the Developer owns any lot for resale in the subdivision; (b) after the Developer has sold all lots, then by the owners of at least 75% of the lots. The written Declaration shall be recorded in the office of the Register of Deeds for Outagamie County, Wisconsin.

d. The Developer and/or individual lot owners benefited by the Declaration may enforce these conditions, covenants and restrictions using any available legal or equitable remedies, including, by way of example only, affirmative or restrictive injunction. In the event of litigation to enforce these conditions, covenants and restrictions, the non-performing party or the party violating any of the conditions, covenants and restrictions shall reimburse the Developer and/or individual Owners for all out-of-pocket expenses (including actual attorneys' fees and court costs) incurred in successfully enforcing these conditions, covenants, and restrictions.

e. Variations in any of these covenants may be permitted by the Developer where they are reasonably satisfied that such variations will be pleasing and generally in keeping with the character of surrounding properties and will not be a detriment to the subdivision as a whole. After the Developer no longer owns any lot in the subdivision, requests for variations may be submitted to such review committee(s) as may be convened from among the property owners within the subdivision for consideration and approval or rejection.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals this 1 day of July, 2008.

Glacier Ridge

By: Robert A. DeBruin
Robert A. DeBruin

STATE OF WISCONSIN)
)SS
COUNTY OF OUTAGAMIE)

Personally came before me this 1 day of July, 2008, the above named Robert A. DeBruin, known to me to be the person who executed the foregoing instrument.

Notary Public Jill M. Hendricks
Outagamie County, Wisconsin

My commission expires 12-25-2011





REPORT TO CITY PLAN COMMISSION

New information is underlined.

Plan Commission Public Hearing Meeting Date: January 25, 2016

Plan Commission Meeting Date: February 8, 2016 (held PC January 25, 2016)

Common Council Public Hearing Meeting Date: March 16, 2016 (Public Hearing on Comprehensive Plan Amendment and Rezoning)

Items: City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map Amendment #1-16 and Rezoning #1-16

Case Manager: David Kress

GENERAL INFORMATION

Owner: Kurey Ridge, LLC

Applicant: Vision Realty & Development, LLC c/o Jill Hendricks

Lot/Parcel: Lot 1 of the Glacier Ridge Plat (Tax Id #31-1-9300-01)

Petitioner's Request: The applicant is requesting to amend the City's *Comprehensive Plan 2010-2030* Future Land Use Map from the Commercial and One and Two-Family Residential designation to the Multi-Family Residential designation for the subject parcel. In conjunction with this request, the applicant is also proposing to rezone the subject parcel from R-1B Single-Family District to R-3 Multi-Family District. The requests are being made to accommodate the proposed development of seven single-family condos on the western portion of the site.

BACKGROUND

On January 25, 2016, the Plan Commission held these items until their February 8, 2016 meeting. The applicant recently provided a copy of the restrictive covenants for Glacier Ridge, since they were mentioned during the public hearing on January 25, 2016. These covenants are attached to the February 8, 2016 meeting agenda simply for reference. However, the City is not party to these covenants, and the covenants are not a factor in staff review of Comprehensive Plan Amendment #1-16 and Rezoning #1-16.

The subject area was annexed to the City in 2006, as part of the Kurey Annexation. The subject area and surrounding land was then rezoned to R-1B Single-Family District in 2007, by Kurey Ridge, LLC for their first phase of residential development. Approximately 56 acres of land surrounding the subject area was subdivided in 2008, creating the subject parcel in the Glacier Ridge plat.

The *Comprehensive Plan 2010-2030*, adopted by Common Council on March 3, 2010, establishes a vision for future land use, physical development, and quality of life in the City and provides a comprehensive set of goals, policies, and initiatives to achieve that vision. The Comprehensive Plan document and the accompanying Future Land Use Map also serve as a guide for future growth and

development in the City. Periodically, development proposals or changing circumstances within the City may trigger consideration of an amendment to the *Comprehensive Plan 2010-2030*. That is the case for this request.

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.

Existing Site Conditions: The subject site is currently undeveloped and is approximately 5.14 acres in size. The property has frontage along East Werner Road, which is classified as a collector street on the City's Arterial/Collector Plan. A navigable waterway crosses the site, and conservation easements exist on the eastern portion of the property, limiting its buildable area.

- **Collector street** means a street intended to carry traffic from local streets to an arterial street and to provide circulation within neighborhood areas.

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

North: Zoning – Town of Center
Future Land Use Designation – Multi-Family Residential
Current Land Use – Agricultural

South: Zoning – P-I Public Institutional District
Future Land Use Designation – Commercial
Current Land Use – City stormwater pond

East: Zoning – R-1A Single-Family District
Future Land Use Designation – Public / Institutional
Current Land Use – City water tower

West: Zoning – P-I Public Institutional District and R-1B Single-Family District
Future Land Use Designation – One and Two-Family Residential
Current Land Use – City stormwater pond and single-family dwelling

Proposed Future Land Use Designation: Amendments to the *Comprehensive Plan* are sometimes triggered by technical corrections to omissions or errors, specific development proposals, or changing circumstances in the City. In this case, a specific development proposal for the subject site is necessitating the change to Multi-Family Residential designation. An area to the north is already shown as Multi-Family Residential designation on the Future Land Use Map, so the proposed amendment would represent an expansion of the Multi-Family Residential designation along the south side of East Werner Road.

Comprehensive Plan 2010-2030 Goals and Objectives: The *Comprehensive Plan 2010-2030* and Future Land Use Map are intended to guide City growth and development in an organized, efficient

manner. 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 amendment for consistency with relevant goals, objectives, and policies is necessary in determining if changes to the Future Land Use Map are appropriate. The proposed amendment appears to be consistent with the following excerpts from the City's *Comprehensive Plan 2010-2030*.

Goal 1 – Community Growth

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

Goal 3 – Housing Quality and Affordability

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

OBJECTIVE 5.3 Housing and Neighborhoods:

Provide a range of housing styles that meet the needs and appeal to all segments of the community.

OBJECTIVE 10.1 Land Use:

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

Policy 10.1.1 Adopt, and as necessary, amend the Future Land Use Map in the Comprehensive Plan.

Proposed Zoning Classification: The purpose of the R-3 Multi-Family District is to provide for and maintain residential areas characterized by multiple family dwellings, while maintaining the basic qualities of a dense residential neighborhood, which may include other housing types and institutional and limited non-residential uses. The development standards for the R-3 District are listed below:

1) Minimum lot area:

- a. 6,000 square feet for single-family dwelling.
- b. 7,000 square feet for two story two-family dwellings.
- c. 9,000 square feet for single story two-family dwelling.
- d. 3,000 square feet per dwelling unit for multi-family dwellings.
- e. 7,000 square feet for all other uses.

2) Maximum lot coverage: 70%.

3) Minimum lot width:

- a. 50 feet for single-family dwellings.
- b. 70 feet for two-family dwellings.
- c. 80 feet for all other uses.

4) Minimum front yard:

- a. 20 feet.
- b. 25 feet if located on an arterial street.

5) Minimum rear yard: 35 feet.

- 6) **Minimum side yard:**
 - a. 6 feet for single and two-family dwellings.
 - b. 20 feet all other uses.
- 7) **Minimum setback from single or two-family lot line:** 30 feet.
- 8) **Maximum building height:**
 - a. 35 feet for single and two-family dwellings.
 - b. 45 feet or all other uses.
- 9) **Minimum distance between multi-family buildings:** 12 feet.

Zoning Ordinance Review Criteria: The requests are being made to accommodate the proposed development of seven single-family condos, which is a permitted use in the R-3 Multi-Family District. Per Section 23-40(a)(4) of the Municipal Code, no more than one principal building shall occupy a single lot, except where a lot is in a PD district or used for multi-family, educational, institutional, motel, hotel, commercial, or industrial purposes. Rezoning to the R-3 District would allow for multiple single-family dwellings to occupy the subject lot, as proposed by the applicant.

The applicant included a concept plan with their submittal (see attached), which shows a cul-de-sac providing access to the proposed condos. A decision has yet to be made about the proposed cul-de-sac being dedicated as public right-of-way or a private ingress/egress easement. This decision will impact which setback standards are applicable for the subject site. These and other development standards will be reviewed prior to the issuance of a building permit.

Standards for Zoning Map Amendments: Per Section 23-65(d)(3) of the Municipal Code, all recommendations for Official Zoning Map amendments shall be consistent with the adopted plans, goals, and policies of the City and with the intent of the Zoning Ordinance. Related excerpts are listed below.

- a. Prior to making a recommendation on a proposed rezoning, the Plan Commission shall make a finding to determine if the following conditions exist. No rezoning of land shall be approved prior to finding at least one of the following:
 - 1. The request for a zone change is in conformance with the Comprehensive Plan for the City of Appleton. *If Future Land Use Map Amendment #1-16 is approved, to identify this area for future multi-family residential uses, the rezoning request will be in conformance with the Comprehensive Plan 2010-2030.*
 - 2. A study submitted by the applicant that indicates that there has been an increase in the demand for land in the requested zoning district, and as a result, the supply of land within the City mapped as such on the Official Zoning Map, is inadequate to meet the demands for such development.
 - 3. Proposed amendments cannot be accommodated by sites already zoned in the City due to lack of transportation, utilities or other development constraints, or the market to be served by the proposed use cannot be effectively served by the location of the existing zoning district(s).
 - 4. There is an error in the code text or zoning map as enacted.

- b. In addition to the findings required to be made by subsection (a), findings shall be made by the Plan Commission on each of the following matters based on the evidence presented:
 1. The adequacy of public facilities such as transportation, utilities and other required public services to serve the proposed site. *The subject area is served by existing infrastructure, and the transportation network should be able to accommodate the proposed rezoning.*
 2. The effect of the proposed rezoning on surrounding uses. *The single-family residential uses located to the southwest are separated from the subject area by City-owned property (featuring stormwater ponds and a waterway), which is approximately 340 feet wide. Also, the navigable waterway and conservation easements that exist on the subject site limit its overall buildable area. Therefore, the proposed rezoning request is unlikely to create adverse impacts in the surrounding neighborhood.*

Review Criteria: Based upon the above analysis, it would appear the criteria established by Section 23-65(d)(3) Zoning Amendments has been satisfied, provided Comprehensive Plan Future Land Use Map Amendment #1-16 is approved.

Technical Review Group (TRG) Report: These items were discussed at the January 5, 2016 Technical Review Group meeting.

- Department of Public Works Comments: The developer must submit a revised Stormwater Management Plan and new Stormwater Permit Application for the Glacier Ridge Subdivision, based on anticipated increase in impervious area compared to the current stormwater design.
- Fire Department Comments: When a new development takes shape, the Fire Chief makes a deterministic evaluation of our response capabilities, based on response time and distance involved. In this proposal to move an area to multi-family housing, the Fire Chief has indicated there may be a need for a developers agreement for either monitored smoke alarms, or monitored fire sprinklers, as similar with past developments including, but not limited to, Pondview. Please consult the Fire Chief for a final determination.

Written Public Comments: Members of the surrounding neighborhood handed out several documents at the January 25, 2016 Plan Commission meeting. For reference, these documents are attached to the February 8, 2016 meeting agenda.

RECOMMENDATION

Based upon the above analysis, staff recommends the proposed City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map Amendment #1-16 from Commercial and One and Two-Family Residential designation to Multi-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, that Rezoning Application #1-16 to rezone the subject parcel located south of East Werner Road (Tax Id #31-1-9300-01) from R-1B Single-Family District to R-3 Multi-

Comprehensive Plan 2010-2030 Future Land Use Map Amendment #1-16 & Rezoning #1-16
February 8, 2016
Page 6

Family District, including to the centerline of the adjacent right-of-way and as shown on the attached map, **BE APPROVED.**

NOTE: If approved, Rezoning #1-16 will be reported out at the same Common Council meeting as the proposed Comprehensive Plan Amendment #1-16 to accurately reflect the change in future land use from Commercial and One and Two-Family Residential designation to Multi-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 January 25, 2016, by the City Plan Commission, wherein the following Comprehensive Plan amendment (Amendment #1-16) 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 meetings held on January 25, 2016 and February 8, 2016; 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 and One and Two-Family Residential Use) to (Multi-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.

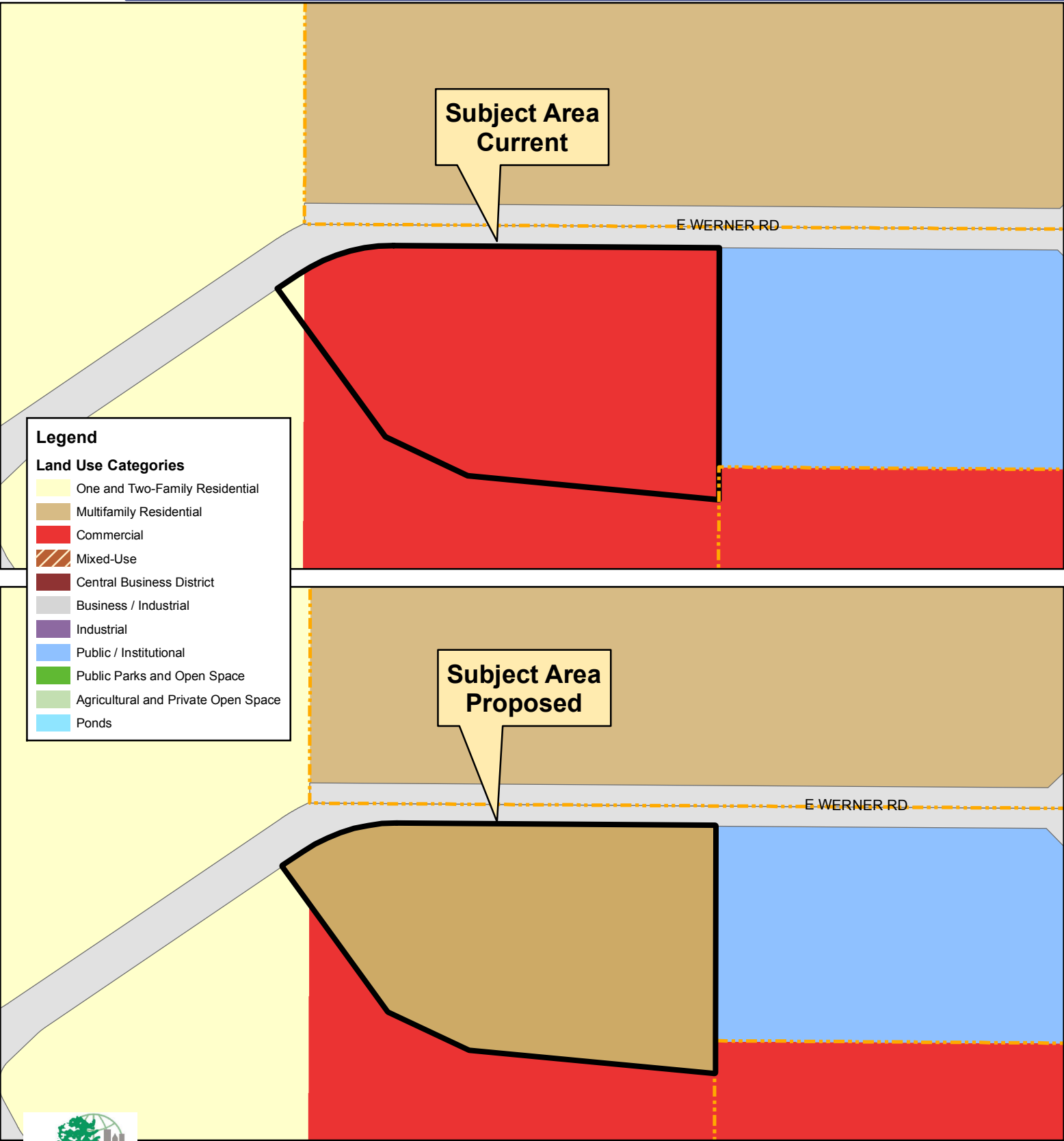
Adopted this _____ day of _____, 2016.

Timothy M. Hanna, Mayor

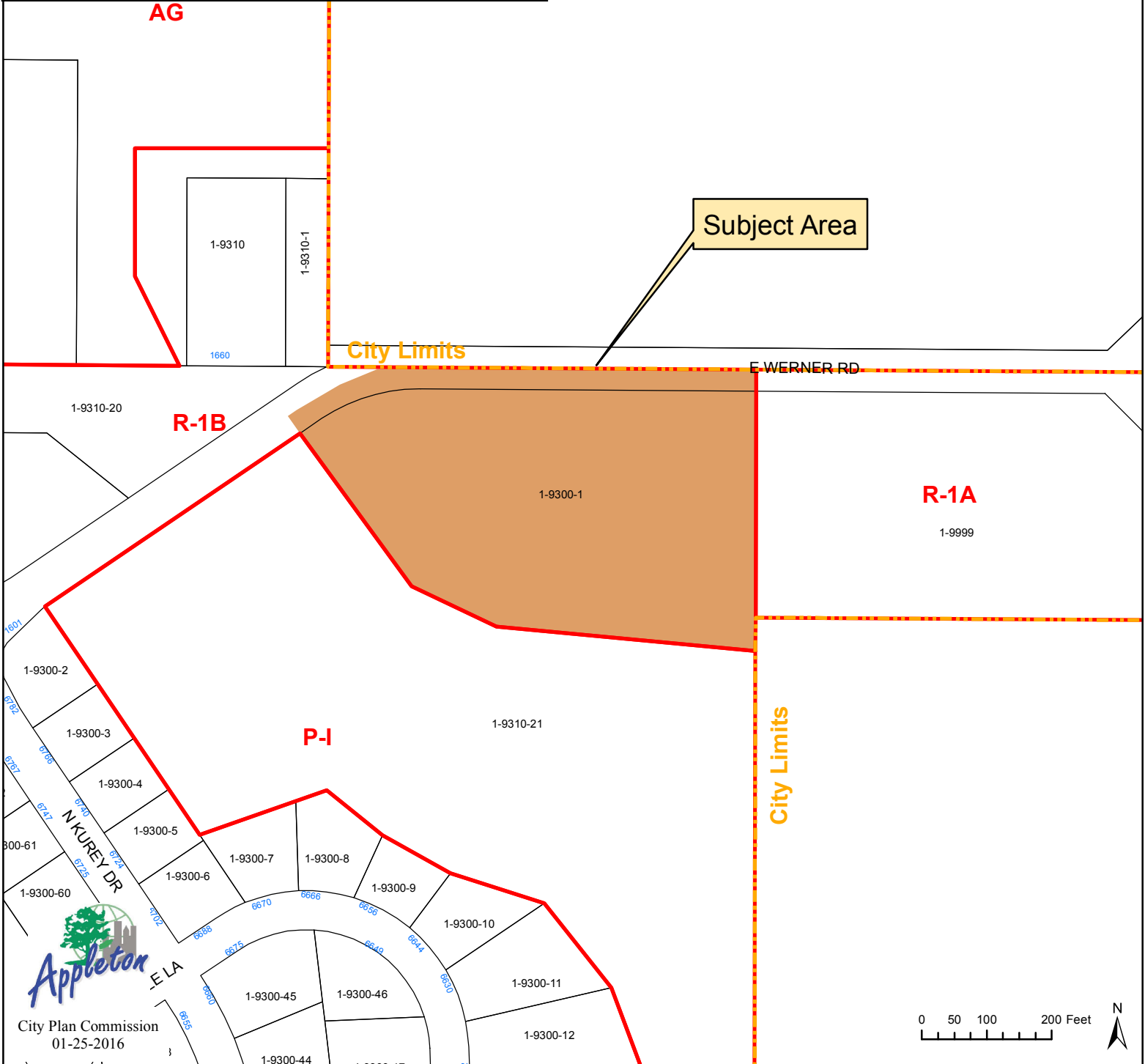
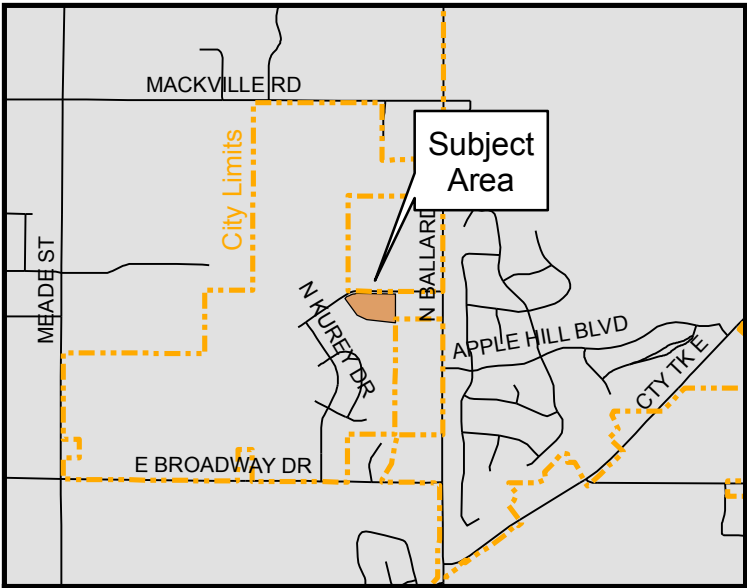
ATTEST:

Kami Scofield, City Clerk

E. Werner Road Future Land Use Map Amendment Commercial and One and Two-Family Residential to Multi-Family Residential

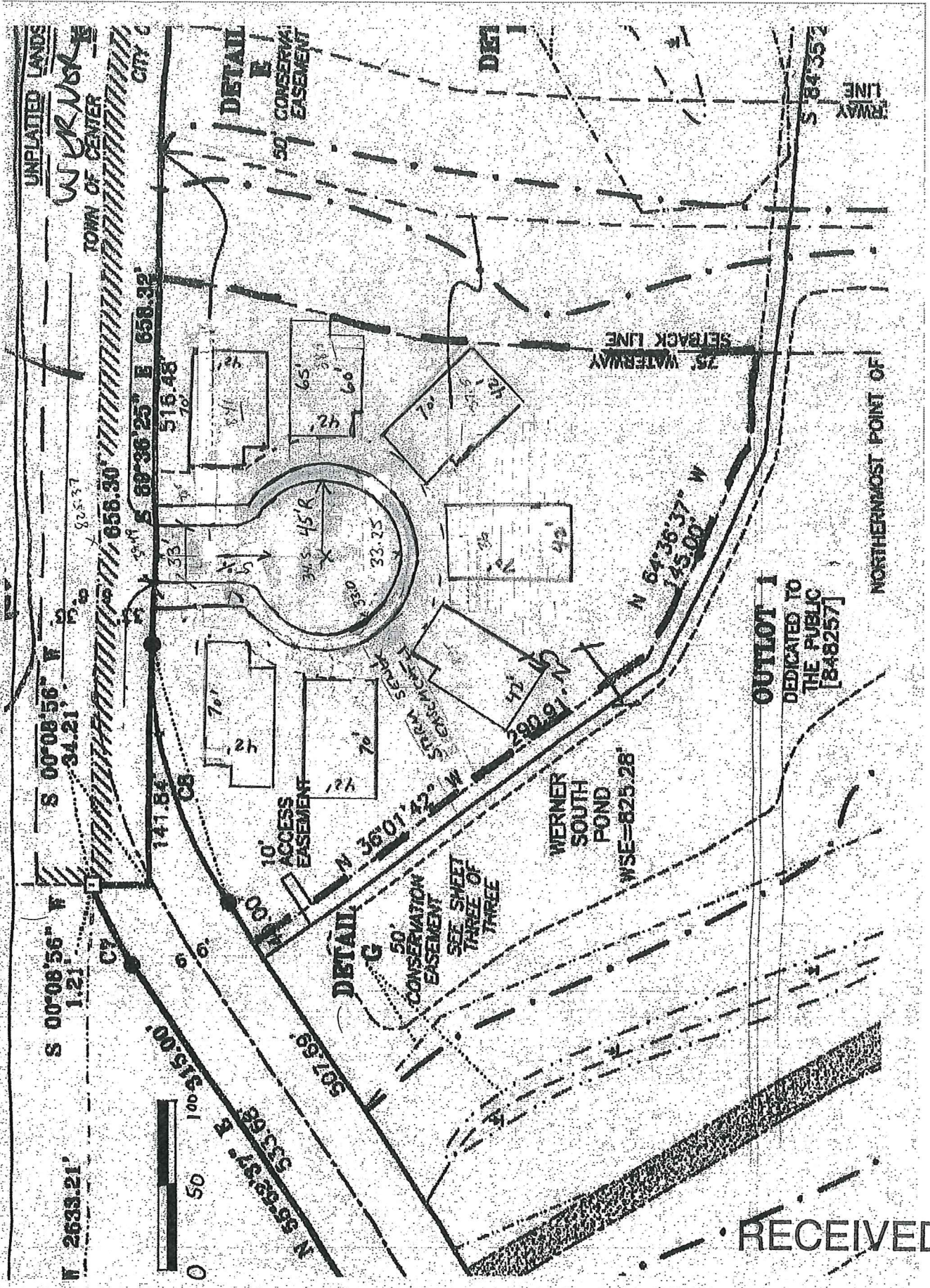


E. Werner Road
Rezoning
R-1B Single-Family District to
R-3 Multi-Family District
Zoning Map



E. Werner Road
Rezoning
R-1B Single-Family District to R-3 Multi-Family District
Aerial Map





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DEC 28 2015

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January 23, 2016

JAN 25 2016

Appleton City Plan Commission:

CITY OF APPLETON
COMMUNITY/ECON DEVELOPMENT

Thank you for the notification I received in the mail in regards to the Future Plan Use Map amendment request initiated by Vision Realty & Development. I am unfortunately traveling for work and will not be able to voice my opinion at the meeting on Monday, January 25, 2016. Please let this letter serve as my voice and my overall frustration and disapproval with Vision Realty & Development, their rezoning request, and the communication that has happened to date.

Having lived in Glacier Ridge for almost two years, I have enjoyed living in a part of Appleton that is truly unique and different. I fully understood when purchasing my house, that I was paying a premium to be living within Appleton city limits while enjoying more of a country atmosphere. While I cannot speak for my neighbors, I feel this is what draws the majority of homeowners to Glacier Ridge. The entire subdivision currently enjoys the views of wildlife that inhabit much of the area and tree line proposed to be demolished. The proposed family condo units will not only eliminate much of this experience for all, but also create more of an atmosphere of inner-city living that many specifically chose to get away from.

Being a part of the construction industry for the last 10 years, I'm fully aware of the difficulties many developers are facing to make their quotas work. My frustrations, however, lie in the opportunities for Vision Realty & Development to continue to develop lots and build the subdivision rather than resorting to building condos. Instead of creating an eyesore and lessening the values of the current homes, they should discuss internally with their investors other opportunities to turn a profit while enhancing the City of Appleton. Listing lots at their current size within Glacier Ridge for approximately \$70,000 - \$80,000 is ludicrous as is, let alone turning our view into condo units. I urge the Appleton City Planning Commission to not rezone the current property and force Vision Realty & Development to make some tough decisions rather than resorting to this last ditch effort.

I find it amazing that Vision Realty & Development can affect the lives of so many trying to push the rezoning effort through, while not properly communicating to anyone. Receiving a quick and careless letter on Thursday, January 21, 2016 from Jill Hendricks explaining their anticipated future plans is extremely frustrating and ridiculous for a meeting that takes place the following Monday, January 25, 2016. The current homeowners deserve better, as does the City of Appleton. I hope the City Planning Commission listens and upholds the wishes and frustrations of so many current residents, rather than give in to a company trying to fly under the radar and push through plans that not only affect our neighborhood but also the appearance and perception of northern Appleton.

Vision Realty & Development's mission statement is, *"It is our goal to develop neighborhoods for many generations to enjoy, while serving the community with honesty and integrity."* Through this process, it is easy to see that honesty and integrity were not shown to the homeowners of Glacier Ridge. This idea

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CITY OF APPLETON
COMMUNITY DEVELOPMENT
was never discussed or mentioned from anyone at Vision Realty with the current homeowners. When this idea or vision arose from Jill and her team, there should have been meetings set by Vision Realty to discuss the options and ideas to the current homeowners. None of these meetings took place or were considered.

Any good company is built on trust and relationships. I have a hard time correlating these adjectives with Vision Realty and Development throughout this process. I have seen many great examples that members of the City Planning Commission have done for numerous areas throughout this city. Please share in our enjoyment of the current landscape of Glacier Ridge and northern Appleton and DO NOT rezone this parcel of land. Thank you for your consideration.

Regards,

Dan Voss
6724 Kurey Dr.
Appleton, WI 54913

Vision Realty & Development

"looking for your future"



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JAN 25 2016

January 19 2016

CITY OF APPLETON
COMMUNITY/ECON DEVELOPMENT

Dear Glacier Ridge Homeowners:

You recently received a letter in the mail with regard to rezoning a parcel on the north section of our subdivision which is considered Lot 1 on the plat map. Currently it is zoned both residential and commercial. This allows us to use the land for residential or commercial development without any approval.

Our intent is to allow Meier Builders who has been building in our community for 4 generations and most recently is just completing a development called Clearwater Creek Condos. It consists of two duplex buildings and 16 single family homes on Haymeadow Ave approximately one mile from your homes. Each home is exceptionally built and has great curb appeal and character. We invite you to take a drive past to see their proposal homes for Glacier Ridge. We are requesting that this small section of land be rezoned to allow 7 single family condos only. The term Multifamily is somewhat of a reach as Condo units are considered multifamily when it comes to zoning.

We will be at the 1/25/16 planning meeting to get this approved by the City. Please feel free to call me directly prior to this meeting should you have any concerns or questions.

I can be reached at 920-676-4788 or email me at Jill@visionrealtyanddev.com I would be happy to talk about this in detail.

Respectfully,

Jill Hendricks
Vision Realty & Development LLC

SINGLE-FAMILY HOMES:

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JAN 25 2016

CITY OF APPLETON
COMMUNITY/ECON DEVELOPMENT





DUPLEX:



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JAN 25 2016

CITY OF APPLETON
COMMUNITY/ECON DEVELOPMENT

CONDO:



Declaration of Conditions, Covenants, and Restrictions for the
REPLAT OF LOTS 3-8, 20-24, 27-32, 36-41 and 44-48 of
Clearwater Creek

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CITY OF APPLETON

JAN 25 2016

This declaration is made the 13th, day of December, 2006, by Clearwater Creek, LLC, a Wisconsin corporation ("Developer").

CITY OF APPLETON
COMMUNITY/ECON DEVELOPMENT

1. No building erected elsewhere shall be moved onto any lot or lots.
2. No permanent structures (including, without exclusion of others, trailers, basement without residence above, tent, shack, garage, or barns of any kind) will be permitted for dwelling purposes.
3. No long term exterior storage (in excess of 30 days) of boats, motor homes, trailers, campers, RV's or vehicles of any kind permitted on lots within this subdivision.
4. All structures to be erected in the Subdivision shall have a pleasing and harmonious external design. Any dwelling which fails to conform to the following minimum specifications shall not be permitted on any lot:
 1. Minimum roof pitch shall be 8/12
 2. All homes shall have a minimum of ¾ masonry fronts.
 3. The minimum square footage of the main structure, exclusive of open porches, breezeways, and garages shall be not less than the following:
 - i. All Lots in the re-plat now numbered as follows: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23.

<u>Dwelling Type</u>	<u>Minimum Size</u>
One story above grade	2,000 square feet
Story and a half above grade	2,200 square feet
Two story above grade	2,400 square feet
5. Every house shall have a foundation below frost line. All dwellings shall have not less than a two-car garage attached thereto.
6. No residence shall be erected in the plat until the final plans and site plans for each building have been approved in writing by the proprietors of this Plat or by such person or persons as they may delegate, provided, however, that when a residence is completed it shall be conclusively presumed that this covenant has been complied with.
7. No fence shall be erected upon any lot in the plat without express written approval of the plat proprietors or their delegates.
8. All buildings shall be started on the grade established by the City Engineer of the City of Appleton. Setback lines shall conform to local zoning regulations except that Declarant may, in promoting overall harmony, establish other requirements in addition to such regulations.
9. The land occupied by public utility easements of the lots shall not be graded in such a manner as to interfere with drainage of storm water.
10. One single-story storage shed shall be allowed per lot. Said shed shall be located to the rear of the dwelling on said lot, shall have a maximum storage area not to exceed 144

square feet, and shall be constructed in a style and of materials that are similar to those used in the construction of the dwelling located on said lot.

11. All dwellings shall be completed within one year after the beginning of construction and every structure must have a permanent finish on the exterior within 6 months after the start of construction.
12. The covenants and restrictions herein contained shall be in effect for a term of twenty (20) years from the date this Declaration is recorded, after which time they shall automatically be extended for successive periods of ten (10) years, unless an instrument terminating or reducing this term shall be executed and recorded in the office of the Register of Deeds for Outagamie County.
13. No horse, cattle, swine, sheep, goats, or live poultry of any kind, nor more than two pets, shall be kept on any lot in this plat.
14. No nuisance shall be maintained or suffered to exist in the plat
15. Driveways to be of concrete or brick pavers and must be completed within one year after the curb and gutter is installed.
16. These covenants are enforceable by the proprietors of the plat and/or the owner of any lot in the subdivision by injunctive relief as well as any and every other legal right.
17. All fill and/or topsoil from plat must remain in the subdivision. Any fill or topsoil stockpiled within the subdivision is the property of the subdivision developer and is not part of the sale of the lot on which it is stockpiled. No fill or topsoil may be hauled out of this subdivision without permission of the developer.
18. All decisions of the developer shall be enforceable against any lot owner if made in a good faith exercise of the judgment or discretion of its members so long as such decision is not clearly in conflict with the express provisions of the declaration. Any lot owner or other person seeking to avoid, set aside or challenge any such decision of the developer shall have the burden of proof to establish that such standards were not met at the time the decision was made.
19. In furtherance and not in limitation of any of the terms of this declaration, the developer intends that this declaration shall be and remain at all times until expiration hereof, fully enforceable against all lots and any person, entity, trust, organization, governmental unit, or sovereign nation which becomes a lot owner. According, such person, entity, trust, organization, governmental unit, or sovereign nation which becomes a lot owner, whether by virtue or conveyance, operation of the law otherwise, shall be conclusively deemed to have waived any and all defenses to and immunity from enforcement of this declaration based upon the legal or ethnic status of such lot owner, including without limitation sovereign immunity, this declaration serving as full and adequate public notice of said waiver. Said waiver shall apply to the terms, conditions and encumbrances established in this declaration, together with any future liens, claims easements or encumbrances expressly permitted hereunder.
20. These declarations shall be construed and interpreted in favor of restricting the use of each lot consistent with the purposes hereof and any ambiguity shall be resolved against any lot owner who installs any structure or engages in any activity not clearly authorized under these declarations or approved in writing by the developer. These declarations shall be interpreted and construed in accordance with the laws of the state of Wisconsin.
21. No lot owner shall block, dam, or otherwise obstruct the flow of the surface water drainage so as to cause such water to back-up onto the lot of another property owner or so

22. Lawn and landscaping shall be completed within one year of occupancy in strict compliance with approved subdivision drainage plan.
23. *Any walkouts or exposed windows from lower level must have developer or designing engineer approval.*
24. Satellite dishes less than 26" in diameter, mounted on the principal structure, and not visible from the street shall be permitted. All other TV antennas must be contained within the home and not mounted on the roof.
25. The land on all side and rear lot lines of all lots shall be graded by the property owner and maintained by the abutting property owners to provide adequate drainage of surface water.
26. No poles, pedestals or buried cable are to be placed so as to disturb any survey stake or obstruct vision along lot lines or street line, a disturbance of a survey stake by anyone is a violation of section 236.32 of the Wisconsin Statutes.
27. The lot owner is required to perform all necessary maintenance and upkeep of the lot prior to construction, including keeping the lot free of trash, waste, brush, weeds, and long grass. At all times during construction, the site shall be maintained to developer's reasonable satisfaction in a neat and orderly manner. Construction debris shall be contained at all times in some manner as will prevent such material from blowing onto neighboring properties and/or streets.

Notary Public, State of Wisconsin
My commission expires:

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JAN 25 2016

Petition to deny Application for Rezoning








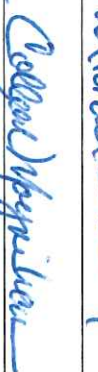
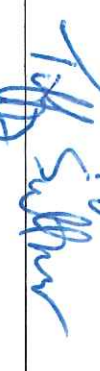


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CITY OF APPLETON

COMMITTEE SUMMARY and background

A rezoning application has been filed with the City of Appleton requesting a zoning change for Lot 1 (Parcel 1-9300-1) on Werner Road within the Glacier Ridge Subdivision. The zoning change requested is from Single Family to Multi-Family to support the building of seven (7) single family condominiums on a 5.14 acre lot. The current property owners in the Glacier Ridge subdivision are opposed to this rezoning and the plan to develop condominiums.

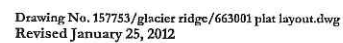
We, the undersigned, are concerned residents of Glacier Ridge Subdivision who urge our City Plan Commission and Common Council to deny the Application for Rezoning.

Printed Name	Signature	Address	Comment	Date
GRAENE HODSON		6622 N. KUREY DR		1/10/16
Amy M. Hodson		6622 N. Kurey Dr.		1/10/16
Tim Eikes		6703 N. Kurey Dr.		1/10/16
Paul Van Vleet		6545 N Kurey Dr		1/10/16
Michael Berg		6505 N Headwall Cir		1-10-16
Tegan Berg		6505 N Headwall Cir		1-10-16
Charlotte P. VanVleet		6545 N. Kurey Dr.		1-10-16
Lathene Tourey		6520 N. Kurey Dr.		1-10-16
Michael R Tourey		6520 N. Kurey Dr.		1-10-16
Colleen Meynken		6540 N. Headwall Cir.		1-10-16
Tiffany Suther		6419 N. Kurey Dr.		1-10-16

Printed Name	Signature	Address	Comment	Date
Don Suther		6449 N. Kurey Dr.		1-10-16
JEFF DANE		1767 Canton Court		1/10/16
AMANDA DANE				
Lisa Pierre	Dea Pierre	6634 N. Kurey Rd		1/10/16
Davis Pierce	Dave Pierce	6631 N. Kurey Rd		1/10/16
Julie Kolo	Joni Kolo	6402 N. Kurey Rd.		1-10-16
Art Kolo	Art Kolo	6402 N. Kurey Dr		1-10-16
Jackie Trunk	Jackie Trunk	6655 N. Kurey Dr.		1/23/16
Jim Trunk	Jim Trunk	6655 N. Kurey Dr.		1/23/16
DAN LOSS		6724 N. Kurey Dr.		1/23/16
Cornie Loores	Cornie Loores	6521 N. Kurey Dr.		1-23-16
CHRIS HSU	Chris Hsu	6544 N. Kurey Dr.		1/23/16
Marcy Throp		6600 N. Kurey Dr.		1/23/16
Edward Miller		6600 N. Kurey Dr.		1/23/16
Mary Ann Treaswell		6613 N. Kurey Dr.		1/23/16
Tammi Greene	Tammy Greene	6725 N. Kurey Dr		1/24/16

[illegible]

CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN



Amended
Restrictive Covenants
for
Glacier Ridge

Document Number

Document Title

Glacier Ridge Lots 1 through 63 City of Appleton, Outagamie County Wisconsin.

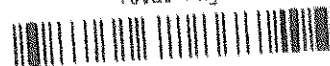
Being recorded to amend original document # 1805003

dated August 5, 2008 @ 12:00pm

Robert A. DeBruin wishes to add to original document
"NO SOLAR PANELS TO BE ALLOWED IN THE PLAT."

1807512

Recorded
Aug. 29, 2008 AT 01:15PM
OUTAGAMIE COUNTY
JANICE FLENZ
REGISTER OF DEEDS
Fee Amount: \$11.00
Total Pages 1



Recording Area

Name and Return Address

Vision Realty & Development
200 E Washington St
Appleton, WI 54911

ENVELOPE

Parcel Identification Number (PIN)

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals this 27 day of August, 2008.

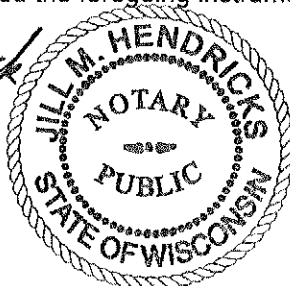
Glacier Ridge

By: Robert A. DeBruin
Robert A. DeBruin

STATE OF WISCONSIN)
)SS
COUNTY OF OUTAGAMIE)

Personally came before me this 28 day of August, 2008, the above named Robert A. DeBruin, known to me to be the person who executed the foregoing instrument.

Notary Public Jill M. Hendricks
Outagamie County, Wisconsin
My commission expires 12-25-2011



Drafted by Robert A. DeBruin

This information must be completed by submitter: document title, name & return address, and PIN (if required). Other information such as the granting clauses, legal description, etc. may be placed on this first page of the document or may be placed on additional pages of the document. Note: Use of this cover page adds one page to your document and \$2.00 to the recording fee. Wisconsin Statutes, 59.517. WRDA 2/96

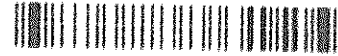
Restrictive Covenants
for
Glacier Ridge

Document Number

Document Title

1805003

Recorded
Aug. 05, 2008 AT 12:00PM
OUTAGAMIE COUNTY
JANICE FLENZ
REGISTER OF DEEDS
Fee Amount: \$21.00
Total Pages 6



Recording Area

21.00
6

Name and Return Address

VISION Realty & Development
200 E Washington St
Appleton, WI 54911

ENVELOPE

Parcel Identification Number (PIN)

RESTRICTIVE COVENANTS FOR GLACIER RIDGE
CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN

WHEREAS, Glacier Ridge (hereinafter Developer) is the owner of property known as Glacier Ridge, Lots 1 through 63, City of Appleton, Outagamie County, Wisconsin.

WHEREAS, said plat was recorded in the office of the Register of Deeds for Outagamie County, Wisconsin, on the 5th day of August, 2008, and filed as Document No. 1805002 Glacier Ridge is a part of the SECTION 36, TOWN 22 North, City of Appleton, Outagamie County, Wisconsin, Cabinet K, page 79-81 RANGE 17 East

1. PURPOSE

The purpose of these covenants is to ensure the use of property for attractive residential purposes only, to prevent nuisance and the impairment of the attractiveness of the property, to seek the use of quality materials and workmanship, to maintain the desired atmosphere and appearance of the community and, thereby, to secure to each site owner the full benefit and enjoyment of their home, with no greater restriction on the free and undisturbed use thereof, than is necessary, to ensure the same advantages to the other site owners.

2. MINIMUM FLOOR AREA & DESIGN

All structures to be erected in the Subdivision shall be of a pleasing and harmonious external design and shall conform with all established setback lines; and any dwelling that fails to conform to the specified minimum areas shall not be permitted on any lot, except with prior written approval of Developer. The square footage of the main structure, exclusive of open porches, breezeways and garages, shall not be less than the following:

Dwelling – Single Family Lots 1 through 6 Lots 27 through 45 Lots 53 through 63	Minimum Size
Ranch	2000 Sq. Ft. above grade
Split Level, Bi-Level & 1-1/2 Story	2400 Sq. Ft. above grade
Two Story	2400 Sq. Ft. above grade

Dwelling – Single Family Lots 7 through 26 Lots 46 through 52	Minimum Size
Ranch	2400 Sq. Ft. above grade
Split Level, Bi-Level & 1-1/2 Story	3000 Sq. Ft. above grade
Two Story	3000 Sq. Ft. above grade

3. LAND USE & BUILDING TYPE

No lot, whether alone or in combination with one or more other lots in this Subdivision, shall be used except for single-family residential purposes and restricted as follows:

- a. All dwellings shall have not less than a two-car garage attached thereto, of no less than 480 square feet
- b. All dwellings shall have a roof pitch of not less than 8/12.
- c. No used, modular, manufactured, geodesic dome or earth homes will be allowed on any lot.
- d. Developer requires that any and all builders obtain the written approval of Developer before commencing construction of any dwelling in the Subdivision.

- e. All homes, including attached garages, shall be completed within twelve (12) months after commencement of building construction and shall not be occupied prior to completion, except that the interior of the below grade level of split level and raised ranch homes need not be completed. All landscaping must be completed within one (1) year after occupancy, except that the Developer may approve a variance. Rocks, painted earth or sand in place of grass, to give a desert look, shall not be permitted. All lawns shall be a minimum of 80% mowed grass, except that the Developer may approve a variance. No un-mowed meadow growth (Prairie grass) shall be allowed. All driveways to the sidewalk line are to be hard-surfaced with concrete or brick pavers within one year of occupancy. The driveway from the sidewalk to the street is to be of concrete or brick pavers and completed within one year of the completion of the concrete street.
- f. Developer reserves the right to complete construction or landscaping that has commenced, but has not been completed within the above time-frame, and owner is not proceeding with due diligence to complete construction or landscaping. Any costs so incurred by Developer (including, but not limited to, attorney's fees and court costs) shall become a lien on the lot.
- g. No trailer, tent, shack, basement, garage, barn or other outbuilding shall be used temporarily or permanently as a residence.
- h. No dwelling shall exceed two (2) stories in height above finished grade level.
- i. All residential homes constructed within the Subdivision shall be required, at a minimum, to have brick or stone on 75% of the front of the home facing the street, except that a variance may be approved by the Developer for certain styles of homes, such as "Salt Box", etc.
- j. No outbuildings and/or sheds shall be allowed in the plat.
- k. During construction, no access to the building site shall be allowed through a ditch or over adjacent lots. If any damage is done to adjacent lots or ditches, the owner of the home under construction shall restore or pay the Developer or lot owner for the restoration of said property to its pre-damaged condition.
- l. No building materials shall be placed on any lot more than thirty (30) days prior to the time construction is to begin. No building materials shall remain on any lot more than thirty (30) days after construction is completed.
- m. All residences shall have basements or footings extending at least four (4) feet below grade.
- n. All trash and waste shall be kept in sanitary containers inside garage. Each lot owner is required to perform all necessary maintenance and upkeep of their lot. No trash, waste, brush, weeds or long grass is permitted. It is the lot owner's responsibility to keep the grass and weeds mowed prior to the start of construction of their residence.
- o. No external antenna, unless approved by the Developer, and no satellite dishes more than twenty-four (24) inches in diameter shall be allowed. No satellite dish shall be visible from the street passing by the front of the home.
- p. No above ground swimming pool shall be allowed in the Plat.
- q. The lot owner is required to perform all necessary maintenance and upkeep of the lot prior to construction, including keeping the lot free of trash, waste, brush, weeds, and long grass. At all times during construction, the site shall be maintained to Developer's reasonable satisfaction in a neat and orderly manner. Construction debris shall be contained at all times in some manner as will prevent such material from blowing unto neighboring properties and/or streets.

4. ARCHITECTURAL REVIEW

No dwelling or other house or structure shall be erected on any lot of this subdivision until the plans and specifications have been submitted to and approved by the Developer or Developer's assigns. If the Developer or Developer's assigns, as the case may be, fails to approve or disapprove such plans and specifications within sixty (60) days after the same have been submitted, said plans and specifications shall be deemed to have been approved. All decisions of the Developer or Developer's assigns shall be enforceable against any lot owner if made in a good faith exercise of the judgment or discretion

so long as such decision is not clearly in conflict with the express provisions of this declaration. Any person seeking to challenge any such decision of the Developer or Developer's assigns shall have the burden of proof to establish that such standards were not met at the time of the decision was made.

Submit plans and specifications to:
Jill Hendricks
Vision Realty & Development, LLC
200 E. Washington
Appleton, WI 54911

5. SET BACK

All set back lines shall conform to local zoning regulations except Declarant may, in promoting overall harmony, establish other requirements in addition to such municipal regulations.

6. IMPROVEMENTS

All lot sales will include paved streets, sewer and water lines stubbed to the lot line, and access to natural gas, telephone lines, cable television and underground electric.

7. GRADES

No building or structure shall be erected or landscaping done until grades have been established by a licensed land surveyor or engineer showing conformity with the approved drainage plan for the Subdivision. The cost of establishing grades shall be borne by the property owner. All lot owners shall be required to sign an affidavit acknowledging receipt of drainage requirements for each lot. The land on all side and rear lot lines of all lots shall be graded by the property owner and maintained by the abutting property owners to provide adequate drainage of surface water. All lots must maintain the site drainage plan and home elevation specified for each lot, as approved by the City of Appleton.

8. PETS

No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot; with the exception of dogs, cats or other household pets, which may be kept, provided they are not kept, bred or maintained for any commercial purpose. No doghouses, dog kennels, cages, sleeping quarters or any kind of outside housing for animals shall be allowed, except that a dog or pet run no larger than 100 sq. ft. in size may be constructed provided that it is not visible from the street passing by the front of the residence. In addition any dog or pet run must be visually hidden from the view of any adjacent lot owner. A dog or pet run may be visually hidden from view by wood fencing, as long as the finished side of the fence faces the lot of the adjoining neighbor or by shrubbery or plantings of sufficient size and placement to impede the view of the dog or pet run to adjacent owners. Solid wood fences are not allowed; board on board or basket weave patterns are acceptable.

9. VEHICLES

No unlicensed vehicles will be permitted on any lot, unless stored within a garage. No boats, recreational vehicles, campers, trailers, tractors, motorcycles, ATV's or lawn maintenance equipment will be permitted to be stored on any lot, unless stored within a garage. No bus, large truck, semi tractor and/or trailer shall be parked anywhere within the exterior boundaries of all phases or additions to Glacier Ridge, unless they are there less than 48 hours to facilitate a lot owners moving in or out.

10. COLORS

No bright or vivid green, blue, red or yellow siding shall be allowed on any residence or garage. The Developer shall have final approval of any shades of the aforementioned colors.

11. SIGNS

No sign of any kind shall be displayed to the public view on any lot, except one professional sign of not more than one (1) square foot and/or one sign of not more than five (5) square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

12. FENCING

No chain link or bare wire fencing will be allowed on any lot. Solid wood fences are not allowed. All other fencing shall require the prior written approval of the Developer or a designee. The City of Appleton may require a permit to install a fence on any lot.

13. FILL

All fill and/or topsoil from plat must remain in the subdivision. Any fill or topsoil stockpiled within the subdivision is the property of the subdivision Developer and is not part of the sale of the lot on which it is stockpiled. As long as the Developer owns any lot, in Glacier Ridge, the Developer reserves the right to direct the disposition of any dirt that is to be removed from any lot. However, such disposition, as directed by the Owner/Developer, shall be within a one-mile radius of the lot. It is the responsibility of the owner of the lot to contact the Developer prior to hauling out any fill. No fill or topsoil may be hauled out of this subdivision without permission of the Developer.

14. EASEMENTS

Easements for the installation and maintenance of utilities and drainage facilities are reserved, as shown on the recorded plat. Within these easements, no structure, planting or other materials shall be placed or permitted to remain that may damage or interfere with the installation or maintenance of utilities, or that may change the direction of flow of drainage channels in the easements, or that may obstruct or retard the flow of water through drainage channels in the easements. The easement area of each lot, and all improvements in it, shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility is responsible.

15. NUISANCES

No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

16. COVENANTS

a. These covenants shall run with the land, and all future conveyances of any lots of the Subdivision shall be subject to the conditions, covenants, obligations and restrictions set forth herein. Acceptance of a deed by any purchaser is considered an agreement to observe and abide by such covenants, conditions and restrictions for the protection of all owners within the subdivision.

b. Invalidity of any one of these covenants by judgment or court order shall in no way effect the remaining provisions, which shall remain in full force and effect.

c. These covenants and restrictions may be removed, modified, annulled, waived, changed and/or amended at any time and in any manner by a written Declaration setting forth such amendment, (a) by the Developer as long as the Developer owns any lot for resale in the subdivision; (b) after the Developer has sold all lots, then by the owners of at least 75% of the lots. The written Declaration shall be recorded in the office of the Register of Deeds for Outagamie County, Wisconsin.

d. The Developer and/or individual lot owners benefited by the Declaration may enforce these conditions, covenants and restrictions using any available legal or equitable remedies, including, by way of example only, affirmative or restrictive injunction. In the event of litigation to enforce these conditions, covenants and restrictions, the non-performing party or the party violating any of the conditions, covenants and restrictions shall reimburse the Developer and/or individual Owners for all out-of-pocket expenses (including actual attorneys' fees and court costs) incurred in successfully enforcing these conditions, covenants, and restrictions.

e. Variations in any of these covenants may be permitted by the Developer where they are reasonably satisfied that such variations will be pleasing and generally in keeping with the character of surrounding properties and will not be a detriment to the subdivision as a whole. After the Developer no longer owns any lot in the subdivision, requests for variations may be submitted to such review committee(s) as may be convened from among the property owners within the subdivision for consideration and approval or rejection.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals this 1 day of July, 2008.

Glacier Ridge

By: Robert A. DeBruin
Robert A. DeBruin

STATE OF WISCONSIN)
)SS
COUNTY OF OUTAGAMIE)

Personally came before me this 1 day of July, 2008, the above named Robert A. DeBruin, known to me to be the person who executed the foregoing instrument.

Notary Public Jill M. Hendricks
Outagamie County, Wisconsin

My commission expires 12-25-2011



Department of Public Works – Engineering Division

MEMO

TO: Finance Committee
Utilities Committee

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

DATE: March 1, 2016

RE: Request for approval to reallocate funds in the amount of \$305,660 budgeted in 2016 for Leona Pond Land Acquisition to the Northland Pond Construction Project.
(Attachment) *CRITICAL TIMING*

The Department of Public Works is requesting approval to reallocate funds in the amount of \$305,660 budgeted in 2016 for Leona Pond Land Acquisition to the Northland Pond Construction Project.

Reason for Request

The current 5-Year Capital Improvement Program identifies the following items relevant to this request:

Year	Description	Amount
2016	Leona Pond Land Acquisition	\$359,800
2017	Northland Pond Construction	\$4,144,000
2018	Leona Pond Construction	\$1,530,000

The 2017 construction budget item for Northland Pond includes funds for the DNR wetlands mitigation in-lieu fee. However, DNR, which is currently reviewing the permit application, has notified the City that it cannot issue the permit for the pond until the in-lieu fee is paid. The in-lieu fee is the amount required to be paid to DNR for the loss of 3.4 acres of wetlands onsite, because there is not room onsite to replace the lost wetlands. The DNR has a program funded by in-lieu fees to develop offsite wetlands for the purpose of replacing wetlands lost in projects like this.

To stay on schedule to construct Northland Pond in 2017, the City needs DNR permits in hand in 2016. This is primarily because the City cannot apply for the necessary Outagamie County permit until the DNR permit has been issued.

Northland/Leona Ponds Funding

March 1, 2016

-Page 2-

Since Leona Pond is not scheduled for construction until 2018, delaying the Leona Pond land purchase from 2016 into 2017 will not affect that construction schedule. Under this request, the remaining \$54,140 of 2016 Leona Pond Land Acquisition funds would be applied to miscellaneous Leona Pond Land Acquisition expenses in 2016, such as land appraisals and the Agricultural Impact Statement, while purchase of the land would occur in 2017, pending 2017 budget approval. This request effectively flips the years for expending funds for Leona Pond Land Acquisition and the Northland Pond In-Lieu Fee, without affecting construction schedule for either pond project.

Conclusion

Therefore, the Department of Public Works is requesting approval to reallocate funds in the amount of \$305,660 budgeted in 2016 for Leona Pond Land Acquisition to the Northland Pond Construction Project.

CITY OF APPLETON
Department of Public Works
MEMORANDUM

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

SUBJECT: Award of Contract

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

Unit A-16 Concrete Paving

Be awarded to:

Name: Vinton Construction
Address: 2705 N. Rapids Road
Manitowoc, WI 54221

In the amount of : \$3,181,258.91

With a 4.3 % contingency of : \$138,000.00

For a project total not to exceed : \$3,319,258.91

**** OR ****

In an amount Not To Exceed : _____

Budget: \$3,656,481.00
Estimate: \$3,300,000.00
Committee Date: 03/08/16
Council Date: 03/16/16

BID TABULATION				CONCRETE PAVEMENT				UNIT A-16	
Item	Description	Qty./	Unit	#1 - Vinton Construction Co.		#2 - Ptaschinski Const., Inc.		#3 - Michels Corporation	
				Unit Price/\$	Total/\$	Unit Price/\$	Total/\$	Unit Price/\$	Total/\$
1	Furnish & Install 7" Plain Concrete Pavement	25,227	sq. yds.	\$28.50	\$718,969.50	\$28.08	\$708,374.16	\$38.07	\$960,391.89
2	Furnish & Install 8" 3-Day High Early Concrete Pavement	300	sq. yds.	\$36.58	\$10,974.00	\$44.00	\$13,200.00	\$42.70	\$12,810.00
3	Furnish & Install 8" Doweled Concrete Pavement	32,396	sq. yds.	\$33.58	\$1,087,857.68	\$32.02	\$1,037,319.92	\$39.68	\$1,285,473.28
4	Furnish & Install 3" Asphalt Pavement	340	sq. yds.	\$36.36	\$12,362.40	\$36.36	\$12,362.40	\$36.36	\$12,362.40
5	Furnish & Install 8" Stone Base	12,299	sq. yds.	\$4.85	\$59,650.15	\$4.80	\$59,035.20	\$4.75	\$58,420.25
6	Excavation	5,760	cu. yds.	\$15.70	\$90,432.00	\$10.08 *	\$58,060.80	\$9.98	\$57,484.80
7	Furnish & Install Geogrid	12,209	sq. yds.	\$2.00	\$24,418.00	\$1.81	\$22,098.29	\$1.79	\$21,854.11
8	Fine Grading	51,024	sq. yds.	\$0.20	\$10,204.80	\$0.20	\$10,204.80	\$1.00	\$51,024.00
9	Swale Grading	500	sq. yds.	\$4.60	\$2,300.00	\$2.53	\$1,265.00	\$2.50	\$1,250.00
10	Excavate & Haul Contaminated Soil	500	ton	\$0.01	\$5.00	\$20.00	\$10,000.00	\$20.00	\$10,000.00
11	Furnish & Install Extra Stone Base	500	ton	\$15.00	\$7,500.00	\$12.63	\$6,315.00	\$12.50	\$6,250.00
12	Furnish & Install 18" Concrete Curb & Gutter	1642	lin.ft.	\$17.10	\$28,078.20	\$18.00	\$29,556.00	\$17.60	\$28,899.20
13	Furnish & Install 30" Concrete Curb & Gutter	1,937	lin.ft.	\$17.44	\$33,781.28	\$15.00	\$29,055.00	\$18.85	\$36,512.45
14	Furnish & Install 7" Concrete Driveway Apron	6,535	sq.ft.	\$4.80	\$31,368.00	\$4.24	\$27,708.40	\$6.00	\$39,210.00
15	Furnish & Install 5" Concrete Driveway Apron	18,665	sq.ft.	\$3.62	\$67,567.30	\$3.74	\$69,807.10	\$4.95	\$92,391.75
16	Furnish & Install 7" Concrete Sidewalk	2,090	sq.ft.	\$4.80	\$10,032.00	\$4.24	\$8,861.60	\$6.00	\$12,540.00
17	Furnish & Install 5" Concrete Sidewalk	35,475	sq.ft.	\$3.62	\$128,419.50	\$3.54	\$125,581.50	\$4.95	\$175,601.25
18	Furnish & Install 5" Concrete Sidewalk (Aurora & Lourdes)	20,555	sq.ft.	\$3.25	\$66,803.75	\$3.54	\$72,764.70	\$4.20	\$86,331.00
19	Furnish & Install 4" Concrete Sidewalk	36,865	sq.ft.	\$3.36	\$123,866.40	\$3.38	\$124,603.70	\$4.90	\$180,638.50
20	Furnish & Install 7" Concrete Handicap Ramp	4,030	sq.ft.	\$5.25	\$21,157.50	\$4.55	\$18,336.50	\$6.00	\$24,180.00
21	Furnish & Install Truncated Dome	712	sq. ft.	\$26.00	\$18,512.00	\$28.28	\$20,135.36	\$28.00	\$19,936.00
22	Furnish & Install 7" Private Concrete Driveway	420	sq.ft.	\$4.80	\$2,016.00	\$4.55	\$1,911.00	\$6.00	\$2,520.00
23	Furnish & Install 5" Private Concrete Driveway	1,620	sq.ft.	\$3.62	\$5,864.40	\$4.29	\$6,949.80	\$4.95	\$8,019.00
24	Furnish & Install 3" Private Asphalt Driveway	4,035	sq.ft.	\$3.89	\$15,696.15	\$3.89	\$15,696.15	\$3.88	\$15,655.80
25	Concrete Pavement Removal	4,078	sq. yds.	\$3.00	\$12,234.00	\$2.78	\$11,336.84	\$2.75	\$11,214.50
26	Asphalt Pavement Removal	53,161	sq. yds.	\$1.00	\$53,161.00	\$1.80	\$95,689.80	\$2.55	\$135,560.55
27	Concrete Curb & Gutter Removal	4,518	lin.ft.	\$2.00	\$9,036.00	\$2.02	\$9,126.36	\$2.00	\$9,036.00
28	Asphalt & Concrete Driveway Apron Removal	23,998	sq. ft.	\$0.30	\$7,199.40	\$0.50	\$11,999.00	\$0.30	\$7,199.40
29	Asphalt & Concrete Handicap Ramp Removal	1,868	sq. ft.	\$0.60	\$1,120.80	\$0.50	\$934.00	\$0.30	\$560.40
30	Asphalt & Concrete Sidewalk Removal	18,573	sq. ft.	\$0.50	\$9,286.50	\$0.50	\$9,286.50	\$0.35	\$6,500.55
31	Private Concrete Drive Removal	1,790	sq.ft.	\$0.60	\$1,074.00	\$0.50	\$895.00	\$0.35	\$626.50
32	Private Asphalt Drive Removal	1,890	sq.ft.	\$0.60	\$1,134.00	\$0.50	\$945.00	\$0.35	\$661.50
33	Full Depth Saw Cut	5,019	lin.ft.	\$1.75	\$8,783.25	\$2.00	\$10,038.00	\$2.10	\$10,539.90
34	Drill Tie Bars	1,424	each	\$7.00	\$9,968.00	\$8.00	\$11,392.00	\$8.69	\$12,374.56
35	Furnish & Install Terrace Restoration	35,311	sq. yds.	\$5.05	\$178,320.55	\$5.05	\$178,320.55	\$5.05	\$178,320.55
36	Furnish & Install Seed, Fertilizer, & Mulch	35,311	sq. yds.	\$0.65	\$22,952.15	\$0.65	\$22,952.15	\$0.65	\$22,952.15
37	Furnish & Install D.O.T. "D" Inlet Protection	120	each	\$80.00	\$9,600.00	\$98.00	\$11,760.00	\$98.00	\$11,760.00
38	Curlex Sediment Log	6	each	\$125.00	\$750.00	\$125.00	\$750.00	\$125.00	\$750.00
39	Adjust Storm Manhole Casting	60	each	\$25.00	\$1,500.00	\$250.00	\$15,000.00	\$347.91	\$20,874.60
40	Adjust Sanitary Manhole Casting	50	each	\$25.00	\$1,250.00	\$250.00	\$12,500.00	\$347.91	\$17,395.50
41	Adjust Inlet Casting	56	each	\$25.00	\$1,400.00	\$150.00	\$8,400.00	\$353.80	\$19,812.80
42	Remove Inlet/Manhole	20	each	\$250.00	\$5,000.00	\$303.00	\$6,060.00	\$352.87	\$7,057.40
43	Remove Inlet Lead	10	lin.ft.	\$25.00	\$250.00	\$32.93	\$329.30	\$328.49	\$3,284.90
44	Abandon Inlet/Lead	4	each	\$345.00	\$1,380.00	\$303.00	\$1,212.00	\$438.69	\$1,754.76
45	Furnish & Install 48" Storm Manhole	18	vert.ft.	\$100.00	\$1,800.00	\$298.00	\$5,364.00	\$415.74	\$7,483.32
46	Furnish & Install Sanitary Manhole Casting Only	8	each	\$300.00	\$2,400.00	\$555.00	\$4,440.00	\$629.18	\$5,033.44
47	Furnish & Install Storm Manhole Casting Only	8	each	\$288.00	\$2,304.00	\$555.00	\$4,440.00	\$615.03	\$4,920.24

Item	Description	Qty./	Unit	#1 - Vinton Construction Co.		#2 - Ptaschinski Const., Inc.		#3 - Michels Corporation	
				Unit Price/\$	Total/\$	Unit Price/\$	Total/\$	Unit Price/\$	Total/\$
48	Furnish & Install "E" Inlet Casting Only	33	each	\$416.00	\$13,728.00	\$505.00	\$16,665.00	\$603.43	\$19,913.19
49	Furnish & Install "C" Inlet Casting Only	8	each	\$400.00	\$3,200.00	\$505.00	\$4,040.00	\$569.24	\$4,553.92
50	Furnish & Install "C" Inlet w/Casting	13	each	\$1,684.00	\$21,892.00	\$1,666.50	\$21,664.50	\$1,853.11	\$24,090.43
51	Furnish & Install "E" Inlet w/Casting	12	each	\$1,727.00	\$20,724.00	\$1,692.00	\$20,304.00	\$1,892.56	\$22,710.72
52	Furnish & Install Yard Drain	1	each	\$1,505.00	\$1,505.00	\$1,414.00	\$1,414.00	\$1,249.09	\$1,249.09
53	Furnish & Install 12" Storm Sewer Inlet Lead	245	lin.ft.	\$62.50	\$15,312.50	\$62.12	\$15,219.40	\$72.27	\$17,706.15
54	Furnish & Install 6" Storm Lateral	30	lin.ft.	\$35.00	\$1,050.00	\$25.25	\$757.50	\$31.99	\$959.70
55	Storm Lateral Hook-up	2	each	\$50.00	\$100.00	\$171.70	\$343.40	\$270.78	\$541.56
56	Furnish & Install 6" Mini Sewer	100	lin.ft.	\$27.00	\$2,700.00	\$25.25	\$2,525.00	\$32.06	\$3,206.00
57	Furnish & Install 6" Storm Riser	50	lin.ft.	\$30.00	\$1,500.00	\$25.25	\$1,262.50	\$31.08	\$1,554.00
58	Connect Sump Pump	5	each	\$50.00	\$250.00	\$101.00	\$505.00	\$133.63	\$668.15
59	Furnish & Install Sanitary Manhole Seal 1 pc.	7	each	\$25.00	\$175.00	\$306.00	\$2,142.00	\$383.89	\$2,687.23
60	Furnish & Install Sanitary Manhole Seal 2 pc.	51	each	\$50.00	\$2,550.00	\$424.00	\$21,624.00	\$632.49	\$32,256.99
61	Furnish & Install Sanitary Manhole Seal 3 pc.	7	each	\$75.00	\$525.00	\$508.00	\$3,556.00	\$780.74	\$5,465.18
62	Notify Property Owners	1	lump sum	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$22,500.00	\$22,500.00
63	Remove Existing Pavement Marking	1,200	lin.ft.	\$1.10	\$1,320.00	\$1.10	\$1,320.00	\$1.10	\$1,320.00
64	Pavement Marking (Epoxy) (4")	9,685	lin.ft.	\$2.60	\$25,181.00	\$2.60	\$25,181.00	\$2.60	\$25,181.00
65	Pavement Marking (Epoxy) (6") (Bike Lanes)	4,990	lin.ft.	\$1.00	\$4,990.00	\$1.00	\$4,990.00	\$1.00	\$4,990.00
66	Pavement Marking (Epoxy) (6") (Cross Walks)	862	lin.ft.	\$7.55	\$6,508.10	\$7.55	\$6,508.10	\$7.55	\$6,508.10
67	Pavement Marking (Grooved Preformed Contrast Tape) (7")	2,213	lin.ft.	\$8.10	\$17,925.30	\$10.25	\$22,683.25	\$10.25	\$22,683.25
68	Pavement Marking (Epoxy) (8")	30	lin.ft.	\$1.80	\$54.00	\$1.80	\$54.00	\$1.80	\$54.00
69	Pavement Marking (Epoxy) (12")	353	lin.ft.	\$6.50	\$2,294.50	\$6.50	\$2,294.50	\$6.50	\$2,294.50
70	Pavement Marking (Epoxy) (18")	257	lin.ft.	\$9.75	\$2,505.75	\$9.75	\$2,505.75	\$9.75	\$2,505.75
71	Pavement Marking (Grooved Preformed Thermoplastic) (18")	432	lin.ft.	\$31.10	\$13,435.20	\$32.00	\$13,824.00	\$32.00	\$13,824.00
72	Pavement Marking (Grooved Preformed Thermoplastic Yield Triangles) (24"x36")	16	each	\$135.00	\$2,160.00	\$160.00	\$2,560.00	\$160.00	\$2,560.00
73	Pavement Marking (Epoxy) (Arrows & Symbols)	26	each	\$150.00	\$3,900.00	\$150.00	\$3,900.00	\$150.00	\$3,900.00
74	Pavement Marking (Epoxy) (Curb)	223	lin.ft.	\$6.50	\$1,449.50	\$6.50	\$1,449.50	\$6.50	\$1,449.50
75	Pavement Marking (Epoxy) (Island Nose)	5	each	\$150.00	\$750.00	\$150.00	\$750.00	\$150.00	\$750.00
76	Conduit Nonmetal, SCH80, 2"	4,378	lin.ft.	\$4.80	\$21,014.40	\$4.80	\$21,014.40	\$4.80	\$21,014.40
77	Conduit Nonmetal, SCH80, 3"	50	lin.ft.	\$9.00	\$450.00	\$9.00	\$450.00	\$9.00	\$450.00
78	Conduit Special, 2"	395	lin.ft.	\$12.00	\$4,740.00	\$12.00	\$4,740.00	\$12.00	\$4,740.00
79	Conduit Special, 3"	30	lin.ft.	\$20.00	\$600.00	\$20.00	\$600.00	\$20.00	\$600.00
80	Concrete Bases, City, Type 1 (12 3/4" BC)	1	each	\$560.00	\$560.00	\$560.00	\$560.00	\$560.00	\$560.00
81	Concrete Bases, Type 2	4	each	\$725.00	\$2,900.00	\$725.00	\$2,900.00	\$725.00	\$2,900.00
82	Concrete Bases, Type 5	21	each	\$700.00	\$14,700.00	\$700.00	\$14,700.00	\$700.00	\$14,700.00
83	Concrete Bases, Type 7	2	each	\$840.00	\$1,680.00	\$840.00	\$1,680.00	\$840.00	\$1,680.00
84	Concrete Bases, Type 10	2	each	\$1,250.00	\$2,500.00	\$1,250.00	\$2,500.00	\$1,250.00	\$2,500.00
85	Pull Boxes, Steel - 12" X 24"	2	each	\$445.00	\$890.00	\$445.00	\$890.00	\$445.00	\$890.00
86	Pull Boxes, Steel - 24" X 42"	10	each	\$630.00	\$6,300.00	\$630.00	\$6,300.00	\$630.00	\$6,300.00
87	Furnish & Install Traffic Control	1	lump sum	\$35,500.00	\$35,500.00	\$43,900.00	\$43,900.00	\$38,650.00	\$38,650.00
TOTAL: BID ITEM 1 THROUGH 87:					\$3,181,258.91	*	\$3,224,649.68		\$4,038,496.01



MEMORANDUM

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

TO: Community and Economic Development Committee
FROM: Karen Harkness, Director and Monica Stage, Deputy Director
DATE: March 3, 2016
RE: Final Award Recommendations for 2016 Community Development Block Grant Funding

The City of Appleton CDBG HUD award is \$535,325 for the 2016 fiscal year. This is \$15,325 higher than the anticipated award of \$520,000.

The 2016 awards approved in November 2015 by the Common Council totaled \$474,375 (City programs and sub recipients combined). There was \$45,625 undesignated during the process in November 2015. At this time, the total remaining for allocation is \$60,950, which includes the undesignated amount of \$45,625 and the increase in the actual award of \$15,325.

The CDBG Advisory Board was asked to consider a staff recommendation for the \$60,950 (below) or make their own recommendation for this funding.

Staff recommends allocating the \$60,950 as follows:

- 1. Award \$58,651 to City of Appleton Homeowner Rehabilitation Loan Program for Final Award of \$158,651.***

The Homeowner Rehabilitation Loan Program could use the additional CDBG funds remaining to be allocated. For the 2016 CDBG award, we had reduced our funding request by \$75,000 from our usual request due to an increase in program income at the beginning of 2015. However, that trend did not hold for the entire year and by the end of 2015, the Program Income ended up being less than anticipated. An additional \$58,651 would allow the program to rehabilitate 4 additional projects that otherwise would not be accomplished.

- 2. Award \$2,299 to 5 Public Service Sub-recipients divided equally increasing each award by \$460. Final Award amounts shown in red on the second attachment titled Award Recommendations for 2016 CDBG Program Year.***

Remember, there is a 15% cap on Public Service Activities per HUD regulations. Since the HUD award was higher than previously anticipated, we are allowed to allocate an additional \$2,299 to Public Service Activities. This increase of approximately \$460 to each previously allocated sub-recipient meets that 15% cap while expending the \$2,299 allocation.

The CDBG Advisory Committee unanimously recommends the approval of the staff recommendation.

This recommendation will be considered by CEDC on March 9th and Common Council on March 16th.

The Annual Action Plan is due to HUD **before** April 16th. This item will be listed as critical timing on the agenda as time is of the essence for final awards to allow for staff completion of the Annual Action Plan.

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

Attached Documents:

- 1.) November 11, 2015 Memo from Community Development Specialist to CEDC
RE: Recommendations for 2016 CDBG Funding
- 2.) Revised Award Recommendations for the 2016 CDBG Program Year
- 3.) Executive Summary of Award Recommendations for 2016 CDBG Program Year

If you have any questions, please contact Karen or Monica.



MEMORANDUM

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

TO: Community and Economic Development Committee
FROM: Roxy Schmidt, Community Development Specialist
DATE: November 11, 2015
RE: Recommendations for 2016 Community Development Block Grant Funding

Background. The estimated 2016 CDBG award listed in the 2016 City budget was \$520,000. This amount was estimated based on past award amounts. Staff determined the allocations for the Homeowner Rehabilitation Loan Program, Neighborhood Services Program, Appleton Housing Authority and administrative costs. The remaining amount was designated for community partners through a competitive application process.

Application Information. CDBG applications from community partners for the 2016 program year were due to the Community and Economic Development Department on September 25, 2015. Nine applications were submitted. Upon receipt, the applications were thoroughly reviewed by the Community and Economic Development Specialist for eligibility under HUD program regulations and it was determined that all were eligible.

Of the nine applications, seven fell under the “public service” activity definition. Only 15% of a grantee’s allocation may be used for public service activities, per HUD rules. The amount designated for public service activities and city programs is \$323,375, leaving \$196,625 to fund other proposed activities. The total amount applied for, and recommended to be allocated by the CDBG Advisory Board, for other activities totals \$151,000, leaving \$45,625 undesignated. The Board’s recommendation is to wait to decide how to allocate the remaining funding until the City is notified of its final award amount. HUD normally notifies the City of its award amount in spring (March or April).

Application Review. The CDBG Advisory Board met on November 4, 2015. (See attachment for information regarding Board membership.) Members were asked to review the applications and decide upon allocation amounts prior to the meeting. The allocation amounts made by each board member were compiled and discussed at the meeting. Allocation recommendations were agreed upon pursuant to this discussion.

Allocation Approval. The funding allocation recommendations for the Homeowner Rehabilitation Loan Program, Neighborhood Services Program, Appleton Housing Authority and administrative costs, as determined by staff, and the allocation recommendations from the CDBG Advisory Board for community partners are presented in the attached table for CEDC approval.

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

**AWARD RECOMMENDATIONS
for the 2016 CDBG Program Year**

Approved through City Budget process	NON-PUBLIC SERVICE	PROJECT ACTIVITY	PROJECTED OUTPUT	FUNDS WILL BE USED TO...	AMOUNT REQUESTED	CDBG ADVISORY BOARD \$ REC	CEDC \$ REC	CITY COUNCIL \$ REC	CDBG ADVISORY BOARD \$ REVISED REC
	City of Appleton Homeowner Rehabilitation Loan Program	housing	24 homes rehabbed	rehabilitate 24 homes for low or moderate income homeowners	\$ 100,000	N/A	N/A	N/A	\$ 158,651
	City of Appleton Neighborhood Services Program	neighborhood revitalization	TBD	award grants to the participating eligible registered neighborhoods for CDBG eligible activities that improve neighborhoods	\$ 40,000	N/A	N/A	N/A	\$ 40,000
	Fair Housing Services	administration	N/A	provide fair housing services as a program administration cost per HUD regulations	\$ 25,000	N/A	N/A	N/A	\$ 25,000
	Appleton Housing Authority	housing	TBD	assist first-time homebuyers with downpayments and rehabilitation, provide homebuyer counseling	\$ 60,000	N/A	N/A	N/A	\$ 60,000
	CDBG Program Administration Costs	administration	N/A	fund costs associated with administering the CDBG Program for the Finance and Community and Economic Development Departments	\$ 20,375	N/A	N/A	N/A	\$ 20,375
						\$ 245,375			\$ 304,026
Community Partner Applications	NON-PUBLIC SERVICE	PROJECT ACTIVITY	PROJECTED OUTPUT	FUNDS WILL BE USED TO...	AMOUNT REQUESTED	CDBG ADVISORY BOARD \$ REC	CEDC \$ REC	CITY COUNCIL \$ REC	CDBG ADVISORY BOARD \$ REVISED REC
	Greater Fox Cities Area Habitat for Humanity	housing	4 properties rehabilitated and sold to qualified homebuyers	acquire 4 properties to do full house rehabilitation and then sell to qualified low or moderate income homebuyers	\$ 96,000	\$ 96,000	\$ 96,000	\$ 96,000	\$ 96,000
	Housing Partnership of the Fox Cities	housing	1 property acquired	provide 2 rental units to income qualified persons	\$ 55,000	\$ 55,000	\$ 55,000	\$ 55,000	\$ 55,000
						\$ 151,000	\$ 151,000	\$ 151,000	\$ 151,000
	PUBLIC SERVICE	PROJECT ACTIVITY	PROJECTED OUTPUT	FUNDS WILL BE USED TO...	AMOUNT REQUESTED	CDBG ADVISORY BOARD \$ REC	CEDC \$ REC	CITY COUNCIL \$ REC	CDBG ADVISORY BOARD \$ REVISED REC
	Compassionate Home Health Care	public service	29 households served	support administrative staff and caregivers that provide in-home personal care	\$ 30,000	\$ -	\$ -	\$ -	\$ -
	Harbor House	public service	300 persons served	support counseling/advocacy staff persons that work with women and children affected by domestic violence	\$ 27,500	\$ 20,625	\$ 20,625	\$ 20,625	\$ 21,085
	Hispanic Chamber of Commerce	public service	20 persons served	support staff administering the training initiative program that provides education and workforce training for unemployed and underemployed persons	\$ 20,354	\$ -	\$ -	\$ -	\$ -
	Homeless Connections	public service	250 persons served	support house supervisor staff position and assist with utility bills	\$ 20,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,460
	LEAVEN	public service	83 households served	provide rental assistance to those at risk of homelessness through the Emergency Assistance Program	\$ 20,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,460
	NAMI	public service	15 participants served	support the Peer Specialist Training Program	\$ 23,440	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,460
	STEP Industries	public service	12-15 participants served	support staff and participants in a program that provides vocational and support services to individuals in recovery from drug and alcohol addiction	\$ 30,000	\$ 12,375	\$ 12,375	\$ 12,375	\$ 12,834
						\$171,294	\$78,000	\$78,000	\$80,299

	ORIGINAL COUNCIL RECOMMENDATION	REVISED
City Programs/Appleton Housing Authority/Administration	\$245,375	\$304,026
CDBG Advisory Board Recommendations	\$229,000	\$231,299
	\$474,375	\$535,325

This amount cannot exceed \$80,299 due to 15% cap on Public Service Activities per HUD regulations.

STAF NOTES:

\$474,375 PREVIOUSLY ALLOCATED
\$535,325 FINAL AWARD
60,950 TO BE AWARDED
58,651 NON-PUBLIC SERVICE
80,299 15% PUBLIC SERVICE CAP
2,299 PUBLIC SERVICE EXTRA
460 DIVIDED EQUALLY
\$535,325

EXECUTIVE SUMMARY

3/3/2016

AWARD RECOMMENDATIONS FOR 2016 CDBG PROGRAM YEAR

City Programs/Appleton Housing Authority/Administration	Council Approved November 2015	CDBG Advisory Board Revised Recommendation
City of Appleton Homeowner Rehabilitation Loan Program	\$ 100,000	\$ 158,651
City of Appleton Neighborhood Services Program	\$ 40,000	\$ 40,000
Fair Housing Services	\$ 25,000	\$ 25,000
Appleton Housing Authority	\$ 60,000	\$ 60,000
CDBG Program Administration Costs	\$ 20,375	\$ 20,375
Non-Public Service		
Greater Fox Cities Area Habitat for Humanity	\$ 96,000	\$ 96,000
Housing Partnership of the Fox Cities	\$ 55,000	\$ 55,000
Public Service (this amount cannot exceed 15% of the total award)		
Homeless Connections (Emergency Shelter of the Fox Valley)	\$ 15,000	\$ 15,460
LEAVEN	\$ 15,000	\$ 15,460
Harbor House	\$ 20,625	\$ 21,085
NAMI	\$ 15,000	\$ 15,460
STEP Industries	\$ 12,375	\$ 12,834
TOTAL	\$ 474,375	\$ 535,325

ARTICLE VI. STORMWATER MANAGEMENT STANDARDS AND PLANNING

DIVISION 1. IN GENERAL

Sec. 20-300. Authority.

(a) This ordinance is adopted by the Common Council of the City of Appleton under the authority granted by §62.234, Wis. Stat. This ordinance supersedes all ~~conflicting and contradictory provisions of a~~ stormwater management ~~regulations—ordinance~~ previously enacted under §62.23, Wis. Stat. that relates to stormwater management regulations. Except as specifically provided for in §62.234, Wis. Stat., §62.23, Wis. Stat. applies to this ordinance and to any amendments to this ordinance.

(b) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the same governing body.

(c) The Common Council of the City of Appleton hereby designates the Director of Public Works ~~or designee~~ to administer and enforce the provisions of this ordinance.

(d) The requirements of this ordinance do not preempt ~~more stringent~~ stormwater management requirements that may be imposed by any of the following:

(1) WDNR administrative rules, permits or approvals including those authorized under §281.16 and §283.33, Wis. Stat.

(2) Targeted non-agricultural performance standards promulgated in rules by the WDNR under NR 151, Wisconsin Administrative Code.

(Ord 188-03; §1, 10-21-03)

Sec. 20-301. Findings of fact.

The Common Council of the City of Appleton finds that uncontrolled post-construction ~~stormwater—runoff from land development activity~~ has a significant impact upon water resources and the health, safety, and general welfare of the City of Appleton ~~and diminishes the public enjoyment and use of natural resources~~. Specifically, uncontrolled ~~post-construction stormwater~~ runoff can:

(1) Degrade physical stream habitat by increasing streambank erosion, increasing streambed scour, diminishing groundwater recharge, diminishing

stream base flows and increasing stream temperature.

(2) Diminish the capacity of lakes and streams to support fish, aquatic life, recreational and water supply uses by increasing pollutant loading of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens and other urban pollutants.

(3) Alter wetland communities by changing wetland hydrology and by increasing pollutant loads.

(4) Reduce the quality of groundwater by increasing pollutant loads.

(5) Threaten public health, safety, property and general welfare by overtaxing storm sewers, drainage ways and other drainage facilities.

(6) Threaten public health, safety, property and general welfare by increasing major flood peaks and volumes.

(7) Undermine floodplain management efforts by increasing the incidence and levels of flooding.

~~(8) Diminish the public enjoyment of natural resources.~~

(Ord 188-03, §1, 10-21-03)

Sec. 20-302. Purpose and intent.

(a) **Purpose.** The purpose of this ordinance is to ~~establish long-term, post-construction runoff management set forth—stormwater management requirements and criteria that will prevent and control water pollution,~~ diminish the threats to public health, safety, welfare and ~~the aquatic life because of runoff of stormwater from land development or redevelopment~~ environment.

Specific purposes are to:

(1) Further the maintenance of safe and healthful conditions.

(2) Prevent and control the adverse effects of stormwater; prevent and control soil erosion; prevent and control water pollution; protect spawning grounds, fish and aquatic life; manage building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth.

- (3) Control exceedances of the safe capacity of existing drainage facilities and receiving water bodies; prevent undue channel erosion; control increases in the scouring and transportation of particulate matter; and prevent conditions that endanger downstream property.

(4) Minimize the amount of pollutants discharged from the separate storm sewer to protect waters of the state.

(b) **Intent.** It is the general intent of the City of Appleton that this ordinance achieve its purpose through:

- (1) Regulating long-term, post-construction stormwater ~~discharges~~ runoff from land development and redevelopment activities.
- (2) Controlling the quantity, peak flow rates, and quality of stormwater ~~discharges~~ runoff from land development and redevelopment activities.
- (3) Providing services to maintain and enhance the quality of life within the community.

(c) **Implementation.**

To this end the City of Appleton will manage post-construction stormwater runoff to protect, maintain and enhance the natural environment; diversity of fish and wildlife; human life; property; and recreational use of waterways within the city of Appleton and its extraterritorial area.

This ordinance may be applied on a site-by-site basis. The City of Appleton recognizes, however, that the preferred method of achieving the stormwater performance standards set forth in this ordinance is through the preparation and implementation of comprehensive, systems-level stormwater management plans that cover hydrologic units, such as watersheds, on a municipal and regional scale. Such plans may prescribe regional stormwater devices, practices or systems, any of which may be designed to treat runoff from more than one site prior to discharge to waters of the State of Wisconsin. Where such plans are in conformance with the performance standards developed under §281.16, Wis. Stat., for regional stormwater management measures, ~~are and have been~~ approved by the City of Appleton, ~~and constructed~~, it is the intent of this ordinance that the approved plan be used to identify post-construction management measures acceptable for the community.

(Ord 188-03, §1, 10-21-03)

Sec. 20-303. Title.

This ordinance shall be known as the Stormwater Management Standards and Planning Ordinance for the City of Appleton.

(Ord 188-03, §1, 10-21-03)

Sec. 20-304. Definitions.

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

Adequate sod, or self sustaining vegetative cover means maintenance of sufficient vegetation types and densities such that the physical integrity of the streambank or lakeshore is preserved, ~~and at a minimum has an effective cover of seventy percent (70%) or greater as determined by the line transect method, or another WDNR approved method.~~ Self-sustaining vegetative cover includes grasses, forbes, sedges and duff layers of fallen leaves and woody debris.

Administering authority means a governmental employee that is designated by the City of Appleton to administer this ordinance.

Agricultural facilities and practices has the meaning given in s. 281.16(1), Wis. Stats.

Agricultural use means bee keeping; commercial feed-lots; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint, and seed crops; raising of fruits, nuts, and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least thirty-five (35) acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; participation in the mile production termination program under 7 USC 1446 (d); and vegetable raising (§91.01(1), Wis. Stat.).

Atlas 14 means the National Oceanic and Atmospheric Administration (NOAA) Atlas 14 Precipitation-Frequency Atlas of the United States, Volume 8 (Midwestern States), published in 2013.

Average annual rainfall means a typical calendar year of precipitation as determined by the Wisconsin Department of Natural Resources for users of models such as WinSLAMM, P8 or equivalent methodology, ~~excluding snow, that is considered typical.~~ An average annual rainfall for Green Bay, 1969 (March 29-November 25) is applicable for the City of Appleton.

Best Management Practice or BMP means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize sediment or pollutants carried in runoff to waters of the state.

Business day means a day that offices of the City of Appleton are routinely and customarily open for business.

Cease and desist order means a court issued order to halt land ~~developing-disturbing construction~~ activity that is being conducted without the required permit or not in conformance with an existing permit.

City means the City of Appleton.

Common plan of development or sale means a development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan. A common plan of development or sale includes, but is not limited to, subdivision plans, certified survey maps and other developments.

Concentrated flow channel means a channel produced by erosion from runoff, or by construction, that would not be removed by tillage operations typically needed to prepare a field for crop production.

Connected imperviousness means an impervious surface connected to the water of the state via a separate storm sewer, an impervious flow path, or a minimally pervious flow path. ~~that is directly connected to a separate storm sewer or water of the state via an impervious flow path.~~

Construction site means an area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan.

Design storm means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency and total depth of rainfall. Rainfall amounts for 24-hour design rainfall events in Appleton are: 100-year, 5.35.50 inches; 10-year, 3.83.51 inches; 5-year, 3.33.01 inches; 2-year, 2.52.45 inches, and 1-year, 2.22.14 inches. The distribution shall be NOAA Atlas 14 MSE4.

Development means ~~new~~ residential, commercial, industrial or institutional land uses and associated roads.

Direct conduits to groundwater means wells,

sinkholes, swallets, fractured bedrock at the surface, sand or gravel surficial deposits, mine shafts, non-metallic mines, tile inlets discharging to groundwater, quarries, or depressional groundwater recharge areas over shallow fractured bedrock.

~~**Discharge volume** means the quantity of runoff discharged from the land surface as the result of a rainfall event.~~

Division of land means the creation from one or more parcels or building sites of additional parcels or building sites where such creation occurs at one time or through the successive partition within a 5-year period.

Effective infiltration area means the area of the infiltration system devoted specifically to active infiltration, this excludes-excluding areas required for site access, berms, pretreatment, or other area required for the installation, operation, or maintenance of the infiltration device.

~~**Erosion** means the detachment and movement of soil, sediment or rock fragments by water, wind, ice or gravity.~~

Erosion means the process by which the land's surface is worn away by the action of the wind, water, ice or gravity.

Exceptional resource waters means waters listed in NR 102.11, Wisconsin Administrative Code.

Existing land use condition means the condition of the ~~proposed~~ development site and the adjacent properties that are present at the time of the stormwater permit application.

Extraterritorial means the unincorporated area as defined in Ch. 236, Wis. Stat.

Fee in lieu means a payment of money to the City of Appleton in place of meeting all or part of the stormwater performance standards required by this ordinance.

Filtering layer means soil that has at least a 3-foot deep layer with at least 20 percent fines; or at least a 5-foot deep layer with at least 10 percent fines; or an engineered soil with an equivalent level of protection as determined by the regulatory authority for the site.

Final stabilization means that all land disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established with a density of at least seventy percent (70%) of the cover for the unpaved areas and

areas not covered by permanent structures or that employ equivalent permanent stabilization measures.

Financial guarantee means a performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the City of Appleton by the responsible party to assure that requirements of the ordinance are carried out in compliance with the stormwater management plan.

Governing body means the Common Council of the City of Appleton.

Impervious surface means an area that releases as runoff all or a large portion of the precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, driveways, parking lots and streets are examples of surfaces that typically are impervious. Gravel surfaces are considered impervious unless specifically designed for infiltration.

~~**In-fill** means undeveloped land located within existing urban areas, surrounded by already existing development, or existing development and natural or man-made features as shown on the in-fill map. The City shall establish a map identifying parcels of land in the City that constitute in-fill. As land is developed, the land shall no longer be included as in-fill, even though the in-fill map has not yet been updated. Updates of the map by the City shall not require committee or Council approval.~~

In-fill means an undeveloped area of land located within an existing urban sewer service area, surrounded by development or development and natural or man-made features where development cannot occur.

Infiltration means the entry of process by which precipitation or surface runoff enters into or travels through the soil.

Infiltration system means a device or practice such as a basin, trench, rain garden or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns, redirecting of rooftop downspouts onto lawns, or minimal infiltration from practices, such as swales or road side channels designed for conveyance and pollutant removal only.

~~**Land development (and land redevelopment) activity** means any activity that changes the volume or peak flow discharge rate of rainfall runoff or changes in the amount of soil erosion, sediment and pollutant loadings from the land surface. This applies to any change of land use including changes in vegetative cover, except this term does not include agricultural activities.~~

Land disturbing construction activity means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result ~~in changes~~ in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities and parking lot reconstruction, but does not include agricultural facilities and practices, silviculture activities or parking lot resurfacing.

Land user means any person operating, leasing, renting, or having made other arrangements with the landowner by which the landowner authorizes use of his or her land.

~~**Landowner** means any person holding title to or having an interest in land.~~

Landowner means any person holding fee title, an easement or other interest in property, which allows the person to undertake cropping, livestock management, land disturbing construction activity or maintenance of storm water BMPs on the property.

Major Stormwater Management Plan means a Stormwater Management Plan for a subdivision or a plan that proposes the use of one or more ~~proprietary~~ devices to meet standards or a non-one or two family site that is not considered a Minor Stormwater Management Plan.

Maintenance agreement means a legal document that is filed with the County Register of Deeds as a property deed restriction, and that provides for long-term maintenance of stormwater management practices.

~~**MEP or maximum extent practicable** means a level of implementing best management practices to achieve a performance standard specified in this ordinance that takes into account the best available technology, cost effectiveness and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties and geographic features.~~

Maximum extent practicable (MEP) means the highest level of performance that is achievable, but is not equivalent to a performance standard, taking into account the best available technology, cost effectiveness and other competing issues such as human welfare, endangered and threatened resources, historic properties and geographic features, pursuant to Sec. 20-311(f) of this code.

Minor Stormwater Management Plan means a Stormwater Management Plan for a site that has a regional stormwater facility in place that meets

applicable standards, has a 100-year event conveyance system to the regional facility in place, and is free from unusual conditions, including but not limited to, contamination, critical site designation, change in land use, high impervious ratio, or floodplain.

Natural wetlands means an area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and that has soils indicative of wet conditions. These wetlands include existing, mitigated and restored wetlands.

New development means development resulting from the conversion of previously undeveloped land or agricultural land uses.

~~**Non-residential land development** means all development excluding residential development and agricultural use.~~

~~**Non-stormwater discharge** means a discharge to the storm sewer system created by some process other than the runoff from precipitation.~~

Non-structural measure means a practice, technique, or measure to reduce the volume, peak flow rate, or pollutants, in stormwater that does not require the design or installation of fixed stormwater management facilities.

NRCS means the Natural Resources Conservation Service of the U.S. Department of Agriculture (USDA) formerly known as the SCS (Soil Conservation Service of the USDA).

NRCS MSE4 distribution means a specific precipitation distribution developed by the United States Department of Agriculture, Natural Resources Conservation Service, using precipitation data from Atlas 14.

Off-site means lands located outside the subject property boundary described in the permit application.

On-site means lands located within the subject property boundary described in the permit application.

Ordinary high-water mark has the meaning in NR 115.03(6), Wisconsin Administrative Code.

Outstanding resource waters means waters listed in NR 102.10, Wisconsin Administrative Code.

Parking lot reconstruction means removing asphalt to the base course by milling or other construction methods.

Parking lot resurfacing means removing a portion of an asphalt surface but leaving at least one inch (1") thickness of asphalt surface in place.

Peak flow or peak flow discharge rate means the maximum rate that a unit volume of stormwater is discharged. This is usually expressed in terms of cubic feet per second (cfs).

Percent fines means the percentage of a given sample of soil, that passes through a Number 200 sieve, in accordance with the "American Society for Testing and Materials", ~~current standard, volume 04.02, "Test Method C117 95 Standard Test Method for Materials Finer than 75 µm (No. 200) Sieve in Material Aggregates by Washing"~~.

Performance security means cash, or an irrevocable letter of credit submitted to the City of Appleton by the permit holder to assure that requirements of the ordinance are carried out in compliance with the stormwater management plan and to recover any costs incurred by the City for design, engineering, preparation, checking and review of plans and specifications, regulations and ordinances; and legal, administrative and fiscal work undertaken to assure and implement such compliance.

Performance standard means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

Permit means a written authorization made by the City of Appleton to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.

Permit application fee means a sum of money paid to the City of Appleton by the permit applicant for the purpose of recouping expenses incurred by the City in administering the permit.

Pervious surface means an area that releases as runoff a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests or other similar vegetated areas are examples of surfaces that typically are pervious.

Pollutant has the meaning in §283.01(13), Wis. Stat.

Pollution has the meaning in §281.01(10), Wis. Stat.

~~**Population** has the meaning in §281.66(1)(c), Wis. Stat.~~

Post-construction site means a construction site following the completion of land disturbing construction activity and final site stabilization.

Post-development land use condition means the extent and distribution of land cover types, anticipated to occur under conditions of full development or redevelopment that will influence rainfall runoff and infiltration.

Pre-development condition means the extent and distribution of land cover types present before the initiation of land disturbing construction activity, assuming that all land uses prior to development activity are managed in an environmentally sound manner.

~~**Pre-settlement land use condition** means land that has runoff characteristics equivalent to Runoff Curve Numbers (RCNs) of: 30, 58, 71 and 78 for Hydrologic Soil Groups A, B, C and D, respectively (as described in the USDA Soil Surveys for Outagamie, Winnebago and Calumet Counties, Wisconsin). This term is used for the purpose of matching of presettlement and post-development stormwater peak flows as required by this ordinance in §20-312(a)(1).~~

Pre-treatment is the practice of reducing pollutants in stormwater before discharging the stormwater to another pollution control structure.

Preventive action limit has the meaning in NR 140.05(17), Wisconsin Administrative Code.

Protective area means an area of land that commences at the top of the channel of lakes, streams and rivers, or at the delineated boundary of wetlands, and that it is the greatest of the following widths as listed in Sec. 20-312(d), as measured horizontally from the top of the channel or delineated wetland boundary to the closest impervious surface.

Redevelopment means areas where ~~new~~ development is replacing older development.

Residential land development means development that is created to house people, including the residential dwellings as well as all affected portions of the development including lawns, driveways, sidewalks, garages and access streets. This type of development includes single family, multi-family, apartment and trailer parks.

Responsible party means any ~~entity-person~~ holding fee title to the property or other ~~person-entity~~ contracted or obligated by other agreement to implement and maintain post-construction stormwater BMPs, or other requirements of this ordinance.

Runoff means stormwater or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.

Runoff Curve Number or RCNs means an index that represents the combination of: a hydrologic soil group, land use, land cover, impervious area, interception storage, surface storage, and antecedent moisture conditions. RCNs convert mass rainfall into mass runoff. The Natural Resources Conservation Service of the USDA defines RCNs in TR-55.

Sediment means settleable soil, rock fragments and other solids carried in runoff.

~~**Separate storm sewer** means a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, that meets all of the following criteria:~~

- ~~— (1) Is designed or used for collecting water or conveying runoff.~~
- ~~— (2) Is not draining to a stormwater treatment device or system.~~
- ~~— (3) Discharges directly or indirectly to waters of the state.~~

Separate storm sewer means a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all of the following criteria:

- (a) Is designed or used for collecting water or conveying runoff.
- (b) Is not part of a combined sewer system.
- (c) Is not part of a publicly owned wastewater treatment works that provides secondary or more stringent treatment.
- (d) Discharges directly or indirectly to waters of the state.

Silviculture activity means activities including tree nursery operations, tree harvesting operations, reforestation, tree thinning, prescribed burning, and pest and fire control. Clearing and grubbing of an area of a construction site is not a silviculture activity.

Site means the entire area included in the legal description of the land on which the land disturbing construction activity is proposed in the permit

application ~~or has occurred.~~

~~—SCS means the Soil Conservation Service now known as Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture.~~

Stop work order means an order issued by the City of Appleton that requires all construction activity on the site be stopped.

Stormwater conveyance system means any method employed to carry stormwater runoff within and from a land development or redevelopment activity to the waters of the state. Examples of methods include: swales, channels and storm sewers.

Stormwater management measure means structural or non-structural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes and/or peak flow discharge rates.

~~—Stormwater management plan means a comprehensive plan provided by the land developer, land owner or permit holder that identifies what actions will be taken to meet the requirements of this ordinance.~~

Stormwater management plan means a comprehensive plan provided by the land developer, land owner or permit holder that identifies the measure to be taken to reduce the discharge of pollutants from stormwater, and control the peak flow and volume of runoff after the site has undergone final stabilization, following completion of construction activity.

Stormwater management system plan is a comprehensive plan designed to reduce the discharge of runoff and pollutants from hydrologic units on a regional or municipal scale.

Targeted performance standard means a performance standard that applies in a specific area that requires additional practices to meet water quality standards.

Technical standard means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method. ~~[The following methods shall be used in designing the water quality, peak flow shaving and infiltration components of stormwater practices needed to meet the water quality standards of this ordinance:~~

~~(1) Technical standards identified, developed or disseminated by the WDNR under subchapter V of NR 151, Wisconsin Administrative Code.~~

~~(2) Where technical standards have not been identified or developed by the WDNR, other technical~~

~~standards may be used provided that the methods have been approved by the City of Appleton~~

Top of the channel means an edge, or point on the landscape landward from the ordinary high water mark of a surface water of the state, where the slope of the land begins to be less than twelve percent (12%) continually for at least fifty (50) feet. If the slope of the land is 12 percent (12%) or less continually for the initial fifty (50) feet landward from the ordinary high water mark, the top of the channel is the ordinary high water mark.

Total maximum daily load or TMDL means the amount of pollutants specified as a function of one or more water quality parameters, that can be discharged per day into a water quality limited segment and still ensure attainment of the applicable water quality standard.

TP means total phosphorus.

TP-40 means Technical Paper No. 40, Rainfall Frequency Atlas of the United States, published in 1961.

TR-55 means the United States Department of Agriculture, Natural Resources Conservation Services (previously Soil Conservation Service), Urban Hydrology for Small Watersheds, Second Edition, Technical Release 55, June 1986, which is incorporated by reference for this chapter, Soil Conservation Service, "Urban Hydrology for Small Watersheds," Technical Release 55, June 1992.

Transportation facility means a highway, a railroad, a public mass transit facility, a public-use airport, a public trail and also includes any other public work for transportation purposes such as harbor improvements under §85.095(1)(b), Wis. Stat. ~~A transportation~~ "Transportation facility-Facility" does not include building sites for the construction of public buildings and buildings that are places of employment that are regulated by the Department ~~of Commerce~~ pursuant to ~~§401.1205281.33~~, Wis. Stat.

TSS means total suspended solids.

Type II distribution means a particular dimensionless rainfall temporal pattern called a Type type II curve as established in the "United States Department of Agriculture, Soil Conservation Service, Technical Paper 149, published 1973". The Type II curve is applicable to all of Wisconsin and represents the most intense storm pattern.

Waters of the state has the meaning in §283.01(~~4820~~), Wis. Stat.

WDNR means the Wisconsin Department of Natural Resources.

WPDES permit means a Wisconsin pollutant discharge elimination system permit issued under Ch. 283, Wis. Stat.

Wetland functional value means the type, quality, and significance of the ecological and cultural benefits provided by wetland resources, such as: flood storage, water quality protection, groundwater recharge and discharge, shoreline protection, fish and wildlife habitat, floral diversity, aesthetics, recreation and education. (Ord 188-03, §1, 10-21-03; Ord 66-10, §1, 4-13-10; Ord 156-11, §1, 1-1-12)

Secs. 20-305 – 20-310. Reserved.

DIVISION 2. STORMWATER MANAGEMENT

Sec. 20-311. Applicability and jurisdiction.

(a) **Applicability.** This ordinance applies to all post-construction land development, redevelopment and infilling sites with one (1) acre or more of land disturbing construction activities, except:

- (1) A post-construction site with less than ten percent (10%) connected imperviousness of the total area based on area of land disturbance—complete development of the post-construction site, provided the cumulative area of all parking lots, roads and rooftops is less than one (1) acre. However, the exemption of this paragraph does not include exemption from the protective area standards of this ordinance.
- (2) Nonpoint discharges from agricultural Agricultural facilities and practices.
- (3) Nonpoint discharges from silviculture activities.
- (4) Underground utility construction such as water, sewer and fiberoptic lines. This exemption does not apply to the construction of any above ground structures associated with utility construction.

Notwithstanding these applicability requirements, this ordinance applies to any post-construction sites, of any size that, in the opinion of the City of Appleton, is likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter or that endangers property or public safety.

(b) **Jurisdiction.** This ordinance applies to post-construction land development and redevelopment sites within the boundaries of the City of Appleton and to all lands located within three (3) miles of the corporate limits pursuant to the City's extraterritorial plat approval jurisdiction as set forth in §236.45(2), Wis. Stat. even if plat approval is not involved.

(c) **County and town ordinances.** This ordinance supercedes any county or town stormwater management ordinance for lands annexed to the City after the effective date of the county's or town ordinance, except when the county's or town ordinance is more restrictive than this ordinance; then the more restrictive provisions set forth in the county or town ordinance shall become part of this ordinance and apply to the annexed lands. In

such cases, the City may grant a variance from the more restrictive requirements, provided, that the criteria for a variance as set forth in the county or town ordinance is met.

(d) **State agency.** This ordinance is not applicable to activities conducted by a state agency, as defined under §227.01(1), Wis. Stat., and the office of the district attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under §281.33(2), Wis. Stat.

(e) **Waivers.** Requests to waive the stormwater management plan requirements shall be submitted to the City of Appleton for approval. Written waivers may be granted administratively by the City for stormwater requirements that are required only by the City ~~(but not to those items required by the State of Wisconsin)~~ if it is demonstrated to the satisfaction of the City that it is reasonable to expect that the objectives of this ordinance will be met by the proposed post-construction land development and redevelopment activity without a stormwater management plan or portion thereof.

(f) **Applicability of maximum extent practicable.** Maximum extent practicable applies when a person who is subject to a performance standard of this ordinance demonstrates to the City's satisfaction that a performance standard is not achievable and that a lower level of performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the maximum extent practicable, the responsible party shall take into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.

(Ord 188-03, §1, 10-21-03; Ord 66-10, §1, 4-13-10)

Sec. 20-312. Stormwater management Performance standards.

Unless otherwise provided for in this ordinance, all post-construction land development, redevelopment and in-filling activities subject to this ordinance shall establish on-site management practices to control the peak flow rates of stormwater discharged from the site, the quality of the discharged stormwater, and the volume of the discharged stormwater as described in this ordinance. Technical standards identified, developed or disseminated by the WDNR under subchapter V of Chapter NR 151, Wisconsin Administrative Code shall be used. Where technical standards have not been identified or developed by the WDNR, other technical standards may be used provided that the methods have been approved by the City of Appleton. The responsible

party shall implement a post-construction stormwater management plan that incorporates the requirements of this section.

Exceptions to these standards are listed in §20-312(i) of this ordinance.

Maintenance of effort. For redevelopment sites where the redevelopment will be replacing older development that was subject to post-construction performance standards of NR 151 in effect on or after October 1, 2004, the responsible party shall meet the total suspended solids reduction, peak flow control, infiltration, and protective areas standards applicable to the older development or meet the redevelopment standards of this ordinance, whichever is more stringent.

Off-site Drainage. When designing best management practices for (a), (b) and (c) of this section, runoff draining to the best management practices from off site shall be taken into account in determining the treatment efficiency of the practice. Any impact on the efficiency shall be compensated for by increasing the size of the BMP accordingly.

~~(a) **Peak stormwater discharge rate.** Infiltration of stormwater runoff from driveways, sidewalks, rooftops, parking lots and landscaped areas shall be incorporated to the maximum extent practical to provide volume control in addition to control of peak flows.~~

(1) The proposed post-construction land use shall not increase peak flow rates of stormwater runoff from that which would have resulted from the same design storm occurring over the site with the land in its pre-~~settlement~~ development, woodland condition, as defined in ~~§20-304~~ Table 2 of this ordinance for storms of twenty-four (24) hour duration and recurrence intervals of one (1), two (2), five (5), ten (10) and one hundred (100) years. ~~For the low frequency runoff events, the 10 and 100 year recurrence interval events, appropriate RCNs are described in TR-55. For higher frequency runoff events, less than or equal to the 5 year recurrence interval event, separate drainage areas and RCNs should be used to calculate runoff and then combined. Appropriate curve numbers, as described in TR-55 and weighted based on the proposed land cover, shall be used in TR-55 calculations.~~ The composite RCNs as defined in TR-55 should not be used.

(2) All stormwater conveyance systems within the post-construction site shall be designed to completely contain the peak storm flows as

described herein. Calculations for determining peak flows for conveyance system sizing shall use RCNs based on the existing or future proposed land use for off-site areas (whichever results in the highest peak flows), and the proposed land use for on-site areas.

- a. For open channel conveyance systems the peak flow from the 100-year, 24-hour storm shall be completely contained within the channel bottom and banks.
 - b. For storm sewer conveyance systems the peak flow from the 5-year, ~~1/2 hour~~ storm ~~(or longer, if the time of concentration exceeds 30 minutes)~~ shall be completely contained within the storm sewers with no surcharging.
 - c. For storms greater than the 5-year, ~~1/2-hour~~ event, and up to the 100-year, 24-hour event, conveyance of flow to the appropriate waters of the state shall be within existing or proposed street right-of-ways or recorded drainage easements. In no case shall the depth of water exceed twelve (12) inches at the outer edge of pavement or six (6) inches at the road crown, whichever is less.
 - d. The 100-year storm runoff flow path outside of the storm sewer conveyance system must not impact structural improvements on property.
 - e. ~~Existing runoff onto the site must be managed to not restrict the flow onto the site or to create any additional stormwater ponding on adjoining properties unless there is written agreement with the affected property owners.~~ Existing flow onto the site cannot be restricted or modified to impact adjacent properties without a written agreement between property owners.
- (3) Determination of peak flow rates and volume of runoff for purposes of meeting the requirements of §20-312(a)(1) of this ordinance shall be computed by procedures based on the principals and procedures described in TR-55. Other proposed calculation methods must have prior written approval of the City of Appleton.

(4) The rainfall distributions for the storm

events shall be NOAA Atlas 14 MSE4, unless otherwise approved by the City of Appleton, based on the SCS Type II storms as described in TR-55. On a case-by-case basis, the City of Appleton may allow the use of TP-40 precipitation depths and the Type II distribution.

- (5) Existing wetlands shall not be incorporated in the proposed stormwater management practice for peak flow control. Peak flow ~~will~~ shall be managed prior to discharge to an existing wetland. Should any changes to natural wetlands be proposed, the impact of the proposal on wetland functional values shall be assessed and significant changes to wetland functional values shall be avoided (as defined by NR 103, Wisconsin Administrative Code).
- (6) Peak stormwater discharge reductions do not apply for a site meeting any one of these requirements:
 - a. Redevelopment post-construction sites less than five (5) acres in size.
 - b. In-fill development areas less than five (5) acres in size.
 - c. Sites that directly discharge to the Fox River without flowing over or through a municipally owned separate storm sewer or stormwater conveyance system.

(b) **Stormwater discharge quality.** Unless otherwise provided for in this ordinance, all post-construction land development and redevelopment activities subject to this ordinance shall establish on-site management practices to control the quality of stormwater discharged from the post-construction site. On-site management practices shall be used to meet the following minimum standards:

- (1) Total suspended solids (TSS). BMPs shall be designed, installed and maintained to control total suspended solids carried in runoff from the post-construction site as follows:
 - a. For new development, by design, reduce to the maximum extent practicable, the total suspended solids load by eighty percent (80%), based on the average annual rainfall, as compared to no runoff management controls.
 - b. For redevelopment less than five (5) acres of disturbed land, by design, reduce

to the maximum extent practicable, the total suspended solids load by forty percent (40%), based upon the average annual rainfall, as compared to no runoff management controls.

- c. For redevelopment five (5) acres or greater of disturbed land, reduce to the maximum extent practicable, the total suspended solids load by eighty percent (80%), based on the average annual rainfall, as compared to no runoff management controls.

~~d. For in-fill development less than five (5) acres of disturbed land, by design, reduce to the maximum extent practicable, the total suspended solids load by forty percent (40%), based on the average annual rainfall, as compared to no runoff management controls.~~

~~ed. For in-fill development five (5) acres or greater of disturbed land, by design, reduce to the maximum extent practicable, the total suspended solids load by eighty percent (80%), based on the average annual rainfall, as compared to no runoff management controls.~~

(2) Total phosphorus. (TP) All new development, redevelopment, and infill sites shall calculate the total phosphorus load and the amount of phosphorus removed with the proposed on site practices with an appropriate computer model. Both the load and the amount of removal shall be reported in the plan narrative and included in the computer model submitted for the project.

(23) Effectiveness of the stormwater management measures shall be evaluated using the latest version of the Source Loading and Management Model (WinSLAMM). Other models may be used with prior written approval of the City.

(34) Discharge of urban stormwater pollutants to natural wetlands without pre-treatment shall be avoided to the maximum extent practicable. Where such discharges are proposed, the impact of the proposal on wetland functional values shall be assessed using a method such as the WDNR's Rapid Wetland Functional Value Assessment, or other methods acceptable to the City of Appleton and the WDNR. Changes to

wetland functional values because of stormwater pollutant loads shall be avoided.
(Ord 66-10, §1, 4-13-10)

(c) ~~Stormwater discharge volume (infiltrationInfiltration).~~ Unless otherwise provided for in this ordinance, all post-construction land development and redevelopment sites subject to this ordinance shall ~~establish design, install and maintain~~ on-site best management practices ~~with the design capability to infiltrate runoff in accordance with the following,~~ to the maximum extent practicable.

~~(1) For residential developments one of the following shall be met:~~

~~a. Infiltrate sufficient runoff volume so that the post construction infiltration volume shall be at least ninety percent (90%) of the pre settlement infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than one percent (1%) of the project site is required as an effective infiltration area.~~

~~b. Infiltrate twenty five percent (25%) of the post construction runoff from the 2-year, 24 hour design storm with a Type II distribution. Separate curve numbers for pervious and impervious surfaces shall be used to calculate runoff volumes and not composite curve numbers as defined in TR 55. However, when designing appropriate infiltration systems to meet this requirement, no more than one percent (1%) of the project site is required as an effective infiltration area.~~

~~(2) For non residential development, one of the following shall be met:~~

~~a. Infiltrate sufficient runoff volume so that the post construction infiltration volume shall be at least sixty percent (60%) of the pre settlement infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than two percent (2%) of the project site is required as an effective infiltration area.~~

~~b. Infiltrate ten percent (10%) of the post construction runoff from the 2-year, 24-hour design storm with a Type II~~

distribution. ~~Separate curve numbers for pervious and impervious surfaces shall be used to calculate runoff volumes, and not composite curve numbers as defined in TR 55. However, when designing appropriate infiltration systems to meet this requirement, no more than two percent (2%) of the project site is required as an effective infiltration area.~~

(1) Low imperviousness. For development up to 40 percent (40%) connected imperviousness, such as parks, cemeteries, and low density residential development, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 90 percent (90%) of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than one percent (1%) of the post-construction site is required as an effective infiltration area.

(2) Moderate imperviousness. For development with more than 40 percent (40%) and up to 80 percent (80%) connected imperviousness, such as medium and high density residential, multi-family development, industrial and institutional development, and office parks, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 75 percent (75%) of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 2 percent (2%) of the post-construction site is required as an effective infiltration area.

(3) High imperviousness. For development with more than 80 percent (80%) connected imperviousness, such as commercial strip malls, shopping centers, and commercial downtowns, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 60 percent (60%) of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 2 percent (2%) of the post-construction site is required as an effective infiltration area.

(4) Pre-development. The pre-development condition shall be as specified in Table 1.

Table 1
Maximum Pre-Development Runoff Curve Numbers

<u>Runoff Curve Number</u>	<u>Hydrologic Soil Group</u>			
	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
<u>Woodland</u>	<u>30</u>	<u>55</u>	<u>70</u>	<u>77</u>
<u>Grassland</u>	<u>39</u>	<u>61</u>	<u>71</u>	<u>78</u>
<u>Cropland</u>	<u>55</u>	<u>69</u>	<u>78</u>	<u>83</u>

Where the pre-development condition is a combination of the Table 1 land uses, the runoff curve number shall be weighted based on area of land cover.

~~(35)~~ A model that calculates runoff volume, such as WinSLAMM, P8, or an equivalent methodology shall be used. Other models may be used with prior written approval of the City.

~~(46)~~ Before infiltrating runoff, pretreatment shall be required for parking lot runoff and for runoff from new road construction in commercial, industrial and institutional areas that will enter an infiltration system. The pretreatment shall be designed to protect the infiltration system from clogging prior to scheduled maintenance in accordance with §20-314 of this ordinance.

Pretreatment may include, but is not limited to, oil/grease separation, sedimentation, biofiltration, filtration, treatment swales or filter strips. It is desirable to infiltrate the cleanest runoff to meet the infiltration standard. To achieve this, the design may propose greater infiltration of runoff from some sources such as roofs, and lesser from dirtier sources such as parking lots.

~~(57)~~ For the purpose of this section, turf grass swales are not counted towards the one percent (1%) or two percent (2%) infiltration areas described in subsections (1) and (2).

~~(6) Exclusions.~~ ~~The runoff from the following areas are prohibited from meeting the requirements of this section:~~

~~a. Areas associated with tier 1 industrial facilities identified in NR 216.21(2)(a), Wisconsin Administrative Code, including storage, loading, rooftop and parking.~~

~~b. Storage and loading areas of tier 2 industrial facilities identified in NR 216.21(2)(b), Wisconsin Administrative Code. Runoff from tier 2 parking and rooftop areas may be infiltrated but may require pretreatment.~~

~~c. Fueling and vehicle maintenance areas.~~

~~d. Areas with less than three (3) feet separation distance from the bottom of the infiltration system to the elevation of seasonal high groundwater or the top of bedrock. This exclusion does not prohibit the infiltration of roof runoff.~~

~~e. Areas with runoff from industrial, commercial and institutional parking lots and roads and residential arterial roads with less than five (5) feet separation distance from the bottom of the infiltration system to the elevation of seasonal high groundwater or the top of bedrock.~~

~~f. Areas within four hundred (400) feet of a community water system well as specified in NR 811.16(4), Wisconsin Administrative Code, or within one hundred (100) feet of a private well as specified in NR 812.08(4), Wisconsin Administrative Code, for runoff infiltrated from commercial, industrial and institutional land uses or regional devices for residential development.~~

~~g. Areas where contaminants of concern, as defined in NR 720.03(2), Wisconsin Administrative Code, are present in the soil through which infiltration will occur.~~

~~h. Any area where the soil does not exhibit one of the following soil characteristics between the bottom of the infiltration system and the seasonal high groundwater and top of bedrock: at least a three (3) foot soil layer with twenty percent (20%) fines or greater; or at least a five (5) foot soil layer with ten percent (10%) fines or greater. This does not apply where the soil medium within the infiltration system provides an equivalent level of protection. This exclusion does not prohibit the infiltration of roof runoff.~~

~~(7) Exemptions. The following are not required~~

~~to meet the requirements of this section of this ordinance:~~

~~a. Areas where the infiltration rate of the soil is less than 0.6 inches/hour measured at the site by the double ring infiltrometer method at the depth of potential infiltration or another method acceptable to the City of Appleton.~~

~~b. Parking areas and access roads less than five thousand (5,000) square feet for commercial and industrial development.~~

~~c. Redevelopment post construction sites.~~

~~d. In fill development areas less than five (5) acres.~~

~~e. Infiltration areas during periods when the soil on the site is frozen.~~

~~f. Roads in commercial, industrial and institutional land uses and arterial residential roads.~~

(8) Source areas.

~~a. *Prohibitions.* Runoff from the following areas may not be infiltrated and may not qualify as contributing to meeting the requirements of this section unless demonstrated to meet the conditions identified in [Sec. 20-312\(c\)\(11\)](#):~~

~~i. Areas associated with a tier 1 industrial facility identified in s. NR 216.21(2)(a), including storage, loading and parking. Rooftops may be infiltrated with the concurrence of the regulatory authority.~~

~~ii. Storage and loading areas of a tier 2 industrial facility identified in s. NR 216.21(2)(b).~~

~~NOTE TO USERS: Runoff from the employee and guest parking and rooftop areas of a tier 2 facility may be infiltrated but runoff from the parking area may require pretreatment.~~

~~iii. Fueling and vehicle maintenance areas. Runoff from rooftops and fueling and vehicle maintenance areas may be infiltrated with the~~

concurrence of the regulatory authority.

b. Exemptions. Runoff from the following areas may be credited toward meeting the requirement when infiltrated, but the decision to infiltrate runoff from these source areas is optional:

i. Parking areas and access roads less than 5,000 square feet for commercial development.

ii. Parking areas and access roads less than 5,000 square feet for industrial development not subject to the Prohibitions under par a.

iii. Redevelopment post-construction sites. ~~Except as provided under Sec. 20-312, Maintenance of effort.—redevelopment post-construction sites.~~

iv. In-fill development areas less than 5 acres.

v. Roads on commercial, industrial and institutional land uses, and arterial residential roads.

(9) Location of practices.

a. Prohibitions. Infiltration practices may not be located in the following areas:

i. Areas within 1,000 feet upgradient or within 100 feet downgradient of direct conduits to groundwater.

ii. Areas within 400 feet of a community water system well as specified in s. NR 811.16(4) or within the separation distances listed in s. NR 812.08 for any private well or non-community well for runoff infiltrated from commercial, including multi-family residential, industrial and institutional land uses or regional devices for one- and two-family residential development.

iii. Areas where contaminants of concern, as defined in s. NR 720.03 (2), are present in the soil through which infiltration will occur.

b. Separation distances.

i. Infiltration practices shall be located so that the characteristics of the soil and the separation distance between the bottom of the infiltration system and the elevation of seasonal high groundwater or the top of bedrock are in accordance with Table 2.

Table 2
Separation Distances and Soil Characteristics

<u>Source Area</u>	<u>Separation Distance</u>	<u>Soil Characteristics</u>
<u>Industrial, Commercial, Institutional Parking Lots and Roads</u>	<u>5 feet or more</u>	<u>Filtering layer</u>
<u>Residential Arterial Roads</u>	<u>5 feet or more</u>	<u>Filtering layer</u>
<u>Roofs Draining to Subsurface Infiltration Practices</u>	<u>1 foot or more</u>	<u>Native or Engineered soil with particles finer than coarse sand</u>
<u>Roofs Draining to Surface Infiltration Practices</u>	<u>Not applicable</u>	<u>Not applicable</u>
<u>All Other Impervious Source Areas</u>	<u>3 feet or more</u>	<u>Filtering layer</u>

ii. Notwithstanding par. b., applicable requirements for injection wells classified under ch. NR 815 shall be followed.

c. Infiltration rate exemptions. Infiltration practices located in the following areas may be credited toward meeting the requirements under the following conditions, but the decision to infiltrate under these conditions is at the Developer's option:

i. Where the infiltration rate of the soil measured at the proposed bottom of the infiltration system is less than 0.6 inches per hour using a scientifically credible field test method.

ii. Where the least permeable soil horizon to 5 feet below the proposed bottom of the infiltration system using the U.S. Department of Agriculture method of soils analysis is one of the following: sandy clay loam, clay loam, silty clay loam, sandy clay, silty clay, or clay.

(10) Alternate use. Where alternate uses of runoff

are employed, such as for toilet flushing, laundry, or irrigation or storage on green roofs where an equivalent portion of the runoff is captured permanently by rooftop vegetation, such alternate use shall be given equal credit toward the infiltration volume required by this section.

(811) **Groundwater standards.**

a. Infiltration systems designed in accordance with this section shall, to the extent technically and economically feasible, minimize the level of pollutants infiltrating to groundwater and shall maintain compliance with the preventive action limit at a point of standards application in accordance with NR 140, Wisconsin Administrative Code. However, if site-specific information indicates that compliance with a preventive action limit is not achievable, the infiltration BMP shall not be installed or shall be modified to prevent infiltration to the maximum extent practicable. ~~exceedance of the preventive action limit.~~

~~(b) Regardless of the above paragraphs~~ Notwithstanding paragraph (a), the discharge from BMPs shall remain below the enforcement standard at the point of standards application.

(d) **Protective areas.** Protective area means an area of land that commences at the top of the channel of lakes, streams and rivers, or at the delineated boundary of wetlands, and that is the greatest of the widths described below, as measured horizontally from the top of the channel or delineated wetland boundary to the closest impervious surface. However, in this section, protective area does not include any area of land adjacent to any stream enclosed within a pipe or culvert, such that runoff cannot enter the enclosure at this location.

(1) Protective areas are:

- a. For outstanding resource waters and exceptional resource waters ~~and for wetlands in areas of special natural resource interest as specified in NR 103.04, Wisconsin Administrative Code,~~ seventy-five (75) feet.
- b. For perennial and intermittent streams identified on a United States geological survey 7.5-minute series topographic

map, or a county soil survey map, whichever is more current, fifty (50) feet.

~~e. For lakes and wetlands, fifty (50) feet. Wetland boundary delineations shall be made in accordance with NR 103.08(1m), Wisconsin Administrative Code. This paragraph does not apply to wetlands that have been completely filled in accordance with all applicable state and federal regulations. The protective area for wetlands that have been partially filled in accordance with all applicable state and federal regulations shall be measured from the wetland boundary delineation after fill has been placed.~~

~~d. For concentrated flow channels with drainage areas greater than one hundred thirty (130) acres, ten (10) feet.~~

~~e. Within a planned development or redevelopment site, the watercourses may be moved or graded. The protective area dimensions move with the watercourse, and the protective area shall be contained within the property being developed. The watercourse shall be designed to be non erosive and to have adequate capacity within the protective area using a 100 year, 24 hour storm. If watercourses are moved and leave the property at a different location, the watercourse downstream shall be protected from adverse impacts.~~

~~c. For lakes, 50 feet.~~

~~d. For wetlands not subject to par. e. or f., 50 feet.~~

~~e. For highly susceptible wetlands, 75 feet. Highly susceptible wetlands include the following types: calcareous fens, sedge meadows, open and coniferous bogs, low prairies, coniferous swamps, lowland hardwood swamps, and ephemeral ponds.~~

~~f. For less susceptible wetlands, 10 percent (10%) of the average wetland width, but no less than 10 feet nor more than 30 feet. Less susceptible wetlands include: degraded wetland dominated by invasive species such as reed canary grass; cultivated hydric soils, and any gravel pits, or dredged material or fill material disposal sites that take on the attributes~~

of a wetland.

g. In pars. d. to f., determinations of the extent of the protective area adjacent to wetlands shall be made on the basis of the sensitivity and runoff susceptibility of the wetland in accordance with the standards and criteria in s. NR 103.03.

h. Wetland boundary delineation shall be made in accordance with s. NR 103.08(1m). This paragraph does not apply to wetlands that have been completely filled in compliance with all applicable state and federal regulations. The protective area for wetlands that have been partially filled in compliance with all applicable state and federal regulations shall be measured from the wetland boundary delineation after fill has been placed. Where there is a legally authorized wetland fill, the protective area standard need not be met in that location.

i. For concentrated flow channels with drainage areas greater than 130 acres, 10 feet.

j. Notwithstanding pars. a. to i., the greatest protective area width shall apply where rivers, streams, lakes and wetlands are contiguous.

(2) This section applies to post-construction sites located within a protective area, except those areas exempted pursuant to sub 5.

(23) The following requirements shall be met:

- a. Impervious surfaces shall be kept out of the protective area entirely or to the maximum extent practicable. The stormwater management plan shall contain a written site-specific explanation for any parts of the protective area that are disturbed during construction.
- b. Where land disturbing construction activity occurs within a protective area, and where no impervious surface is present, adequate sod or self-sustaining native vegetative cover of seventy percent (70%) or greater shall be established and maintained. The self-sustaining vegetative cover shall be sufficient to provide for bank stability,

maintenance of fish habitat and filtering of pollutants from upslope overland flow areas under sheet flow conditions. Non-vegetative materials, such as rock riprap, may be employed on the bank as necessary to prevent erosion, such as on steep slopes or where high velocity flows occur.

~~e. Vegetation that is flood and drought tolerant and can provide long term bank stability because of an extensive root system is preferable. Vegetative cover can be measured using the line transect method described in the University of Wisconsin Extension publication number A3533, titled "Estimating Residue Using the Line Transect Method".~~

~~(3) This section applies to post construction sites located within a protective area.~~

~~(4c.)~~ Best management practices such as filter strips, treatment swales or wet detention basins, that are designed to control pollutants from nonpoint sources may be located in the protective area.

~~(5) Other regulations, such as Ch. 30, Wis. Stat., and NR 103, 115, 116 and 117, Wisconsin Administrative Code, and their associated review and approval processes may apply in the protective area.~~

~~(64)~~ A protective area established or created after the adoption date of this ordinance shall not be eliminated or reduced, except as allowed in subd. ~~75~~.b, c, or d below.

~~(75)~~ Protective areas do not apply to:

- a. Redevelopment ~~and routine maintenance areas~~ post-construction sites, provided the minimum requirements within subd. ~~64~~ above are satisfied.
- b. Structures that cross or access surface waters such as boat landings, bridges and culverts.
- c. Structures constructed in accordance with §59.692(1v), Wis. Stat.
- d. Post-construction sites from which runoff does not enter the surface water, including wetlands, without first being treated by a BMP, except to the extent

that vegetative ground cover is necessary to maintain bank stability.

e. Infill development less than 5 acres.

(Ord 66-10, §1, 4-13-10)

(e) **Fueling and vehicle maintenance areas.** Fueling and vehicle maintenance areas shall, to the maximum extent practicable, have BMPs designed, installed and maintained to reduce petroleum within runoff, such that the runoff that enters waters of the state contains no visible petroleum sheen. A combination of the following BMPs may be used: oil and grease separators, canopies, petroleum spill cleanup materials, or any other structural or non-structural method of preventing or treating petroleum in runoff.

(1) This ordinance applies to:

- a. New fueling and vehicle maintenance areas approved after the effective date of this ordinance.
- b. Any modifications to existing fueling and vehicle maintenance areas regardless of the size of the disturbed area. BMPs installed as part of a site modification shall, to the maximum extent practicable, be designed and operated to treat all stormwater leaving the site so that the stormwater contains no visible petroleum sheen.

(2) A stormwater management plan per §20-313 of this ordinance, a maintenance agreement per §20-314 of this ordinance and a stormwater permit per §20-321 of this ordinance are required.

(Ord 66-10, §1, 4-13-10)

(f) **General considerations for ~~on-site~~ stormwater management measures.** The following considerations shall be observed in on-site and off-site managing stormwater-runoff management.

- (1) Natural topography and land cover features such as natural swales, natural depressions, native soil infiltrating capacity and natural groundwater recharge areas shall be preserved and used, to the extent possible, to meet the requirements of this section.
- (2) Overland flow for all stormwater facilities shall be provided to prevent exceeding the safe capacity of downstream drainage facilities and prevent endangerment of downstream property or public safety.

(3) Overland flow paths from adjoining properties to an offsite facility must be maintained.

(4) Low impact development techniques and green infrastructure should be included to the extent possible. These techniques include but are not limited to: increasing the time of concentration by lengthening the flow path and increasing the roughness of the flow path, using native, deep rooted vegetation instead of turf grasses and deep tilling onsite compacted soil.

(Ord 66-10, §1, 4-13-10)

(g) Location and regional treatment option.

(1) The BMPs may be located on-site or off-site as part of a regional stormwater device, practice or system, but shall be installed in accordance with s. NR 151.003 Wis. Admin. Code.

(2) Post-construction runoff within a non-navigable surface water that flows into a BMP, such as a wet detention pond, is not required to meet the performance standards of this ordinance. Post-construction BMPs may be located in non-navigable surface waters.

(3) Post-construction runoff shall meet the post-construction performance standards prior to entering navigable surface water.

a. To the maximum extent practicable, BMPs shall be located to treat runoff prior to discharge to navigable surface waters.

b. Post-construction BMPs for such runoff may be located in a navigable surface water if allowable under all other applicable federal, state and local regulations such as NR 103, Wisconsin Administrative Code and §Chapter 30, Wis. Stat.

~~(4) The discharge of runoff from a BMP, such as a wet detention pond, or after a series of such BMPs is subject to this ordinance.~~

(4) The City of Appleton may approve off-site management measures provided that all of the following conditions are met:

a. The post-construction runoff is covered by a storm water management system

plan that is approved by the City of Appleton and that contains management requirements consistent with the purpose and intent of this ordinance.

b. The off-site facility meets all of the following conditions:

i. The facility is in place.

ii. The facility is designed and adequately sized to provide a level of storm water control equal to or greater than that which would be afforded by on-site practices meeting the performance standards of this ordinance.

iii. The facility has a legally obligated entity responsible for its long-term operation and maintenance.

iv. Permittee must demonstrate that the proposed post-construction land development or redevelopment activity has received permission to use the off-site facility.

v. Permittee must also demonstrate the flow path to the off-site facility will not result in negative impacts to structural improvements on the property.

vi. The Permittee must provide easements of all overland flow paths up to and including the overland flow path of the 100-year storm

(5) Where a regional treatment option exists such that the City of Appleton exempts the applicant from all or part of the minimum on-site storm water management requirements, the applicant ~~shall~~may be required to pay a one-time fee in an amount determined by the City of Appleton. In determining the fee for post-construction runoff, the City may consider an equitable distribution of the cost for land, engineering design, construction, and maintenance of the regional treatment option.

(6) The discharge of runoff from a BMP, such as a wet detention pond, or after a series of such BMPs, is subject to this ordinance.

(h) **Additional requirements.** The City of Appleton

may establish storm water management requirements more stringent than those set forth in this ordinance if the City determines that the requirements are needed to control storm water quantity or control flooding, comply with federally approved total maximum daily load requirements, or control pollutants associated with existing development or redevelopment.

~~(ih)~~ **Swale treatment for transportation facilities.**

(1) Applicability. Except as provided in §20-312(h)(2) of this ordinance, transportation facilities that use swales for runoff conveyance, ~~and~~ pollutant removal and infiltration meet the stormwater discharge quality requirements of this section, if the swales are designed to the maximum extent practicable to do all of the following:

a. Be vegetated. However, where appropriate, non-vegetative measures may be employed to prevent erosion or provide for runoff treatment, such as rock riprap stabilization or check dams. It is preferred that tall and dense vegetation be maintained within the swale because of its greater effectiveness at enhancing runoff pollutant removal.

b. ~~Carry runoff through a swale for two hundred (200) feet or more in length that is designed with a flow velocity no greater than 1.5 feet per second for the peak flow generated using either a 2-year, 24 hour design storm or a 2 year storm with a duration equal to the time of concentration as appropriate. If a swale of two hundred (200) feet in length cannot be designed with a flow velocity of 1.5 feet per second or less, then the flow velocity shall be reduced to the maximum extent practicable. Check dams may be included in the swale design to slow runoff flows and improve pollutant removal.~~ Swales shall comply with sections V.F. (Velocity and Depth) and V.G. (Slope Geometry Criteria) with a swale treatment length as long as that specified in section V.C. (Pre-Treatment) of the Wisconsin Department of Natural Resources technical standard 1005 "Vegetated Infiltration Swales", dated May 2007, or a superseding document. Transportation facility swale treatment does not have to comply with other sections of technical standard 1005.

(2) Exemptions ~~Other requirements.~~

a. The City of Appleton may, consistent with water quality standards, require other provisions of this section be met on a transportation facility with average daily traffic of vehicles greater than two thousand five hundred (2,500) per day and where the initial surface water of the state that the runoff directly enters is any of the following:

ai. An outstanding resource water.

bii. An exceptional resource water.

eiii. Waters listed in s. 303(d) of the Federal Clean Water Act that are identified as impaired in whole or in part, because of nonpoint source impacts.

div. Waters where targeted performance standards are developed under NR 151.004, Wisconsin Administrative Code, to meet water quality standards.

b. ~~The transportation facility authority shall contact the City to determine if additional BMPs beyond a water quality swale are needed under this subsection.~~

(Ord 66-10, §1, 4-13-10)

(ij) ~~Exceptions. The minimum requirements for on-site stormwater management practices established in §§20-312(a), (b) and (c) of this ordinance may be waived in part by the City of Appleton upon written request of the applicant, provided that at least one of the following conditions applies:~~

~~(1) Provisions are made to manage stormwater by an off site facility. This requires that the off site facility is in place, is designed and adequately sized to the requirements of this ordinance and has a legally obligated entity responsible for long term operation and maintenance of the stormwater practice. Permittee must demonstrate that the proposed post construction land development or redevelopment activity has received permission to use the off site facility. Permittee must also demonstrate the flow path to the off site facility will not result in negative impacts to structural improvements on the property. The Permittee must provide for easements of all overland flow paths up to~~

~~and including the overland flow path of the 100-year storm.~~

(i) (2) Innovative stormwater management systems that do not meet §20-312(a) or (b) of this ordinance must be reviewed and **accepted** by the City before installation.

(Ord 188-03, §1, 10-21-03)

Sec. 20-313. Stormwater management plans.

(a) *Plan requirements.*

(1) The stormwater management plan required under §20-321 of this ordinance shall contain any such information the City of Appleton may need to evaluate the ~~environmental~~ characteristics of the area affected by land development and redevelopment activities, the potential impacts of the proposed activity upon the quality and quantity of stormwater discharges, the potential impacts upon water resources and drainage systems and the effectiveness and acceptability of proposed stormwater management measures in meeting the performance standards set forth in this ordinance.

(b2) Certification. All initial and ~~revised-final~~ site investigations, plans, designs, computations and drawings for stormwater management measures and plans submitted for review shall be stamped by a professional engineer registered in the State of Wisconsin and be prepared in accordance with accepted engineering practice and in accordance with criteria set forth by the City of Appleton.

(Ord 66-10, §1, 4-13-10)

(eb) Minimum content. The stormwater management plan shall contain at a minimum the following information:

- (1) Name, address and telephone number for the following and their designees: landowner; developer; project engineer for practice design and certification; person(s) responsible for installation of stormwater management practices; and person(s) responsible for maintenance of stormwater management practices prior to the transfer, if any, of maintenance responsibility to another party.
- (2) A proper legal description of the property proposed to be developed in Outagamie County Coordinate System and referenced to the U.S. Public Land Survey system or to

block and lot numbers within a recorded land subdivision plat.

(3) Pre-~~settlement~~-development site conditions, including:

- a. One or more site maps of current site conditions at a scale of not less than one (1) inch equal one hundred (100) feet. The site maps shall show the following: site location and legal property description; predominant soil types and hydrologic soil groups; existing cover type and condition; topographic contours of the site; topography and drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; watercourses that may affect or be affected by runoff from the site; flow path and direction for all stormwater conveyance sections; watershed boundaries used in hydrology determinations to show compliance with performance standards; lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site; limits of the 100-year floodplain; location of wells and wellhead protection areas covering the project area and delineated pursuant to S. NR 811.16, Wisconsin Administrative Code.
- b. Hydrology and pollutant loading computations as needed to show compliance with performance standards. All major assumptions used in developing input parameters shall be clearly stated. The geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s).

(4) Post-construction site conditions, including:

- a. Explanation of the provisions to preserve and use natural topography and land cover features to minimize changes in peak flow runoff rates and volumes to surface waters and wetlands.
- b. Explanation of any restrictions on stormwater management measures in the development area imposed by wellhead protection plans and ordinances.

- c. One or more site maps at a scale of not less than one (1) inch equals one hundred (100) feet showing the following: post-construction pervious areas including vegetative cover type and condition; impervious surfaces including all buildings, structures and pavement; post-construction topographic contours of the site; post-construction drainage network including enough of the contiguous properties to show runoff patterns onto, through and from the site; locations and dimensions of drainage easements; locations of maintenance easements specified in the maintenance agreement; flow path and direction for all stormwater conveyance sections; location and type of all stormwater management conveyance and treatment practices, including the on-site and off-site tributary drainage area; location and type of conveyance system that will carry runoff from the drainage and treatment practices to the nearest adequate outlet such as a curbed street, storm drain, or natural drainage way; watershed boundaries used in hydrology and pollutant loading calculations and any changes to lakes, streams, wetlands, channels, ditches and other watercourses on and immediately adjacent to the site.

- d. Hydrology and pollutant loading computations as needed to show compliance with performance standards. The computations shall be made for each discharge point in the development and the geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s).

- e. Results of investigations of soil and groundwater required for the placement and design of stormwater management measures.

- f. Detailed drawings including cross-sections and profiles of all permanent stormwater conveyance and treatment practices.

(5) A description and installation schedule for the stormwater management practices needed to meet the performance standards in §20-312 of this ordinance.

(6) A maintenance plan developed for the life of each stormwater management practice

including the required maintenance activities and maintenance activity schedule.

- (7) Other information requested in writing by the City of Appleton to determine compliance of the proposed stormwater management measures with the provisions of this ordinance.

(dc) Alternate requirements. The City of Appleton may prescribe alternative submittal requirements for applicants seeking an exemption to on-site stormwater management performance standards under §20-312(c) of this ordinance.

(ed) Modifications. When a change in land use or stormwater management practice occurs at a site with an approved stormwater management plan, a modified stormwater management plan must be submitted to the City for review and approval before those changes in practice occur. Plan modifications shall be modeled in the latest version of WinSLAMM unless otherwise approved by the City.
(Ord 188-03, §1, 10-21-03; Ord 66-10, §1, 4-13-10)

Sec. 20-314. Maintenance agreement.

(a) **Maintenance agreement required.** The maintenance agreement required for stormwater management practices under §20-321(b) of this ordinance shall be an agreement between the City of Appleton and the responsible party to provide for perpetual maintenance of stormwater practices. The agreement shall be recorded with the appropriate (Outagamie, Winnebago, or Calumet) County Register of Deeds, as a property deed restriction so that it is binding upon all subsequent owners of land served by the stormwater management practices.
(Ord 66-10, §1, 4-13-10)

(b) **Agreement provisions.** The responsible party shall maintain stormwater management practices in accordance with the stormwater practice maintenance provisions contained in the approved stormwater management plan submitted under §20-321(b) of this ordinance. This maintenance agreement includes:

- (1) Identification of the stormwater facilities and designation of the drainage area served by the facilities.
- (2) A schedule for regular maintenance of each aspect of the stormwater management system consistent with the stormwater management plan as required under 20-321 of this code.
- (3) Identification of the responsible party(ies),

organization or city, county, town or village responsible for long-term maintenance of the stormwater management practices identified in the stormwater management plan as required under 20-321 of this code.

- (4) Requirement that the responsible party(ies), organization, or city, county, town or village shall maintain stormwater management practices in accordance with the schedule included in §20-314(b)(2) of this ordinance.
- (5) Authorization for the City of Appleton to access the property to conduct inspections of stormwater practices as necessary to ascertain that the practices are being maintained and operated in accordance with the approved stormwater management plan. The City of Appleton shall maintain public records of the results of the site inspections, shall inform the responsible party for maintenance of the inspection results and shall specifically indicate any corrective actions required to bring the stormwater management practice into proper working condition and a reasonable time frame during which the corrective action must be taken.
- (6) Authorization for the City of Appleton to perform the corrected actions identified in the inspection report if the responsible party does not make the required corrections in the specified time period. The City of Appleton shall charge the responsible party(ies) identified in the maintenance agreement for the cost of such work and shall place a lien on the property by the City of Appleton, which may be collected as special charges pursuant to subchapter VII, §66(16).

(c) **Modification of agreement.** This maintenance agreement may be modified by mutual agreement of the responsible party and the City of Appleton. The modification date shall be the date the modified maintenance agreement is recorded with the appropriate (Outagamie, Winnebago, or Calumet) County Register of Deeds, as a property deed restriction so that the modified agreement is binding upon all subsequent owners of the land served by the stormwater management practices.

The maintenance agreement shall be modified when there are changes in land use or stormwater management practices at the site. The modified plan shall be submitted and approved by the City before changes in practices occur.
(Ord 66-10, §1, 4-13-10)

(d) **Termination of agreement.** The maintenance agreement shall be terminated at such time that responsibility for maintenance of the stormwater management practice is legally transferred to the City of Appleton or agency acceptable to the City of Appleton, through a written, binding agreement. The termination date of the maintenance agreement required under §20-314(a) of this ordinance shall be the date upon which the legal transfer of maintenance responsibility to the City of Appleton or agency is made effective.
(Ord 188-03, §1, 10-21-03; Ord 66-10, §1, 4-13-10)

Secs. 20-315 – 20-320. Reserved.

DIVISION 3. PERMITTING AND FEES

Sec. 20-321. Permitting requirements, procedures and fees.

(a) **Permit required.** No ~~one responsible party~~ may undertake a land ~~disturbing construction development or redevelopment activity with one (1) acre or more of land disturbing construction activities~~, except 1- and 2-family residential lots, without receiving a post-construction runoff permit from the City of Appleton prior to commencing the proposed activity.

(b) **Permit application and fee.** Unless specifically excluded by this ordinance, any responsible party desiring a permit (permit holder) shall submit to the City of Appleton a permit application made on a form provided by the City of Appleton for that purpose.

- (1) Unless otherwise excepted by this ordinance, a permit application must be accompanied by a stormwater management plan, grading plan, utility plan, landscape plan, non-refundable permit review fee and an operation and maintenance plan and agreement as set forth in Table ~~43~~. The initial submittal and the final approved ~~version plan~~ shall be stamped by an engineer licensed in the State of Wisconsin in a hard copy format.

Table ~~43~~

Land Development Activity	Permit	Stormwater Management Plan	Grading & Drainage Plan	Maintenance Agreement
Agricultural Use	--	--	--	--
Non-Residential	X	X	X	X
1 & 2 Family Residential on 1 acre or greater lots	Permit is administered by the WDNR		X	--
Multi-Family Residential	X	X	X	X
Subdivision Development	X	X	X	X

- (2) The stormwater management plan shall be prepared to meet the requirements of §20-313 of this ordinance and the maintenance agreement shall be prepared to meet the requirements of §20-314 of this ordinance.
- (3) For 1- and 2-Family Residential on one (1) acre or greater lots, ~~with greater than one (1) acre of disturbed area~~, post-construction stormwater permits are administered by the WDNR. ~~A simple combined grading and drainage plan attached to the building~~

~~permit that shows grading, drainage and measures to manage stormwater will meet the requirements of this ordinance.~~

- (4) Plan ~~revising~~ revisions occurring after initial plan approval shall be submitted for review with an application, applicable changes to drawings, calculations, and the Operation and Maintenance Agreement. Fees shall be per (5) below.
- (5) Fees for the above-noted permits will include a non-refundable one hundred dollar (\$100) application fee and will be the actual costs incurred by the City. The application fee shall be credited toward the actual costs incurred by the City. Fees shall be payable within thirty (30) days of receipt of an invoice from the City. An invoice will be sent any time an applicant fails to resubmit a plan revision for ninety (90) days or more.

(Ord 66-10, §1, 4-13-10; Ord 157-11, §1, 1-1-12)

(c) Review and approval of permit application.

The City of Appleton ~~shall will~~ review any complete permit application that is submitted with ~~a stormwater management plan, grading plan, maintenance agreement and~~ the required fee. The following approval procedure ~~shall will~~ be used:

- (1) For a Major Stormwater Management Plan, within thirty (30) business days of the receipt of a complete permit application, including all documents as required by §20-321(b)(1) of this ordinance, the City of Appleton shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved. The City of Appleton shall base the decision on requirements set forth in §20-312, §20-313 and §20-314 of this ordinance.
- (2) For a Minor Stormwater Management Plan, within fifteen (15) business days of receipt of a complete permit application, including all documents as required by §20-321(b)(1) of this ordinance, the City of Appleton shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved. The City of Appleton shall base the decision on requirements set forth in §20-312, §20-313 and §20-314 of this ordinance.

- (3) If the stormwater permit application, stormwater management plan and maintenance agreement are approved, or if an agreed upon payment of fees in lieu of stormwater management practices are paid, the City of Appleton shall issue the permit.

- (4) If the stormwater permit application, stormwater management plan or maintenance agreement are disapproved, the applicant may revise the stormwater management plan or agreement, or may appeal the decision of the City of Appleton as provided for in §20-327 of this ordinance.

- (5) If additional information is submitted, the City of Appleton shall have thirty (30) business days from the date the additional information is received for a Major Stormwater Management Plan and fifteen (15) business days for a Minor Stormwater Management Plan to inform the applicant that the plan and maintenance agreement are either approved or disapproved.

- (6) Failure by the City of Appleton to inform the permit applicant of a decision within the timelines listed above shall be deemed to mean approval of the submittal and applicant may proceed as if permit has been issued.

(Ord 157-11, §1, 1-1-12)

(d) Stormwater practice installation and maintenance performance security. The City of Appleton may, at its discretion, require the submittal of a cash escrow, letter of credit, or performance security prior to issuance of the permit to ensure that the stormwater practices are installed and maintained by the responsible party as required by the stormwater management plan. The amount of the installation performance security shall be determined by the City of Appleton, not to exceed the total estimated construction cost of the stormwater management practices approved under the permit unless otherwise specified in the permit.

The amount of the maintenance performance security shall be determined by the City of Appleton, not to exceed ten- (10-) years of the maintenance costs estimated in the stormwater plan. The performance security shall contain forfeiture provisions for failure to complete work specified in the stormwater management plan.

Conditions for the release of performance security are as follows:

- (1) The installation performance security shall be released in full only upon submission of “as built plans” and written certification by ~~the design—a professional engineer registered in the State of Wisconsin~~ that the stormwater practice(s) were installed and function as intended in accordance with the approved plan and other applicable provisions of this ordinance. The City of Appleton may make provisions for a partial pro-rata release of the performance security based on the completion of various development stages including the final inspection of landscaping material.

- (2) The maintenance performance security, minus any costs incurred by the City of Appleton to conduct required maintenance, design, engineering, preparation, checking and review of designs, plans and specifications; supervision and inspection to ensure that construction is in compliance with applicable plans, specifications, regulations and ordinances; and legal, administrative and fiscal work undertaken to assure and implement such compliance, shall be released at such time that the responsibility for practice maintenance is passed on to another private entity, via an approved maintenance agreement, or to the City of Appleton.

(e) **Permit conditions.** All permits issued under this ordinance shall be subject to the following conditions, and holders of permits issued under this ordinance shall be deemed to have accepted these conditions. The City of Appleton may suspend or revoke a permit for violation of a permit condition, following written notification of the responsible party. An action by the City of Appleton to suspend or revoke this permit may be appealed in accordance with §20-327 of this ordinance.

- (1) Compliance with this permit does not relieve the responsible party of the responsibility to comply with other applicable federal, state and local laws and regulations.
- (2) The responsible party shall design, install and maintain all structural and non-structural stormwater management measures in accordance with the approved stormwater management plan, maintenance agreement and this permit.

- (3) The responsible party shall notify the City of Appleton at least three (3) business days before commencing any work in conjunction with the stormwater management plan, and within five (5) business days upon completion of the stormwater management practices.

If required as a special condition, the permit holder shall make additional notification according to a schedule set forth by the City of Appleton so that practice installations can be inspected during construction.

- (4) Completed stormwater management practices must pass a final inspection to determine if they are in accordance with the approved stormwater management plan and ordinance. The inspection must be made by the City of Appleton, or other competent professionals. The City of Appleton shall notify the permit holder in writing of any changes required in such practices to bring them into compliance with the conditions of this permit. The responsible party is further required to submit an as-built plan and a certificate of completion, stating the completion of the permitted work is in accordance with the stormwater management plan, City of Appleton, state and federal requirements. The certificate must be signed by the design engineer.
- (5) The responsible party shall notify the City of any significant modifications it intends to make to an approved stormwater management plan. The City of Appleton may require that the proposed modifications be submitted for approval prior to incorporation into the stormwater management plan and execution by the responsible party.
- (6) The responsible party shall maintain all stormwater management practices specified in the approved stormwater management plan until the practices either become the responsibility of the City of Appleton, or are transferred to a subsequent responsible party as specified in the approved maintenance agreement.
- (7) The responsible party authorizes the City of Appleton to perform any work or operations necessary to bring stormwater management measures into conformance

with the approved stormwater management plan, and consents to placing associated costs upon the tax roll as a special lien against the property which may be collected as special charges pursuant to ~~§66.60(16)66.0627~~, Wis. Stat. by the City of Appleton or to charging such costs against the letter of credit, or cash bond posted for the project.

(8) If so directed by the City of Appleton, the responsible party shall repair at the permit holder's own expense all damage to adjoining municipal facilities and drainage ways caused by ~~stormwater~~ runoff, where such damage is caused by activities that are not in compliance with the approved stormwater management plan.

(9) The responsible party shall permit property access to the City of Appleton or its designee for the purpose of inspecting the property for compliance with the approved stormwater management plan and this permit.

(10) Where necessary, it shall be the responsibility of the permit holder to obtain any appropriate easements or other necessary property/interests with affected property owners concerning the prevention of endangerment to property or public safety. ~~the responsible party must obtain from adjacent property owners any easements or other required property interests concerning flowage of water and the prevention of endangerment to property or public safety.~~ Issuance of this permit does not create or affect any such rights.

(11) The owner is subject to the enforceable actions detailed in §20-326 of this ordinance if the responsible party fails to comply with the terms of this permit.

(Ord 66-10, §1, 4-13-10)

(f) **Permit duration.** The responsible party must start the permit activities within one (1) year of the date the permit is issued. An extension of one (1) year may be granted by the Director, provided a written request is submitted to the Director prior to the expiration date for the initial permit. If permit activities are not started, then a new permit application and fee may be required.
(Ord 66-10, §1, 4-13-10)

(g) **Fee in lieu of on-site stormwater management practices.** Where the City of Appleton waives all or part

of the minimum on-site stormwater management requirements under §20-313(c) of this ordinance, or where the waiver is based on the provision of adequate stormwater facilities provided by the City of Appleton downstream of the proposed development or redevelopment, as provided for under §20-312 of this ordinance, the applicant shall be required to pay a fee in an amount as determined by the City of Appleton pursuant to ~~§66.07666.0617~~, Wis. Stat. and any other applicable law.

(Ord 188-03, §1, 10-21-03)

Secs. 20-322 – 20-325. Reserved.

DIVISION 4. ENFORCEMENT AND APPEALS

Sec. 20-326. Enforcement and penalties.

(a) Any land ~~development or redevelopment~~ disturbing construction activity or any post-construction runoff initiated after the effective date of this ordinance by any person, firm, association or corporation subject to the ordinance provisions shall be deemed a violation unless conducted in accordance with ~~said provisions~~ the requirements of this ordinance.

(b) The City of Appleton shall notify the responsible party or owner ~~in writing~~ by certified mail of any non-complying land ~~disturbing construction development or redevelopment~~ activity or post construction runoff. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action and additional enforcement action, which may be taken.

(c) Upon receipt of written notification from the City of Appleton, the responsible party or owner shall correct work, ~~which that~~ does not comply with the stormwater management plan or other provisions of this permit, ~~within thirty (30) days~~. The responsible party or owner shall make corrections as necessary to meet the specifications and schedule set forth by the City of Appleton in the notice.

(d) If the violations to a permit issued pursuant to this ordinance are likely to result in damage to properties, public facilities, or waters of the state, the City of Appleton may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the City of Appleton plus interest and legal costs shall be billed to the responsible party or owner.

(e) The City of Appleton is authorized to post a stop work order on all land ~~disturbing construction development or redevelopment~~ activity that is in violation of this ordinance, or to request the Appleton City Attorney to obtain a cease and desist order.

(f) The City of Appleton may revoke a permit issued under this ordinance for non-compliance with ordinance provisions.

(g) Any permit revocation, stop work order or cease and desist order shall remain in effect unless retracted by the City of Appleton or by a court of competent jurisdiction.

(h) The City of Appleton is authorized to refer any violation of this ordinance, or of a stop work order or cease and desist order issued pursuant to this ordinance to the Appleton City Attorney for the commencement of further legal proceedings.

(i) Any person, firm, association or corporation who does not comply with the provisions of this ordinance shall be subject to the general penalty provisions of the Appleton Municipal Code §1-16. Each day that the violation exists shall constitute a separate offense.

(j) Violations of this ordinance deemed to be a public nuisance shall be subject to abatement under §12-32 of the City of Appleton Municipal Code or compliance with this ordinance may be enforced by injunctive order in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctive proceedings.

(k) When the City of Appleton determines that the holder of a permit issued pursuant to this ordinance has failed to follow practices set forth in the stormwater management plan submitted and approved pursuant to §20-321 of this ordinance, or has failed to comply with schedules set forth in said stormwater management plan, the City of Appleton or a party designated by the City of Appleton may enter upon the land and perform the work or other operations necessary to bring the condition of said lands into conformance with requirements of the approved plan. The City of Appleton shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any performance or maintenance security posted pursuant to §20-321 of this ordinance. Where such a security has not been established, or where such a security is insufficient to cover these costs, the costs and expenses shall be entered on the tax roll as a special charge against the property.

(Ord 188-03, §, 10-21-03)

Sec. 20-327. Appeals.

(a) **Appeals.** The Utilities Committee of the Appleton Common Council shall hear and recommend to Council appeals where it is alleged that there is error in any order, decision or determination made by the City of Appleton in administering this ordinance. The Committee shall use the rules, procedures, duties and powers authorized by statute in hearing and recommending appeals.

Upon appeal, the Committee may recommend to Council relief from the provisions of this ordinance that are not contrary to the public interest or provisions of state regulations, and where owing to special conditions a literal enforcement of this ordinance will result in unnecessary hardship.

(b) **Who may appeal.** Appeals to the Utilities Committee of the City of Appleton may be taken by any aggrieved person or by an officer, department, board or bureau of the City of Appleton affected by any decision

of the City of Appleton. Written appeals shall be filed with the City Clerk. The Utilities Committee will make a recommendation within forty-five (45) calendar days of filing of the appeal. If the Utilities Committee takes no action within forty-five (45) calendar days, the appeal will automatically be sent to Council with a recommendation for approval. Either party may file a written request for a time extension with the City Clerk. (Ord 188-03, §, 10-21-03)

Secs. 20-328 – 20-330. Reserved.

DIVISION 5. SEVERABILITY

Sec. 20-331. Severability.

If any section or portion thereof shall be declared by a decision of a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and not affect the validity of all other provisions, sections or portion thereof of the ordinance which shall remain in full force and effect.

(Ord 188-03, §1, 10-21-03)

DIVISION VI. EFFECTIVE DATE.

Sec. 20-336. Effective date.

This ordinance is in full force and effect on January 1, 2004.

(Ord 188-03, §1, 10-21-03)

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(d) *Termination of agreement.* The maintenance agreement shall be terminated at such time that responsibility for maintenance of the stormwater management practice is legally transferred to the City of Appleton or agency acceptable to the City of Appleton, through a written, binding agreement. The termination date of the maintenance agreement required under §20-314(a) of this ordinance shall be the date upon which the legal transfer of maintenance responsibility to the City of Appleton or agency is made effective.
(Ord 188-03, §1, 10-21-03; Ord 66-10, §1, 4-13-10)

Secs. 20-315 – 20-320. Reserved.

DIVISION 3. PERMITTING AND FEES

Sec. 20-321. Permitting requirements, procedures and fees.

(a) *Permit required.* No ~~one responsible party~~ may undertake a ~~land disturbing construction development or redevelopment activity with one (1) acre or more of land disturbing construction activities~~, except 1- and 2-family residential lots, without receiving a post-construction runoff permit from the City of Appleton prior to commencing the proposed activity.

(b) *Permit application and fee.* Unless specifically excluded by this ordinance, any responsible party desiring a permit (permit holder) shall submit to the City of Appleton a permit application made on a form provided by the City of Appleton for that purpose.

- (1) Unless otherwise excepted by this ordinance, a permit application must be accompanied by a stormwater management plan, grading plan, utility plan, landscape plan, non-refundable permit review fee and an operation and maintenance plan and agreement as set forth in Table ~~43~~. The initial submittal and the final approved ~~version plan~~ shall be stamped by an engineer licensed in the State of Wisconsin in a hard copy format.

Table ~~43~~

Land Development Activity	Permit	Stormwater Management Plan	Grading & Drainage Plan	Maintenance Agreement
Agricultural Use	--	--	--	--
Non-Residential	X	X	X	X
1 & 2 Family Residential on 1 acre or greater lots	Permit is administered by the WDNR		X	--
Multi-Family Residential	X	X	X	X
Subdivision Development	X	X	X	X

- (2) The stormwater management plan shall be prepared to meet the requirements of §20-313 of this ordinance and the maintenance agreement shall be prepared to meet the requirements of §20-314 of this ordinance.

~~(3) For 1- and 2-Family Residential on one (1) acre or greater lots, with greater than one (1) acre of disturbed area, post-construction stormwater permits are administered by the WDNR. A simple combined grading and drainage plan attached to the building~~

Due by March 31, 2016

Notice: Pursuant to s. NR 216.07(8), Wis. Adm. Code, an owner or operator of a Municipal Separate Storm Sewer System (MS4) is required to submit an annual report to the Department of Natural Resources (DNR) by March 31 of each year to report on activities for the previous calendar year. This form is being provided by the DNR for the user's convenience. Personal information collected will be used for administrative purposes and may be provided to the extent required by Wisconsin's Open Records Law [ss. 19.31-19.39, Wis. Stats.].

This form is for reporting on activities undertaken in calendar year 2015.

Instructions: Complete each section of the form that follows. If additional space is needed to respond to a question, attach additional pages. Provide descriptions that explain the program actions taken to comply with the general permit. Complete and submit the annual report by March 31, 2016, to the appropriate address indicated on the last page of this form.

SECTION I. Municipal Information

Name of Municipality		Facility ID No. (FIN)	
City of Appleton		31098	
Mailing Address	City	State	ZIP Code
100 N. Appleton Street	Appleton	WI	54911
County(s) in which Municipality is located	Municipality Type: (select one)		
Calumet, Outagamie, Winnebago	<input type="radio"/> County <input checked="" type="radio"/> City <input type="radio"/> Village <input type="radio"/> Town <input type="radio"/> Other (specify)		

SECTION II. Municipal Contact Information

Name of Municipal Contact Person		Title	
Paula Vandehey		Director of Public Works	
Mailing Address (if different from above)	City	State	ZIP Code
Email	Phone Number (include area code)	Fax Number (include area code)	
paula.vandehey@appleton.org	(920) 832-6474	(920) 832-6489	

SECTION III. Certification

I hereby certify that I am an authorized representative of the municipality covered under MS4 General Permit No. WI-S050075-2 for which this annual report is being submitted and that the information contained in this document and all attachments were gathered and prepared under my direction or supervision. Based on my inquiry of the person or persons under my direction or supervision involved in the preparation of this document, to the best of my knowledge, the information is true, accurate, and complete. I further certify that the municipality's governing body or delegated representatives have reviewed or been apprised of the contents of this annual report. I understand that Wisconsin law provides severe penalties for submitting false information.

Authorized Representative Printed Name	Authorized Representative Title	
Paula Vandehey	Director of Public Works	
Signature of Authorized Representative	Date	
	03/17/2016	
Email	Phone Number (include area code)	Fax Number (include area code)
paula.vandehey@appleton.org	(920) 832-6474	(920) 832-6489

SECTION IV. General Information

a. Describe what efforts the municipality has undertaken to invite the municipal governing body, interest groups, and the general public to review and comment on the annual report.

The Annual Report was placed on the City's website on February 23, 2016 and provided as an information item at the Utilities Committee (made up of 5 alderpersons) on February 23, 2016. It was then an action item at the Utilities Committee on March 8, 2016 and an action item at the Common Council on March 16, 2016. The Utilities Committee is a posted meeting and allows the public to speak on agenda items. The City also accepts questions from the public through the website and through phone calls.

b. Describe how elected and municipal officials and appropriate staff have been kept apprised of the municipal storm water discharge permit and its requirements.

In 2015 Engineering staff attended Utilities Committee on June 9 (Attachment A) and September 22 (Attachment B) to provide updates on all stormwater management projects, including regulation changes and the status of the implementation items listed in the City-wide Stormwater Management Plan update (October 2014). Stormwater Management requirements were also discussed with Utilities Committee as part of consultant contract awards, which included the Lightning Drive and CTH JJ street construction and urbanization project, Northland Pond, Spartan Drive, and the Native Landscape Management Contract. Utilities Committee also had an opportunity to discuss Illicit

SECTION IV. General Information (continued)

Discharge requirements during the ordinance update in spring 2015. Public Works Engineering, Operations, and Financial staff meet monthly as a workgroup to discuss all things stormwater. The Director of Public Works communicates information through monthly department head meetings. DPW Engineering staff work daily with Community Development and Inspections staff and communicate frequently with staff at the Parks, Recreation and Facilities Management Department and the Utilities Department.

- c. Has the municipality prepared its own municipal-wide storm water management plan? ☒ Yes ☐ No

If yes, title and date of storm water management plan:

City of Appleton Citywide Stormwater Management Plan
October 2014

- d. Has the municipality entered into a written agreement with another municipality or a contract with another entity to perform one or more of the conditions as provided under section 2.10 of the general permit? ☒ Yes ☐ No

If yes, describe these cooperative efforts:

The City of Appleton and Calumet County have an agreement for the portion of CTH AP (Midway Road) located in the City of Appleton. Storm sewer maintenance and street sweeping are completed by the City (Attachment C). The City determined it does not have overlap with Winnebago County highways. The City discussed overlap of county highways within the City limits with Outagamie County Highway and Zoning staff. This discussion will continue in 2016 due to changes in county staff during 2015.

- e. Does the municipality have an internet website? ☒ Yes ☐ No

If yes, provide web address:

www.appleton.org The website was completely rebuilt in 2015 and is still being populated with information.

If the municipality has an internet website, is there current information about or links provided to the MS4 general permit and/or the municipality's storm water management program?

☒ Yes ☐ No

If yes, provide web address:

<http://www.appleton.org/government/public-works/stormwater/reports>

SECTION V. Permit Conditions

- a. Minimum Control Measures: For each of the permit conditions listed below, provide a description of the implementation of each program element, the status of meeting measurable goals, and compliance with permit schedule in section 2.11 of the MS4 general permit. Provide an evaluation of program compliance with the general permit, the appropriateness of identified best management practices, and progress towards achieving identified measurable goals. Be specific in describing the actions that have been taken during the reporting year to implement each permit condition and whether measurable goals have been met, including any data collected to document a measurable goal. Also, explain the reasons for any variations from the compliance schedule in the MS4 general permit.

• Public Education and Outreach

The City was an active member of the Northeast Wisconsin Stormwater Consortium (NEWSC) and served as Chair of the General Public Information committee and on the Leadership Council; contracted with Fox Wolf Watershed Alliance (FWWA) to teach one session a week for 8 weeks at "Sumer Camp", a program for youth ages 6- 15 through Parks and Recreation (outline, summary Attachment D); was a major sponsor of the FWWA Watershed Conference and a River Guardian for the FWWA River Cleanup; reimbursed 6 residents \$10 each for attending the Rain Barrel Workshop March 7; paid for a full page "Renew Our Waters" ad by NEWSC in an Appleton North HS program; "Like" FWWA/NEWSC to share messages on facebook; met with the neighbors of the proposed Leona Pond; continued one-on-one education provided by various staff throughout the City to questions received from the public via phone or the website; sent out two City Guide publications containing a variety of information, including pollution prevention and good housekeeping activities that should be done at home (2015 City Guides are hard copy enclosures); Operations staff used door hang tags to notify residents of observed or reported problems, such as grass clippings dumped in inlets or gutters; Erosion Control Inspector and Engineering staff attended various training including NASECA, FWWA Conference, Clarifying Rules and Expectations Workshop, and DNR Soil Loss Worksheet, Permeable Pavement and Center for Watershed Protection webinars to stay informed of the current best practices and regulations and used this knowledge to work with designers and contractors during plan review and inspections; promoted environmentally sensitive design during pre-project meetings and plan review. RA Smith National staff, under contract with the City, provided post construction education to designers during stormwater management plan reviews. City believes it is in compliance with the General Permit.

SECTION V. Permit Conditions (continued)

- **Public Involvement and Participation**

In 2015 all Utilities Committee and Common Council meetings were properly noticed to the public per state statutes by the Legal Services Department. All committee and council meetings have a publicly posted agenda and an opportunity for any interested person to comment on the agenda items at the meetings. Met with the neighbors of the proposed Leona Pond to discuss the need for the pond, how it fits into the City-wide Stormwater Management Plan, the results of the preliminary engineering and any questions they had. Advertised for the March 7 FREEA/FWWA Rain Barrel Workshop and reimbursed Appleton residents that attended \$10. Sponsored the FWWA River Cleanup at the Guardian level. The City believes it is in compliance with the General Permit.

- **Illicit Discharge Detection and Elimination**

In 2015 the City updated its Illicit Discharge ordinance and it became effective June 23, 2015. It was reviewed and approved by the Utilities Committee and Common Council. The City contracted with McMahon Associates to perform the On-Going Field Screening per the City's 2012 updated program. Seventy-two outfalls were screened. Twenty-one were major outfalls, thirty-three were minor and eighteen were supplemental outfalls (Attachment E). The City received 11 illicit discharge complaints that were addressed by the Inspections Division with verbal warnings and education (Attachment F). The initial response to the report of an illicit discharge is by a Plumbing Inspector. The Inspector may request assistance for tracking a discharge from McMahon Associates and/or the City Sewer Crew. The City's response procedures include the Inspections, Operations and Engineering Divisions of Public Works, the consultant under retainer for the year, and the Fire Department (including Hazmat Team). Began construction of the relocated public storm sewer through the Wastewater Treatment Plant property. The City believes its Illicit Discharge Program is in compliance with the General Permit.

- **Construction Site Pollutant Control**

The City has had an erosion control ordinance since January 1, 1999. It has been updated over the years and is expected to be updated again by May 1, 2016. The Inspections Division of the Department of Public Works is responsible for Construction Site Pollution Control. Commercial/Non-residential inspections are completed monthly, when possible. Priority is given to sensitive or high environmental risk areas. At a minimum, residential inspections are made concurrent with other related construction inspections such as footing and foundation. Inspections are made as time permits until final stabilization. Inspection documentation is logged into the city computer system with date of inspection, address, reason for inspection, permit number, pass or fail, and details of any violations. The City has also begun using the PermiTracker Erosion and Sediment Control module to track projects. Enforcement procedure includes verbal notice, written notice, Stop Work Order, and citation. The City has a Customer Service Log for complaints submitted by the public. Other information submitted by the public is addressed by the appropriate staff and any necessary follow up is made in a timely manner. The Erosion Control Inspector reviews all site plans and prepares most of the erosion control plans for public works projects. Updated construction specifications, including the new Technical Standards for Inlet Protection and Sediment Trap, were effective January 1, 2016. The 2015 approved budget included a full time Erosion Control Inspector. The City believes it is in compliance with the General Permit.

- **Post-Construction Storm Water Management**

The City began updating the post-construction stormwater ordinance in summer 2015 and anticipates it will be effective by May 1, 2016. The City requires property owners to prepare and sign an Operation and Maintenance Agreement as a condition of their stormwater management permit approval. The agreement contains standard terms and conditions, an Operation and Maintenance Plan, and a Report Form. The City records the agreements. The process for obtaining a city post-construction stormwater permits includes submitting two sets of the Stormwater Management Plan, and an application and initial fee, logging the project into the tracking spreadsheet, review by the City's consultant, and written correspondence with the applicant and/or consultant to request revisions or approve the project. In 2015 the City contracted with RA Smith National to review Stormwater Management Plans for site plans and subdivisions and assist with the ordinance update. Standard conditions of approval include signing the O & M Agreement, providing an as-built and certification that the stormwater practices were constructed and function per the approved plan, and payment of the full review fee. Complaints are addressed by the Engineering Division of Public Works. Engineering staff periodically check the tracking spreadsheet against the Inspection records for completed projects and issue Notices of Non-compliance

SECTION V. Permit Conditions (continued)

for missing as-builts and certifications, if needed. The City performed post-construction private bmp inspections at Endeavor Electric, OEC graphics, August Winter, and Walgreens (729 Northland Avenue). The City believes it is in compliance with the General Permit.

• **Pollution Prevention**

The City updated its Pollution Prevention Program (Attachment G), which was reviewed by the Utilities Committee and Common Council and approved January 20, 2016; inspected at least half of the city-owned ponds, ditches and ravines (attachment H); cleaned city-owned structures with sumps (Attachments I, J); cleaned 11.3% of the storm sewer system; televised 9.9% of the storm sewer system; provided 3900.6 hours of street sweeping (attachment K); regularly disposed of street sweeping, storm sewer and sump cleanings at the landfill; calibrated the fleet for salt application (attachment L); had the salt shed inspected (attachment M); reviewed the Snow and Ice Matrix with the overall program update (attachment N); continued a public leaf collection program; continued operation of yard waste drop off sites; monitored nutrient management plans; Facilities (attachment O) and Fire owned and operated mulching mowers; performed inspections at sites with SWPPP's (attachments P-X); Engineering staff met with new staff at Valley Transit to discuss their SWPPP; pollution prevention staff training at the Water Plant on November 30 and Wastewater Plant on November 27; staff training at Facilities on June 11; staff training at Reid Golf Course June 19; snow and ice training at Public Works Operations on October 16; installed a "Pavedrain" pilot project in the Fire Station No. 1 parking lot; evaluated street and terrace widths during pavement design, maintained existing bmp's in source water protection areas. The City believes it is in compliance with the General Permit.

b. Winter Road Management Activities:

Provide the name, title, and phone number for the individual(s) with overall responsibility for winter roadway maintenance.

1. Nate Loper, Deputy Director of Public Works – Operations
Office 920-832-5804, Cell 920-419-6225, nathan.loper@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

Describe the types of products used for winter road management (e.g., deicing, pre-wetting, salting, etc.).

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

Describe the type of equipment used to apply the products.

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

Report the amount of product used per month.

See Attachment Y.

Report the snow disposal locations, if snow is hauled away.

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

SECTION V. Permit Conditions (continued)

N. Kalata Place (Parking Division)

Describe any 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 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.

Describe any other additional measurable data or information that the permittee used to evaluate its winter road management 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.

c. Municipal facility(s):

Provide an inventory of municipally owned or operated structural storm water management facility(s), include: Location of each facility and contact information for the individual(s) with overall responsibility for each facility.

The Department of Public Works is currently responsible for:

- 39 wet stormwater ponds
- 66 manholes and curb inlets with sumps (Hydrodynamic Separation Device – HSD)
- 8 dry ponds
- One Nutrient Separating Baffle Box (NSBB) on Midway Road as pre-treatment to Meadowview II
- Numerous ditches and ravines
- Four biofilters - three at the College Avenue bridge over the Fox River and one on E Northland Ave.
- One “Stormceptor” (HSD) at the Municipal Services Building at 2625 E Glendale Ave.

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

- Two biofilters at the Police Station - 222 S. Walnut Street
- Two biofilters at Valley Transit - 801 S. Whitman Avenue
- One biofilter at Lutz Park - 1320 Lutz Drive
- Two biofilters at Telulah Park - 1300 E Newberry Street

A more detailed inventory is included on Attachments Z1 and Z2.

Describe the housekeeping activities and best management practices installed to reduce or eliminate storm water contamination. 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)

SECTION V. Permit Conditions (continued)

- 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, Recreation, and Facilities Management Department) (2007)

The information requested in this item and 2 of the following three items are unique to each facility. Due to space limitations, each plan is attached to provide all requested information (Attachments P-X). In general, each plan identifies a team of staff assigned to pollution prevention, lists potential contamination sources and identifies risk, identifies existing and proposed best management practices, and lists the requirements for inspections and record keeping. The goal is to reduce exposure by covering or containing the materials and areas at risk. 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. In fall 2015, Engineering staff met with new staff at Valley Transit to review their SWPPP and inspection requirements. 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.

Discuss recommendations for improvements to current storm water management practices at the facility(s) and a timeline for installation and/or implementation of these recommendations.

See attached plans.

Describe the municipal facility(s) employee training on storm water pollution prevention provided.

Water Treatment trained staff on pollution prevention on November 30 as part of their annual training. Wastewater Treatment trained staff on pollution prevention as part of their annual training November 27. Public Works Operations staff received snow and ice training October 16.

Describe the spill prevention and response procedures in place at the municipal facility(s).

See attached plans.

- d. **Storm Water Quality Management:** Has the municipality completed a pollutant-loading analysis to assess compliance with the 20% TSS reduction developed urban area performance standard? ☒ Yes ☐ No

If yes, provide the following: Model used WinSLAM Version 10.0 Reduction (%) 38

If no, include a description of any actions the municipality has undertaken during 2014 to help achieve the 20% standard.

Has the municipality completed an evaluation of all municipal owned or operated structural flood control facilities to determine the feasibility of retrofitting to increase TSS removal? ☒ Yes ☐ No

If yes, describe:

The City has dry ponds that are upstream of wet ponds, in series not in parallel. Therefore, retrofitting these ponds for water quality provides little to no additional sediment or phosphorus removal. The Valley Road Pond is being considered for modification for water quality by WisDOT as part of the STH 441 project.

- e. **Best Management Practices Maintenance:** Does the municipality have a maintenance program for installed storm water best management practices? ☒ Yes ☐ No

If yes, describe the maintenance program and any maintenance activities that have occurred for best management practices in 2014. If available, attach any additional information on the maintenance program.

Every spring/early summer, DPW Engineering and Operations staff jointly inspect stormwater practices and enter needs into a maintenance spread sheet. The spread sheet includes on-going issues that are being monitored and the maintenance items identified from yearly inspections, as well as a priority code (Attachment H). Stormwater Workgroup includes Public Works Operations, Engineering and Finance staff and meets monthly to discuss work completed and work to be done. Every year the City hires a muskrat trapper, a company specializing in native

SECTION V. Permit Conditions (continued)

vegetation, and a company specializing in aquatic plant management. Manholes and inlets with sumps are cleaned yearly by the City Sewer Crew and a contractor (Attachments I, J).

- f. **Storm Sewer System Map:** Describe any changes or updates to the storm sewer system map made in the reporting year. Provide an updated map if any changes occurred during the reporting year.

Maps were combined to better show information in the order and combination listed in the permit, new storm sewers were added and changes to alignment or pipe size due to reconstruction were made. Map for 2.8.1(1 of 2) updated drainage basin boundaries as follows: Small area east of Richmond Street and south of Evergreen Drive corrected to show as in Apple Creek South subbasin (previously "Out"), Small area on north side of CTH JJ just west of Meade Street corrected to show as in Apple Creek North subbasin (previously "Out"), South half, approximately, of Manitowoc Road West subbasin was refined and identified as "Lake Winnebago" to reflect drainage toward Lake Winnebago. Map for 2.8.1 (2 of 2) added navigable stream determination by WDNR south of CTH JJ and east of Lightning Drive. Map for 2.8.2 added wetlands delineated in 2015: North of Plank Road and east of Huckleberry Lane, on the "Plank Road Apartments II" private development site, North of Glenhurst Lane and East of Ballard Road, on the "Century Oaks II" private development site, in Southpoint Commerce Park north of Midway Road and west of Eisenhower Drive, in area of proposed Spartan Drive, west of Haymeadow Avenue and north of Edgewood Drive, and at the former Northeast Asphalt Quarry site. Map for 2.8.3 combined with Map for 2.8.1 (1 of 2) to more clearly identify drainage basin corresponding to each outfall. Map for 2.8.4 and 2.8.5 provided ID numbers for each of the City's four MS4 biofilters, added new Hydrodynamic Separation Devices, removed industries no longer permitted and changed industry names to match DNR list, removed two private ponds not permitted for water quality, and added 13 sites with private bmps.

SECTION VI. Fiscal Analysis

- a. Provide a fiscal analysis that includes the annual expenditures for 2015, and the budget for 2015 and 2016. A table to document fiscal information is provided on page 10.

See attached table and budget pages.

- b. What financing/fiscal strategy has the municipality implemented to finance the requirements of the general permit?

☒ Storm water utility ☒ General fund ☐ Other _____

- c. Are adequate revenues being generated to implement your storm water management program to meet the permit requirements?

☒ Yes ☐ No

Please provide a brief summary of your financing/fiscal strategy and any additional information that will assist the Department in understanding how storm water management funds are being generated to implement and administer your storm water management program.

The Stormwater Utility is set up as an enterprise fund. A fee is charged to users for services and that fee must be used to meet operations, debt, and/or cost recovery criteria for the Utility. The charge is based on an equivalent runoff unit (ERU). An ERU is defined as 2368 square feet of impervious area and represents the impact of an average single family home. Rates are monitored on an annual basis for adjustment based on actual results and projected future costs. The 2015 rate was \$155.00 per ERU per year. Activities performed by Parks and Recreation, Facilities, Fire, Water, Wastewater, and Valley Transit are funded through their General Fund or Enterprise budgets.

SECTION VII. Inspections and Enforcement Actions

Note: If an ordinance listed below has previously been submitted and has not been amended since that time, a copy does not need to be submitted again. If the ordinance was previously submitted, indicate such in the space provided.

- a. As of the date of this annual report, has the municipality updated or revised its construction site pollutant control ordinance in accordance with subsection 2.4.1 of the general permit? ☐ Yes ☒ No

If yes, attach copy or provide web link to ordinance:

- b. As of the date of this annual report, has the municipality updated or revised its post-construction storm water management ordinance in accordance with subsection 2.5.1 of the general permit? ☐ Yes ☒ No

If yes, attach copy or provide web link to ordinance:

SECTION VII. Inspections and Enforcement Actions (continued)

- c. As of the date of this annual report, has the municipality updated or revised its illicit discharge detection and elimination ordinance in accordance with subsection 2.3.1 of the general permit? ☒ Yes ☐ No

If yes, attach copy or provide web link to ordinance:

<http://www.appleton.org/home/showdocument?id=482> Article VII of Chapter 20

- d. As of the date of this annual report, has the municipality adopted any other ordinances it has deemed necessary to implement a program under the general permit (e.g., pet waste ordinance, leaf management/yard waste ordinance, parking restrictions for street cleaning, etc.)? ☒ Yes ☐ No

If yes, attach copy or provide web link to ordinance:

<http://www.appleton.org/home/showdocument?id=482> See Section X below

- e. Provide a summary of available information on the number and nature of inspections and enforcement actions conducted during the reporting period to ensure compliance with the ordinances described in a. to d. above.

For Erosion Control, in 2015 there were 359 residential inspections, 154 non-residential inspections, and 10 complaint driven inspections. For non-residential projects under the ordinance, there were 71 verbal notices, 6 Written Notices, 0 stop work order and 0 citations (Attachment AA). In 2015 for residential sites there were 80 Verbal Notices, 40 Written Notices, 3 Stop Work Orders, and 0 citations. Five additional sediment related complaints and inspections occurred in 2015 (Attachment BB). In 2015 there were 11 Illicit Discharge complaints called in that received verbal warnings and education (Attachment F). There were 2 Notices of Non-compliance issued for Post Construction sites failing to follow their Operation and Maintenance Agreements.

SECTION VIII. Water Quality Concerns

- a. Does any part of the MS4 discharge to an outstanding resource water (ORW) or exceptional resource water (ERW) listed under s. NR 102.10 or 102.11, Wis. Adm. Code? (A list of ORWs and ERWs may be found on the Department's Internet site at: <http://dnr.wi.gov/topic/surfacewater/orwerw.html>) ☐ Yes ☒ No

If yes, list:

- b. Does any part of the MS4 discharge to an impaired waterbody listed in accordance with section 303(d)(1) of the federal Clean Water Act, 33 USC § 1313(d)(1)(C)? (A list of the most current Wisconsin impaired waterbodies may be found on the Department's Internet site at: <http://dnr.wi.gov/water/impairedsearch.aspx?status=303d>) ☒ Yes ☐ No

If yes, complete the following:

- Impaired waterbody to which the MS4 discharges:

Lower Fox River, Apple Creek, Duck Creek, Mud Creek, Garners Creek, Lake Winnebago, Bear Creek

- Description of actions municipality has taken to comply with section 1.5.2 of the MS4 general permit for discharges of pollutant (s) of concern to an impaired waterbody:

In 2014 the City completed an update to its City-wide Stormwater Management plan. In 2015, the City continued implementing the plan by continuing final design and permitting of the Northland Pond (serving existing development), approving the budget for the final design and permitting of Leona Pond (serving existing development), evaluating a parcel along the City/Town of Grand Chute border for a pond site, and continuing to work with WisDOT on the STH 441 project stormwater practices. The City also updated and continued implementing its Pollution Prevention Program, including yard waste management, street and storm sewer cleaning, good housekeeping, turf management, staff training, municipal facility site inspections, storm sewer and public and private bmp inspection and maintenance.

- c. Identify any known water quality improvements in the receiving water to which the MS4 discharges during the reporting period.

The City is not aware of any water quality improvements to any of its receiving waters during 2015.

- d. Identify any known water quality degradation in the receiving water to which the MS4 discharges during the reporting period and what actions are being taken to improve the water quality in the receiving water.

The City is not aware of any water quality degradation in any receiving waters in 2015. In 2014 the City completed an update to its City-wide Stormwater Management plan. In 2015, the City continued implementing the plan by continuing final design and permitting of the Northland Pond (serving existing development), approving the budget for the final design and permitting of Leona Pond (serving existing development), evaluating a parcel along the City/Town of Grand Chute border for a pond site, and continuing to work with WisDOT on the STH 441 project stormwater

SECTION VIII. Water Quality Concerns (continued)

practices. The City also updated and continued implementing its Pollution Prevention Program, including yard waste management, street and storm sewer cleaning, good housekeeping, turf management, staff training, municipal facility site inspections, storm sewer and public and private bmp inspection and maintenance.

SECTION IX. Proposed Program Changes

Describe any proposed changes to the storm water management program being contemplated by the municipality for 2016 and the schedule for implementing those changes. Proposed program changes must be consistent with the requirements of the general permit.

In 2016 the City proposes to update its Public Education and Outreach Program and SWPPP's for City owned facilities.

SECTION X. Other

Any other additional information the permittee would like to provide in the Annual Report regarding their storm water program?

The City is an active member of the Northeast Wisconsin Stormwater Consortium. This group submits a separate annual report to the WDNR describing efforts completed in 2015 on behalf of their members.

NEWSC participated in the Outagamie County Field Days and interacted with the following schools in Appleton: 70 students from Johnston Elementary, 48 students from Mount Olive Lutheran, 25 students from St. Peter Lutheran and 90 students from St. Francis Xavier Elementary

VII. d. Municipal Code Section 3-14 requires cleaning up after pets and Section 6-63 prohibits discharge of hazardous materials. New Section 12-37 of the Municipal Code provides standards for composting (Attachment CC).

Fiscal Analysis Table. Complete the fiscal analysis table provided below.

Program Element	Annual Expenditure 2015	Budget		Source of Funds
		2015	2016	
Public Education and Outreach	11,695	11,000	11,000	Stormwater Utility
Public Involvement and Participation	3,885	5,000	5,000	Stormwater Utility
Illicit Discharge Detection and Elimination	1,848,631	2,504,500	17,000	Stormwater Utility and Wastewater Utility*
Construction Site Pollutant Control	91,949	100,515	102,272	Stormwater Utility
Post-Construction Storm Water Management	86,412	88,500	88,500	Stormwater for DPW Costs
Pollution Prevention	1,267,062	1,309,120	1,334,885	Stormwater Utility for DPW Costs, Costs from other departments not available
Storm Water Quality Management (including pollutant-loading analysis)	232,767	216,000	617,096	Stormwater Utility
Storm Sewer System Map	1,500	1,500	1,500	Stormwater Utility
Other:	20,511	20,000	15,000	Stormwater Utility
Other: Total	3,564,412	4,256,135	2,192,253	
Other:				*includes replacement of storm sewer through wastewater treatment plant property



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

DEPARTMENT OF PUBLIC WORKS - Engineering Division
MEMO

TO: Members of the Utilities Committee
FROM: Ross Buetow, Deputy Director of Public Works
SUBJECT: Award of Phase V (final phase) of Sanitary Sewer Flow Monitoring Contract
DATE: February 25, 2016

In 2012, the Common Council approved a five-year agreement between the City and R.A. Smith National, Inc. for Sanitary Sewer Flow Monitoring services, with specific scopes of service and their related contracts to be approved on an annual basis.

The overall goal of this project is to evaluate the flow characteristics within our public sewer system and identify potential sources of clear water inflow/infiltration (I&I). The planned scope of services for the 2016 contract includes measuring sanitary sewer flows and conducting dye-water flooding in remaining areas of the City. The field work portion of the project will take place during the spring and early summer months, when sewer flows are typically at their highest levels. This work will include flow volume measurements as well as dye-water flooding of the storm sewer system in targeted local areas where exfiltration from the storm sewer system is suspected.

As part of this year's contract, we are also asking R.A. Smith to assist the City in preparing draft ordinance language for the possible future requirement of full lateral replacement between the public main and private building wall on future city sewer replacement projects. Currently, the City only requires replacement up to the property line.

A final written report will be provided as part of the scope of services to document the consultant's findings and will include the consultant's conclusions and recommendations for possible future action.

We are hereby requesting approval of the award of contract for 2016 Sanitary Sewer Flow Monitoring services to R.A. Smith National, Inc. in an amount not to exceed \$100,000.00, which is our approved budget for this project.

Thank you for your consideration.

City of Appleton, WI - Task Order 5: Sewer Investigation Services – 2016

In accordance with paragraph 1.01 of the **Master Agreement for Professional Services between the City of Appleton, WI ("City") and R.A. Smith National, Inc., ("RASN")**, effective January 5, 2015 ("**Agreement**"), RASN and City agree as follows:

I. Specific Project Information

A. Task Order Title: Appleton 2016 Sewer Investigation Services

B. Description of Services to be Performed: The purpose of this project is to continue investigation and analysis of infiltration and inflow to the sanitary sewer system. The project will include three primary components in 2016, based on information developed in the prior year sewer investigation efforts and analysis of that information:

1. Flows will be recorded at selected locations to identify sections of the sewer system subject to excessive Inflow/ Infiltration (I/I) of clear water and to rate the severity of the I/I relative to the City's overall sewer system. Flow monitoring will be conducted in up to twelve locations for a period of up to 90 calendar days, dependent on the quality of weather-generated data collected through the monitoring period. Specific locations will be based on existing sewer system information and consideration of new areas identified for investigation.
2. Dyed water flooding tests will be conducted to identify specific sources of I/I in sewers with high I/I ratings based on past year flow analyses, existing adjacent storm sewer conditions and other factors such as anticipated street reconstruction schedules.
3. Support City consideration of policy and program updates or development to advance repair, rehabilitation or replacement of failed and deficient private service laterals to reduce entry of infiltration and inflow from private property sources into the sanitary sewer system.

II. Scope of Services: The primary roles and responsibilities of RASN are:

A. Project Kickoff Meeting – Schedule and conduct a project team meeting to confirm flow meter locations, dyed water flooding area extent and locations, discuss alternative investigative techniques, refine tasks and milestones for service lateral policy development, review the project schedule, update communications protocols for field work and establish a project progress meeting schedule.

B. Traffic Control Plans – RASN will prepare traffic control plans for work in City streets to install the flow meters and conduct dyed water flooding, and resolve any issues or concerns regarding those plans with City traffic engineering staff in accordance with requirements of the City of Appleton Temporary Traffic Control Manual and Work Zone Safety guidelines. These plans will apply to each flow meter installation, meter maintenance visit and all dyed water flooding activity in the roadway.

C. Flow Monitoring

1. **Install Equipment** – RASN crews will install ISCO Model 2150 Area Velocity Flow Modules (flow meters) in sewer system locations identified by the City of Appleton and will follow permit-required confined space entry procedures and approved traffic control plans for all field activity. The flow meters will be set to record data on 15-minute intervals during normal flow conditions and will automatically increase sampling frequency to 5-minute intervals when flow depths increase due to wet weather conditions. ISCO Model 2103ci CDMA Cellular Phone Modems (modems) will be installed on select flow meters to allow remote access to the collected data. Additional modems will be installed on other meter locations as the project progresses.
2. **Maintain Equipment** – RASN staff will remotely monitor meters equipped with cellular modem equipment or conduct a field visit to flow meters not remotely accessible within two weeks of installation to confirm proper operation and to complete an initial download of recorded data. Subsequent field maintenance visits to download data and service the field equipment will be

City of Appleton, WI - Task Order 5: Sewer Investigation Services – 2016

conducted as necessary to maintain operation of the equipment and collect data following significant wet weather events. Remote observation of flow meter performance in locations with modems will be used to evaluate remaining battery life and optimize service intervals.

RASN crews will also support City staff maintenance and data collection from up to four City-owned ISCO Model 676 Rainfall Logging System rain gages installed on City properties. The rain gage data will be incorporated in the flow analysis to correlate wet weather conditions with recorded sewer system flows. The rainfall data will also be uploaded for City and RASN staff access through a website portal.

3. **Interim Reporting and Adjustments** – RASN will confirm City staff access to the uploaded flow data through the RASN Internet-accessible data site following initial data uploads and will meet with City staff periodically through the duration of the project to review and discuss accumulated data. This information will also be used to consider adjustment of flow monitor locations and prospective changes in the areas designated for dyed water flooding.
4. **Data Analysis and Reporting** – The collected data will be analyzed to identify and quantify sources of infiltration / inflow (I/I) in each monitored sub-basin, with summaries of each rain event of $\frac{3}{4}$ " or greater in a 24-hour period. The data analysis will identify peak-hour flows, rank the monitored sub-basins by the magnitude of infiltration, and quantify the amount of I/I. The analysis will also determine sanitary flow, dry weather infiltration, base flow wet season infiltration, rainfall derived I/I, max day flow, max hourly flow and max day-to-base flow ratios. In addition to imported rainfall data, RASN will also import City of Appleton Wastewater Treatment Plant inflow data, if available and provided by the City, in a compatible format to be used as a flow monitoring program baseline throughout the project.

RASN and City agree that collection of sewer system flow data is weather dependent and that the results of the analysis effort will be dependent upon the quantity and quality of data collected in the monitoring period. If sufficient wet weather occurs to provide areas of significant I/I, RASN will provide preliminary results, conclusions and program recommendations by June 15, 2016 for inclusion in 2017 municipal budget development.

Final reporting will be completed no later than 60 days following final flow monitoring, and presented in both electronic and paper (three copies) reports. Final reporting will include data analysis and comparison using EPA-derived performance metrics, color coded map representation of performance in the monitored sub-basins, flow graphics and tabular data. RASN will review a pre-final version of the report with City staff and update the report for final publication following that meeting. RASN will also provide support and participate with City staff in presentation of the final report to the City of Appleton Utilities Committee.

D. Dyed Water Flooding

1. **Define Investigation Areas** – RASN and City staff will review sewer system sub-basin flow monitoring analyses, topography, sanitary and storm sewer infrastructure, land use and building types to identify target areas for dyed water flooding investigation. The local sanitary sewer systems in these areas will also be evaluated to determine the effort and related cost required to conduct dyed water flooding based on sewer size, length and flow sequences. Specific sanitary sewer sub-basins will be identified for dyed water flooding investigation.
2. **Conduct Dyed Water Flooding** – RASN will procure subconsultant services to support the dyed water flooding investigations and will coordinate those services in the field with City staff. The dyed water flooding technique consists of surcharging a limited section of the City storm sewer system with dyed water and monitoring the underlying sanitary sewer system for dyed water to identify and quantify specific sources of infiltration or inflow.

City of Appleton, WI - Task Order 5: Sewer Investigation Services – 2016

The RASN field team will be comprised of experienced subconsultant field staff with an experienced RASN field engineer. The crew will distribute informational flyers to notify local residents of the process and will coordinate the field activity with City and regulatory staff in advance of testing.

The field crews will maintain plugs in the targeted sections of storm sewer through the duration of the test. They will flood those storm sewers with water from City of Appleton hydrants, colored with a non-toxic brightly colored dye. Flow in adjacent and downstream sanitary sewers will be monitored to observe any dyed water from the surface. CCTV cameras will be used through the targeted sanitary sewers to observe the presence of dyed water through any specific defects. The total volume of dyed water exfiltration from the flooded storm sewers will also be measured.

3. **Dyed Water Flooding Report** – RASN will document the dyed water flooding investigations completed in each basin with a summary of findings and recommendations for remediation of any identified infiltration or inflow sources. CCTV observations will be documented using NASSCO PACP code techniques to describe the structural and functional conditions of the existing sanitary sewer pipe, including estimates of the rate of infiltration or inflow at each defect location.

III. Deliverables

All deliverables shall be provided to the City, and shall be the sole and exclusive property of the City and shall not be used, distributed, shared, sold, exchanged or published by RASN without the City's consent. RASN will return to the City, at no cost to the City, any documents, plans, files, maps etc. that City provides to RASN during the term of this project. Deliverables shall further include any documents, data, and work products developed for this project.

- A. **Meetings** - Project kick-off meeting, interim project progress meetings, report review and report presentation meetings as described.
- B. **Recorded Flow Data Access** – On-going Internet-based access to all data as it is uploaded to the flow data server for City staff use through a secured web portal, including access to ISCO Flowlink Pro software for graphic data display.
- C. **Interim Monitoring and Dye Testing Reports** – Interim, preliminary reports on sewer system performance characteristics as observed following rainfalls of $\frac{3}{4}$ " or greater and resulting from dyed water flooding investigations. Preliminary analysis and recommendations will be provided as available prior to June 15, 2015 for consideration in 2016 budget development.
- D. **Private Sewer Lateral Policy Recommendations** – Provide a letter report summarizing recommendations for City consideration to implement a private sewer lateral policy or program including key elements and implementation steps. Provide a second letter report summarizing any resulting policy changes approved by City staff and elected officials as guidance for implementation.
- E. **Final Reporting** – One electronic and three paper copies of the reports as described above.

IV. Additional Services

The following services are not included as part of this project and, therefore, are not reflected in our project fee. If requested, these services will be performed on an hourly, time-and-materials basis according to the Agreement, unless other arrangements are agreed upon.

- A. Additional flow monitoring services may be authorized under this Task Order as preliminary data analysis from wet weather events is completed and can be used to guide further data collection. Such services may be authorized by subsequent amendment of this Task Order when they can be defined. Anticipated additional services may include, but are not limited to:
 1. Repositioning of flow meters from their initial locations to other locations within the sewer system.

City of Appleton, WI - Task Order 5: Sewer Investigation Services – 2016

2. Installation of flow recording equipment in other existing facilities, such as pump stations, and analysis of recorded data.

B. Attendance at meetings other than those identified in the Scope of Services.

C. Additional or other extended services beyond those specifically described in the Scope of Services.

V. City's Responsibilities

City shall have the responsibilities set forth in the Agreement and shall provide access to City staff, monitoring locations, existing GIS documentation to support data analysis and project map preparation, and any other existing data pertinent to the proposed project.

VI. Times for Rendering Services

RASN will work with City staff to refine the Project Schedule as data is collected and interim analysis can be completed. Modifications of the project schedule are anticipated in accordance with anticipated adjustments in the flow monitoring program as described in the Scope of Services. The initial project tasks as described in the Scope of Services will be provided in accordance with this schedule:

- A. **Project Kick-off Meeting** – Hold in February 2016 prior to preparing meters for installation
- B. **Traffic Control Plan Review/ Approvals** – Prior to meter installation or start of dyed water flooding investigations
- C. **Equipment Installation** – By March 25, 2016
- D. **Equipment Maintenance** – Remote or physical confirmation of operation within two weeks of installation; subsequent visits dependent on weather events and monitored equipment battery life
- E. **Dyed Water Flooding Investigations** – The schedule for specific field investigations will be coordinated with City staff prior to starting
- F. **Preliminary Analysis and Recommendations** – Prior to June 17, 2016, dependent upon quality and quantity of recorded data
- G. **Private Sewer Service Lateral Policy Recommendations** – Preliminary recommendations for City consideration by September 1, 2016; final summary of approved recommendations within 45 days of City approval.

Time limits established for the project in the approved Project Plan shall not, except by reasonable cause, be exceeded by RASN.

VII. Payments to RASN – The authorized budget limit for services under this Task Order is \$100,000, unless modified by written amendment to this task order. RASN and City staff will modify the number and duration of installed flow meters and the extent of dyed water flooding investigations through the duration of the project to manage those services within the available budget. Payment for authorized services will be made as follows.

- A. **Flow Monitor Services/ Reporting – Base Locations:** City shall pay RASN a lump sum fee of \$2,250 for each of up to twelve meter locations selected for monitoring and including all labor, use of equipment, materials and confined space entry required to install the equipment, provide on-going equipment maintenance and service visits, interim project progress meetings and reporting per the Scope of Services. This cost item also includes preparation of traffic control plans and primary traffic control for meter installation and visits. The time period for these services is 90 days from the date of initial installation. Extended flow monitoring services in these locations will be charged at the same rate as the base period charges of \$750 per meter-month.
- B. **Flow Monitoring Services and Reporting – Supplemental Locations:** City shall pay RASN a monthly fee of \$950 per meter-month for additional flow meters installed in locations determined by

City of Appleton, WI - Task Order 5: Sewer Investigation Services – 2016

RASN and City staff through the course of the project. The monthly meter cost will include all equipment and services as defined for the Flow Monitor Services/ Reporting in Base Locations above. The basis of this monthly cost per meter is up to 10 sets of metering equipment installed for two-month periods.

- C. **Temporary Traffic Control:** City shall pay RASN up to \$3,000 for reimbursement of expenses related to temporary traffic control for the project. RASN has arranged for Warning Lites of Appleton, Inc. to provide temporary traffic control support as needed beyond RASN field crew primary traffic control capability.
- D. **Dyed Water Flooding Investigation** – City shall pay RASN for RASN staff time to coordinate, document and report dyed water flooding investigations on an hourly basis and payment for subconsultant support services to conduct the field investigations on a per foot basis.
- E. **Private Sanitary Service Lateral Program Recommendations** – City shall pay RASN for RASN staff time engaged on this task on an hourly basis using the rates stated for **Program Consulting Services**.
- F. **Program Consulting Services:** RASN will provide program consulting services as requested by the City to support the City's flow monitoring and I/I reduction program. These services may include program level planning support for extended flow monitoring services, development of project parameters for other investigative techniques designed to identify and quantify specific sources of I/I, support of rain gage maintenance and data collection activities and efforts to develop updated City programs and policies related to the City's sewer system performance. Time for services of RASN personnel performing consultation services and attending meetings not included in the lump sum cost items above will be provided at the following hourly rates:

1. Jeff Mazanec, PE (Project Principal)	\$ 135.00
2. Chris Stamborski, PE (Project Manager)	\$ 125.00
3. Jon McAnally (Project Engineer)	\$ 92.50
4. Richard Gebhart (Field Engineer)	\$ 86.50
5. Staff Engineer	\$ 72.00
6. Field Technician	\$ 59.50

Hourly billing rates for other RASN personnel providing support for additional services will be offered in accordance with the RASN Standard Hourly Rate Schedule in effect at the time the services are authorized.

- G. **Additional Service Authorization:** As the project progresses, additional services beyond the scope of Task Order 5 will be provided upon written authorization(s) amending this Task Order.

VIII. Consultants

RASN will procure subconsultant services to support dyed water flooding investigations as defined above. We will also continue to engage Warning Lites of Appleton, Inc. for traffic control support as needed for this project within the scope of this Task Order.

IX. Other Modifications to Agreement

None.

X. Attachments/Exhibits

None.

XI. Documents Incorporated By Reference

None.

- XII. **Terms and Conditions:** Execution of this Task Order by RASN and City shall make it subject to the terms and conditions of the Agreement (as modified above), which Agreement is incorporated by this reference.

City of Appleton, WI - Task Order 5: Sewer Investigation Services – 2016

RASN is authorized to begin performance upon the earlier of its receipt of a copy of this Task Order signed by City or the authorized Effective Date. The Effective Date of this Task Order is March 16, 2016.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement.

R.A. Smith National, Inc. (RASN):

By: Jeff Mazanec
Jeff Mazanec, PE
Project Principal

By: Chris Stamborski
Chris Stamborski, PE
Project Manager

City of Appleton (City)

Timothy M. Hanna, Mayor

Attest: _____
Kami Scofield, City Clerk

Approved as to form:**Countersigned pursuant to §62.09(10), Wis. Stats.:**

James P. Walsh, City Attorney

Anthony D. Saucerman, Finance Director

N:\1110142\Contract\Appleton 1110142 TO 5.docx



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

Department of Utilities
Water Treatment Facility
2281 Manitowoc Road
Menasha, WI 54952
920-997-4200 tel.

TO: Chairperson Greg Dannecker and Members of the Utilities Committee

FROM: Utilities Director Chris Shaw

DATE: March 2, 2016

RE: *Award Matthias Tower Clean and Inspect Project to McMahon and Associates, Inc. in the amount of \$5,596 with a 5% of contingency of \$280 for a project total not to exceed \$5,876 and authorization to negotiate a sole source future engineering contract with McMahon and Associates Inc.*

BACKGROUND:

The Matthias Tower is located at 1825 Matthias Street in Appleton and was originally constructed by Chicago Bridge and Iron in 1987. This tower was last cleaned and inspected in 2011. Wisconsin DNR Administrative Code NR 810.14 and American Water Works Association (AWWA) C652 standards recommend that water storage tanks should be assessed once every three to five years. The Appleton Water Treatment Facility is proposing a cleaning and inspection in accordance with those requirements. Project deliverables will include cleaning, inspection, and submittal of the WDNR report and Form 3300-248 which documents the tanks structural, mechanical, and coatings conditions.

The completion of this inspection report must be completed prior to June 1, 2016. This would give the City ample time to plan a coatings project should the inspection report and City staff agree to that course of action.

Professional Services quotes were solicited for this cleaning and inspection work. Three engineering firms were invited to quote. The firms were selected for the following reasons: McMahon and Associates were the original design engineers for the Matthias Tower. Robert E Lee and Associates is currently the engineering firm for the Softener Coating Project. Strand and Associates is currently the design engineer for the Glendale Tower Project. Quotes were opened on March 1, 2016. The following table identifies the engineering quotes.

COMPANY	QUOTE
<i>McMahon Associates, Inc.</i>	\$5,596
<i>Robert E Lee and Associates Inc.</i>	\$13,750
<i>Strand and Associates</i>	DNP

*DNP – Did Not Propose

I completed a review of the quotes and found them to provide acceptable services aligned with scope requirements in the RFQ. The quote received from McMahon and Associates was the least cost quote. McMahon and Associates has performed a number of these inspections in the past with successful results.

FUNDING SOURCE:

Funding for this project is identified in the water operations treatment budget. Additionally, if a subsequent project is identified where engineering services would be required, that funding is also listed in the operations budget.

Since the extent of any additional engineering is dependent on the results of the inspection, the design scope could not be accurately identified in this RFQ process. In the process the RFQ stated, “upon receipt of the project deliverables, the City may amend the existing contract by mutual agreement or a new contract may be executed between the parties, for additional work” therefore we are also requesting permission to negotiate the contract for the design and development of construction bid documents with McMahon and Associates, provided their work on the Cleaning and Inspection Project is deemed satisfactory. This future design contract is subject to approval of the Utilities Committee and Common Council at the appropriate time.

The 2016 Water Treatment Operations Budget includes \$255,000 for engineering and a painting project at Matthias Tower

RECOMMENDATION:

I recommend the award of the Matthias Tower Clean and Inspect Project to McMahon and Associates, Inc. in the amount of \$5,596 with a 5% of contingency of \$280 for a project total not to exceed \$5,876, and approval to negotiate with McMahon for a future contract for the engineering services without an RFP process once inspection conditions have been identified.

If you have any questions regarding this project please contact me at ph: 832-5945

16-16

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

(Municipal Services Committee 3-2-16)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Parking be restricted to three hours from 7:00 a.m. to 7:00 p.m., except Saturdays, Sundays and Holidays, on the west side of South State Street from Eighth Street to Seventh Street.

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

17-16

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

(Municipal Services Committee 3-2-16)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

15-Minute Passenger Loading Zone/No Unoccupied Vehicles from 7:30 a.m. to 4:30 p.m. on school days on the north side of Seventh Street from a point 25 feet west of State Street to a point 60 feet west of Seventh Street (the first 2 angle stalls west of State Street).

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

18-16

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

(Municipal Services Committee 3-2-16)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Stopping, standing and parking be prohibited, except for buses, 7:30 a.m. to 10:45 a.m. and 2:30 p.m. to 4:00 p.m. on school days on the north side of Marquette Street from Ullman Street to a point 370 feet east of Ullman Street.

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

19-16

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

(Municipal Services Committee 3-2-16)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Stopping, standing and parking be prohibited on school days from 7:30 a.m. to 4:00 p.m. on Ullman Street from Marquette Street to a point 60 feet south.

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

20-16

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

(Municipal Services Committee 3-2-16)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Stopping, standing and parking be prohibited from 7:30 a.m. to 4:00 p.m. on school days, except for police-authorized vehicles, on the east side of Ullman Street from Marquette Street to a point 85 feet south of Marquette Street.

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

21-16

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

(Municipal Services Committee 3-2-16)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton,

relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Stopping, standing and parking be prohibited on school days from 7:30 a.m. to 4:00 p.m. on the south side of Marquette Street from Ullman Street to a point 85 feet east.

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

22-16

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

(Municipal Services Committee 3-2-16)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Stopping, standing and parking be prohibited from 7:30 a.m. to 4:00 p.m. on school days on the west side of Ullman Street from Lindbergh Street to Marquette Street.

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

23-16

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

(Municipal Services Committee 3-2-16)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Stopping, standing and parking be prohibited, except for buses, 7:30 a.m. to 10:45 a.m. and 2:30 p.m. to 4:00 p.m. on school days on the east side of Ullman Street from Byrd Street to Marquette Street.

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

24-16

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS. (Municipal Services Committee 3-2-16)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Stopping, standing and parking be prohibited, except for buses, 7:30 a.m. to 10:45 a.m. and 2:30 p.m. to 4:00 p.m. on school days on the east side of Ullman Street from a point 15 feet north of Byrd Street to a point 75 feet north of Byrd Street.

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

25-16

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

(Municipal Services Committee 3-2-16)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Establish a ten-minute loading zone from 7:30 a.m. to 4:00 p.m. on school days on the east side of Ullman Street from a point 75 feet north of Byrd Street to a point 25 feet south of Lindbergh Street.

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

26-16

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

(Municipal Services Committee 3-2-16)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Stopping, standing and parking be prohibited from 7:30 a.m. to 4:00 p.m. on school days on the east side of Ullman Street from Lindbergh Street to a point 25 feet south of Lindbergh Street.

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

27-16

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

(Municipal Services Committee 3-2-16)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Stopping, standing and parking be prohibited from 7:30 a.m. to 4:00 p.m. on school days on Byrd Street from Ullman Street to a point 35 feet west of Ullman Street.

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

28-16

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

(Municipal Services Committee 3-2-16)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Stopping, standing and parking be prohibited from 7:30 a.m. to 4:00 p.m. on school days, December 1st to April 1st, on the north side of Byrd Street from Owaisa Street to a point 35 feet west of Ullman Street.

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

29-16

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.
(Municipal Services Committee 3-2-16)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Stopping, standing and parking be prohibited from 7:30 a.m. to 4:00 p.m. on school days on Lindbergh Street from a point 35 feet west of Ullman Street to a point 35 feet east of Ullman Street.

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

30-16

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.
(Municipal Services Committee 3-2-16)

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

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

any conflicting ordinance regarding parking in the designated area.

Stopping, standing and parking be prohibited from 7:30 a.m. to 4:00 p.m. on school days on Ullman Street from Lindbergh Street to a point 25 feet north of Lindbergh Street.

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

31-16

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

(Municipal Services Committee 3-2-16)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Stopping, standing and parking be prohibited from 7:30 a.m. to 4:00 p.m. on school days, December 1st to April 1st, on the east side of Ullman Street from Pershing Street to a point 25 feet north of Lindbergh Street.

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

32-16

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

(Municipal Services Committee 3-2-16)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Stopping, standing and parking be prohibited, except for buses, 7:30 a.m. to 4:30 p.m. on school days on the east side of Kernan Avenue from South River Street to a point 90 feet south of South River Street.

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

33-16

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.
(Municipal Services Committee 3-2-16)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

No Parking/Passenger Loading Zone (driver must remain at wheel/pull forward when possible) 7:30 a.m. to 4:30 p.m. on school days on the east side of Kernan Avenue from a point 90 feet south of South River Street to a point 25 feet north of Dewey Street.

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

34-16

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

(Municipal Services Committee 3-2-16)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Stopping, standing and parking be prohibited on school days from 7:30 a.m. to 4:30 p.m. on the east side of Kernan Avenue from Dewey Street to a point 25 feet north of Dewey Street.

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

35-16

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

(Municipal Services Committee 3-2-16)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Stopping, standing and parking be prohibited on school days from 7:30 a.m. to 4:30 p.m. on the north side of Dewey Street from Kernan Avenue to a point 35 feet east of Kernan Avenue.

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

36-16

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

(Municipal Services Committee 3-2-16)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Stopping, standing and parking be prohibited on school days from 7:30 a.m. to 4:30 p.m. on the north side of Dewey Street from Walden Avenue to a point 90 feet west of Walden Avenue.

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

37-16

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

(Municipal Services Committee 3-2-16)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Stopping, standing and parking be prohibited on school days from 7:30 a.m. to 4:30 p.m. on the west side of Kernan Avenue from South River Street to a point 15 feet south of Dewey Street.

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

38-16

AN ORDINANCE AMENDING SECTION 10-4 OF CHAPTER 10 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO SALE OF DANGEROUS WEAPONS TO MINORS.

(Safety and Licensing Committee – 3-2-16)

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

Section 1: That Section 10-4 of Chapter 10 of the Municipal Code of the City of Appleton, relating to sale of dangerous weapons to minors, is hereby amended to read as follows:

Sec. 10-4. Sale of dangerous weapons to minors.

No person shall buy for, sell or give away to any minor any dangerous weapon, without first having obtained the written consent of the parent or guardian of such minor. For purposes of this section, the term “dangerous weapon” shall mean and include the following instruments: blackjack, billy, sandclub, pistol, revolver, any instrument which impels a missile by compressed air, spring or other means, any weapon in which loaded or blank cartridges are used, cross knuckles of any metal, nunchaku or nunchuck sticks, throwing stars or shurikens.

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

39-16

AN ORDINANCE AMENDING SECTION 10-48(a)(3) OF CHAPTER 10 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO FIREARMS RESTRICTED IN CERTAIN CITY BUILDINGS.

(Safety and Licensing – 3-2-16)

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

Section 1: That Section 10-48(a)(3) of Chapter 10 of the Municipal Code of the City of Appleton, relating to firearms restricted in certain city buildings, is hereby amended to read as follows:

Sec. 10-48. Firearms restricted in certain City buildings.

(a) *Definitions.*

(1) *Firearm means a weapon that acts by force of gunpowder.*

(2) *Law enforcement officer means a person who is employed by a law enforcement agency as defined in Wisconsin Statutes Section 175.49(1)(f) for the purpose of engaging in, or supervising others engaging in, the prevention, detection, investigation or prosecution of, or the incarceration of any person for, any violation of law and who has statutory powers of arrest.*

(3) *Weapon means a handgun, an electronic weapon as defined as Wis. Stats. §941.295 (1c)(a), a knife, or a billy club.*

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

40-16

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:

#1-16: For lands located at: Lot 1 (Tax Id. #31-1-9300-01) of Glacier Ridge located on the south side of E. Werner Road, west of N. Ballard Road, from future Commercial and One- and Two-Family Residential use to Multi-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.

41-16

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 3-16-16)

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 Lot 1 (Tax Id. #31-1-9300-01) of Glacier Ridge Plat located along the south side of E. Werner Road, west of N. Ballard Road, including to the centerline of the adjacent road right-of-way, from R-1B Single-Family District and R-3 Multi-Family District. (Rezoning #1-16 – Vision Realty & Development)

LEGAL DESCRIPTION:

Lot 1 (Tax Id. #31-1-9300-01) of Glacier Ridge Plat, City of Appleton, Outagamie County, Wisconsin, including to the midpoint of the adjacent road right-of-way.

COMMON DESCRIPTION:

Lot 1 (Tax Id. #31-1-9300-01) of Glacier Ridge

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.