



# City of Appleton

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

## Meeting Agenda - Final-revised Common Council

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Wednesday, April 6, 2016

7:00 PM

Council Chambers

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

[16-518](#) Common Council Meeting Minutes of March 16, 2016

**Attachments:** [CC Minutes 3-16-16.pdf](#)

- H. BUSINESS PRESENTED BY THE MAYOR

[16-315](#) Presentation of Autism Awareness Month and World Autism Awareness Day Proclamation

[16-316](#) Presentation of the Fox Cities Performing Arts Center Report to the Community

[16-481](#) Reappointment of Barbara Luedtke to the Police & Fire Commission

**Attachments:** [COMMITTEE REAPPOINTMENT PFC Barbara Luedtke 040616.pdf](#)

[16-487](#) Presentation of National Library Week Proclamation

[16-509](#) Presentation of Appleton Area School District Volunteer Tutoring Day Proclamation

- I. PUBLIC HEARINGS

[16-440](#) Public Hearing Notice Rezoning #2-16

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

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

L. COMMITTEE REPORTS

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

[16-426](#)

Request from Chad Willems, 1318 S. Telulah Avenue, to have his sidewalk snow removal bill of \$75 waived.

**Attachments:** [Chad Willems.pdf](#)

**Legislative History**

3/22/16	Municipal Services Committee	recommended for denial
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[16-428](#)

Request from Appleton Downtown, Inc. for Street Occupancy Permits for College Avenue (600 W. College Avenue to 300 E. College Avenue as follows:

- a. June 4th-July 2nd-"Fiber Rain" in the beautification strip area only.
- b. July 15th-"Chalk on the Town" 1:00 p.m.-9:00 p.m. in the sidewalk area only.
- c. August 19th-"Paint on the Town" 1:00 p.m.-9:00 p.m. in the beautification strip area only.

**Attachments:** [ADI-Art on the Town.pdf](#)

**Legislative History**

3/22/16	Municipal Services Committee	recommended for approval
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[16-450](#)

Approved parking changes on N. Gillett Street (Summer St to Wisconsin Ave) for a Six-Month Trial Period.

**Attachments:** [Parking changes on N. Gillett Street.pdf](#)

**Legislative History**

3/22/16	Municipal Services Committee	recommended for approval
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**2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE**

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

[16-334](#)

Request to approve Rezoning #2-16 for 1611 & 1621 Schaefer Circle and 1645 E. Harding Drive, including to the centerline of the adjacent right-of-way, as shown on the attached maps, from PD/R-3 Planned Development Multi-Family District to R-3 Multi-Family District

**Attachments:** [StaffReport\\_VirginiaVillageApts\\_Rezoning\\_For03-07-16.pdf](#)

**Legislative History**

3/7/16 City Plan Commission recommended for approval  
*Proceeds to Council on April 6, 2016.*

*Dukelow amended the motion to hold the item until the next meeting.  
Amendment failed for lack of a second.*

[16-425](#)

Request to approve the Plach Annexation as shown on the attached maps, located at 5630 N. Ballard Road currently in the Town of Grand Chute, subject to the stipulation in the attached staff report

**Attachments:** [StaffReport\\_Plach\\_Annexation\\_For03-21-16.pdf](#)

**Legislative History**

3/21/16 City Plan Commission recommended for approval

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

[16-193](#)

Requesting Approval of Resolution #1-R-16, Renaming the Fox River Properties to the Ellen Kort Peace Park  
Alderpersons Mann, Meltzer, Martin & Williams (held from 2-8-16 P & R Committee Meeting)

**Attachments:** [Resolution #1-R-16 Ellen Kort Peace Park \(2-8-16\).docx](#)

**Legislative History**

2/17/16 Parks and Recreation held  
Committee  
*motion to hold at Committee by Croatt second by Spears 1st meeting in Mar*

3/21/16 Parks and Recreation recommended for approval  
Committee

[16-442](#)

Action Item: Award Lutz Park Trail and Yacht Club Site Design and Engineering to Corre, Inc. for a contract amount of \$31,572.80

**Attachments:** [Lutz Park Trail Comm Memo \(3-21-16\).doc](#)

**Legislative History**

3/21/16 Parks and Recreation recommended for approval  
Committee

#### 5. MINUTES OF THE FINANCE COMMITTEE

[16-421](#)***"Critical Timing Issue"***

Request to award Scarlet Oak Lift Station Improvements Project bid and alternate bids #2 and #4 to August Winter & Sons, Inc. in the amount of \$139,471 with a contingency of \$10,460 for a project total not to exceed \$149,931 (item also appears on the Utilities Committee agenda as an informational item).

**Attachments:** [Scarlet Oak LS Improvements Bid Award\\_A W.pdf](#)



16-401

Request to approve the following 2015 Budget adjustments:

**Community Development Block Grant (CDBG) Fund**

Federal Grants	+\$65,445
Block Grant Payments	+\$65,445

to record additional CDBG funds awarded in 2015 and related expenditures.

**Continuum of Care (CoC) Grant Fund**

State Grants	+\$23,475
Grant Payments	+\$23,475

to record additional CoC funds awarded in 2015 and related expenditures.

**Emergency Shelter Grant (ESG) Fund**

State Grants	+\$44,182
Grant Payments	+\$44,182

to record additional ESG funds awarded in 2015 and related expenditures.

**Room Tax Fund**

Room Taxes Received	+\$98,359
Fund Balance	+\$33,081
Room Tax Payments to FCCVB	+\$88,992
Transfer to General Fund	+\$42,448

to record additional room taxes received in 2015 and related payment to the FCCVB. Also record the transfer of fund balance accumulated from prior years (representing the City's 5% administrative fee) to the general fund.

**New Subdivision Fund**

Reimbursement from Developer	+\$736,684
Street Construction	+\$715,158
Sidewalk Construction	+\$21,526

to record developer funded improvements in the Emerald Valley and Clearwater Creek subdivisions.

**TIF #5 Fund**

Fund Balance	+\$442,471
Payments to Other Taxing Jurisdictions	+\$436,271
Audit Fees	+ \$6,200

to record final payments to the other taxing jurisdictions and audit fee related to the closeout of TIF #5.

**Attachments:** [2015 Final Budget Adjustments.pdf](#)

**Legislative History**

3/22/16 Finance Committee recommended for approval

[16-404](#)

Request to approve the 2015-2016 Budget appropriations:

1. Items not under contract -\$4,586,223
2. Special consideration -\$609,038

**Attachments:** [2015-16 carryover - Not Under Contract.pdf](#)

[2015-16 carryover - Special Consideration.pdf](#)

**Legislative History**

3/22/16 Finance Committee recommended for approval

[16-407](#)

Request to approve Finance Committee Report 1-P-16 for Sanitary Sewer, Storm Sewer and Laterals.

**Attachments:** [Report 1-P-16.pdf](#)

**Legislative History**

3/22/16 Finance Committee recommended for approval

[16-409](#)

Request to award Unit C-16 Sidewalk Sawcutting to ASTI Sawing, Inc. in an amount not to exceed \$30,000.

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

**Legislative History**

3/22/16 Finance Committee recommended for approval

[16-472](#)

Request to approve the City of Appleton entering into a three year contract with ThedaCare for healthcare services to be provided at the newly established employee health clinic contingent upon the subsequent approval of the facility location expenses when a clinic location is determined.

**Attachments:** [ThedaCare clinic contract memo.pdf](#)

[Medical clinic powerpoint presentation 3-22-16.pdf](#)

[Medical Clinic ThedaCare powerpoint 3-22-16.pdf](#)

**Legislative History**

3/22/16 Finance Committee recommended for approval

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

7. **MINUTES OF THE UTILITIES COMMITTEE**

[16-418](#) Award Compost Marketing Research Services contract to R. Alexander Associates in the amount of \$15,000 with a 7% contingency of \$1,050 for a project total not to exceed \$16,050.

**Attachments:** [Compost Marketing RAA.pdf](#)

**Legislative History**

3/22/16 Utilities Committee recommended for approval

[16-422](#) Preliminary Resolution 1-P-16 for Sanitary Sewer, Storm Sewer, Sanitary Laterals & Storm Laterals be adopted and refer the matter to the Finance Committee to determine the assessment rate.

**Attachments:** [Resolution 1-P-16.pdf](#)

**Legislative History**

3/22/16 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**

N. **ITEMS HELD**

O. **ORDINANCES**

[16-521](#) Ordinance 42-16

**Attachments:** [Ordinances going to Council 4-6-16.pdf](#)

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

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

R. **OTHER COUNCIL BUSINESS**

## S. CLOSED SESSION

[16-519](#)

The Common Council will go into closed session according to State Statute §19.85(1)(e) for the purpose of discussions regarding deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified business, whenever competitive or bargaining reasons require a closed session concerning the extension of utility service and then reconvene into open session.

## 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

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Wednesday, March 16, 2016

7:00 PM

Council Chambers

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A. CALL TO ORDER

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

B. INVOCATION

*The Invocation was given by Alderperson Jirschele.*

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

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

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

*City Clerk Lynch, City Attorney Walsh, Deputy City Attorney Behrens, Director of Community and Economic Development Harkness, Director of Finance Saucerman, Fire Chief Vander Wyst, Health Officer Eggebrecht, Director of Human Resources Behnke, Director of Information Technology Fox, Police Chief Thomas, Director of Public Works Vandehey, Director of Utilities Shaw*

F. PUBLIC PARTICIPATION

*Charlotte Olson, 725 E Roeland - Municipal Services Item 16-349, Snow Removal Fee  
Revis Engle, 86 Northbreeze Dr - Safety & Licensing Item 16-358, Operator License  
Tanya Rulston Engle, 86 Northbreeze Dr - Safety & Licensing Item 16-358, Operator License  
Jim Fletcher, 1319 S Lutz Dr - Municipal Services Item 15-2051, CTH JJ & Ballard Rd  
Troy Mleziva, 1626 Oak St, La Crosse - Municipal Services Item 15-2051, CTH JJ & Ballard Rd  
Todd Vanzeeland, 2000 Edgewood Dr - Municipal Services Item 15-2051, CTH JJ & Ballard Rd  
Trevor Reznar, 2930 W College Ave - Municipal Services Item 15-2051, CTH JJ & Ballard Rd*

## G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[16-396](#)

Common Council Meeting Minutes of March 2, 2016

**Attachments:** [CC Minutes 3-2-2016.pdf](#)**Alderson Croatt moved, seconded by Alderson Baranowski, that the Minutes be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 13 - Alderson Chris Croatt, Alderson Greg Dannecker, Alderson Joe Martin, Alderson Christine Williams, Alderson Vered Meltzer, Alderson Kathleen Plank, Alderson William Siebers, Alderson Curt Konetzke, Alderson Ed Baranowski, Alderson Margret Mann, Alderson Patti Coenen, Alderson Kyle Lobner and Alderson Jeffrey Jirschele

**Abstained:** 2 - Alderson Cathy Spears and Mayor Timothy Hanna

## 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](#)**Alderson Konetzke moved, seconded by Alderson Martin, that the Appointment be approved. Roll Call. Motion carried by the following vote:**

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

**Abstained:** 1 - Mayor Timothy Hanna

## 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](#)

*The Public Hearing was held. No person spoke for or against the item.*

[16-400](#)

Public Hearing - Rezoning #1-16

**Attachments:**     [Public Hearing - RZ #1-16.pdf](#)*The Public Hearing was held. No person spoke for or against the item.*

## J.     SPECIAL RESOLUTIONS

## K.     ESTABLISH ORDER OF THE DAY

[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](#)

**Aldersperson Baranowski moved, seconded by Aldersperson Martin, that the recommendation to deny the request be approved. A Notwithstanding vote was taken. Roll Call. Motion carried to grant Ms. Olson's request and waive the fee by the following vote:**

**Aye:** 11 - Aldersperson Joe Martin, Aldersperson Cathy Spears, Aldersperson Christine Williams, Aldersperson Vered Meltzer, Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Curt Konetzke, Aldersperson Ed Baranowski, Aldersperson Patti Coenen, Aldersperson Kyle Lobner and Aldersperson Jeffrey Jirschele

**Nay:** 3 - Aldersperson Chris Croatt, Aldersperson Greg Dannecker and Aldersperson Margret Mann

**Abstained:** 1 - Mayor Timothy Hanna

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](#)

Aldersperson Spears moved, seconded by Aldersperson Croatt, that the Recommendation to Outagamie County Highway Department be approved. Roll Call. Motion carried by the following vote:



**Aye:** 13 - Alderperson Chris Croatt, Alderperson Joe Martin, Alderperson Cathy Spears, Alderperson Christine Williams, Alderperson Vered Meltzer, Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Margret Mann, Alderperson Patti Coenen, Alderperson Kyle Lobner and Alderperson Jeffrey Jirschele

**Nay:** 1 - Alderperson Greg Dannecker

**Abstained:** 1 - Mayor Timothy Hanna

**Alderperson Lobner moved, seconded by Alderperson Dannecker, that the original Motion be amended to approve Option 2 for the project. Roll Call. The Motion to amend failed by the following vote:**

**Aye:** 2 - Alderperson Greg Dannecker and Alderperson Kyle Lobner

**Nay:** 12 - Alderperson Chris Croatt, Alderperson Joe Martin, Alderperson Cathy Spears, Alderperson Christine Williams, Alderperson Vered Meltzer, Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Margret Mann, Alderperson Patti Coenen and Alderperson Jeffrey Jirschele

**Abstained:** 1 - Mayor Timothy Hanna

[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](#)

**Alderperson Martin moved, seconded by Alderperson Croatt, that the Resolution be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 12 - Alderperson Chris Croatt, Alderperson Joe Martin, Alderperson Cathy Spears, Alderperson Christine Williams, Alderperson Vered Meltzer, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Margret Mann, Alderperson Patti Coenen, Alderperson Kyle Lobner and Alderperson Jeffrey Jirschele

**Nay:** 2 - Alderperson Greg Dannecker and Alderperson Kathleen Plank

**Abstained:** 1 - Mayor Timothy Hanna

[16-358](#)

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

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

**Alderperson Lobner moved, seconded by Alderperson Baranowski, that the recommendation for denial be approved. A Notwithstanding vote was taken.**

**Roll Call. Motion to approve the license carried by the following vote:**

**Aye:** 11 - Alderperson Greg Dannecker, Alderperson Joe Martin, Alderperson Cathy Spears, Alderperson Christine Williams, Alderperson Vered Meltzer, Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Margret Mann and Alderperson Patti Coenen

**Nay:** 3 - Alderperson Chris Croatt, Alderperson Kyle Lobner and Alderperson Jeffrey Jirschele

**Abstained:** 1 - Mayor Timothy Hanna

## L. COMMITTEE REPORTS

**Alderperson Baranowski moved, seconded by Alderperson Konetzke, that the be approved. Roll Call. Motion carried by the following vote:**

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

**Alderperson Baranowski moved, Alderperson Konetzke seconded, to approve the balance of the agenda. The motion carried by the following vote:**

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

**Abstained:** 1 - Mayor Timothy Hanna

## 1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[16-341](#) Approve streetscape elements for the S. Oneida Street Reconstruction Project.

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

**This Report Action Item was approved.**

[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](#)

**This Report Action Item was approved.**

[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](#)

**This Report Action Item was approved.**

[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](#)

**This Report Action Item was approved.**

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

[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.

**This Report Action Item was approved.**

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

**This Report Action Item was approved.**

[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.

This Report Action Item was approved.

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

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

This Report Action Item was approved.

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

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

This Report Action Item was approved.

### 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](#)

This Report Action Item was approved.

[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](#)

This Report Action Item was approved.

**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](#)

This Report Action Item was approved.

[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](#)

This Report Action Item was approved.

**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.pdf](#)

This Report Action Item was approved.

**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](#)

This Report Action Item was approved.

[16-320](#)

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

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

This Report Action Item was approved.

[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](#)

This Report Action Item was approved.

[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](#)

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**

**O. ITEMS HELD**

**P. ORDINANCES**

[16-359](#)

Ordinance 16-16 through Ordinance 41-16

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

This Report Action Item was approved.

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

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

**Alderson Baranowski moved, seconded by Alderson Martin, that the meeting be adjourned at 8:04 p.m. Roll Call. Motion carried by the following vote:**

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

Kami Lynch, City Clerk



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

---

**OFFICE OF THE MAYOR**

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

**TO:** Members of the Common Council

**FROM:** Mayor Timothy Hanna

**DATE:** April 1, 2016

**RE:** Committee Reappointment

---

It is with pleasure that I present the following reappointment for your confirmation at the April 6 Common Council meeting:

**POLICE AND FIRE COMMISSION**

Barbara Luedtke                      5-year term

Per Resolution #8-R-14, I am pleased to report that Ms. Luedtke's attendance at Police and Fire Commission meetings during the 12 months prior to the end of her term has been 90.91%.



**NOTICE OF PUBLIC HEARING**

**#2-16**

**RE: Proposed Zone Change**

A public hearing will be held in the Council Chambers, City Hall, Appleton, Wisconsin, on April 6, 2016, at 7:00 P.M., or as soon thereafter as can be heard, to consider the following proposed zone change:

**Rezoning #2-16** request has been initiated by the owner, Virginia Properties LLC, and applicant, Harris & Associates, Inc., in the matter of amending Chapter Twenty-three (Zoning Ordinance) of the Municipal Code of the City of Appleton for the above-described real estate, which is currently zoned PD/R-3 Planned Development Multi-Family District. The owner/applicant proposes to rezone the property to the base R-3 Multi-Family District, without the PD Planned Development overlay.

**LEGAL DESCRIPTION:**

PURDY FARM PLAT LESS PRT OF STREET AS DESC IN 92D365 & LESS 162R695 (O/L 1 OF TEMMER-HAEN EST) OF LOT 17 (Tax Id #31-9-1111-00, #31-0-1111-01, #31-0-1111-03), City of Appleton, Calumet County, Wisconsin, including to the midpoint of the adjacent road right-of-way.

March 17, 2016

**KAMI LYNCH**  
City Clerk

RUN: March 19, 2016  
March 22, 2016

**From:** Chad Willems (Ariens Plant 3)  
**Sent:** Tuesday, March 08, 2016 4:59 PM  
**To:** [paula@vandehey.appleton.org](mailto:paula@vandehey.appleton.org)  
**Cc:** 'chadbot9000@hotmail.com'  
**Subject:** 1318 South Telulah Avenue Appleton WI

Paula,

This letter is to appeal the \$75.00 fee given by the city. This is our case.....

Our sump pump discharge is in a bad spot. The water has nowhere to go but to the side walk. The side walk to in rough shape, so the water pools up in one spot. This seems to happen no matter we aim the hose, Gravity takes the water to that spot every time. After every snow fall, I take my snow blower and clean all sidewalks from the corner of Lee and Fremont to my neighbor two houses down. I clean the aprons leading to the streets so the kids don't have to walk over what the plows leave behind. I clean the drive way and apron for the older lady next door. I enjoy being the guy with the snow blower who takes care of these things. I make snow blowers for a living. I take pride in that. I salt that ice on the side walk everyday as needed. The issue is that since the hose is always introducing more water the ice, it most likely washes away some salt or it goes on top of the salt and freezes over it. When it's really cold, salt only does so much.

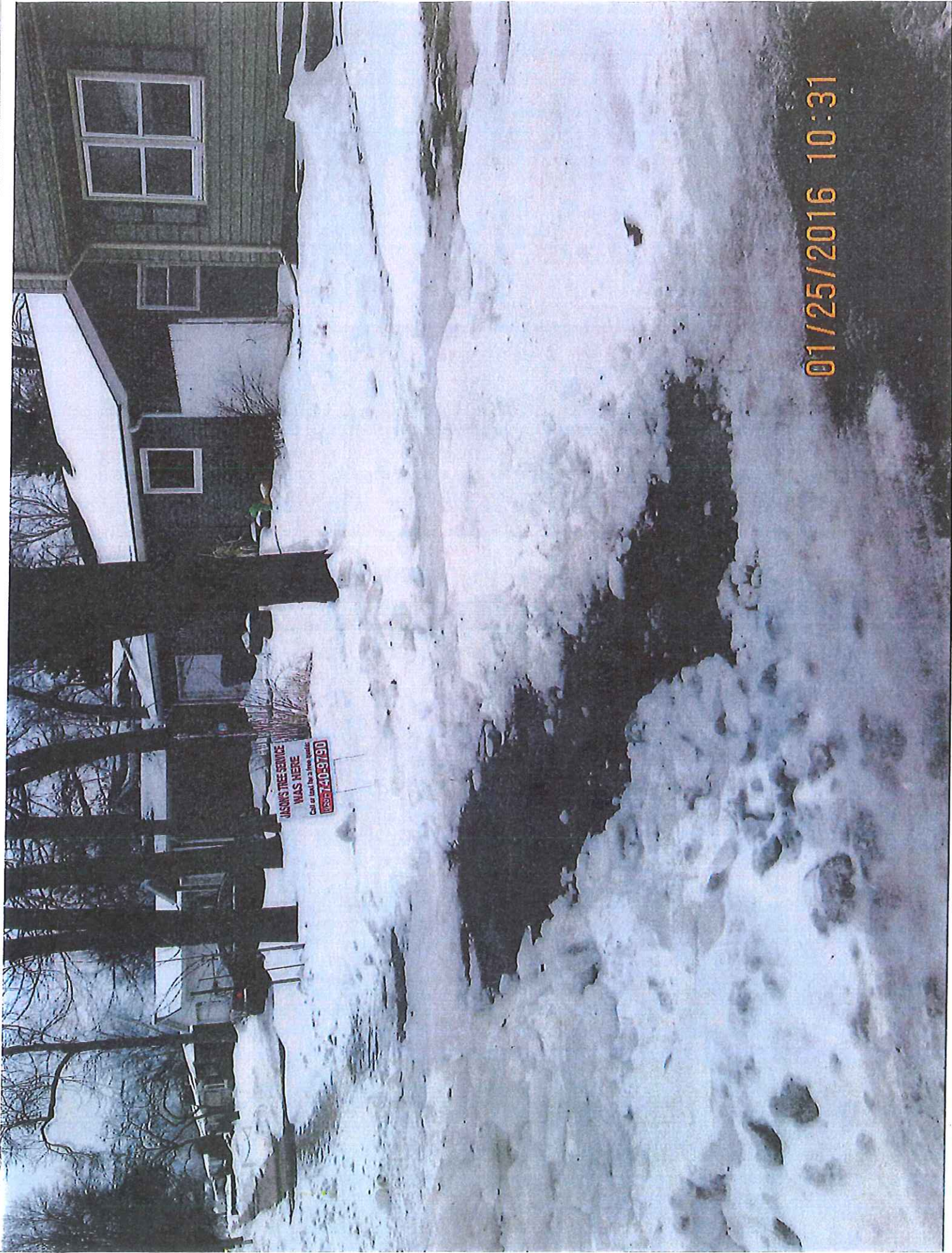
After we got the notice on our door from Dale (forgot last name), I bought a pick ax and hacked the ice to pieces and the sidewalk has been clear ever since. There was a small patch on our sidewalk, but our mail lady wrote "ICE" on my mail so I took care of that quickly.

I understand city policy says to take care of ice immediately. I did exactly that. I took care of the ice after I was aware of it. To be charged \$75 for a little salt is a bit much. Id be willing to bet that the technician put salt down in the morning, just before I would have salted it. Plus theres the fact that I didn't see any new salt that the tech would have used. We are aware of the cities program to install mini sewers. We are on the list to get this done. I believe the project takes place in the spring, and this will take care of the problem permanatly. I hope this matter is resolved promptly and properly. I believe i followed the city protocol when it comes to ice. Please let me know when a decision is made.

Thank you for your time and understanding.

Sincerely,  
Chad Willems  
1318 South Telulah Ave





01/25/2016 10:31







## 2016 Sidewalk Snow Removal Appeals

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
1318 S. Telulah Avenue	1/12/2016 @ 3:00 AM	1/13/2016 @ 3:00 PM	1/25/2016 @ 10:36 AM	\$ 75.00

## 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

February 29, 2016

Ms. Paula VandeHey  
Director of Public Works - City Of Appleton  
100 N. Appleton St.  
Appleton, WI 54911

Dear Ms. VandeHey:

As a special feature of "Art on the Town", Creative Downtown Appleton Inc. would like to offer the following different themed offerings and are requesting a Sidewalk Occupancy Permit to cover the sidewalk area. Listed below are the different dates and themes:

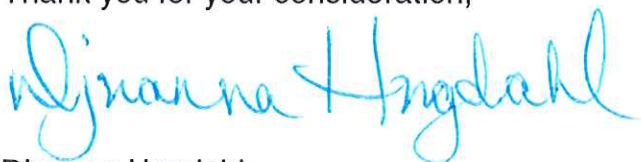
June 17 – "Fiber Rain" – knitted art up through month of June *June 4<sup>th</sup> – July 2<sup>nd</sup>*

July 15 – "Chalk on the Town" – Businesses and individuals reserve a square or two of sidewalk, chalking begins at 1 p.m. and ends by 9 p.m. Businesses will have the first rights to sidewalk in front of their building.

August 19 - "Paint on the Town" – Businesses and individuals will paint on easels outside of participating venues, encouraging individuals to add to the painting.

We are requesting a Sidewalk Occupancy Permit to cover the sidewalk area from 600 W. College Avenue through 300 E. College Avenue in downtown, from 1-9 p.m.

Thank you for your consideration,



Djuanna Hugdahl  
Event Coordinator  
Appleton Downtown Inc.  
[djuanna@appleatondowntown.org](mailto:djuanna@appleatondowntown.org)



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

**To:** Municipal Services Committee  
**From:** Eric Lom, City Traffic Engineer  
**Date:** March 16, 2016  
**Re:** Proposed parking change on N. Gillett Street (Summer St to Wisconsin Avenue)  
*Proposed Six-Month Trial Period*

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In response to a request from Alderperson Christine Williams, the City's Traffic Section has assessed the possibility of expanding the existing two-hour zone parking zone in the area of Appleton West High School to include the block of N. Gillett Street that falls between Summer Street and Wisconsin Avenue. Alderperson Williams had received a number of complaints that students have been parking on both sides of this block on school days.

The Appleton School District constructed a student parking lot on Linwood Avenue a number of years ago. At that time, two-hour parking zones (during school hours) were instituted in the adjacent neighborhoods in an effort to compel students to park in the District's off-street lot. While this plan has greatly minimized long-term student parking on most of the neighborhood streets in the area of the high school, we have observed that students have started parking on the block in question.

Property owners on this block were surveyed by mail. The response rate was 57%. Of those that responded:

- 75% were in favor of installing 2-hour parking signs on both sides of the street (7am-4pm on school days)
- 25% preferred no changes, but were *OK* with 2-hour parking signs on both sides of the street (7am-4pm on school days)

Based on the results of the survey, Alderperson Williams supports the majority's preference to install two-hour parking signs on both sides of this block for a 6-month trial period. The Traffic Section also supports this approach.





## REPORT TO CITY PLAN COMMISSION

**Plan Commission Informal Hearing Meeting Date:** March 7, 2016

**Common Council Public Hearing Meeting Date:** April 6, 2016 (Public Hearing on Rezoning)

**Item:** Rezoning #2-16 – Schaefer Circle

**Case Manager:** David Kress

### GENERAL INFORMATION

**Owner:** Virginia Properties, LLC

**Applicant:** Harris & Associates, Inc. c/o Thomas Wood

**Address/Parcel:** 1611 & 1621 Schaefer Circle and 1645 East Harding Drive (Tax Id #31-9-1111-00, #31-0-1111-03, #31-0-1111-01)

**Petitioner's Request:** The applicant proposes to rezone the subject property from PD/R-3 Planned Development Multi-Family District to R-3 Multi-Family District. The request is being made to lift the PD (Planned Development) Overlay District and accommodate the proposed development of 16 additional dwelling units on the site.

### BACKGROUND

On May 22, 1972, building permits were issued for three 16-unit apartment buildings on the subject site. Building permits were later issued for detached garage buildings in 1987 and 2000.

On September 4, 1985, Common Council approved Rezoning #12-85 to rezone the property from R-5 Planned Residential District to PRD Planned Residential District, as the R-5 zoning classification was being eliminated. Rezoning #12-85 was initiated by Plan Commission. The staff report included a site plan that identified a green space on the west side of the subject property, but Common Council proceedings did not refer to a site plan being approved in their action. Additionally, no Implementation Plan was approved and filed in the City Clerk's office. Therefore, no requirements (e.g. setback standards) were ever formalized.

On May 18, 1994, Ordinance 61-94 was adopted, which repealed and recreated the Zoning Ordinance. This Zoning Ordinance introduced the Planned Development (PD) Overlay District. As a result, the subject property's zoning classification changed to PD/R-3 Planned Development Multi-Family District.

On June 2, 2004, Ordinance 74-04 was adopted, which repealed and recreated the Zoning Ordinance that is currently in place. This Zoning Ordinance includes sections on transition rules and period of validity for overlay districts. Per Section 23-151(l) of the Municipal Code, a PD overlay district designation remains on PD parcels even if there is no approved Implementation Plan Document (IPD), or if the IPD has expired or been made invalid. Any future development requires approval of a Development Plan and IPD, or a request to rezone the property.

## **STAFF ANALYSIS**

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**Existing Site Conditions:** The applicant's site is approximately 4.83 acres in size and is located at the southwest corner of Schaefer Circle and East Harding Drive. The subject site is currently developed with three 16-unit apartment buildings, resulting in a total of 48 dwelling units. The site also includes three detached garage buildings and off-street surface parking, with vehicular access provided by a curb cut on Schaefer Circle. The western portion of the property remains undeveloped.

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

**North:** R-3 Multi-Family District. The adjacent land uses to the north are currently a mix of multi-family residential uses.

**South:** R-1B Single-Family District. The adjacent land uses to the south are currently single-family residential.

**East:** PD/R-3 Planned Development Multi-Family District. The adjacent land uses to the east are currently multi-family residential (same ownership as the subject property).

**West:** R-1B Single-Family District. The adjacent land uses to the west are currently single-family residential.

**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 request is being made to accommodate the proposed development of 16 additional dwelling units on the site. Multi-family dwelling is a permitted use in the R-3 Multi-Family District. Future development would need to conform to the R-3 District zoning regulations listed above and other sections of the Zoning Ordinance. Ultimately, Site Plan review and approval is required, pursuant to Section 23-570 of the Municipal Code, prior to the issuance of a building permit by the Inspections Division.

A rezoning is often triggered by development proposals or changing circumstances in the City. In this case, because no Implementation Plan was approved and filed for Rezoning #12-85, some zoning action is needed in order for future development to occur, pursuant to Section 23-151(l) of the Municipal Code.

**Appleton Comprehensive Plan 2010-2030:** The City of Appleton *Comprehensive Plan 2010-2030* identifies this area for future multi-family residential uses. The proposed R-3 Multi-Family District rezoning is consistent with the Future Land Use Map. Listed below are related excerpts from the City's *Comprehensive Plan 2010-2030*.

*Goal 1 – Community Growth*

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

*Goal 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 7.1 Utilities and Community Facilities:**

*Provide a pattern of development that minimizes impacts to municipal services and utilities.*

**OBJECTIVE 10.1 Land Use:**

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

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

- a. Prior to making a recommendation on a proposed rezoning, the Plan Commission shall make a finding to determine if the following conditions exist. No rezoning of land shall be approved prior to finding at least one of the following:
  1. The request for a zone change is in conformance with the Comprehensive Plan for the City of Appleton. *The rezoning request is in conformance with the Comprehensive Plan 2010-2030, as the Future Land Use Map identifies this area for future multi-family residential uses.*
  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. *Multi-family residential uses are already present on the subject site and located to the north and east as well. Development standards for the R-3 District, including minimum setbacks, would create some separation from the single-family residential uses located to the west and south. Therefore, the proposed rezoning request is unlikely to create adverse impacts in the surrounding neighborhood.*

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

**Technical Review Group (TRG) Report:** This item was discussed at the February 16, 2016 Technical Review Group meeting. No negative comments were received from participating departments.

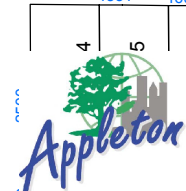
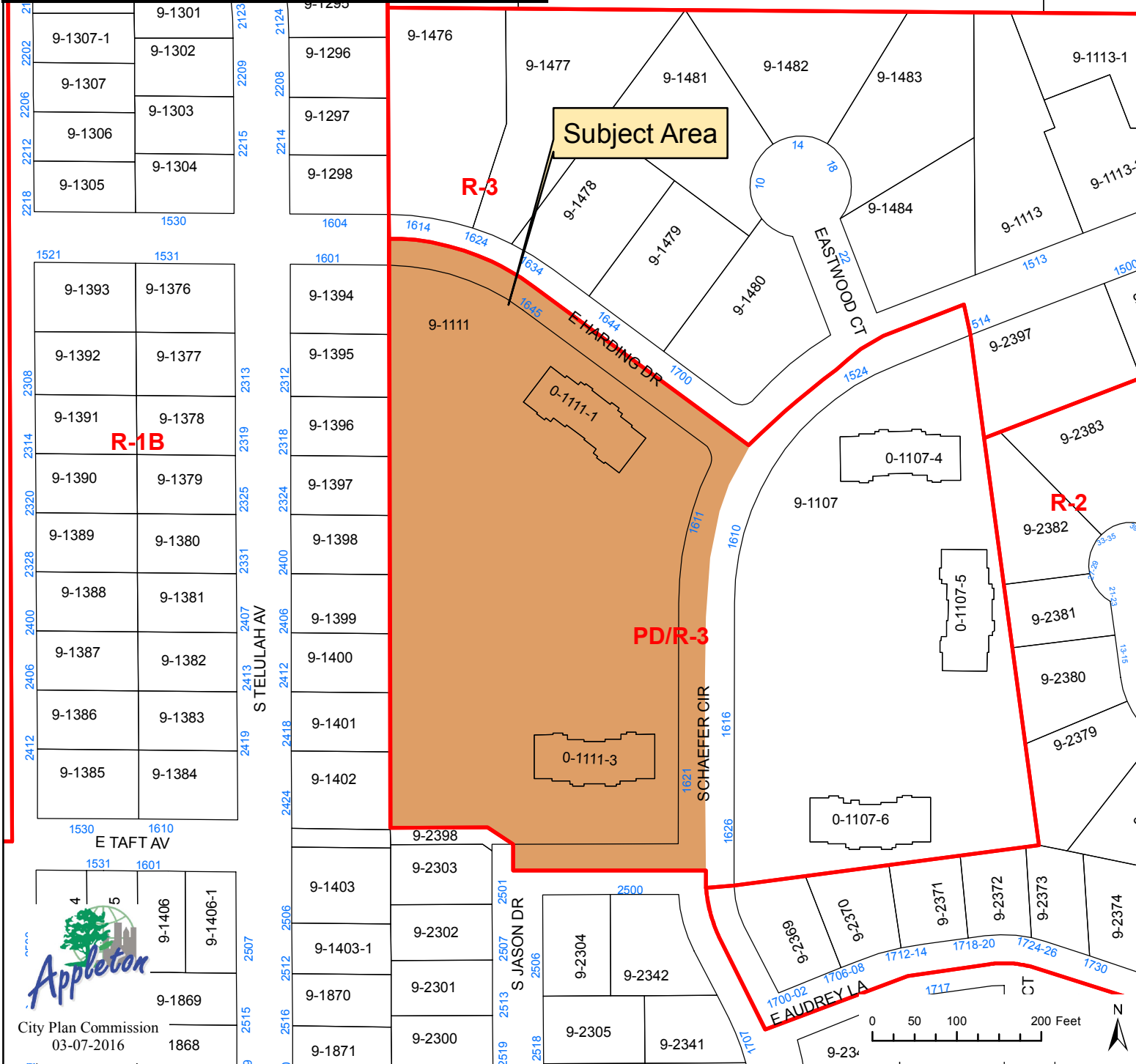
**Written Public Comments:** Staff has received one emailed letter from Jim Busha, 2400 South Telulah Avenue (see attached).

**RECOMMENDATION**

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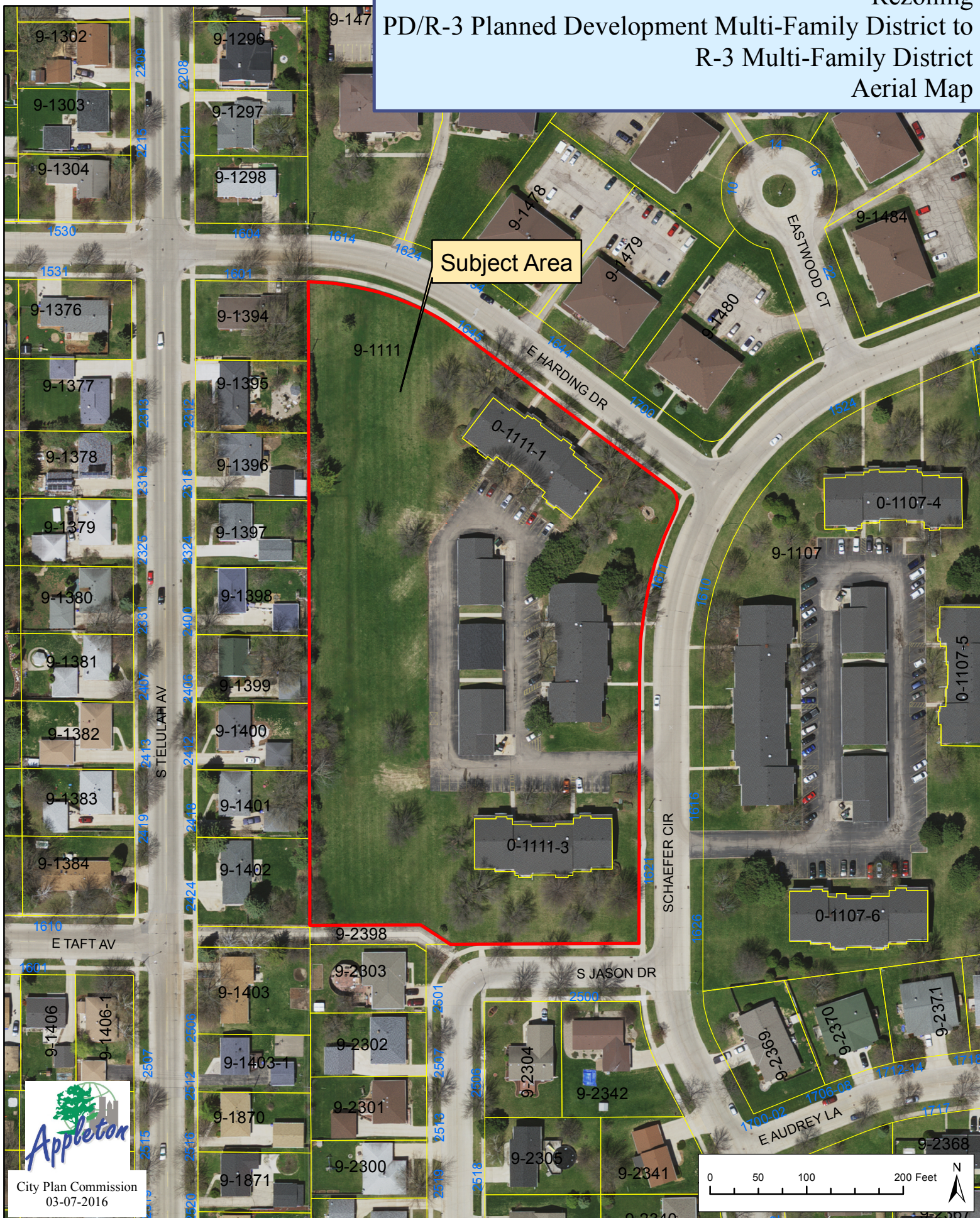
Staff recommends, based upon the standards for zoning map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning Application #2-16 to rezone the subject site located at Schaefer Circle and East Harding Drive (Tax Id #31-9-1111-00, #31-0-1111-03, and #31-0-1111-01) from PD/R-3 Planned Development Multi-Family District to R-3 Multi-Family District, including to the centerline of the adjacent right-of-way and as shown on the attached map, **BE APPROVED**.

# Schaefer Circle and East Harding Drive Rezoning PD/R-3 Planned Development Multi-Family District to R-3 Multi-Family District Zoning Map





Schaefer Circle and East Harding Drive  
Rezoning  
PD/R-3 Planned Development Multi-Family District to  
R-3 Multi-Family District  
Aerial Map





RECEIVED

Page 1

MAR 2 2016

CITY OF APPLETON  
COMMUNITY/ECON DEVELOPMENT

Email Address:

jwbusha@gmail.com

First Name:

Jim

Last Name:

Busha

Address:

2400 S Telulah Ave

City:

Appleton

State/Province:

Wisconsin

Zip Code:

54915

Phone Number:

(920) 739-8686



**Fax Number:**

Not answered

**Comments/Questions:**

To: City Planning Commission

Att: David Kress: Principal Planner

CC: Alderperson District 5 Edward Baranowski

CC City of Appleton Mayor Timothy M Hanna

My name is Jim Busha and I live at 2400 S. Telulah Avenue and have lived there since 1973. I would like to state my opposition to the proposed rezoning the property 1611 and 1621 Schafer Circle and 1645 Harding drive from PD/R-3 to R-3.

The original Planned Development Overlay was a compromise that provided a buffer between apartment buildings and the residential area and without it the area in questions would have been zoned residential. We were told that this agreement would last in perpetuity.

Now it seems that the current absentee owner of the property in question has determined that with a little rezoning sleight of hand he can milk his cash cow for additional profits at the expense of the residential property owners some of whom were party to the original agreement.

It is difficult for me to see how increased population density in an established neighborhood by shoehorning in additional multi-family units into said established neighborhood constitutes anything more than suburban blight.

No offence to apartment dwellers but transient families have less commitment to neighborhood than long established residential property owners. In light of that property owner concerns should warrant more consideration than of absentee owners.

Respectfully yours

Jim Busha

2400 S. Telulah Ave



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Meeting Date:** March 21, 2016

**Common Council Meeting Date – PC Report:** April 6, 2016

**Common Council Meeting Date – Resolution:** April 20, 2016

**Common Council Meeting Date – Ordinance:** May 4, 2016

**Item:** Plach Annexation

**Case Manager:** David Kress

### **GENERAL INFORMATION**

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**Owner/Applicant:** The Lawrence R. Plach Living Trust – Betty Plach

**Address/Parcel:** 5630 North Ballard Road (Tax Id #101157400)

**Petitioner's Request:** Owner/applicant is requesting direct annexation by unanimous approval pursuant to Section 66.0217(2), Wisconsin State Statutes of land currently located in the Town of Grand Chute, Outagamie County.

**Population of Such Territory:** 0

**Annexation Area:** 2.35 acres m/l

### **BACKGROUND**

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The subject property, currently in the Town of Grand Chute, connects to the City of Appleton at North Ballard Road. It is located east of North Ballard Road, between East Edgewood Drive and East Apple Creek Road.

### **STAFF ANALYSIS**

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The Community and Economic Development Department staff has reviewed the annexation petition and identifies the following:

- The area proposed for annexation is contiguous to the existing City boundary.
- Annexation of the site in question is consistent with the boundary agreement with the Town of Grand Chute.
- Sanitary sewer and water infrastructure exists on North Ballard Road. Annexation to the City of Appleton would be required before the subject property could connect to the City sewer and water

systems. The petitioner's interest in annexing is to obtain City sewer and water.

- Currently, there is an existing detached accessory building on the subject property. The purpose of the annexation is to allow for connection to the City sewer and water systems. Future construction of one single-family dwelling is anticipated.
- Per Section 23-65(e) of the Municipal Code, all territory that is annexed to the City shall be assigned zoning classifications as recommended by the Plan Commission during review of the annexation petition. The Plan Commission shall consider the following criteria in selection of an appropriate zoning district for the annexed land:
  - The existing land uses within the territory to be annexed;
  - The surrounding land uses that exist on adjacent properties regardless of municipal boundary lines;
  - The comprehensive plan of the City.

With this in mind, staff recommends the annexation area be assigned the zoning classification of R-1B Single-Family District. The proposed R-1B Single-Family District zoning classification is consistent with the *Comprehensive Plan 2010-2030* Future Land Use Map, which identifies this area for future one and two-family residential uses.

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

North: Town of Grand Chute. The adjacent land uses to the north are currently single-family residential.

South: Town of Grand Chute. The adjacent land uses to the south are currently single-family residential.

East: Town of Grand Chute. The adjacent land uses to the east are currently a mix of single-family residential and agricultural uses.

West: AG Agricultural District. The adjacent land uses to the west are currently single-family residential.

**Appleton Comprehensive Plan 2010-2030:** The City of Appleton *Comprehensive Plan 2010-2030* identifies this area for future one and two-family residential uses. Listed below are related excerpts from the City's *Comprehensive Plan 2010-2030*.

#### *Goal 1 – Community Growth*

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

#### **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 7.1 Utilities and Community Facilities:*

*Provide a pattern of development that minimizes impacts to municipal services and utilities.*

*Policy 7.1.1 Prioritize development and redevelopment that minimizes the need for additional public and private infrastructure such as water storage facilities and sewage lift stations.*

*OBJECTIVE 10.1 Land Use:*

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

**Technical Review Group (TRG) Report:** This item was discussed at the March 1, 2016 Technical Review Group meeting. No negative comments were received from participating departments.

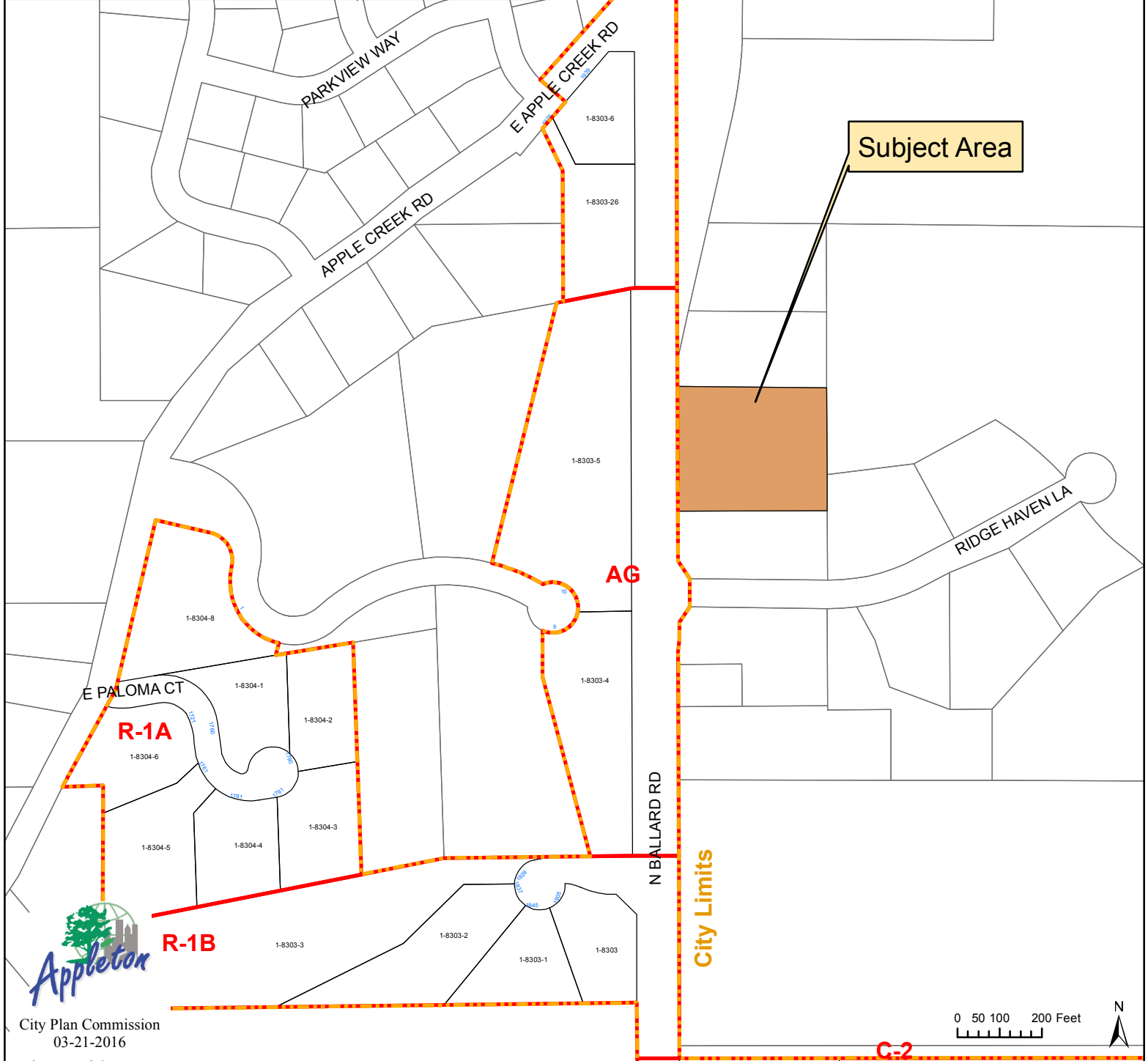
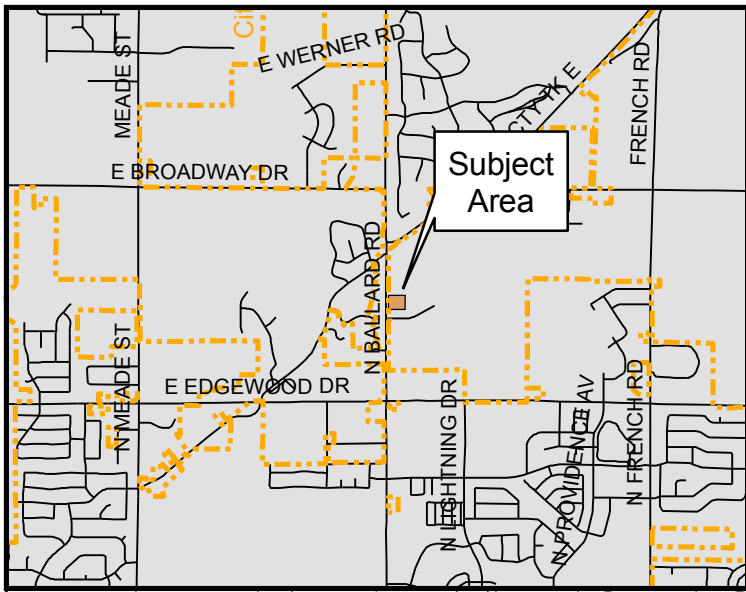
**RECOMMENDATION**

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Staff recommends that the Plach Annexation, as shown on the attached maps, **BE APPROVED** with the following stipulation:

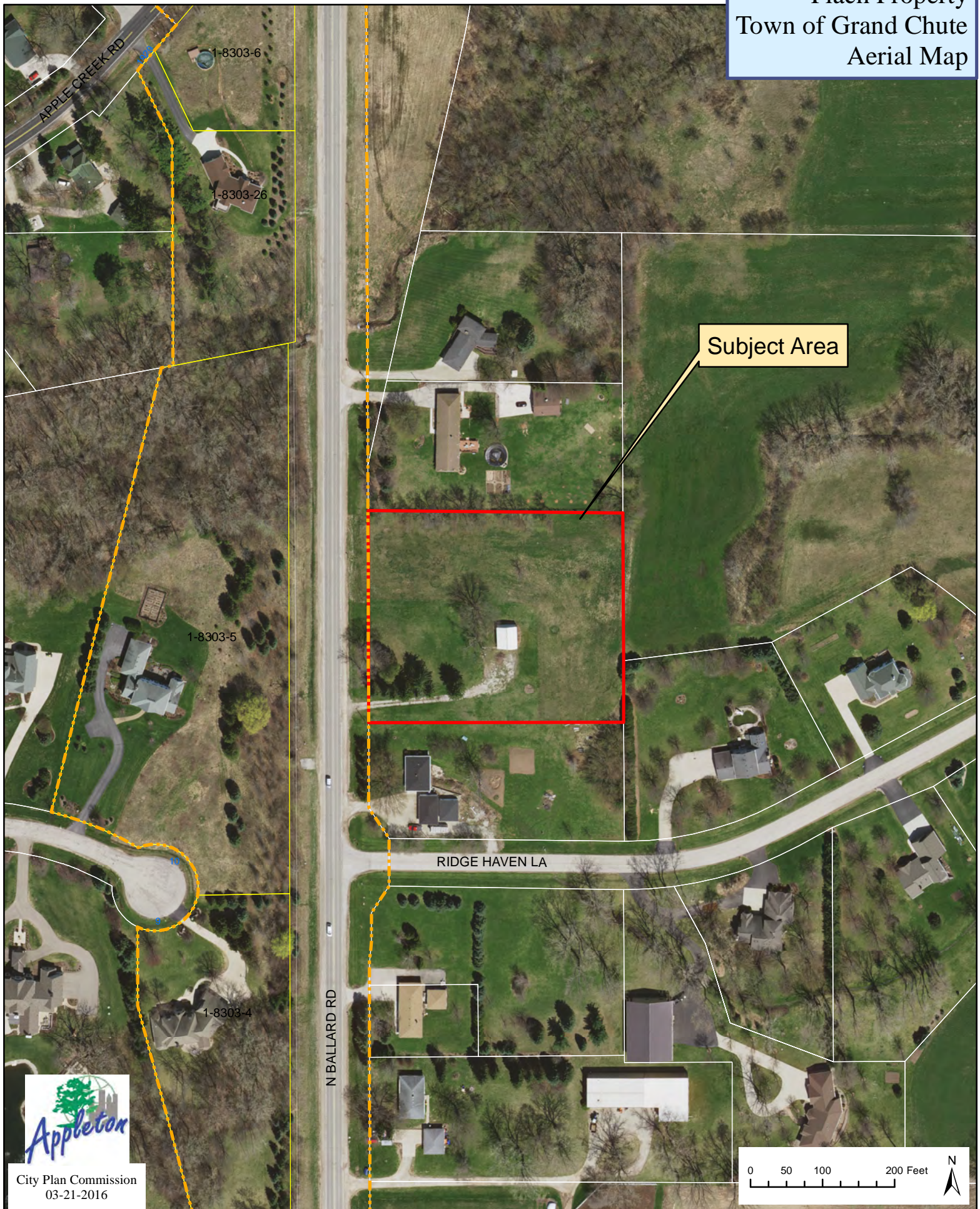
1. The newly annexed area, pursuant to Section 23-65(e) of the Municipal Code, be assigned and included in the annexation ordinance a permanent zoning classification of R-1B Single-Family District.

Annexation  
Plach Property  
Town of Grand Chute  
Zoning Map





Annexation  
Plach Property  
Town of Grand Chute  
Aerial Map







**PETITION FOR DIRECT ANNEXATION BY UNANIMOUS APPROVAL  
PURSUANT TO SECTION 66.0217(2), WISCONSIN STATUTES  
WHERE NO ELECTORS RESIDE IN TERRITORY**

We, the undersigned, constituting all of the owners of the real property in which no electors reside in the following territory of the town(s) of Grand Chute, Outagamie County, Wisconsin, lying contiguous to the City of Appleton petition the Common Council of the City of Appleton to annex the territory described below and shown on the attached scale map to the City of Appleton, Outagamie County, Wisconsin.

A part of the Northwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 6, Township 21 North, Range 18 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 2.35 Acres of land m/l and described as follows:

Commencing at the West  $\frac{1}{4}$  corner of said Section 6;

Thence South  $00^{\circ}09'04''$  East 389.00 feet along the West line of the Southwest  $\frac{1}{4}$  of said Section 6;

Thence South  $89^{\circ}27'15''$  East 50.00 feet to the point of beginning;

Thence continue South  $89^{\circ}27'15''$  East 352.99 feet;

Thence South  $00^{\circ}09'04''$  East 290.65 feet;

Thence North  $89^{\circ}21'45''$  West 353.00 feet;


Thence North  $00^{\circ}09'04''$  West 290.085 feet to the Point of Beginning.

Intending to annex to the City of Appleton all those lands of the owner contained within Trustee Deed Document Number 1932549.

The current population of such territory is 0.

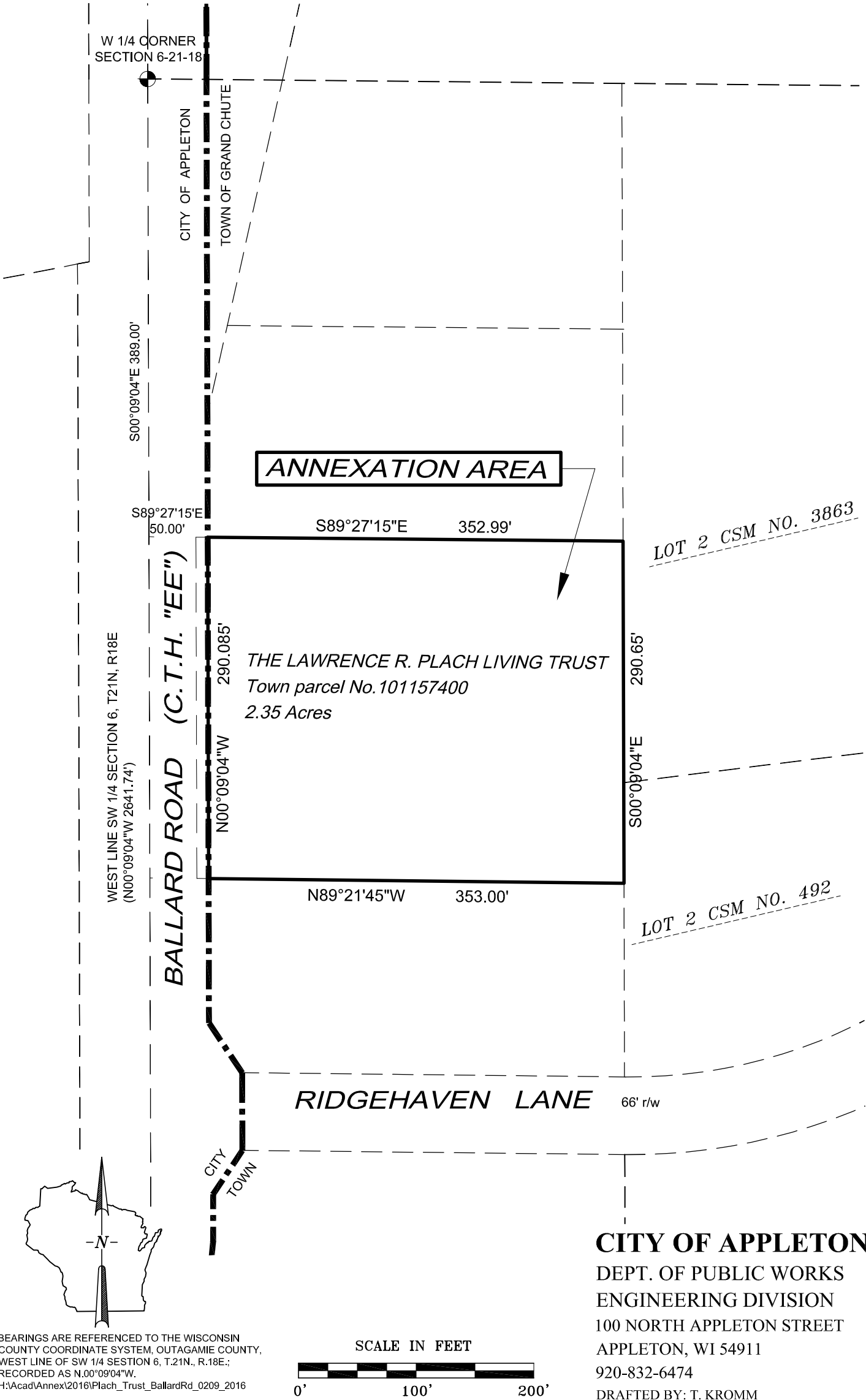
We, the undersigned, elect that this annexation shall take effect to the full extent consistent with outstanding priorities of other annexation, incorporation, or consolidation proceedings, if any.

We further respectfully request that the subject property be zoned R-1B Single-Family District.

Signature of Petitioner	Owner	Date of Signing	Address of Petitioner (Include Zip Code)
	The Lawrence R. Plach Living Trust	2-25-16	N 4840 MEADE ST. APPLETON, WI 54913
Betty Plach			

# ANNEXATION EXHIBIT

Part of the Northwest 1/4 of the Southwest 1/4 of Section 6, Township 21 North, Range 18 East, Town of Grand Chute, Outagamie County, Wisconsin.





## **#1-R-16**

**Mann, Meltzer, Martin & Williams**

Renaming the Fox River Properties to the **Ellen Kort Peace Park**

**WHEREAS**, Ellen Kort, named Wisconsin's first poet laureate in 2000 by Governor Tommy Thompson, is revered and regarded by many residents of Appleton as a cherished author, teacher and mentor, having played a significant role in the founding of the **Fox Cities Book Festival**, authoring 11 books and 8 collections of poetry as well numerous parochial books, including **The Fox Heritage: A History of Wisconsin Fox Cities**, **The Art of Labor: Building the Fox Cities Performing Arts Center** and **Wisconsin Quilts: Stories in the Stitches**, named an Outstanding Book of Wisconsin by the Wisconsin Library Association, having received numerous awards, including the Wisconsin Sesquicentennial Poetry Award, and the 2001 "Excellence In The Arts" Award among others, having taken part in Appleton's Compassion Project and having had her poetry installed in a number of public venues in Appleton including the Fox River Mall, the Appleton Heart Institute, City Center Plaza, and Appleton Public Library; is shown to have substantially contributed to the cultural significance and richness of Appleton; and

**WHEREAS**, Ellen used her skills as a poet and teacher to reach out to the Fox Valley community in numerous ways, teaching at local universities and schools and conducting writing workshops for at-risk teens, nurses, physicians and for survivors of cancer, AIDS and domestic abuse by sharing the fundamental tenants of her core beliefs, reflected in her indelible spirit of compassion and deep understanding of the human condition which manifested in aspirations of tolerance, acceptance, forgiveness and peace in her healing prose; and

**WHEREAS**, On March 3, 2015, The City of Appleton voted unanimously to move the land formerly known as the Appleton Water Treatment Plant on Water Street, the Fox River Properties, to the Parks and Recreation Department; and

**WHEREAS**, the City's Master Plan for Jones Park and the Fox River Properties, adopted in 2006, envisions this segment of prime public waterfront as the primary pedestrian nexus of Appleton's Fox River presence with arterial connections to Downtown and the expanding Fox River Corridor's trails and parkways; and

**WHEREAS**, the naming of the Fox River Properties is in accordance with the NAMING OF PUBLIC PARK LANDS policy adopted by the City in 1997, satisfying #1 and #6 of the acceptable naming criteria, as well as written approval and support of Ellen Kort's next of kin; and

**WHEREAS**, in 2001, Mayor Hanna presented a Proclamation to Ellen Kort - State of Wisconsin Poet Laureate – and designated February 27, 2001 as "Ellen Kort Day"; now, therefore,  
**BE IT RESOLVED**, that **on February 27th, Ellen Kort Day 2016**, the Fox River Properties be officially named the **Ellen Kort Peace Park**.



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

**PARKS, RECREATION & FACILITIES  
MANAGEMENT**

**Dean R. Gazza, Director**

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

TO: Parks & Recreation Committee

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

DATE: March 21, 2016

RE: Action Item: Award Lutz Park Trail and Yacht Club Site Design and Engineering to Corre, Inc. for a contract amount of \$31,572.80

The 2016 Parks, Recreation and Facilities Management Department Capital Projects Fund includes funding for design and engineering of the Lutz Park Trail and Yacht Club Site Design. \$50,000 was budgeted for the design, engineering, and permitting services.

Three proposals were submitted for the Lutz Park Trail and Yacht Club Project. A summary of the proposals are listed below:

<b><u>Company</u></b>	<b><u>Proposal Price</u></b>
Corre, Inc.	\$31,572.80
Graef	\$32,000.00
Rettler Corporation	\$33,950.00

Corre, Inc. was determined to be the responsible proposal for the site design and engineering of the Lutz Park Trail. It is the recommendation of the Parks, Recreation and Facilities Management Department to execute a contract with Corre, Inc. in the amount of \$31,572.80.

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



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

**To:** Chairperson Kathy Plank and Members of the Finance Committee

**From:** Utilities Deputy Director, Chris Stempa

**Date:** March 16, 2016

**Re:** *Award Scarlet Oak Lift Station Improvements Project Bid and Alternate Bids #2 and #4 to August Winter & Sons, Inc. in the amount of \$139,471 with contingency of \$10,460 for a project total not to exceed \$149,931*

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**BACKGROUND:**

The 2015 wastewater capital improvements projects (CIPs) includes a project to address reliability issues and long-term site specific needs at the Scarlet Oak Lift Station. The lift station is located on the east side of the 3300 block of South Scarlet Oak Lane and was originally constructed in 1995. Escalating occurrences of electrical system failure, sewage pump blockages, and various wetwell component deterioration increases the potential for sanitary sewer bypasses and basement backups.

Through the improvements project, new pumps with improved impeller design would be installed to reduce the frequency of clogging. Replacement of the pump rail system is necessary due to deterioration. Wholesale change out of the electrical system will restore station reliability and compliance with current electrical codes. Improvements to site access (currently grass) will provide reliable vehicle entry to lift station equipment during emergency events as well as for periodic maintenance. A coarse budgetary estimate of \$85,000 was utilized for the 2015 budget cycle based on similar scope projects. McMahon was contracted in June 2015 to provide professional engineering services for the project. They assisted with the refinement of project scope based on overall system and site needs as part of the preliminary engineering phase.

**BIDS:**

McMahon created bidding documents for the construction project. On March 10, 2016 the City reviewed the contractor quote and verified that it met submittal requirements. August Winter was the only contractor that provided a bid response. August Winter has successfully completed project work for the AWWTP in the past. Contractors who attended the pre-bid meeting or requested bidding documents but did not provide a bid were contacted following the bid opening. Each contractor that was contacted indicated that workload and schedule were the primary reasons why they decided not to submit a bid.

The August Winter bid is summarized in the table below. The base bid includes two 5-hp Flygt N-Series pumps, replacement of pump slide rails, 240-volt/ 60 Hz variable frequency drive (VFD) for single phase to three-phase conversion, new relocated pump control panel with programmable logic controller (PLC) and operator interface terminal (OIT), upgraded telemetry system, and stabilized access using porous geotextile. The based bid budget exceedance was primarily associated with the new control panel (\$18,500 *higher*) and site stabilization (\$5,000 *higher*). Control panel features (e.g. VFDs and OIT) that will enhance pumping efficiency and reliability were not identified at the time of original budget formation. The site stabilization area was expanded by 25% to facilitate entry of city sewer trucks up to 80,000 lbs in weight. That change coupled with limited contractor availability contributed to the increase over the original budgetary estimate.

Alternative Bid #2 includes a Flygt Mix Flush System for each pump to mitigate the effects of fats, oil, and grease buildup within the wetwell. Alternative Bid #4 includes costs to replace existing pump discharge piping which is beginning to show signs of surface corrosion through the asphaltic exterior coating. Alternative Bid #4 would take advantage of temporary sewage bypassing necessary to replace pumps and slide rails as part of base bid activities.

Company	Base Bid	Alt. Bid #2	Alt. Bid #4	Total Bid Price
August Winter	\$126,921	\$2,650	\$9,900	\$139,471

**RECOMMENDATION:**

I am requesting an award of the Award Scarlet Oak Lift Station Improvements project base bid and alternate bids #2 and #4 to August Winter & Sons, Inc. in the amount of \$139,471 with contingency of \$10,460 for a project total not to exceed \$149,931

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



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**TO:** Finance Committee  
**FROM:** Tony Saucerman, Finance Director *Ts*  
**DATE:** March 10, 2016  
**RE:** Request approval of final 2015 Budget adjustments

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In closing out 2015, the following funds showed expenditures in excess of budget. I am requesting budget adjustments to bring them back into compliance. All adjustments are fully fundable by revenues or fund balance within the respective funds.

#### Grant Funds

The three grant fund budget adjustment requests (CDBG, Emergency Shelters (ESG) and Continuum of Care (CoC)) are the result of actual grants awarded in 2015 being higher than estimated at the time the budget was prepared. The requested budget adjustments account for the increased grant revenues and related expenses.

#### Room Tax Fund

Of the hotel room tax remitted to the City, 5% is kept to cover administrative expenses and 95% is forwarded to the Fox Cities Convention and Visitor's Bureau. The excess expenditure in 2015 is a result of higher room tax collections than budgeted, thus a higher amount turned over to the Convention and Visitor's Bureau. Additionally, in preparation for the increased room tax beginning 2016, all excess administrative fees that accumulated in fund balance over the past years were transferred to the general fund to provide a "clean slate" in the Room Tax Fund moving into 2016.

#### New Subdivision Fund

This fund is used to account for the infrastructure costs of new subdivisions. In 2015, two of the subdivisions were "developer-funded" whereby developers paid the cost of the improvements in the subdivisions. Historically, these costs were not included as part of the City budget since the City was not obligated to pay these costs. However, for accounting purposes, the full cost of the improvements must be included in the City's financial records. Thus, a budget adjustment is necessary to coincide with the actual costs of the improvements.

#### TIF 5 Fund

TIF 5 was closed in 2015 (approved by Council on May 6, 2015) and all accumulated fund balance was distributed to the various taxing jurisdictions (City, AASD, Outagamie County, FVTC). A budget adjustment was approved for the portion of the funds that

were being returned to the City, but no adjustment was done for the payments to the other jurisdictions as well as the fees for the closeout audit. The proposed adjustment will account for these payments.

Thank you for your consideration of these budget adjustments. As always, feel free to contact me if you have questions.

City of Appleton  
2015 - 2016 REAPPROPRIATION REQUESTS - NOT UNDER CONTRACT

PO/										
Fund /	Sub	Contract	Project	Year						
Bus. Unit	Object	Obj	S/L	#	#	Budgeted	Vendor	PROJECT	Carryover	JUSTIFICATION
N	4220	6804	1	2419		2015		VM Server Refresh	35,000	Servers needed prior to ERP system going in
N	4220	6804	1	2414	2406	2014		Mobil Application Development	13,198	Still planning enhancements to the site with possible applications
Subtotal - Technology Capital Project not under contract									48,198	
N	4350	6804	2	4168		2015		Parks Lighting Upgrades	29,487	Although the weather was mild through December, unexpected heavy rain hampered completion of installation of lighting in some of the parks.
N	4350	6802		4307		2015		Construction of Highview Tennis Courts	105,350	Project was not awarded in 2015 because bids exceeded budget.
N	4350	6404		4307		2015		ADA Analysis for Construction of Highview Tennis Courts	55,290	To cover extra monies needed for Highview Tennis Courts would need to find monies from a project with a positive variance. The ADA Analysis came in under budget.
N	4350	6803		4207		2015		Resurface Colony Oaks Tennis Courts	23,764	The 2015 CIP included funding to resurface the Tennis Courts at Pierce Park. Requesting to use the balance to resurface the courts at Colony Oaks Parks.
Subtotal - Facilities Capital Project Not Under Contract									213,891	
N	5123	6404				2015		Parking conversion to Pay-on-exit	200,000	Funds budgeted to begin implementation of parking study which will be used toward pay-on-exit transition.
Subtotal - Parking Not Under Contract									200,000	
N	5230	6801				2015	Multiple Vendors	Land Acquisition - West Wisc Flood Reduction	15,000	Acquisition of storm Sewer easement from Weiland Lane apartments
Subtotal - Stormwater Utility Not Under Contract									15,000	
N	5382	6404		4549		2015		Glendale Water Tower	50,000	Construction started in 2015, to be completed Summer of 2016
N	5325	6408				2015		MCC Maintenance	10,000	Delayed due to completion of RUPIP, project to start 2nd quarter of 2016
N	5332	6408				2015		MCC Maintenance	10,000	Delayed due to completion of RUPIP, project to start 2nd quarter of 2016
N	5323	6404				2015		Filter Performance Assessment'	5,100	Consulting started January 2016, analytical testing to be completed after consulting completed.
Subtotal - Water Utility not under contract									75,100	
N	5432	6404		4587		2015		TMDL Facility Planning	180,000	Project delayed by regulatory and industry events, WPDES Permit re-issuance expected summer of 2016. Project to start after permit issued
N	5432	6804	1	4587		2015		TMDL Facility Planning	20,000	Project delayed by regulatory and industry events, WPDES Permit re-issuance expected summer of 2016. Project to start after permit issued
N	5432	6804	1	4553		2014		Lift Station Generators	20,660	Funding may be needed for Midway or Scarlet Oak Lift Station projects; project delayed due to land availability issues at Midway Lift Station
N	5432	6408		4553		2015	August Winter	Scarlet Oak Lift Station Up-grades	149,931	Engineering started in 2015 as joint project with Midway Lift Station, August Winter contract to be approved at 3/22/16 Utilities Committee.

City of Appleton  
2015 - 2016 REAPPROPRIATION REQUESTS - NOT UNDER CONTRACT

PO/										
Fund / Bus. Unit	Sub Object	Obj	S/L	Contract #	Project #	Year Budgeted	Vendor	PROJECT	Carryover	JUSTIFICATION
5425	6327					2015		Lift Station radio replacements	18,500	Project delayed due to staff out on extended FMLA and status of other lift station projects. New radios installed after up-grades at stations are completed.
5431	6809	3				2015		NW Sanitary Lift Station Construction	840,841	Design and permitting initiated in 2014, due to significant DNR Permitting requirements, bidding pushed back until Spring of 2016.
5431	6801					2015		NW Sanitary Lift Station - Land	175,850	Design and permitting initiated in 2014, due to significant DNR Permitting requirements, bidding pushed back until Spring of 2016.
Subtotal - Wastewater Utility not under contract									1,405,782	
5820	6804	1				2014		Bus procurement	709,697	Project in process
Subtotal - Transit not under contract									709,697	
12020	6640			Unclassified				Deferred revenue from Time-Warner Cable	53,707	Balance of contingency for public education & government (PEG) access
12020	6640			Unclassified				State aid contingency	849,107	Balance of contingency for reductions in state aid
12020	6640			Unclassified				Operating contingency - 1% of operating budget	402,298	Balance of operating contingency
12020	6640			Unclassified				Fuel contingency	137,315	Balance of fuel contingency
12020	6641			Unclassified				Wage reserve	443,099	Balance of wage reserve
14510				Legal Svcs		2015			3,156	During 2015, Legal Services budgeted for Staff in the Clerk's Office to attend the Municipal Clerk's training institute in Green Bay and the Wisconsin Municipal Clerks Association conference in La Crosse. During this time period, both the City Clerk and Deputy City Clerk left for other opportunities. Due to staffing levels, attendance was not possible. We are asking for carryover for attendance for this year.
16010	5020			Library		2015			1,297	Donations and memorials
16032	5035			Library		2015			4,076	Adjustments for lost and paid materials
17031	6327			DPW		2015		Replacement of Punch clock @ MSB	5,500	RFP's came in higher than anticipated w/additional software needed, will use carryover and additional 2016 funds to be able to install new clock and software.
17021	6320	2		DPW		2015		Redesign/reprint Traffic Manual	4,000	Due to workload restraints could not complete in 2015
17532	6804	1		Police		2015		Forensic Computer	15,000	Secret Service Computer Forensics Training was unavailable in 2015. Pending enrollment for 2016 class.
Subtotal - General Fund Not Under Contract									1,918,555	
Grand Total - Not Under Contract									4,586,223	



City of Appleton  
2015 - 2016 REAPPROPRIATION REQUESTS - SPECIAL CONSIDERATION

PO/										
Fund /	Sub	Contract	Project	Year						
Bus. Unit	Object	Obj	S/L	#	#	Budgeted	Vendor	PROJECT	Carryover	JUSTIFICATION
S	Various	6101						Pay for performance adjustments	3,775	Performance adjustments, non-represented staff, based on 2.0% of salary factored by performance rating
Subtotal - Sanitation Special Consideration									3,775	
S	4010	6101						Pay for performance adjustments	1,643	Performance adjustments, non-represented staff, based on 2.0% of salary factored by performance rating
Subtotal - Subdivision Special Consideration									1,643	
S	4350	6809	99	2101		2015		Trench Drain Replacement	5,000	Verbal contract with McMahon with engineering services to remedy isses with Wood Sewer & Excavating on the MSB Trench Drain Project
S	4350	6809	99	4143		2015		North Island Trail Repair	35,890	Requesting to use the positive variance from the AMP Hardscape project to reconstruct portions of the North Island Trail
S	Various	6101						Pay for performance adjustments	441	Performance adjustments, non-represented staff, based on 2.0% of salary factored by performance rating
Subtotal - Facilities Capital Project Special Consideration									41,331	
S	5123	6327				2015		Yellow Ramp - Lower level power door rehabilitation	10,000	After consultation w/ repair contractors it was determined the cost of necessary repairs to the electrical and hydraulic system will be in excess of the 2015 budget amount. We are requesting to carry over the full budget amount and supplement it with 2016 funds to complete the necessary repairs in 2016
S	Various	6101						Pay for performance adjustments	3,266	Performance adjustments, non-represented staff, based on 2.0% of salary factored by performance rating
Subtotal - Parking Special Consideration									13,266	
S	Various	6101						Pay for performance adjustments	9,651	Performance adjustments, non-represented staff, based on 2.0% of salary factored by performance rating
Subtotal - Stormwater Utility Special Consideration									9,651	
S	5394	6804	1			2015		Water test bench upgrade	15,000	Upgrade to the test bench needed to be able to test the high grade accuracy of the new Sensus meters. Current test bench does test with the accuracy needed to meet the PSC standards.
S	Various	6101						Pay for performance adjustments	22,560	Performance adjustments, non-represented staff, based on 2.0% of salary factored by performance rating
Subtotal - Water Utility Special Consideration									37,560	
S	5490	6803		4526		2015		Power Distribution Preliminary Feasibility Analysis for Wastewater Plant	37,522	Requesting to use a portion of the positive variance from the Wastewater Exterior Lighting Upgrades to fund this study to gain a better understanding of the magnitude of work and the costs involved to upgrade the system which exceeds 40 years and is beginning to experience failures.
S	Various	6101						Pay for performance adjustments	14,040	Performance adjustments, non-represented staff, based on 2.0% of salary factored by performance rating
Subtotal - Wastewater Utility Special Consideration									51,562	
S	5630	6101						Pay for performance adjustments	2,028	Performance adjustments, non-represented staff, based on 2.0% of salary factored by performance rating
Subtotal - Golf Special Consideration									2,028	

City of Appleton  
2015 - 2016 REAPPROPRIATION REQUESTS - SPECIAL CONSIDERATION

PO/									
Fund /	Sub	Contract	Project	Year					
Bus. Unit	Object	Obj	S/L	#	#	Budgeted	Vendor	PROJECT	Carryover JUSTIFICATION
S	Various	6101						Pay for performance adjustments	3,723 Performance adjustments, non-represented staff, based on 2.0% of salary factored by performance rating
Subtotal - Transit Special Consideration								3,723	
S	6110	6101						Pay for performance adjustments	8,362 Performance adjustments, non-represented staff, based on 2.0% of salary factored by performance rating
Subtotal - CEA Special Consideration								8,362	
S	6210	6101						Pay for performance adjustments	1,456 Performance adjustments, non-represented staff, based on 2.0% of salary factored by performance rating
Subtotal - Risk Management Special Consideration								1,456	
S	Various	6101						Pay for performance adjustments	11,207 Performance adjustments, non-represented staff, based on 2.0% of salary factored by performance rating
Subtotal - Facilities Management Special Consideration								11,207	
S	13030				IT	2015		Wiscnet Internet Connection	11,000 Need to install new connection since our existing is being disconnected by AASD
S	13030				IT	2015		Software Needs	8,000 Needed software applications for network infrastructure monitoring
S	17014	6809	1		DPW	2015		Concrete paving	115,000 Anticipated short fall associated with Units T-16 & A-16 as T-16 bids came in over 2016 budget. This would allow to keep us from eliminating a street/alley in order to stay in budget.
S	17015	6408			DPW	2015		Pavement marking	10,000 Supply appropriate markings on the new downtown riverfront trail
S	17023	6325	10		DPW	2015		Retrofit WE Energies street lights to LED	15,000 To be able to accelerate the conversion from HPD to LED saving additional electrical costs.
S	13030	6424			IT		Outagamie County	CAD/P1 Mobile Licenses	20,794 InterGovernmental Agreement with Outagamie County to support Computer-Aided Dispatch (CAD) and Premier One (P1) Mobile licenses & maintenance.
S	17541	6327			Police		Midwest Defense Solutions	SWAT ballistic plates	10,000 The SWATeam is requesting ballistic back plates to provide additional protection. Currently they have front ballistic plates.
S	17541	6327			Police			Simunition firearms and protective equipment	11,600 Simunition handguns and protective gear required to prevent injury during training is over 18 years old and needs to be replaced.
S	17541	6316	3		Police			TEMS supplies and equipment	5,000 To ensure a TEMS officer is available for SWATeam calls we would like to add another AFD Firefighter as a SWATeam member. This position would require medical supplies and equipment.
S	16541	5020		4083	Parks & Rec	2015		Kids Fun Runs	1,458 Carryover the remaining donation that was received in October from Community First Fox Cities Marathon. Recreation staff were working with those who volunteer on our kids fun run committee to determine needs for the Kids Run Run program for 2016. Based on the timing of the year, they did not all connect until mid-December. Staff was able to purchase and receive a couple of the items before the end of the year, however, the remaining items they were looking to purchase would not have been here before the end of 2015 so they were not ordered.
S	Various	6101			Various			Pay for performance adjustments	215,622 Performance adjustments, non-represented staff, based on 2.0% of salary factored by performance rating
Subtotal - General Fund Special Consideration								423,474	
Grand Total - Special Consideration								609,038	

PROJECT LIMITS:

1-P-16

SANITARY SEWER , STORM SEWER AND LATERALS

Bateman Street from Hancock Street to Pacific Street  
Division Street from Franklin Street to Atlantic Street  
Douglas Street from Pine Street to Haskel Street  
Fair Street from Franklin Street to South End  
Harriman Street (lats only) from Atlantic Street to Winnebago Street  
Herbert Street from Pine Street to Rogers Avenue  
Owaissa Street from Wisconsin Avenue to Glendale Avenue  
Winona Court from Nawada Street (W) to Nawada Street (E)

In accordance with the preliminary resolution of the Common Council dated April 6, 2016 we herewith submit our report on the assessment of benefits on the above named construction.

This report consists of the following:

Schedule A - Preliminary plans and specifications on file in the office of the Director of Public Works.

Schedule B - The total cost within the project limits in accordance with the plans and specifications in Schedule A is **\$2,547,865.00.**

Schedule C - Proposed Assessments. The properties included within the project limits are benefited and the work or improvements constitute an exercise of the police power. The total value of assessments is **\$154,277.04.**


Finance Committee

**CITY OF APPLETON**  
**Department of Public Works**  
**MEMORANDUM**

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

**SUBJECT:** Award of Contract

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

C-16 Sidewalk Sawcutting

---

**Be awarded to:**

Name: ASTI Sawing, Inc.  
Address: 7454 HWY 18-151  
           Barneveld, WI 53507  
           \_\_\_\_\_  
           \_\_\_\_\_

**In the amount of :** \_\_\_\_\_

**With a** \_\_\_\_\_ **% contingency of :** \_\_\_\_\_

**For a project total not to exceed :** \_\_\_\_\_

**\*\* OR \*\***

**In an amount Not To Exceed :** \_\_\_\_\_ \$30,000.00

Budget: \_\_\_\_\_ \$30,000.00  
Estimate: \_\_\_\_\_  
Committee Date: \_\_\_\_\_ 03/23/16  
Council Date: \_\_\_\_\_ 04/06/16

**BID TABULATION****CONCRETE SIDEWALK SAWCUTTING****Unit C-16**

<u>Item</u>	<u>Description</u>	<u>Qty./</u>	<u>Unit</u>	#1 - ASTI Sawing, Inc.	
				Unit Price/\$	Total/\$
1.	Sawcut Sidewalk	1,700	inch-foot	\$14.90	\$25,330.00

**TOTAL ITEMS 1:****\$25,330.00**

CITY OF APPLETON





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

Human Resources Department  
100 N. Appleton Street  
Appleton, WI 54911

## MEMO

To: Alderperson Plank and Members of the Finance Committee  
From: Sandy Behnke, Human Resources Director  
Date: March 17, 2016

Re: Request to approve the City of Appleton entering into a three year contract with ThedaCare for healthcare services to be provided at the newly established employee health clinic contingent upon the subsequent approval of the facility location expenses (such as lease expenses) when a clinic location is determined.

The Theda Care Contract contains the following key elements:

\*Services are provided to the City of Appleton by ThedaCare for On-Site Health Services Nurse Practitioner, Registered Nurse and Medical Assistant.

\*Three year rate guarantee for staffing costs and annual renewal with increase up to Consumer Price Index or 3% whichever is less.

\*Staffing Costs:

- \*Nurse Practitioner \$80 per hour
- \*Registered Nurse \$55 per hour
- \*Medical Assistant \$30 per hour

\*Start Up Costs: \$20,000-waived if the Agreement is not terminated prior to the end of the initial term. Because ThedaCare will be making an investment, if the agreement is terminated prior to the initial term, the City would be responsible for a prorated amount of the startup costs.

\*Onsite Clinic ThedaCare Responsibilities:

- a. Provide a contact for the Client coordinator to work with throughout the agreement to assist with goals, objectives and to be a resource for ThedaCare programs.
- b. Provide Eligible Patients with acute care, primary care, occupational health care, and preventive care with a focus on patient health and wellness consistent in a timely, skillful, diligent, and professional manner.

- c. Familiarize itself with Client's facilities, workforce, and current health benefits and wellness programs.
- d. Advise and assist Client Eligible Patients on maximizing care options under the health benefits and wellness programs. If needed, provide referrals to additional health care providers and work with Eligible Patient and other health care professionals to navigate healthcare delivery system.
- e. Provide samples, templates, and timelines for marketing Clinic.
- f. Assist Client coordinator in facilitation of scheduling.
- g. Provide on-site, Nurse Practitioner/NP, Registered Nurse/RN, and Medical Assistant/MA.
- h. Assist in providing wellness services (i.e. smoking cessation) to promote Client's philosophy for Health & Wellness.
- i. Utilize and maintain ThedaCare's medical record (EPIC).
- j. Comply with HIPAA and confidentiality regulations and standards.
- k. Work with Medical Director to provide consistent medical services based on Client's philosophy.
- l. Work collaboratively with Client to provide schedules and services consistent with Client's philosophy.
- m. Participate in Client wellness committee meetings and health fairs, as appropriate.
- n. ThedaCare shall be responsible for providing accurate and timely bills in connection with providing on-site health services.
- o. Provide clinical startup medical equipment and supplies for clinic up to \$15,000.

Other ThedaCare Responsibilities:

- a. Provide quarterly reporting package with Return on Investment Summary to Client.
- b. Provide Management for clinic operations and programs.
- c. Provide Physician Medical over site of the clinic providers.
- d. Supervision and quality over site of clinical outcomes
- e. Costs for Provider continuing education, certifications, and liability insurance.
- f. EPIC Medical Record on site.
- g. Disease Management registry and outreach programs.
- h. Coronary Artery Calcium Score CT at no charge at ThedaCare's Appleton Cardiology.
- i. ThedaCare guarantees a return on investment of \$1 per \$1 invested in the clinic. Return on investment will be calculated after the first twelve months of the Clinic opening. Calculations will be made utilizing ThedaCare ROI reports which compare comparable office visits charges in a ThedaCare Physician's office to the provider costs of the onsite clinic.
- j. Ensure Client's programs comply with applicable law.

Other details related to the contract will be negotiated with the City's best interests in mind. Deputy City Attorney Behrens has been working with us on the review and negotiation of the contract agreement.

Mr. Greg Biese of Associated Financial Group and Ms. Pam Berth from ThedaCare will be presenting to the committee to discuss the clinic objectives, partnering, savings and investment related to the operation of the clinic.

We are very excited about entering into this partnership with ThedaCare. We believe this will be a very valuable benefit for our employees and will assist with recruitment and retention of City employees. We also believe that this partnership will allow us an opportunity to not only impact the cost of health care but to positively impact our employee's health and wellness. Initially, we anticipate offering the clinic benefit to employees, dependents over the age of two (2) and retirees who are on the City's medical plan.

We realize that part of the final estimated return on investment information can only be determined after a site selection has been made. We ask that you approve the contract with ThedaCare so that we may begin negotiation on a leased space for operation of the clinic. We will come back to the committee to request approval of those facilities related charges at a subsequent meeting.

If you have any questions regarding this request, please feel free to contact me directly at (920) 832-6426.

Staff recommends approval of the City of Appleton entering into a three year contract with ThedaCare for healthcare services to be provided at the newly established employee health clinic contingent upon the subsequent approval of the facility location expenses (such as lease expenses) when a clinic location is determined.



# NEAR-SITE CLINIC



PRESENTED TO:



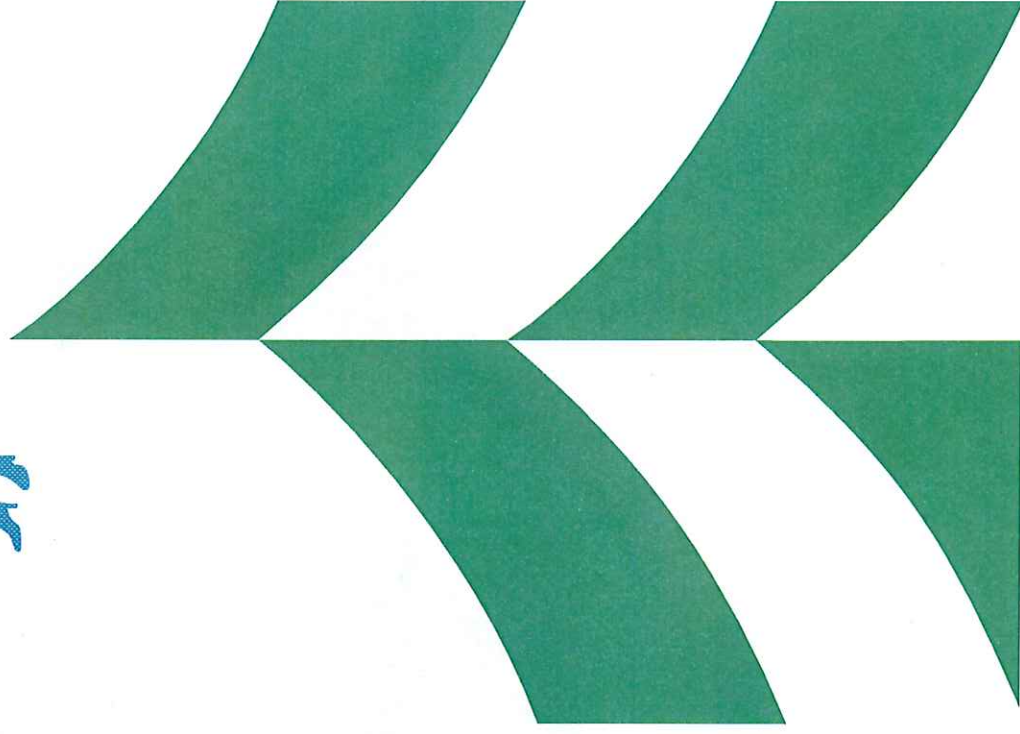
PRESENTED BY:

**Greg Biese**  
*Vice President,  
Senior Benefits Consultant*

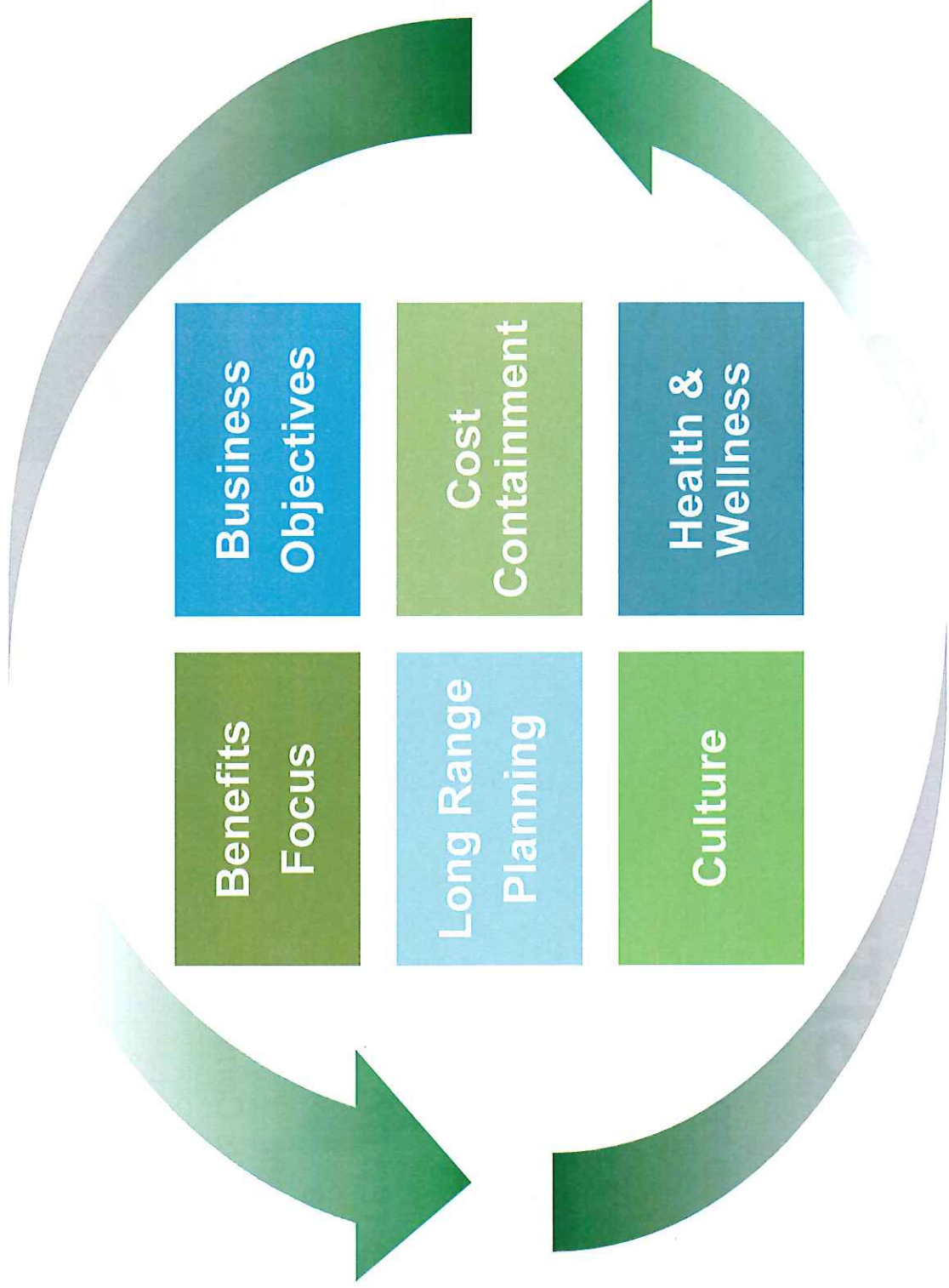
March 22, 2016



**Associated Financial Group**  
Employee Benefits. Insurance. HR Solutions.



# THE BIG PICTURE...





# THE PROCESS

- June 2015 – Request for information
- July 2015 – Interviewed four vendors
  - Interra
  - ThedaCare
  - Healthstat Inc.
  - Ministry/Affinity
- July 2015 – Orthopedic Sports Institute submitted a proposal after the first round of interviews
- November 2015 – From interviews and additional information provided, narrowed down to Interra and ThedaCare
- December 2015 – Three Waves Clinic (Interra) and Appvion Clinic (ThedaCare) site visits
- December 2015 – Met with City of Appleton to determine next steps



# IT'S MORE PROFITABLE FOR THE PROVIDER TO TREAT CANCER THAN PREVENT IT

Our healthcare payment system is hardwired to pay  
for acute care.

But what we will need in the future is better  
preventive care, chronic care and convenient  
primary care.



# OPTIONS FOR DECREASING COSTS

- Raising employee contributions (payroll deductions)
- Reducing benefits
- More copays and deductibles

AND

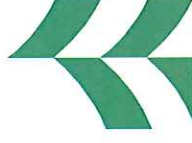
- Prevention
- Health improvement
- Avoiding unnecessary care
- Better consumerism/education
- Patient advocacy/guidance
- Convenient low cost primary care

Focus of a clinic  
strategy with actual  
enhanced benefits



# GROWING DEMAND FOR WORKPLACE CLINICS

- Improve population health
  - Preventing and managing chronic conditions
  - Cost containment
- Improve access to and quality of care
- Attract and retain a competitive workforce; candidates are inquiring
- Becoming part of a benefit plan strategy
- Other benefits
  - Reduce absenteeism
  - Boost productivity
  - Prevent disability claims
  - Prevent work-related injuries





# **SAMPLE OF AFG PUBLIC CLIENTS WITH ONSITE / NEAR-SITE CLINICS**

- Sheboygan Area School District
- Oshkosh Area School District
- Manitowoc Public School District
- City of Oshkosh
- Fond du Lac School District
- City of Manitowoc
- Sheboygan County
- City of Sheboygan
- Winnebago County



# RECOMMENDED PARTNER = THEDACARE

- Selection Criteria
  - Cost
    - Best value proposition
    - Positive past experience with other employers (site visit to Appvion Clinic)
    - Ability to achieve a ROI with little or no contingencies
  - Resources (i.e. programs, materials, etc.)
  - Ability to recruit quality staff
  - Flexible
  - Ability to grow and evolve with employer's wellness programs
  - Potential to expand services
    - Expanded hours of operation
    - Chiropractic and/or physical therapy services
    - Wellness / health coaching
  - Pre-employment drug testing (potential to replace current services)
  - Occupational health
  - Pharmacy





# INITIAL CLINIC OBJECTIVES

## Preventive Care

- Well Child Visits for ages 2 and up
- School, Camp & Sports Physicals
- Adults Physicals
- Pap/Pelvic Exams
- Immunizations

## Disease Management Coordination

- Chronic Condition Health Coaching
- Diabetic education
- Weight management
- Blood pressure monitoring

## Acute Care/Treatment Based

- Cold & Flu Symptoms
- Rashes
- Strep Throat
- Ear Infections
- Bladder Infections

## Lab Work and Minor Procedures

- Several lab tests available
- Wart removal
- Ear wax removal



# FUTURE OPPORTUNITIES

## Occupational Pre-Employment Protocol

- Drug
- TB Test
- Physicals
- OSHA Screenings

## Expansion of Wellness

- Wellness coaching
- Health education
- Fitness opportunities
- Health Risk Assessments
- Wellness programming

## Lifestyle Coaching

- Nutritional Counseling
- Exercise
- Wellness Coach

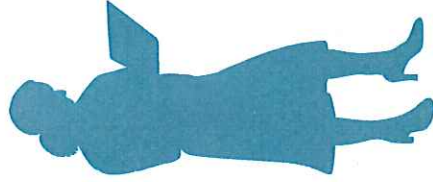
## Other Staffing Services

- Physical Therapy (\$80/hour)
- Athletic Trainer (\$55/hour)
- Health Coach (\$55/hour)



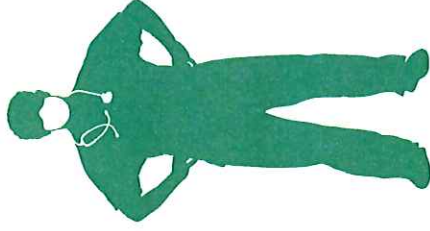


# TO THE EMPLOYEE



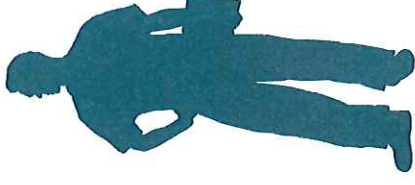
## Convenience

- Local providers
- Dedicated staff
- Scheduled appointments
- One stop medical care



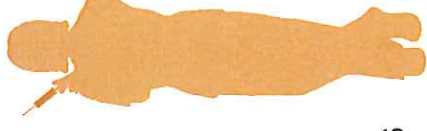
## Cost

- Cost to employee is yet to be determined
- Members in the High Deductible HSA plan are required to pay "fair market value" for any non-preventive visits
- Health Savings Account funds can be used for services



## Education

- Chronic condition management
- Navigation of the healthcare system
- Wellness and nutritional counseling
- Navigation through the healthcare system



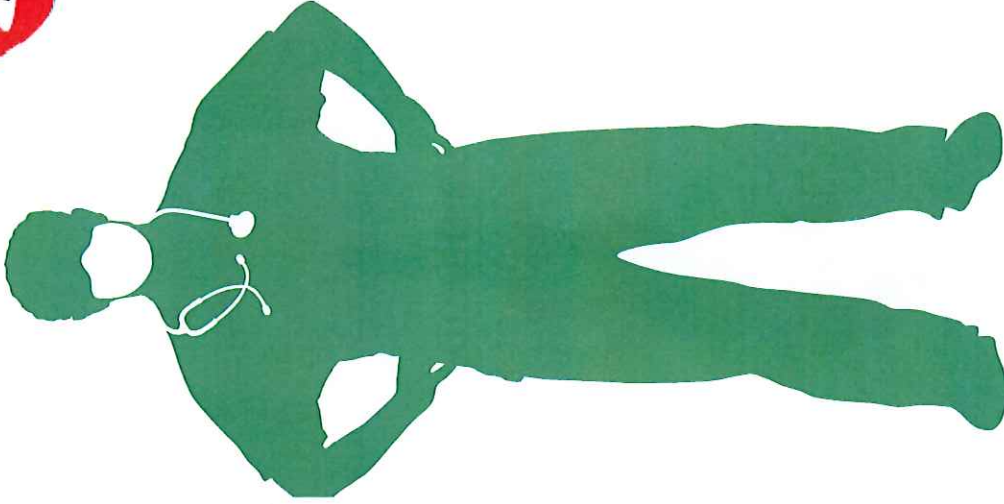
## Services

- Preventive care
- Acute care
- Lifestyle coaching
- Chronic condition management
- Wellness and nutritional counseling



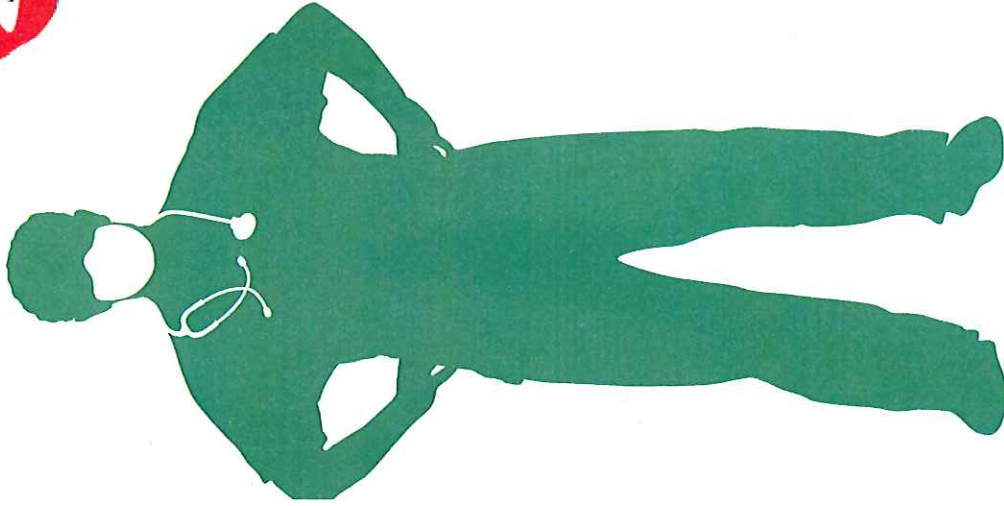


## PARTNERSHIP



- Inter-agency agreement
- Initial agreement 70% /30% split in costs for NP, RN, and MA services
- Each entity pays for their employee's labs and procedures performed at clinic
- Re-visit quarterly
- Adjust accordingly



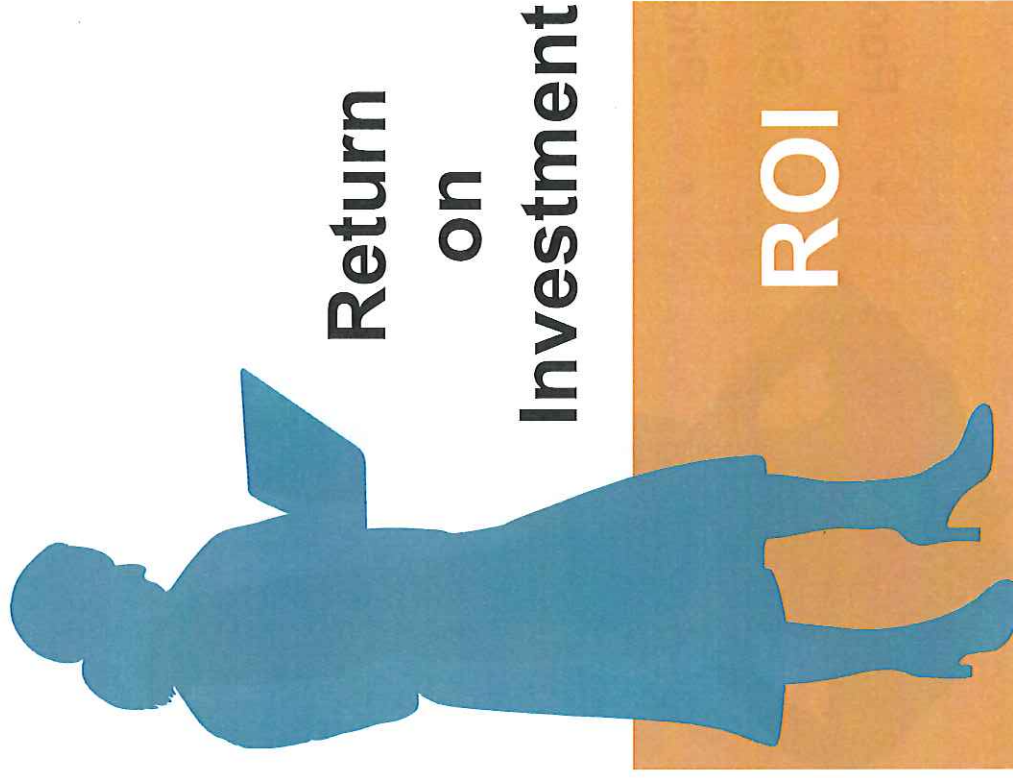


## VALUE IN PARTNERING

- Pooling resources
- Shared initial investment
- Pricing discounts
- Mitigate investment risk
- Broader access to service
  - Expanded hours of operation
  - Wellness, pre-employment protocol, occupational health, therapy, etc.







## Short-Term

- 20% savings on utilized services
- Fixed fees vs. fee for service
- Nurture relationships that help navigate the healthcare delivery service
- Gateway influence to wellness
- Employee steerage to lower cost care

## Long-Term

- Employee navigation through healthcare system
- Coaching reverses/avoids high-risk situations
- Focused counseling to lower costs associated with disease states
- Overall health improvement decreases future medical services
- Educated members become better healthcare consumers
- Increased productivity/decreased absenteeism





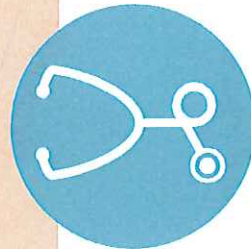
# RETURN ON INVESTMENT SAVINGS OF SIMILAR CLINICS

## Oshkosh Area School District Year 1 Savings

Health Plan Enrollment = 1,387 EEs + Retirees  
Health Insurance Carrier = Group Health Trust  
Self-Funded Trust

Clinic Opened February 2015

Total Net Savings	\$48,425
<u>Less Start-up Fees</u>	<u>- \$35,485</u>
Savings After Start-Up Fees	\$12,940



Savings noted above is derived from the redirection of care into the employer sponsored clinic.

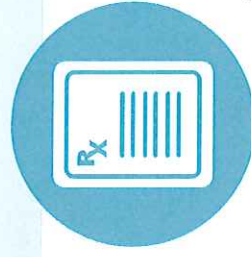
## Sheboygan Area School District 2012 – 2015

Health Plan Enrollment = 1,268 EEs + Retirees  
Health Insurance Carrier = Anthem  
Self-Funded

Clinic Opened for District employees on July 1, 2012

Year 1 - 6 months	\$36,879
Year 2 – 2013	\$200,708
Year 3 – 2014	\$452,762
<u>Year 4 – 2015</u>	<u>\$700,808</u>
Total Savings	\$1,391,157

- Health insurance premiums have not been increased for the last 3 years.
- Improvement in cost and severity of chronic conditions.



# EMPLOYEE COMMUNICATIONS

## Provider Flyer with Services

### Berlin Convenient Care Clinic

Located inside of CHN Berlin Hospital  
225 Memorial Drive, Berlin, WI 54923  
Schedule an appointment online via [MyThedaCare.org](http://MyThedaCare.org)  
Walk-ins welcome.



- Urgent care
- Physical exams

## Postcards



Thrivent Financial Health & Wellness Center

### Now Available

A convenient new choice in health care for Thrivent employees and their families.

Exercise  
Nutrition  
Healthy Lifestyle  
Monday - Saturday

### FAQs



ThedaCare.



### Great Northern Corporation Wellness Center

Q. Why did Great Northern Corporation (GNC) build a workplace wellness center?  
A. GNC is committed to providing employees with opportunities to improve their health and quality of life and helping to reduce healthcare costs over time. A workplace wellness center aligns with our vision to promote a balanced healthy lifestyle for our employees that encompasses the whole person—mental, social and physical.

#### Services

Q. What services are offered through the wellness center and how much do services cost?  
A. Wellness Center services include lifestyle medicine and wellness consults for chronic disease management such as diabetes, high blood pressure, weight, heart disease and others, as well as acute care for illness and non-work related injuries and immunizations. Most services at the wellness center are provided free of charge. More complex medical care such as sutures, biopsies, removal of moles/skin tags, wound cultures, etc will be provided for a minimal fee.

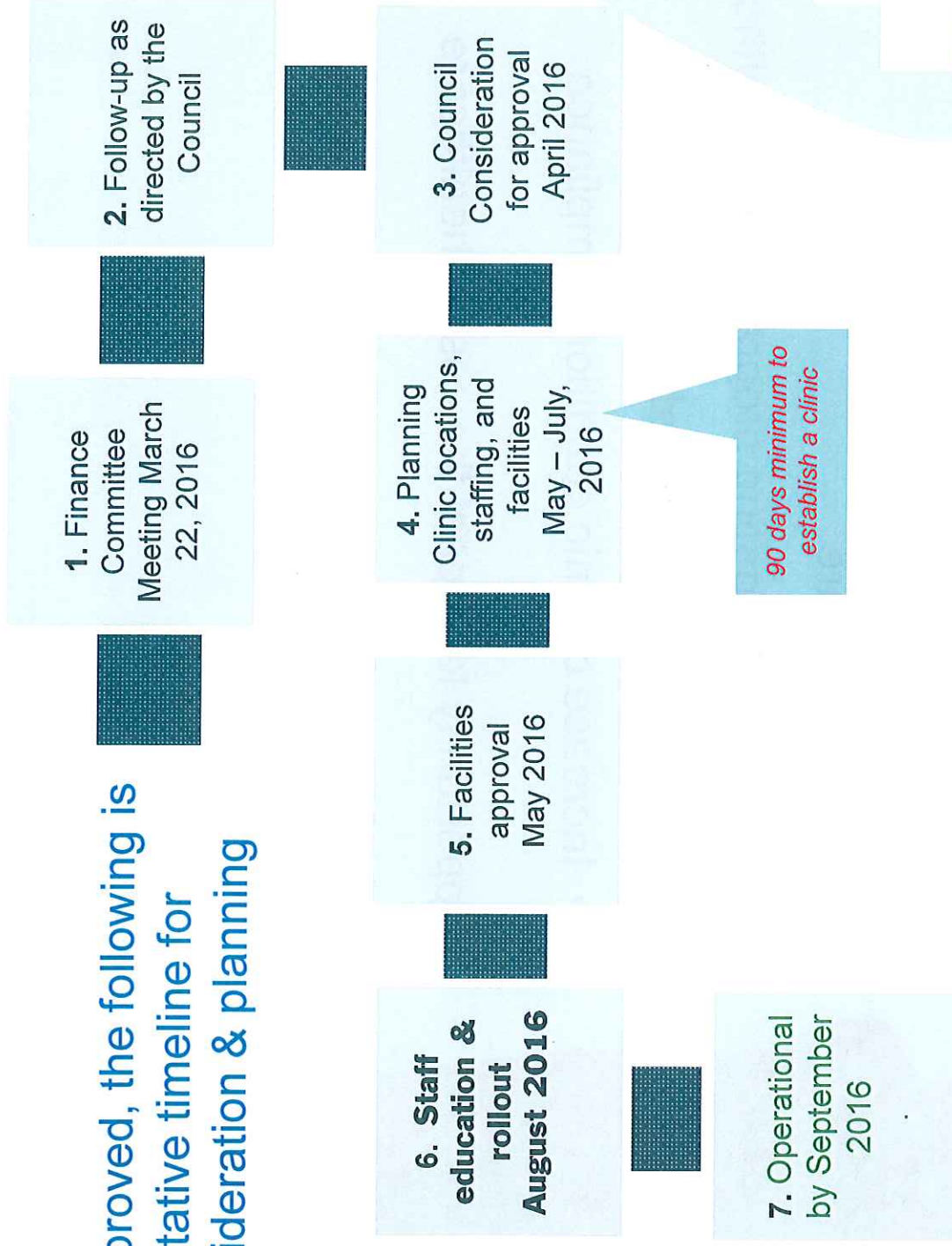
### Wellness Center FAQs

- Q. Will I need to pay additional fees for lab work, X-rays or supplies?  
A. X-rays and lab processing will not be performed at the workplace wellness center; however, these services can be ordered by the workplace wellness center provider to be performed at your primary care provider's clinic, or another ThedaCare location. These services would be processed in accordance with your health plan benefits. There will be no charge for basic supplies and rapid resulting lab tests, such as a strep test. If you have questions, please ask the workplace wellness center provider.
- Q. I had blood drawn at the wellness center. I thought it was supposed to be "free," but I got a bill for laboratory charges?  
A. There is no charge to have your blood drawn at the wellness center; however, the diagnostic lab fees to test your blood will be processed in accordance with your health plan benefits.
- Q. Can the workplace wellness center prescribe medication?  
A. Yes, the wellness center provider can prescribe medications that are appropriate for the





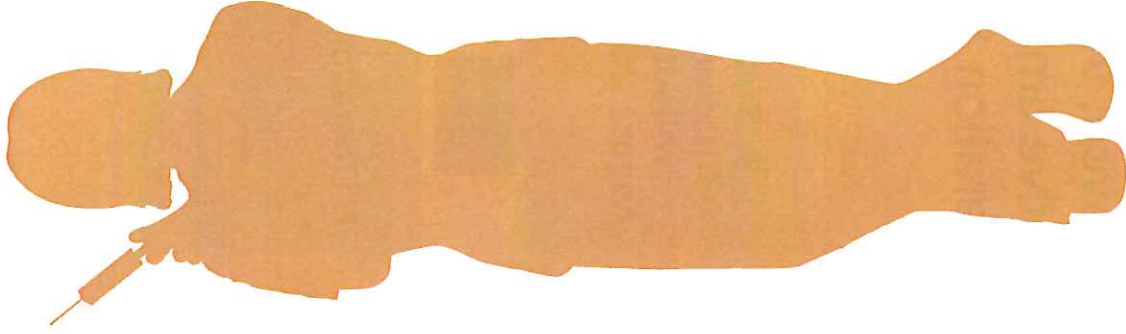
If approved, the following is a tentative timeline for consideration & planning



## NEXT STEPS



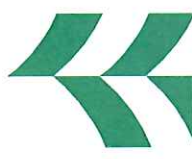
# CLOSING



Positively Impact employee health

- Immediate care
- Assist in navigating programs and healthcare
- Coordinate wellness efforts
- Increase chronic condition compliance

Opportunity to impact the cost of healthcare



# QUESTIONS?







# COST OF CARE

- Primary care visit

Billed 99213	\$120.00
Contract reduction	\$82.20 (31.5% actual)

Billed 99213	\$250.00
Contract reduction	\$125.00 (50.1% actual)

- Onsite clinic cost – per hour rate based on proposed contract

Nurse practitioner & med assist.	\$110	\$110
Patients seen	3	2
Cost per patient	\$36	\$55

Registered nurse and med assist.	\$85	\$85
Patients seen	3	2
Cost per patient	\$28.30	\$42.50

Coach	\$55	\$55
Patients seen	3	2
Cost per patient	\$18.30	\$27.50







# City of Appleton

Onsite Clinic Savings & Investment

March 22, 2016



# Savings (AASD & City of Appleton)

## City of Appleton and Area School District

Savings assumes 40% of eligible office visits being seen at the Onsite Clinic

### Recommended Staffing (Hours per Week)

Registered Nurse	60
Nurse Practitioner	64
Medical Assistant	40

	Employer Allocation Based on Population Size		
	City of Appleton	Appleton Area School District	
Expected Number of Office Visits	1,916	4,704	
Expected Cost Savings	\$354,962	\$697,227	
Charge for Recommended Staffing	\$144,782	\$355,458	
Savings	\$210,180	\$341,769	



# Savings (City only)

## City of Appleton

### Savings assumes 40% of eligible office visits being seen at the Onsite Clinic

Expected Number of Office Visits	1,916
----------------------------------	-------

#### Recommended Staffing (Hours per Week)

Registered Nurse	20
Nurse Practitioner	24
Medical Assistant	24

Expected Cost Savings	\$354,962
Charge for Recommended Staffing	194,480
Savings	<u>\$160,482</u>



# Savings

**Total Expected Savings      \$354,962**

- **Office Visits      \$235,745**

The average visit cost is based on claims information provided. The average visit cost is then multiplied times the number of office visits that are eligible to be seen in the Onsite Clinic and then reduced by 60% as not all visits will occur at the Onsite Clinic.

- **Lab      \$ 36,177**

Lab savings is based on the claims detail provided. Using the allowed amount and reducing that amount by the proposed lab fee for the onsite clinic, we calculated the savings for each lab. We then multiplied those lab savings by the number of eligible labs at the Onsite Clinic and reduced the total by 60% as not all the eligible labs will be conducted at the Onsite Clinic.

- **Procedures      \$ 83,040**

Procedure savings is based on the claims detail provided using the allowed amount. The only cost the City will incur for procedures is the staffing costs, the allowed amount is the savings amount. We then multiplied those procedure savings by the number of eligible procedures at the Onsite Clinic and reduced the total by 60% as not all the eligible procedures will be conducted at the Onsite Clinic.

# Savings

Billing Code Name	CPT Code	2016 List Price	40% Discount	2016 Discount Price
URINALYSIS,AUTO,W/MICRO	81001	\$ 17.07	\$10.24	\$ 1.19
URINALYSIS, DIP ONLY, AUTO	81003	\$ 8.82	\$5.29	\$ 0.62
URINE CULTURE, COLONY COUNT	87086	\$ 56.52	\$33.91	\$ 3.96
LIPID PANEL	80061	\$ 65.70	\$39.42	\$ 4.60
COMPLETE BLOOD CT W/DIFF	85025	\$ 52.25	\$31.35	\$ 3.66
BASIC METABOLIC PANEL	80048	\$110.88	\$66.53	\$ 7.76
HBA1C AND EST AV GLU,BLOOD	83036	\$ 36.35	\$21.81	\$ 2.54
LIVER PANEL	80076	\$ 56.32	\$33.79	\$ 3.94
THYROID STIMULATING HORMONE (TSH)	84443	\$ 67.14	\$40.28	\$ 4.70
T4, FREE	84439	\$ 46.91	\$28.15	\$ 3.28
T4	84436	\$ 35.51	\$21.31	\$ 2.49
HDL CHOLESTEROL	83718	\$ 28.80	\$17.28	\$ 2.02
GLUCOSE	82947	\$ 15.75	\$9.45	\$ 1.10
BLOOD UREA NITROGEN, BLOOD	84520	\$ 21.78	\$13.07	\$ 1.52
CREATININE, SERUM	82565	\$ 16.74	\$10.04	\$ 1.17
CALCIUM, TOTAL	82310	\$ 25.19	\$15.11	\$ 1.76
POTASSIUM, SERUM	84132	\$ 23.68	\$14.21	\$ 1.66
BILIRUBIN, TOTAL	82247	\$ 27.67	\$16.60	\$ 1.94
PROTEIN, TOTAL	84155	\$ 14.85	\$8.91	\$ 1.04
CHOLESTEROL, SERUM	82465	\$ 15.75	\$9.45	\$ 1.10
TRYGLYCERIDES	84478	\$ 30.53	\$18.32	\$ 2.14

# Investment

- NP: \$80 hour
- RN: \$55 hour
- MA: \$30 hour
- Medical Oversight: No Charge
- Equipment and Supplies: Included up to \$30,000 for the partnership
- Recruiting: No charge
- Implementation fee: No charge
- Lab 90% discount if billed to City of Appleton
- Supplies: \$2,400 - \$9,600 (varies with procedures/services performed)
- Equipment: \$8,000 - \$9,000 per exam room



# Return on Investment

## City of Appleton and Area School District

Savings assumes 40% of eligible office visits being seen at the Onsite Clinic

### Recommended Staffing (Hours per Week)

Registered Nurse	60
Nurse Practitioner	64
Medical Assistant	40

### Employer Allocation Based on Population

	Combined Total	City of Appleton	Appleton Area School District
Expected Number of Office Visits	6,620	1,916	4,704
Expected Cost Savings	\$1,052,189	\$354,962	\$697,227
Charge for Recommended Staffing	\$500,240	\$144,782	\$355,458
Equipment & Initial Supplies	\$0	\$0	\$0
Supplies (Ongoing)	\$14,600	\$5,000	\$9,600
Savings	<u>\$537,349</u>	<u>\$205,180</u>	<u>\$332,169</u>

# Return on Investment

## City of Appleton

### Savings assumes 40% of eligible office visits being seen at the Onsite Clinic

Expected Number of Office Visits 1,916

#### Recommended Staffing (Hours per Week)

Registered Nurse	20
Nurse Practitioner	24
Medical Assistant	24

Expected Cost Savings \$354,962

Charge for Recommended Staffing \$194,480

Equipment & Initial Supplies \$3,000 ThedaCare will pay up to \$15,000

Supplies (Ongoing) \$5,000

Savings \$152,482



# Questions & Answers





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

---

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

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

**FROM:** Environmental Programs Coordinator Brian Kreski

**DATE:** March 8, 2016

**RE:** *Award Compost Marketing Research Services contract to R. Alexander Associates in the amount of \$15,000 with a 7% contingency of \$1,050 for a project total not to exceed \$16,050.*

---

#### **BACKGROUND:**

Effective compost product marketing is critical to the future success and viability of the Appleton Wastewater Treatment Plant (AWWTP) Compost Program. Since 2010, AWWTP staff has methodically worked to establish a foundation for marketing efforts through public outreach, departmental website development, product brochures, research (UW-Oshkosh compost use study), and certification through US Composting Council's (USCC) Seal of Testing Assurance (STA) Program.

In 2013, Ron Alexander Associates Inc. (RAA) was contracted to perform an initial marketing study and facility audit which outlined AWWTP compost operations and industry accepted distribution/marketing practices. RAA suggested process and product improvements specific to compost operations at that time. Recommendations for suitable product applications were also provided to the AWWTP to help springboard future marketing efforts.

The AWWTP adopted recommendations within the 2013 RAA study and reached out to potential area compost users summarized within. To date these efforts have yielded positive results ranging from free limited quantity use trials by various landscape companies to larger volume bulk sales as part of residential and commercial development projects. However, while public support of the AWWTP Compost Program continues, compost demand from larger bulk users has not translated into reliable sales or supply contracts. The program staff determined it necessary at this juncture to include \$25,000 in the 2016 O&M budget. The funding would produce professional marketing services which would provide three key deliverables:

Complete updated market research. Identify 'buyer' leads and estimate realistic product value and quality characteristics required

Establish a single or a series of buyers for your compost production to match full production volumes

Developing a cost comparison between current operational expenses, vs. options to reduce costs

### **JUSTIFICATION:**

Quotes were requested from four national firms experienced with organic recycling and compost marketing services. Two of the four firms provided quotes which are summarized in Table 1. Cycle Logic indicated that their schedule would not allow for additional commitments at this time and Coker Composting referred us to RAA or Cycle Logic for consulting services.

**Table 1**

<b>Consulting Firm:</b>	<b>Price Quote</b>
R. Alexander Associates	\$15,000
Hidden Resources	\$18,000
Cycle Logic	DNQ
Coker Composting & Consulting	DNQ

DNQ: Did not quote.

The AWWTP recommends awarding this market research service contract to RAA. Mr. Alexander has over 30 years of experience in the recycled organics industry and has completed over 400 related consulting projects throughout North America, Europe, Australia, and New Zealand. In 2000, RAA prepared a series of reports for the City of Appleton Department of Utilities and Department of Public Works (e.g., Biosolids Fertilizer Market Research, Biosolids Compost Market Research, Biosolids Composting Economic Analysis, Yardwaste Composting Economic Analysis). Mr. Alexander's extensive compost marketing experience and industry knowledge coupled with the familiarity of AWWTP compost initiatives (past and present) make it advantageous from a cost and deliverable standpoint to contract with RAA.

### **RECOMMENDATION:**

It is recommended that the Utilities Committee award this contract to RAA for the continued market research of Appleton's Biosolids Compost in the amount of \$15,000 with a 7% contingency of \$1,050. The funding for this purchase had been included as part of the 2016 Utility O&M budget. If you have any questions regarding this project please contact Brian Kreski ph: 832-5945.

RESOLUTION 1-P-16

PRELIMINARY RESOLUTION DECLARING INTENT TO EXERCISE SPECIAL ASSESSMENT  
POWERS UNDER SECTION 66.0703 (7) (a), WISCONSIN STATUTES OF 2011-2012.

RESOLVED, by the Common Council of the City of Appleton, Wisconsin:

1. The Common Council hereby declares its intention to exercise its powers under Section 66.0703, Wisconsin Statutes, to levy special assessments upon property within the following described area for benefits conferred upon such property by improvement of the following area.

SANITARY SEWER , STORM SEWER AND LATERALS

Bateman Street from Hancock Street to Pacific Street  
Division Street from Franklin Street to Atlantic Street  
Douglas Street from Pine Street to Haskell Street  
Fair Street from Franklin Street to South End  
Harriman Street (lots only) from Atlantic Street to Winnebago Street  
Herbert Street from Pine Street to Rogers Avenue  
Owaissa Street from Wisconsin Avenue to Glendale Avenue  
Winona Court from Nawada Street (W) to Nawada Street (E)

2. The total amount assessed against such property shall not exceed the total cost of the improvements. The Common Council determines that such improvements shall be made under the police power and the amount assessed against each parcel shall be on a cost per front foot, area or unit cost basis.

3. The assessments against any parcel may be paid to the Finance Department on receipt of Special Assessment Notice by one of the following:

- a. In cash, or if entered on the Tax Roll;
- b. One installment, if the assessment is \$1000 or less;
- c. In five equal annual installments, if the assessment is greater than \$1000;

Deferred payments shall bear an interest at the rate of 6.25% per annum on the unpaid balance.

4. The Finance Committee is directed to prepare a report consisting of:

- a. Preliminary plans and specifications for said improvements.
- b. An estimate of the entire cost of the proposed street improvements.
- c. A schedule of proposed assessments showing the properties that are benefited by the work or improvements.

Upon completing such report, the Finance Committee is directed to file a copy thereof in the office of the City Clerk for public inspection.

5. Upon receiving the report of the Finance Committee, the City Clerk is directed to give notice of a public hearing on such report as specified in Section 66.0703 (7) (a), Wisconsin Statutes. The hearing shall be held at the Council Chambers in the City Hall at a time set by the City Clerk in accordance with Section 66.0703 (7) (a), Wisconsin Statutes.

Adopted: April 6, 2016

S/ TIMOTHY M. HANNA (Mayor)

Attest: KAMI L. LYNCH, (City Clerk)



**42-16**

**AN ORDINANCE AMENDING ARTICLE VI OF CHAPTER 20 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO STORMWATER MANAGEMENT STANDARDS AND PLANNING.**

(Utilities Committee – 3-16-16)

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

**Section 1:** That Article VI. of Chapter 20 of the Municipal Code of the City of Appleton, relating to stormwater management standards and planning, is hereby amended to read as follows:

**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 provisions of a stormwater management 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 pre-empt 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 s. 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 runoff 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 runoff can:

(a) Degrade physical stream habitat by increasing streambank erosion, increasing streambed scour, diminishing groundwater recharge, diminishing stream base flows, and increasing stream temperature.

(b) 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.

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

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

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

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

(g) Undermine floodplain management efforts by increasing the incidence and levels of flooding.  
(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 requirements that will diminish the threats to public health, safety, welfare, and the aquatic 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 runoff from land development and redevelopment activities.
- (2) Controlling the quantity, peak flow rates, and quality of stormwater 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, and have been approved by the City of Appleton, 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. 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 §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. 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 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.

**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, 5.50 inches; 10-year, 3.51 inches; 5-year, 3.01 inches; 2-year, 2.45 inches, and 1-year, 2.14 inches. The distribution shall be NOAA Atlas 14 MSE4.

**Development** means 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.

**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, 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 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 s. NR 102.11, Wisconsin Administrative Code.

**Existing land use condition** means the condition of the 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 twenty percent (20%) fines; or at least a five- (5-) foot deep layer with at least ten percent (10%) 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 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 precipitation or runoff into or 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 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 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 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 stormwater 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 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.

***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 ordinance.

***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-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 s. NR 115.03(6), Wisconsin Administrative Code.

***Outstanding resource waters*** means waters listed in s. 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.

***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.

**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 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-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 s. 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 widths as listed in Sec. 20-312(f), as measured horizontally from the top of the channel or delineated wetland boundary to the closest impervious surface.

**Redevelopment** means areas where 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 person holding fee title to the property or other 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, 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.

***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 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

***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.

***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. “Transportation 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 pursuant to §281.33, Wis. Stat.

***TSS*** means total suspended solids.

***Type II distribution*** means a rainfall type curve as established in the “United States Department of Agriculture, Soil Conservation Service, Technical Paper 149, published 1973”.

***Waters of the state*** has the meaning in §283.01(20), 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 in-filling 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, 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) 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 site 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 or town ordinance, except when the county 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 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. 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 Sec. 20-312(l) of this ordinance.

(a) ***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.

(b) ***Off-site drainage.*** When designing best management practices for (c), (d) and (e) 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.

(c) ***Peak discharge***

- (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-development, woodland condition, as defined in Table 1 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. 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.

Table 1  
Maximum Pre-Development Runoff Curve Numbers

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

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.

- (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 storm shall be completely contained within the storm sewers with no surcharging.
  - c. For storms greater than the five- (5-) year 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 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 Sec. 20-312(c)(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. 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 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 s. 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.

(d) ***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 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.
- (3) 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.
- (4) 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)

(e) ***Infiltration.*** Unless otherwise provided for in this ordinance, all post-construction land development and redevelopment sites subject to this ordinance shall design, install, and maintain on-site best management practices to infiltrate runoff in accordance with the following, to the maximum extent practicable.

- (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 forty percent (40%) and up to eighty 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 seventy-five 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 two percent (2%) of the post-construction site is required as an effective infiltration area.



- (3) *High imperviousness.* For development with more than eighty 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 sixty 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 two 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.
- (5) 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.
- (6) 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 Sec. 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.

- (7) 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).
- (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(e)(11):
    - i. Areas associated with a tier 1 industrial facility identified in s. NR 216.21(2)(a), Wisconsin Administrative Code, 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. NR216.21(2)(b), Wisconsin Administrative Code.

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(a), Maintenance of effort.
    - iv. In-fill development areas less than five (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), Wisconsin Administrative Code or within the separation distances listed in s. NR 812.08, Wisconsin Administrative Code 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), Wisconsin Administrative Code, 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

Source Area	Separation Distance	Soil Characteristics
Industrial, Commercial, Institutional Parking Lots and Roads	5 feet or more	Filtering layer
Residential Arterial Roads	5 feet or more	Filtering layer
Roofs Draining to Subsurface Infiltration Practices	1 foot or more	Native or Engineered soil with particles finer than coarse sand
Roofs Draining to Surface Infiltration Practices	Not applicable	Not applicable
All Other Impervious Source Areas	3 feet or more	Filtering layer

- ii. Notwithstanding par. b., applicable requirements for injection wells classified under ch. NR 815, Wisconsin Administrative Code 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 five (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.
  - (11) *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 s. 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.

- b. Notwithstanding paragraph (a), the discharge from BMPs shall remain below the enforcement standard at the point of standards application.

(f) ***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, 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.
- 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, ten percent (10%) of the average wetland width, but no less than ten (10) feet nor more than thirty (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, Wisconsin Administrative Code.

- h. Wetland boundary delineation shall be made in accordance with s. NR 103.08(1m), Wisconsin Administrative Code. 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.
- (3) 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.
  - c. 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.
- (4) A protective area established or created after the adoption date of this ordinance shall not be eliminated or reduced, except as allowed in subd. 5.b, c, or d below.
- (5) Protective areas do not apply to:
  - a. Redevelopment post-construction sites, provided the minimum requirements within subd. 4 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 five (5) acres.

(Ord 66-10, §1, 4-13-10)

(g) ***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 Sec. 20-313 of this ordinance, a maintenance agreement per Sec. 20-314 of this ordinance and a stormwater permit per Sec. 20-321 of this ordinance are required.

(Ord 66-10, §1, 4-13-10)

(h) ***General considerations for stormwater management measures.*** The following considerations shall be observed in on-site and off-site 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)

(i) ***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 Wisconsin Administrative 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 s. NR 103, Wisconsin Administrative Code and Chapter 30, Wis. Stat.
- (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 stormwater 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 stormwater 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. 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 stormwater management requirements, the applicant 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.

(j) ***Additional requirements.*** The City of Appleton may establish stormwater management requirements more stringent than those set forth in this ordinance if the City determines that the requirements are needed to control stormwater quantity or control flooding, comply with federally approved total maximum daily load requirements, or control pollutants associated with existing development or redevelopment.

(k) ***Swale treatment for transportation facilities.***

- (1) ***Applicability.*** Except as provided in Sec. 20-312(h)(2) of this ordinance, transportation facilities that use swales for runoff conveyance, 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. Swales shall comply with sections V.F. (Velocity and Depth) and V.G. (Swale 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) *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:
  - i. An outstanding resource water.
  - ii. An exceptional resource water.
  - iii. 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.
  - iv. Waters where targeted performance standards are developed under s. 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)

(l) Innovative stormwater management systems that do not meet Sec. 20-312(c), (d) or (e) 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 Sec. 20-321 of this ordinance shall contain any such information the City of Appleton may need to evaluate the 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.
- (2) All initial and 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)

(b) ***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-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 Sec. 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.

(c) ***Alternate requirements.*** The City of Appleton may prescribe alternative submittal requirements for applicants seeking an exemption to on-site stormwater management performance standards under Secs. 20-312(c), (d) or (e) of this ordinance.

(d) ***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 Sec. 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 Sec. 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 Sec. 20-321 of this ordinance.
- (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 Sec. 20-321 of this ordinance.
- (4) Requirement that the responsible party(ies), organization(s), or city, county, town or village shall maintain stormwater management practices in accordance with the schedule included in Sec. 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 Sec. 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 responsible party may undertake a land disturbing construction activity except One- and Two-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 3. The initial submittal and the final approved plan shall be stamped by an engineer licensed in the State of Wisconsin in a hard copy format.

Table 3

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	X	X	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 Sec. 20-313 of this ordinance and the maintenance agreement shall be prepared to meet the requirements of Sec. 20-314 of this ordinance.
- (3) Plan 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 (4) below.
- (4) 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 will review any complete permit application that is submitted with the required fee. The following procedure 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 Sec. 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 Secs. 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 Sec. 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 Secs. 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 Sec. 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 engineer 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 Sec. 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 §66.0627, 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 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. Issuance of this permit does not create or affect any such rights.
- (11) The owner is subject to the enforceable actions detailed in Sec. 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 Sec. 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 Sec. 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 §66.0617, 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 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 the requirements of this ordinance.

(b) The City of Appleton shall notify the responsible party or owner by certified mail of any non-complying land disturbing construction 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 that does not comply with the stormwater management plan or other provisions of this permit. 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 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 Sec. 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 Sec. 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 Sec. 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 Sec. 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. 20-332. Effective date.**

This ordinance is in full force and effect on May 1, 2016.  
(Ord 188-03, §1, 10-21-03)

**Section 2:** This ordinance shall be in full force and effect May 1, 2016.