



City of Appleton

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

Meeting Agenda - Final Common Council

Wednesday, June 15, 2016

7:00 PM

Council Chambers

- A. CALL TO ORDER
- B. INVOCATION
- C. PLEDGE OF ALLEGIANCE TO THE FLAG
- D. ROLL CALL OF ALDERPERSONS
- E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS
- F. PUBLIC PARTICIPATION
- G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES
[16-964](#) Common Council Meeting Minutes of June 1, 2016
Attachments: [CC Minutes 6-1-16.pdf](#)
- H. BUSINESS PRESENTED BY THE MAYOR
- I. PUBLIC HEARINGS
[16-966](#) Public Hearing - Comprehensive Plan Amendment #2-16
Attachments: [Public Hearing Notice CPA .pdf](#)
[16-967](#) Public Hearing - Rezoning #4-16
Attachments: [Public Hearing RZ .pdf](#)
- J. SPECIAL RESOLUTIONS
- K. ESTABLISH ORDER OF THE DAY
- L. COMMITTEE REPORTS
- 1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[16-952](#)

Award Unit Q-16 Pavement Marking Maintenance Contract (Paint) to Crowley Construction Corp. in the amount of \$44,712.04 plus a \$5,000 contingency.

Attachments: [Unit Q-16 .pdf](#)

[16-851](#)

Approve South Oneida Street Streetscape Elements Plan to include standard City-owned LED street lights from Roeland Avenue to Calumet Street the Skyline Bridge (except for the block from Calumet Street to Foster Street which will remain WE Energies lights).

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

Legislative History

5/24/16	Municipal Services Committee	held
	<i>Item 16-581 held until June 7th meeting</i>	
6/7/16	Municipal Services Committee	recommended for approval
	<i>Amendment #1 Semi-decorative City-owned LED street lights from Roeland Avenue to the Bridge (except for the block from Calumet Street to Foster Street which will remain WE Energies lights) for an additional \$80,000. 3-1/Martin</i>	
	<i>Amendment #2 Semi-decorative City-owned LED street lights on the Skyline Bridge from end of project to Prospect Avenue for an additional \$40,000. 3-1/Konetzke</i>	
	<i>Amendment #3 Black fiberglass WE Energies poles from Wilson Street to the Bridge for an additional \$159,000. 3-1/Konetzke</i>	

[16-893](#)

Request from Dan Rosenberg, 1026 W. Calumet Street for a permanent street occupancy permit to construct a landscape berm within the Garden Court street right-of-way. This request is in violation of the City's Street Terrace Policy.

Attachments: [1026 W. Calumet St.pdf](#)
[1026 W Calumet St-photos.pdf](#)

Legislative History

6/7/16	Municipal Services Committee	recommended for approval
	<i>Item 16-893 amended to remove berm from the within 8 feet from the outside edge of each City tree and edge of berm not to be closer than 5 feet to the back side of the curb. Property owner also needs to sign a hold harmless agreement with the City.</i>	

- [16-894](#) Award 2016-2020 Movable Bridge Inspections Contract to Collins Engineers, Inc. in an amount not to exceed \$80,000.

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

Legislative History

6/7/16 Municipal Services recommended for approval
 Committee

- [16-913](#) Approve Intergovernmental Agreement with Outagamie County for the CTH "JJ" (Edgewood Drive) Street Reconstruction Project between Ballard Road and Lightning Drive.

Attachments: [CTH JJ-CTH E to Lightning Drive.pdf](#)

Legislative History

6/7/16 Municipal Services recommended for approval
 Committee

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

- [16-861](#) Operator's License application of Dominic R. Kendl, 1109 N. Lawe Street.

Legislative History

6/8/16 Safety and Licensing recommended for denial
 Committee
Although Mr. Kendl requested to appear before the Committee and was sent a meeting agenda, he did not appear before the Committee.

- [16-864](#) Salvage Dealer's License Renewal application of Green Meadow Recycling, Inc., Neil D. Novak, Applicant, 2220 W. Everett St., contingent upon approval from all departments.

Legislative History

6/8/16 Safety and Licensing recommended for approval
 Committee

- [16-865](#) Salvage Dealer's License Renewal application of Golper Supply Co., Inc., David B. Golper, Applicant, 1810 N. Edgewood Dr., contingent upon approval from all departments.

Legislative History

6/8/16 Safety and Licensing recommended for approval
 Committee

- [16-868](#) "Class A" Beer/Liquor License - Change of Agent of Walgreens #12693, Melissa M. Drawenek, Agent, 729 W. Northland Ave., contingent upon approval from the Police Department.

Legislative History

6/8/16 Safety and Licensing recommended for approval
Committee

[16-872](#)

Pet Store License Renewal application of Just Pets, Craig L. Weborg, Applicant, 2009 N. Richmond St., contingent upon approval from all departments.

Legislative History

6/8/16 Safety and Licensing recommended for approval
Committee

[16-873](#)

Salvage Dealer's License Renewal application of Appleton Aluminum Recycling Inc., Charles O. Desten, Applicant, 300 N. Kensington Dr., contingent upon approval from all departments.

Legislative History

6/8/16 Safety and Licensing recommended for approval
Committee

[16-890](#)

Pet Store License renewal application of Petco#1656, Ferdinand H. Gorzelitz, Applicant, 3829 E. Calumet St., contingent upon approval from all departments.

Legislative History

6/8/16 Safety and Licensing recommended for approval
Committee

[16-903](#)

"Class B" Beer/Liquor License - Change of Agent of Dieters Place LLC, Jonathon E. Kuehn, Agent, 830 E. Northland Ave., contingent upon approval from the Police Department.

Legislative History

6/8/16 Safety and Licensing recommended for approval
Committee

[16-907](#)

Operator's Licenses

Attachments: [Operator's Licenses for 6-8-16 S & L.pdf](#)

Legislative History

6/8/16 Safety and Licensing recommended for approval
Committee

[16-908](#)

Renewal Operator's Licenses

Attachments: [Renewal Operator's Licenses for 6-8-16 S & L.pdf](#)

Legislative History

6/8/16 Safety and Licensing recommended for approval
Committee

- [16-912](#) "Class B" Beer/Liquor License - Change of Agent of Harvey Pierre Post No. 2778 d/b/a VFW Post 2778, Trista K. Nickerson, Agent, 501 N. Richmond St., contingent upon approval from the Police Department.

Legislative History

6/8/16	Safety and Licensing Committee	recommended for approval
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- [16-924](#) 2016-2017 Beer/Liquor License Renewal applications, contingent upon approval from all departments.

Attachments: [2016-2017 Beer Liquor License Renewals2.pdf](#)

Legislative History

6/8/16	Safety and Licensing Committee	recommended for approval
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3. MINUTES OF THE CITY PLAN COMMISSION

- [16-706](#) Request to approve Special Use Permit #2-16 for an 85-foot monopole wireless telecommunication tower with associated antennas and ground equipment located in the 2700 block of N. Kesting Court (Tax Id 31-1-4025-00), as shown on the attached maps and per attached plan of operation, subject to the conditions in the attached staff report

Attachments: [StaffReportReferBack_KestingCtTower_SpecialUsePermit#2-16.pdf](#)
[Kesting Ct Cell Tower Petition.pdf](#)
[Photos submitted to Plan Commission on 5-9-16 re Kesting Ct Tower.pdf](#)

Legislative History

5/9/16	City Plan Commission	recommended for approval
5/18/16	Common Council	referred to the City Plan Commission
	<i>Aldersperson Croatt Referred this Item back to the City Plan Commission. The Item will be on the June 6th City Plan Commission Agenda.</i>	
6/6/16	City Plan Commission	recommended for approval

- [16-708](#) Request to approve Special Use Permit #3-16 for a community living arrangement (CLA) serving 24 persons located at 5715 North Meade Street, north of the intersection of Edgewood Drive (JJ) and Meade Street (Tax Id #31-6-6100-50) to run with the land, subject to the conditions in the attached staff report and as shown on the attached maps

Attachments: [StaffReport_Primrose_SpecialUsePermit#3-16.pdf](#)

Legislative History

5/9/16	City Plan Commission	recommended for approval
	<i>Proceeds to Council on June 15, 2016.</i>	

- [16-710](#) Request to approve Comprehensive Plan 2010-2030 Future Land Use Map Amendment #2-16 for 5715 North Meade Street, north of the intersection of Edgewood Drive (JJ) and Meade Street (Tax Id #31-6-6100-50) from One and Two-Family Residential designation to Multi-Family Residential designation as shown on the attached map and approve the attached resolution

Attachments: [StaffReport_Primrose_CompPlanAmend#2-16&Rz#4-16.pdf](#)

Legislative History

5/9/16 City Plan Commission recommended for approval
Proceeds to Council on June 15, 2016.

- [16-712](#) Request to approve Rezoning #4-16 for 5715 North Meade Street, north of the intersection of Edgewood Drive (JJ) and Meade Street (Tax Id #31-6-6100-50), including to the centerline of the adjacent right-of-way, as shown on the attached map, from R-1A Single-Family District to R-3 Multi-Family District

Attachments: [StaffReport_Primrose_CompPlanAmend#2-16&Rz#4-16.pdf](#)

Legislative History

5/9/16 City Plan Commission recommended for approval
Proceeds to Council on June 15, 2016.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

5. MINUTES OF THE FINANCE COMMITTEE

- [16-919](#) Request to approve Finance Committee Report 3-P-16 for Sanitary Sewer, Storm Sewer and Laterals.

Attachments: [Report 3-P-16.pdf](#)

Legislative History

6/7/16 Finance Committee recommended for approval

- [16-922](#) Request to award the City of Appleton Municipal Services Building 2016 HVAC Replacement Project contract to B&P Mechanical, Inc. in the amount of \$338,800 with a contingency of \$8,400 for a contract total not to exceed \$347,200.

Attachments: [2016 MSB HVAC replacement award and budget adjustemnt.pdf](#)

Legislative History

6/7/16 Finance Committee recommended for approval

[16-925](#)

Request to approve the following 2016 budget adjustment:

Facilities Capital Projects Fund

MSB Roof Replacement Project	- \$35,000
Fire Stations #3 & #5 Exterior Lighting Project	- \$30,000
MSB HVAC Replacement Project	+\$65,000

to reallocate positive budget variance from MSB roof replacement project and Fire Stations exterior lighting project to MSB HVAC replacement project.

Attachments: [2016 MSB HVAC replacement award and budget adjustemnt.pdf](#)

Legislative History

6/7/16	Finance Committee	recommended for approval
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[16-926](#)

Request to approve entering an intergovernmental agreement with the Appleton Area School District for the purpose of the joint establishment, operation and cost sharing of an employee health clinic.

Attachments: [Memo Intergovernmental agreement.pdf](#)

[Intergovernmental Agreement.pdf](#)

Legislative History

6/7/16	Finance Committee	recommended for approval
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[16-927](#)

Request to approve payment to ThedaCare for the City's share of facility location expenses during the three year term that ThedaCare also provides the employee health clinic services.

Attachments: [Lease Memo.pdf](#)

[Lease Proposal.pdf](#)

Legislative History

6/7/16	Finance Committee	recommended for approval
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6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

[16-888](#)

Request to approve the 2015 Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant (CDBG) Program

Attachments: [CAPER memo to CEDC 6-8-16.pdf](#)

[PY 2015 Report FINAL.pdf](#)

Legislative History

6/8/16	Community & Economic Development Committee	recommended for approval
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7. MINUTES OF THE UTILITIES COMMITTEE[16-822](#)

Approve May 2016 Revisions to Stormwater Utility Credit Policy.

Attachments: [Memo Credit Policy Approval 05-24-2016.pdf](#)[2016 Revised Stormwater Utility Credit Policy Combined.pdf](#)[2016 Revised Stormwater Utility Credit Policy 06-08-2016 COMBINED FINAL.pdf](#)**Legislative History**

5/24/16 Utilities Committee recommended for approval

6/1/16 Common Council referred to the Utilities Committee
*Aldersperson Baranowski referred this item back to the Utilities Committee.*6/7/16 Utilities Committee recommended for approval
*Motion by Baranowski, seconded by Meltzer to amend the rain barrel minimum size for single family residences to 40 gallons. Motion carried. 5-0**Motion by Baranowski, seconded by Reed to amend the property owner certification language on the pledge form. Motion carried. 5-0**The updated policy, including the amendments, is attached.*

16-902

Request approval of electronic Compliance Maintenance Annual Report (eCMAR) for 2015 and request the following Resolution be presented to the Common Council for approval:

Whereas, the City of Appleton has successfully been operating a biosolids compost program in cooperation with the Outagamie Department of Solid Waste; and

Whereas, Outagamie County has committed to continue allowing biosolids composting during the next five years on over five acres of County property; and

Whereas, the City of Appleton has applied for re-issuance of the Wisconsin Pollution Discharge Elimination System (WPDES) permit; and

Whereas, the WPDES permit application requests for biosolids compost program and outfall; and

Whereas, the City of Appleton will meet requirements of NR 204 for biosolids storage when WDNR reissues the WPDES permit allowing storage on the County property; and,

Whereas, the WDNR continues supporting and providing guidance for the City of Appleton's biosolids compost program.

Now, therefore, be it resolved by the City Council that the City of Appleton:

Article 1. Continues supporting an active biosolids program.

Article 2. Within the next five years provide for long term biosolids storage planning.

Attachments: [eCMAR memo 2015.pdf](#)
[eCMAR 2015.pdf](#)

Legislative History

6/7/16 Utilities Committee recommended for approval

16-909

Approve Amendment #1 to Robert E. Lee and Associates for the Water Clarifier Coating Contract to increase field inspections services resulting in an increase of \$16,000.

Attachments: [Clarifier Coating Contract Amendment 1.pdf](#)

Legislative History

6/7/16 Utilities Committee recommended for approval

- [16-910](#) Preliminary Resolution 3-P-16 for Sanitary Sewer, Storm Sewer, Sanitary Laterals & Storm Laterals be adopted and refer the matter to Finance Committee to determine the assessment rate.

Attachments: [Resolution 3-P-16.pdf](#)

Legislative History

6/7/16	Utilities Committee	recommended for approval
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8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

10. MINUTES OF THE BOARD OF HEALTH

- [16-547](#) Resolution #5-R-16/Alderperson Plank

Attachments: [Resolution #5-R-16 - Safe Leashing.pdf](#)

[3-1 Proposed Changes 2016 05 24.pdf](#)

Legislative History

4/13/16	Board of Health	presented
6/8/16	Board of Health	recommended for approval

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

- [16-965](#) Ordinances 47-16 through 49-16

Attachments: [Ordinances going to Council 6-15-16.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

T. ADJOURN

Kami Lynch, City Clerk

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



City of Appleton

100 North Appleton Street
Appleton, WI 54911-4799
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Meeting Minutes - Final Common Council

Wednesday, June 1, 2016

7:00 PM

Council Chambers

A. CALL TO ORDER

The meeting was called to order at 7:00 p.m. by Council President Plank.

B. INVOCATION

The Invocation was given by Alderperson Meltzer.

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

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

Excused: 1 - Mayor Timothy Hanna

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, Battalion Chief Young, Health Officer Eggebrecht, Director of Information Technology Fox, Director of Parks, Recreation and Facilities Gazza, Police Captain Freeman, Director of Public Works Vandehey, Director of Utilities Shaw, Valley Transit Asst. General Manager Sandmeier, Library Director Rortvedt

F. PUBLIC PARTICIPATION

G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[16-871](#)

Common Council Meeting Minutes of May 18, 2016

Attachments: [CC Minutes 5-18-16.pdf](#)

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

Aye: 13 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Jeffrey Jirschele, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Joe Martin, Alderperson Greg Dannecker, Alderperson Cathy Spears and Alderperson Chris Croatt

Excused: 1 - Mayor Timothy Hanna

Abstained: 2 - Alderperson Margret Mann and Alderperson Christine Williams

H. BUSINESS PRESENTED BY THE MAYOR

[16-820](#)

Presentation of Chad Brady Public Art Day Proclamation

[16-869](#)

Committee Reappointments:
Paul McCann to the Board of Zoning Appeals
Brian Looker to the Library Board

Attachments: [COMM REAPPOINTS BD OF ZONING APPEALS LIBRARY BD 060116.pdf](#)

Alderperson Croatt moved, seconded by Alderperson Baranowski, that the Committee Reappointments be approved. Roll Call. Motion carried by the following vote:

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

Excused: 1 - Mayor Timothy Hanna

Abstained: 1 - Alderperson Jeffrey Jirschele

[16-870](#)

Fox Cities Transit Commission Appointments:
Larry Carey Appointment
Joel Gregozeski Reappointment

Attachments: [COMMITTEE APPT FOR INFORMATION TRANSIT COMM 060116.pdf](#)

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

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

Excused: 1 - Mayor Timothy Hanna

I. PUBLIC HEARINGS

[16-858](#) Public Hearing Notice Rezoning #3-16

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

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

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

[16-822](#) Approve May 2016 Revisions to Stormwater Utility Credit Policy.

Attachments: [Memo Credit Policy Approval 05-24-2016.pdf](#)
[2016 Revised Stormwater Utility Credit Policy Combined.pdf](#)

Aldersperson Baranowski referred this item back to the Utilities Committee.

This Report Action Item was referred to the Utilities Committee

[16-830](#) Request from Fox Valley Nursery, Inc. for a street occupancy permit to use the Prospect Avenue 1-foot terrace adjacent to Jones Park as a soils testing site for the Marigold Mile for a two year period.

Attachments: [Fox Valley Nursery.pdf](#)

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

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

Absent: 1 - Mayor Timothy Hanna

[16-859](#)

Request from Darrle Hoernke, 1827 S Madison Street, for a variance to Municipal Code 19-91(f)(5) to extend his driveway eight (8) feet into the front yard.

Attachments: [1827 S Madison variance request.pdf](#)

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

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

Absent: 1 - Mayor Timothy Hanna

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

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

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

Excused: 1 - Mayor Timothy Hanna

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[16-790](#)

Pet Store/Kennel License Renewal application of HSA Corporation d/b/a Pet Supplies Plus, Chad Bush, Applicant, 702 W. Northland Ave., contingent upon approval from all departments.

This Report Action Item was approved.

[16-791](#) Salvage Dealer's License Renewal application of Mach IV Motors LLC, Kara L. Tullberg, applicant 600 E. Hancock St. contingent upon approval from all departments.

This Report Action Item was approved.

[16-794](#) Taxi Cab Company and Limousine Service renewal application of Apple Valley Taxi LLC, James D. Jacobs, 1831 N. Bennett Street, contingent upon approvals from all departments.

This Report Action Item was approved.

[16-803](#) "Class B" Beer/Liquor License Change of Premise Description of Axelrod LLC, d/b/a Ambassador, Jordan Hereford, Agent, 117 S. Appleton St. for the dates of July 17, September 23 & 24, 2016, contingent upon approval from all departments.

This Report Action Item was approved.

[16-805](#) Taxi Cab Company and Limousine Service renewal application of People Movers Inc./Appletn Yellow Taxi Co., Paul O. Davies, 705 W. Wisconsin Avenue, contingent upon approvals from all departments.

This Report Action Item was approved.

[16-826](#) Taxi Cab Company and Limousine Service renewal application of Dynasty Limousine Service LLC, Diand and John Wolters, 314 E. Wilson Avenue, contingent upon approvals from all departments.

This Report Action Item was approved.

[16-827](#) 2016-2017 Beer/Liquor License Renewal applications, contingent upon approval from all departments.

Attachments: [2016-2017 Beer Liquor License Renewals.docx](#)

This Report Action Item was approved.

[16-828](#) "Class B" Beer/Liquor License Change of Premise Description of Theadocia LLC d/b/a SPATS, Julie A. Neubert, Agent, 733 W. College Ave., for the dates of August 4 - 7, 2016, contingent upon approval from all departments.

This Report Action Item was approved.

[16-842](#) Salvage Dealer's License Renewal application of Mr. C's Motorcycles LLC, Eric E. Egelseer, Applicant, 724 S. Outagamie St., contingent upon approval from all departments.

This Report Action Item was approved.

[16-853](#) Review of Changes to General Policy Statement on Beer/Liquor Licensing

Attachments: [LIQUOR LICENSE POLICY 2016 with edits.pdf](#)

This Report Action Item was approved.

[16-854](#) Operator's Licenses

Attachments: [Operator's Licenses for 5-25-16 S & L.pdf](#)

This Report Action Item was approved.

[16-855](#) Renewal Operator's Licenses

Attachments: [Renewal Operator's Licenses for 5-25-16 S & L.pdf](#)

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION

[16-620](#) Request to approve Rezoning #3-16 to rezone the subject site located on E. Broadway Drive (Tax Id #31-1-9310-11 and #31-1-9310-12) from AG Agricultural District to R-1A Single-Family District as shown on the attached maps

Attachments: [StaffReport_Kurey Property Broadway Dr Rezoning.pdf](#)

This Report Action Item was approved.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

5. MINUTES OF THE FINANCE COMMITTEE

- [16-817](#) Request to declare contractor in default and terminate contract for Municipal Services Building Trench Drain Reconstruction to Wood Sewer & Excavating, Inc in the amount of \$199,660.

Attachments: [2016 Municipal Services Trench Drain Contract Cancellation.pdf](#)

This Report Action Item was approved.

- [16-818](#) Request to approve the following 2016 Budget adjustment:

Facilities Capital Projects Fund

Alicia Park Hill Slope Project	+\$32,000
Park Pavilion Roofs Project	- \$32,000

to reallocate positive budget variance from the Park Pavilion Roofs project to the Alicia Park Hill Slope Project.

Attachments: [2016 Roof Replacement-Alica Hillside Budget Adjustment.pdf](#)

This Report Action Item was approved.

- [16-857](#) Request to award Unit E-16 miscellaneous street and excavation repairs to Al Dix Concrete Inc. in an amount not to exceed \$497,000.

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

This Report Action Item was approved.

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

- [16-850](#) Request to accept the basic terms of the Letter of Intent from Esler Commercial dated May 13, 2016 and direct staff to continue to negotiate terms toward offer to purchase for approximately 7.3 acres of the southern half of Lot 20 of Southpoint Commerce Park

Attachments: [Memo re Letter of Intent 5-20-16 docx.pdf](#)
[Letter of Intent - Southpoint Commerce 5-18-16.pdf](#)
[Southpoint_Subject7 3Acres.pdf](#)

This Report Action Item was approved.

7. MINUTES OF THE UTILITIES COMMITTEE

- [16-823](#) Revision to Chapter 24 of the Municipal Code for Erosion and Sediment Control.

Attachments: [Erosion Control Ord - Redlined - 05-17-2016.pdf](#)

This Report Action Item was approved.

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

- [16-834](#) Authorization to Award a Contract to Lamers Bus Lines for the Provision of Downtown Trolley Service

Attachments: [Award 2016 Trolley Contract.pdf](#)

This Report Action Item was approved.

- [16-835](#) Octoberfest Fares

Attachments: [Octoberfest Fares.pdf](#)

This Report Action Item was approved.

10. MINUTES OF THE BOARD OF HEALTH

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

- [16-856](#) Ordinance 46-16

Attachments: [Ordinance going to Council 06-01-16.pdf](#)

This Report Action Item was approved.

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO
COMMITTEES OF JURISDICTION

#7-R-16

Submitted by Alderperson Meltzer & Alderperson Reed

*Whereas our parks are a valuable community resource, and
Whereas the current ban on dogs in parks restricts access of many members of the
community who would otherwise responsibly enjoy this resource,
Therefore be it resolved that the City of Appleton allow dogs in parks under full
control of a collared leash by the owner at all times.*

Referred to the Parks & Recreation Committee

R. OTHER COUNCIL BUSINESS

S. CLOSED SESSION

T. ADJOURN

**Alderperson Baranowski moved, seconded by Alderperson Martin, that the
meeting be adjourned at 7:22 p.m. Roll Call. Motion carried by the following
vote:**

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

Excused: 1 - Mayor Timothy Hanna

Kami Lynch, City Clerk

CITY OF APPLETON

NOTICE OF PUBLIC HEARING

PROPOSED COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT

NOTICE IS HEREBY GIVEN a Comprehensive Plan Future Land Use Map amendment request has been initiated by the owner, Primrose Retirement Communities, and Corey Sauerwein, applicant, pursuant to Wisconsin State Statute 66.1001 and the City of Appleton Comprehensive Plan 2010-2030, that will be presented to the Common Council on Wednesday, June 15, 2016, at 7:00 P.M., in Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, for the purpose of considering an amendment to the Comprehensive Plan Future Land Use Map for the following described real estate:

5715 N. Meade Street (Tax Id #31-6-6100-50), City of Appleton, Outagamie County, Wisconsin, from future One and Two-Family Residential use to Multi-Family Residential use.

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

All interested persons are invited to attend this meeting and will be given an opportunity to be heard. Any questions regarding this matter should be directed to Jeff Towne in the Community and Economic Development Department at 920-832-6476.

May 10, 2016

KAMI LYNCH
City Clerk

RUN: May 14, 2016

NOTICE OF PUBLIC HEARING

#4-16

RE: Proposed Zone Change

A public hearing will be held in the Council Chambers, City Hall, Appleton, Wisconsin, on June 15, 2016, at 7:00 P.M., or as soon thereafter as can be heard, to consider the following proposed zone change:

Rezoning #4-16 request has been initiated by Corey Sauerwein, agent on behalf of the owner, Primrose Retirement Communities, pursuant in the matter of amending Chapter Twenty-three (Zoning Ordinance) of the Municipal Code of the City of Appleton. The owner requests to rezone 5715 N. Meade Street (north of the intersection of Edgewood Drive (JJ) and Meade Street) from R-1A Single-Family District to R-3 Multi-Family District:

LEGAL DESCRIPTION:

(Tax Id #31-6-6100-50), SEC2 T21N R17E NE1/4 of SE1/4 Less S660 feet m/l 20 ac, City of Appleton, Outagamie County, Wisconsin including to the centerline of adjacent right-of-way.

May 19, 2016

KAMI LYNCH
City Clerk

RUN: May 21, 2016
May 24, 2016



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

To: Municipal Services Committee
From: Michael S. Hardy, Assistant City Traffic Engineer
Date: June 6, 2016
Re: Recommended award of the **Unit Q-16** Pavement Marking Maintenance Contract (Paint)
Transverse Paint Markings such as Parking Stalls, Crosswalks and Stop Lines

Quotes were opened for the **Unit Q-16** Pavement Marking Maintenance Contract on June 06, 2016, as a means of establishing unit prices for this annual maintenance contract, which generally involves the painting of parking stalls, crosswalks and stop lines in the City.

While quotes were solicited from four companies, only one quote was received. Crowley Construction Corp. of Wauwatosa, Wisconsin, submitted the low quote in the total amount of \$44,712.04. We consider the unit prices contained in the quote reasonable and consistent with prices received in previous years and within industry norms. Crowley has completed this type of work for the City in recent years with excellent results.

Based on this, we recommend award of the contract to Crowley Construction Corp. in the amount of \$44,712.04 plus a \$5,000 contingency. This dollar amount is based on available budgeted funds for pavement marking maintenance (17022 Account), as well as pavement marking maintenance to be completed for the Parking Utility (5121 Account).

S. Oneida Street Streetscape Elements

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

6/1/2016

Oneida Street - WE Energies Conversion to BLACK colored poles

Estimated Cost per pole = \$3,000

From	Location	To	Poles to Stay	Poles to be Removed	Other Cost
*** Wilson St	South of Calumet St	11	\$33,000	12	\$0
Calumet St	South of Seymour St	19	\$57,000	3	\$0
South of Seymour St	North of Fremont St	10	\$30,000	2	\$0
North of Fremont St	Skyline Bridge	13	\$39,000	15	\$0
Total Project			\$159,000	\$0	\$69,000

Note:

- Assumes WE Energies already absorbing the cost to relocate and replace poles due to general roadway impacts
- "Other Cost" is allowance to work with WE Energies to relocate overhead electrical services to private property owners.
- *** Black colored poles NOT available south of Wilson Street on west side of Oneida Street per WE Energies
- "Removed Poles" cost presumed to be \$0 due to dated street light lease contracts with WE Energies that have removal costs built in.

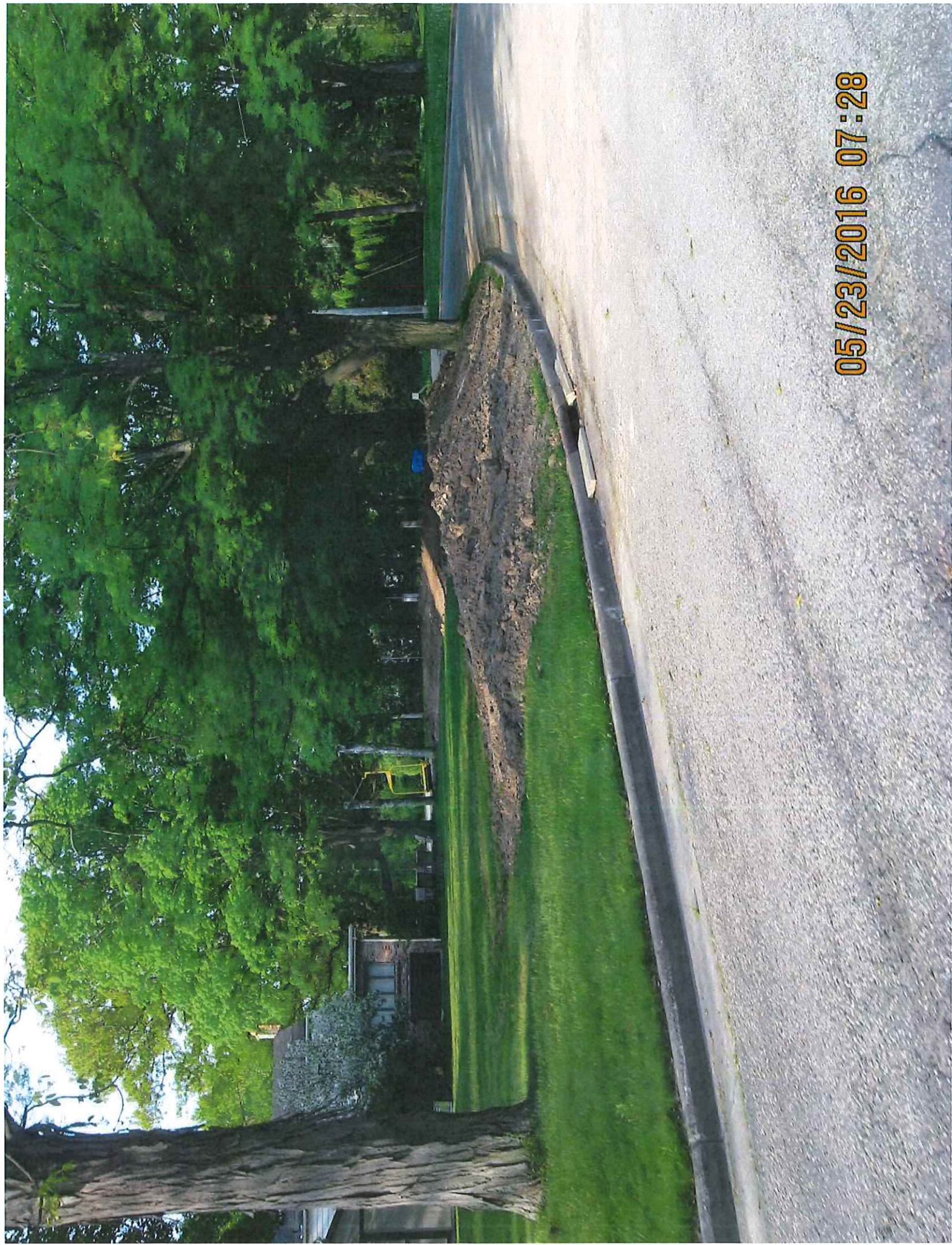
5/23/2016

Oneida Street - Lighting Alternatives (05/23/2016)

Location		Distance FT	Existing		Semi	Full Decorative
From	To		Design	Decorative		
North of Valley Rd	South of Calumet St	2500	\$68,548.39	\$100,806.45		\$431,451.61
Calumet St	South of Seymour St	1400	\$38,387.10	\$56,452		\$241,613
South of Seymour St	North of Fremont St	750	\$20,564.52	\$30,242		\$129,435
North of Fremont St	Skyline Bridge	1550	\$42,500	\$62,500		\$267,500
Total Project		6200	\$170,000	\$250,000		\$1,070,000

← Numbers provided to FEB 23rd MSC

The Full Decorative Option would require lights placed on both sides of the street. This would require cooperation (and possibly additional cost, to assure the WE Overhead lines are of sufficient height to allow Decorative lights under the overhead lines.



05/23/2016 07:28



05/23/2016 07:28



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

DEPARTMENT OF PUBLIC WORKS

Engineering Division
100 North Appleton Street
Appleton, WI 54911
(920) 832-6474
FAX (920) 832-6489

Adopted January 1, 2011

CITY OF APPLETON
STREET TERRACE POLICY

The following conditions are **not** acceptable uses of street terraces unless a street occupancy permit request is approved by the Municipal Services Committee and Common Council:

1. Plants in excess of 3 feet in height.
2. Hedges.
3. Traffic hazards such as rocks, railroad ties, etc.
4. Loose stone, mulch or sand surfaces.
5. Vegetable gardens.
6. Trees
7. Plants within 3 feet of a fire hydrant.

All other uses of street terraces are acceptable contingent upon the following:

1. Compliant with Weed Control Ordinance.
2. Elevation flush with sidewalk.
3. City's restoration cost to work in the terrace limited to cost of typical terrace.

All Council approved exceptions to this policy require a certificate of insurance and a \$40 annual street occupancy permit.

1026 W. Calumet St was built in 1942 and requires upgrades and maintenance to the house, and beautification and modernization of the landscaping.

Summary of upgrades already completed:

1. Remodeled kitchen and dining room. Included upgrades of electrical, plumbing, new sewer line, and insulation.
2. Re-wired the remodeled areas of the house up to code (from fabric insulated 2 prong wire.)
 - 2.1. Washer and dryer in front of electrical panel
 - 2.2. Electrical panel overloaded – added new panel
3. Re-plumbed bathroom, kitchen, and basement from cast iron to copper and PVC.
 - 3.1. No P traps on sinks
4. Brought natural gas line into the house and changed out the oil boiler for a gas furnace.
5. Had professionals install drain tile and sump pump in basement.
6. Remodeled basement including: New windows, new plumbing, new electrical, new framing and sheetrock.
7. Built shed on concrete pad
8. Landscaping

Permits are always taken out for work done. Things are done right and by the book, all permits are on file.

- ~~I do this for a living at mercury, electrical, fire, building, water/waste water, fuel comp air, snow, I know building codes better than most~~
- Did a quick search and no requirements around landscaping came up on the city of Appleton
- Passes the common sense test that you would not need a permit for landscaping a yard
- ~~Plans for paver patio play right into this~~

Reasons why the berm is not an egregious violation:

1. No safety hazards of any kind.
 - 1.1. No electrical associated with this project so no hazards of fire.
 - 1.2. No plumbing associated with this project so no hazard of backflow into city water
 - 1.3. No structural so no risk of structural deficiencies
 - 1.4. No traffic safety concerns, closed loop neighborhood with 20-30 cars per day, long sweep, no blind spot
2. No utilities underneath the berm.
3. No residents want a sidewalk in the neighborhood
4. Neighbors approve and are excited to see how it turns out, some even expressed concern and distrust that the city might make me remove it

If the variance for the berm is approved:

1. Small flowering shrubs and bushes, it will not be a hedge.
2. It will be a tasteful, classy and visually appealing alternative to a fence.

3. Our neighborhood is full of retirees with immaculate gardens; we are trying to match the status quo.
4. I am not a contractor and do not have access to an excavator or dump truck, will cost \$1,000's to remove
5. **No expectation of payback if it needs to get dug into**

Pictures included to show details and explain justification for variance.

A. 1026 W. Calumet Street from the front



B. Location of berm.



C. Aerial view of berm.



D. Examples of finished berm look.



E. We think a fence would look horrible and would like to avoid this.



Paula.vandehey@appleton.org 832-6474

Ross.vuetow@appleton.org

John peters 832-5879

Kurt 832-6413



Department of Public Works – Engineering Division

MEMO

TO: Municipal Services Committee

FROM: Chad Weyenberg, Project Engineer

DATE: June 9, 2016

RE: Notification of Award of Contract for 2016-2020 Movable Bridge Inspections to Collins Engineers, Inc., in an amount not to exceed \$80,000.

The State of Wisconsin requires that the City inspect, record and report to the State on the condition of its movable bridges every year. The Department of Public Works requested proposals from four qualified Wisconsin consulting firms. The City received two qualified proposals from AECOM Technical Services, Inc. and Collins Engineers, Inc. The Collins Engineers, Inc. proposal was just under \$10,000 less than the AECOM Technical Services, Inc. proposal.

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

Therefore, staff recommends award of the 2016-2020 Movable Bridge Inspection Services Contract to Collins Engineers, Inc. in an amount not to exceed \$80,000.00

COLLINS ENGINEERS, INC.

AGREEMENT FOR PROFESSIONAL SERVICES

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

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

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

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

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

COLLINS ENGINEERS, INC. (COLLINS)

2149 Velp Avenue, Suite 203
Howard, WI 54303

Steven J. Miller, PE

By Steven J. Miller

Regional Manager

Title

May 31st, 2016

Date

CITY OF APPLETON, WI (CLIENT)

100 North Appleton Street
Appleton, WI 54911

By _____

Title

Date

EXHIBIT B
COMPENSATION

CLIENT agrees to compensate COLLINS as follows:

LUMP SUM

CLIENT shall pay COLLINS for Services set forth in EXHIBIT A, a Lump Sum amount of \$76,020.50.

The Lump Sum includes compensation for all COLLINS' services included in EXHIBIT A and incorporates COLLINS' labor, overhead, profit, Reimbursable Expenses and COLLINS' outside services, if any.

The portion of the Lump Sum amount billed for COLLINS' services will be based upon COLLINS' estimate of the proportion of the overall services actually completed during the billing period to the total Lump Sum.

OUTAGAMIE COUNTY HIGHWAY DEPARTMENT**COUNTY / MUNICIPAL / STATE AGREEMENT**

CTH JJ - CTH E to Lightning Drive

DATE:	6/1/2016
PROJECT:	See Below
HIGHWAY:	CTH "JJ"
LIMITS:	CTH "E" to Lightning Dr
MUNICIPALITY:	City of Appleton
MUNICIPALITY:	

***** DRAFT *****

The signatory City of Appleton hereinafter called the Municipality, through its undersigned duly authorized officers or officials, hereby requests the County of Outagamie, through its Highway Department, hereinafter called the County, to initiate and effect the highway or street improvement hereinafter described.

PROJECT DESCRIPTION:

Agreement is for engineering design, right-of-way, and construction of the project, and agreement on future maintenance by each agency. Local funds are planned for this project.

COST ESTIMATE AND PARTICIPATION

PHASE	***** ESTIMATED COST SHARE *****						
	Total Estimated Costs	Wisconsin DOT	%	Outagamie County	%	City of Appleton	%
<u>ENGINEERING:</u>	\$170,490.60	\$0	0%				
CONSULTANT DESIGN	\$170,490.60			\$85,245.30	50%	\$85,245.30	50%
PROJECT DEVELOPMENT				Paid by each agency - no cost share			
<u>RIGHT OF WAY:</u>	\$420,000.00	\$0					
HIGHWAY & INTERSECTION	\$50,000			\$50,000	100%	\$0	0%
WETLAND IN-LIEU FEE	\$70,000			\$14,000	20%	\$56,000	80%
STORMWATER POND	\$180,000			\$90,000	50%	\$90,000	50%
LIGHTNING DR EXT	\$120,000			\$0	0%	\$120,000	100%
<u>CONSTRUCTION:</u>	\$2,320,000	\$0					
HIGHWAY & INTERSECTION	\$1,600,000			\$800,000	50%	\$800,000	50%
STORMWATER POND	\$400,000			\$200,000	50%	\$200,000	50%
LIGHTNING DR EXT	\$125,000			\$0	0%	\$125,000	100%
OFFROAD MULTIMODAL	\$155,000			\$0	0%	\$155,000	100%
PEDESTRIAN EXTRAS	\$40,000			\$0	0%	\$40,000	100%
TOTAL PROJECT COST	\$2,910,490.60	\$0	0.0%	\$1,239,245.30	42.6%	\$1,671,245.30	57.4%

This request for the programming, and construction is subject to the terms and conditions that follow and is made by the undersigned under proper authority to make such request for the designated Municipality and upon acceptance by the Highway Commissioner shall constitute an agreement between the County and the Municipality unless specifically modified or amended by supplemental written agreement between the County and the Municipality.

Terms and Conditions

1. When Federal Funds are involved, the improvement will be subject to the applicable Federal Aid Highway Acts and Regulations of the Federal Highway Administration, U.S. Department of Transportation.
2. This is a joint agreement between the County and the Municipality. The Municipality will be kept informed on the project status and will have input regarding the project. This project will be administered under the County Administrative Rule 10-02.
3. If the Municipality should withdraw the project, it will pay to the County any cost that has been incurred by the county on behalf of the project.
4. The project cost in the agreement is an estimate. The Municipalities will be invoiced periodically, and agrees to pay based on actual costs incurred. Such costs may be greater or less than the estimated amount, however, the Municipalities acknowledges that costs between the time this agreement is executed and the actual time of construction can vary.
5. The County's obligation to perform under this contract shall be subject to County Board appropriation of funds sufficient to fund the County's obligations herein.
6. The County and Municipality agree and understand that the Municipality is reserving its rights to assess any and all costs incurred by the Municipality for this project. The Municipality and County hereby further agree that the Municipality has the right to assess any of its costs upon terms deemed acceptable by the Municipality subject to the following: In the event county property is assessed or subject to assessment the county reserves the right to object to the propriety and / or correctness of the assessment formula or methodology, however, such right to object does not extend to the municipality's ability to assess. The county's right to object includes the ability to challenge the assessment methodology or formula in circuit court and to pursue appeals of circuit court decisions.
7. Operations and Maintenance responsibilities of facilities built with this project are as follows:

Outagamie County will maintain the following:
 - a. Highway surface and roadway base between outside curblines
 - b. Curb & gutter along the County Trunk Highway, and within the roundabout center circle
 - c. Roadway signing and pavement marking
 - d. Median island surface or landscaping, including the center of the roundabout
City of Appleton will maintain the following:
 - a. Lightning Drive north and south of the roundabout intersection circle
 - b. All storm sewer drainage pipes, structures, and storm water pond
 - c. Off-road multimodal facilities and crossings
 - d. Signing and pavement markings symbols for dedicated bike lanes and multi-modal facilities
 - e. Mowing or landscaping outside the roadway curblines.
 - f. Overhead street lighting along the County Trunk Highway and the roundabout
 - g. Pedestrian signals and warning devices

The school driveway and the development driveways are the maintenance of each respective owner.

BY:

Dean E. Steingraber, P.E. Outagamie County Highway Commissioner Date

BY:

Signed for and in behalf of: City of Appleton Date

BY:

Signed for and in behalf of: City of Appleton Date

BY:

Signed for and in behalf of: City of Appleton Date

BY:

Signed for and in behalf of: City of Appleton Date

Operator's Licenses for 6/8/16 S & L

Approved

Brode H. Albrecht	84 Hillock Court
Kyle R. Balster	W4927 Harrison Road, Hilbert
Sara P. Bichel	2307 N. Gillett Street
Kassidy N. Birzgalis	153 W. Calumet Street, #2
Alexandria L. Blahnik	N1765 Brookhill Drive, Greenville
Chris A. Boyd	209 W. Calumet Street, #8
Christine L. Braun	1112 E. Marquette Street
Janelle M. Curlee	1301 E. Pauline Street
Brandi L. Deptula	2125 N. Mason Street
Melissa M. Drawenek	108 Law Street, Neenah
Brad L. Esquivel	2107 Skylark Drive
Andrew S. Evers	1407 Biscayne Drive, Little Chute
Drake B. Fercy	150 Prairie Court
Brigitte A. Granger	39 N. Linden Lane
Jason R. Gregory	1511 Elk Trail Court, Neenah
Holly M. Gregory-Perry	136 N. Story Street
Adam L. Gunn	P.O. Box 2753, Appleton
Alicia D. Hart	3517 E. Glory Lane, #10
Raleigh W. Heath	711 E. Boldt Way, SPC 431
Wendy A. Hoffmeyer	N7834 Edgewater Court, Sherwood
Christine A. Jirovetz	1611 Schaefer Circle #5
Christian R. Johnson	748 Maple Street, Neenah
Tiffany M. Koury	723 S. Main Street
Scott I. Laper	2028 County Road A, Neenah
Phanyia H. Lo	1413 N. Gillett Street
Luis E. Lopez	W6193 Greenville Drive, Greenville
Ashley E. Mann	W6163 Rawley Point Drive, Greenville
Fletcher O. Marron	1725 North Street, Neenah
Ashley F. Martin	100 E. Mitchell Avenue, #9
Patrick J. Mineau	402 E. Briar Lane, Green Bay
Amanda C. Nilsson	2716 E. Plank Road, #10
Courtney M. Ohlfs	2521 Honey Lou Court, #2
Rajeshkumar Patel	420 W. Northland Avenue
Krupali P. Patel	1271 Christopher Dr., #2, Neenah
Panthini D. Patel	1227 E. Roeland Avenue
Mary E. Pilar	923 ½ W. Harris Street
Brenna Riley	1801 W. Pershing Street, #609
Allison J. Rohloff	734 Fair Wood Drive, #1, Neenah
Mykal L. Sauve	2330 S. Walden Avenue

Nicole D. Senecal
Khan Shahbaz
Jonathon J. Sobiesczyk
Karen K. Thomas
Zachary R. Ulickey
Mai Y. Vue
Chue Y. Yang
Alicia D. Zake

115 Louise Street, Kimberly
2626 Trojan Drive, #619, Green Bay
1303 W. College Avenue
1400A E Wisconsin Avenue
752 Franklin Street, Oshkosh
2402 Carleton Avenue
918 E. Mayfield Drive
N180 N. Coop Road

Renewal Operator's Licenses for 6/8/16 S & L

Approved

Ross Bolander	1230 Wittmann Park Ln #3, Menasha
Samantha L. Bronge	1810 W. Kamps Avenue
Adam J. Christophersen	2439 S. Oneida Street, #3
Michael Clausing	4 Easthaven Court, #8
Kyle A. Conn	1700 E. Harding Drive, #8
James A. Coumbe	603 N. Appleton Street
Sarah L. Enszer	308 W 10 th Street, Kaukauna
Greta M. Fritz	711 E. Boldt Way, SPC 408
Lee M. Greenslit	2693 Bittersweet Avenue, Green Bay
David J. Haferbecker	922 W. Elsie Street
Erin N. Hardesty	708 N. Lawe Street
Mark J. Hellmann	4861 W. Jack Pine Court
Janet M. Jaeger	2316 E. Tuscany Way
Angela Jochman	1912 N. Richmond Street
Randall S. Jones	1819 ½ N. Oneida Sstreet
Melissa L. Kincannon	1525 Hillcrest Drive, Kaukauna
Stacy L. Knaack	927 Caroline Street, Neenah
Peggy F. Krause	409 E. Lake Street, Waupaca
Sukmeet Kaur	220 W. Valley Road, #12
Michelle M. LaPean	3108 E. Newberry Street
Christian T. Lauger	N1607 Evening Star Drive, Greenville
Nancy Lee	555 N. Badger Avenue
Michele B. Lehman	1203 ½ N. Division Street
Leo A. McCarthy	1214 E. Glendale Avenue
Ross J. Mischler	W2965 Farmstead Drive
MaiKou Moua	211 N. Story Street, #A
Jana K. Mueller	1408 Rebecca Lane
Nicholas D. Nimmer	1729 W. Winnebago Street
Thomas L. Perovich	W4484 Highway 10, Menasha
Rebecca R. Rand	2204 E. Sienna Way
Sherry L. Roloff	3636 Cherryvale Circle, #7
Courtney L. Schuh	W5779 Cty Rd KK
Kayla C. Simon	1000 N. Green Grove Road
Gurpreet Singh	4052 Cattail Court
Michael S. Sontag	1316 N. Morrison Street
Elizabeth C. Spang	1254 Nicolet Circle
Mary E. Squires	W6183 Spencer Road
Patricia L. Stirn	3320 E. Paris Way, #9
Dylan J. Strozewski	109 Prospect Street, Combined Locks

Kayla J. Titel
Joshua P. Valdivia Mckenney
Kali J. Walczak
Derick M. Wasinger
Rebecca L. Young

2416 E. Newberry Street
2600 N. Lisa Street
1522 Orchard Drive, Kaukauna
916 London Street, Menasha
888 E. Shady Lane, Neenah

OFFICIAL NOTICE

Published pursuant to Section 125.04(3)(g) of the Wisconsin Statutes.

NOTICE is hereby given that the following persons have given application to the Common Council of the City of Appleton for a License to Sell Intoxicating Liquors and/or Fermented Malt Beverages in the City of Appleton, the granting of which is now pending.

2016-2017 RENEWALS**CLASS "A" FERMENTED MALT BEVERAGE/LIQUOR (CIDER ONLY) LICENSE**

<u>NAME</u>	<u>TRADE NAME</u>	<u>ADDRESS</u>
Banee Corporation Parmeet Kaur Arora, Agent	Appleton Citgo	1717 West College Avenue
Charanjit Singh	Badger Avenue Gas	1201 North Badger Avenue
Fishtail LLC Buddi S. Subedi, Agent	Memorial Petroleum	415 South Memorial Drive
Jot Gill LLC Kamaljit Gill, Agent	Marathon	1920 East Wisconsin Avenue
Manakamana LLC Sagar Shrestha, Agent	Appleton BP	1200 West Wisconsin Avenue
Quinto Sol LLC Hector Mosqueda, Agent	Quinto Sol Supermarket	2311 West College Avenue

CLASS "B" FERMENTED MALT BEVERAGE LICENSE

Fronteras, LLC Hector Mosqueda, Agent	Fronteras Restaurant	2311 West College Avenue
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**CLASS “B” FERMENTED MALT BEVERAGE LICENSE
AND CLASS “C” WINE LICENSE**

The Noodle Shop Co-Colorado Inc Danielle J. Clausen, Agent	Noodles & Company	3719 East Calumet Street
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“CLASS B” FERMENTED MALT BEVERAGE/LIQUOR LICENSE

Chesters Pub LLC Chester D. Krawze, Agent	Chester’s Pub	2611 North Richmond Street
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Harvey Pierre Post No 2778 Trista K. Nickerson, Agent	VFW Post 2778	501 North Richmond Street
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RESERVE “CLASS B” FERMENTED MALT BEVERAGE/LIQUOR LICENSE

Das Ventures Inc Jeffery E. Fogle, Agent	Appleton Beer Factory	603 & 607 West College Avenue
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Timeless Tavern LLC Derek Colt Brown, Agent	Timeless Tavern	215 East College Avenue
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June 3, 2016

KAMI LYNCH
CITY CLERK

RUN: June 6, 2016
June 7, 2016
June 8, 2016



REPORT TO CITY PLAN COMMISSION

New information is underlined.

Plan Commission Public Hearing Date: May 9, 2016

Plan Commission Meeting: June 6, 2016 per R/B at 5/18/16 Common Council meeting

Common Council Meeting Date: May 18, 2016, June 15, 2016

Item: Special Use Permit #2-16 for a Wireless Telecommunication Tower

Case Manager: Jeff Towne

GENERAL INFORMATION

Owner/Applicant: Professional Associates, LLC; Property Owner
Guy Stewart (representing Central States Tower III, LLC); Applicant

Address/Parcel #: 2700 block North Kesting Court (31-1-4025-00)

Petitioner's Request: The applicant is requesting a Special Use Permit for the construction of a new mobile service structure consisting of an 85-foot monopole tower with associated antennas and equipment at the base of the tower.

This special use permit request was referred back to Plan Commission at the May 18, 2016 Common Council meeting by Alderperson Christopher Croatt.

STAFF ANALYSIS

Existing Site Conditions: The subject property is zoned C-2 General Commercial District. Per the City of Appleton Zoning Ordinance, wireless telecommunication towers require a Special Use Permit in the C-2 General Commercial District. The western portion of the lot contains a parking lot, and the eastern portion is a grass area without improvements. The parcel is 10,088 square feet, which is nonconforming based on the minimum 14,000 square foot lot size of the C-2 District; however, as a nonconforming lot of record, the parcel can be developed without a variance per Sec. 23-42(f) *Nonconforming lots of record* of the Zoning Ordinance.

Special Use Permit: The applicant is proposing an 85-foot monopole wireless telecommunication tower with associated antennas and ground equipment. This facility will be located in the southeastern portion of the site within a 2,500 square feet (50' x 50') leased area (see attached Development Plan). The proposed location of the tower and ground equipment meet the minimum setback standards of the C-2 District. The proposed tower and ground equipment will be located within a chainlink fence enclosure.

Zoning Code Article XIII Sec. 23-424 (i) (1) requires a 4-foot wide landscape buffer of plant materials that effectively screen the view of the tower site from adjacent property. The applicant is showing a buffer that meets this standard.

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

State Statute Revision (2013): In 2013, the State of Wisconsin revised State Statutes Section 66.0404 (attached) regarding local requirements for mobile towers. Local governments can no longer regulate a number of aspects of tower construction, including, but not limited to:

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

Surrounding Zoning and Land Uses:

North:	Zoning:	C-2 General Commercial
	Land Use(s):	Parking lot/Garage
South:	Zoning:	R-1B Single-Family Residential
	Land Use(s):	Single-family house
West:	Zoning:	C-2 General Commercial
	Land Use(s):	Office - Harris & Associates, Inc.
East:	Zoning:	R-1B Single-Family Residential
	Land Use(s):	Church - Apostolic Truth Church

2010-2030 Comprehensive Plan: The Community Development staff has reviewed the City's 2010-2030 Comprehensive Plan which indicates this area is identified as commercial, indicating it is an appropriate location for a wireless telecommunication tower and associated ground equipment.

Chapter 7: "Utilities and Community Facilities" of the Comprehensive Plan states:

Telecommunications

Private companies provide numerous alternatives for conventional, cellular, and VOIP telephone services within the City of Appleton. Internet services are provided to most customers by companies offering dial-up, DSL, or cable services. An increasing number of companies are offering Wi-Fi services that cover the community. Businesses and other data-intensive users have access to T-1 or T-3 services.

Appleton is part of a regional consortium that will be deploying a regional Wi-Fi network that includes the City of Appleton, City of Neenah, Town of Grand Chute, Outagamie County, Appleton Area School District, Winnebago County and Fox Valley Technical College. The Interactive Network for the Fox Cities (INFOCIS) will start with a 7-mile corridor along College Avenue from Highway 441 to the outer edge of Outagamie County Regional Airport, which is scheduled to come online in 2009. This system is built off a fiber ring that supports several municipalities and agencies in the area.

Article XIII of Appleton's Zoning Ordinance (Sec. 23-420) addresses the siting and design wireless telecommunication facilities (cell towers). The City's ability to regulate wireless telecommunications facilities is limited by the Telecommunications Act of 1996.

The proposed Special Use Permit for the subject parcel is consistent with the following goal of the 2010-2030 Comprehensive Plan:

Overall Community Goals

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

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

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

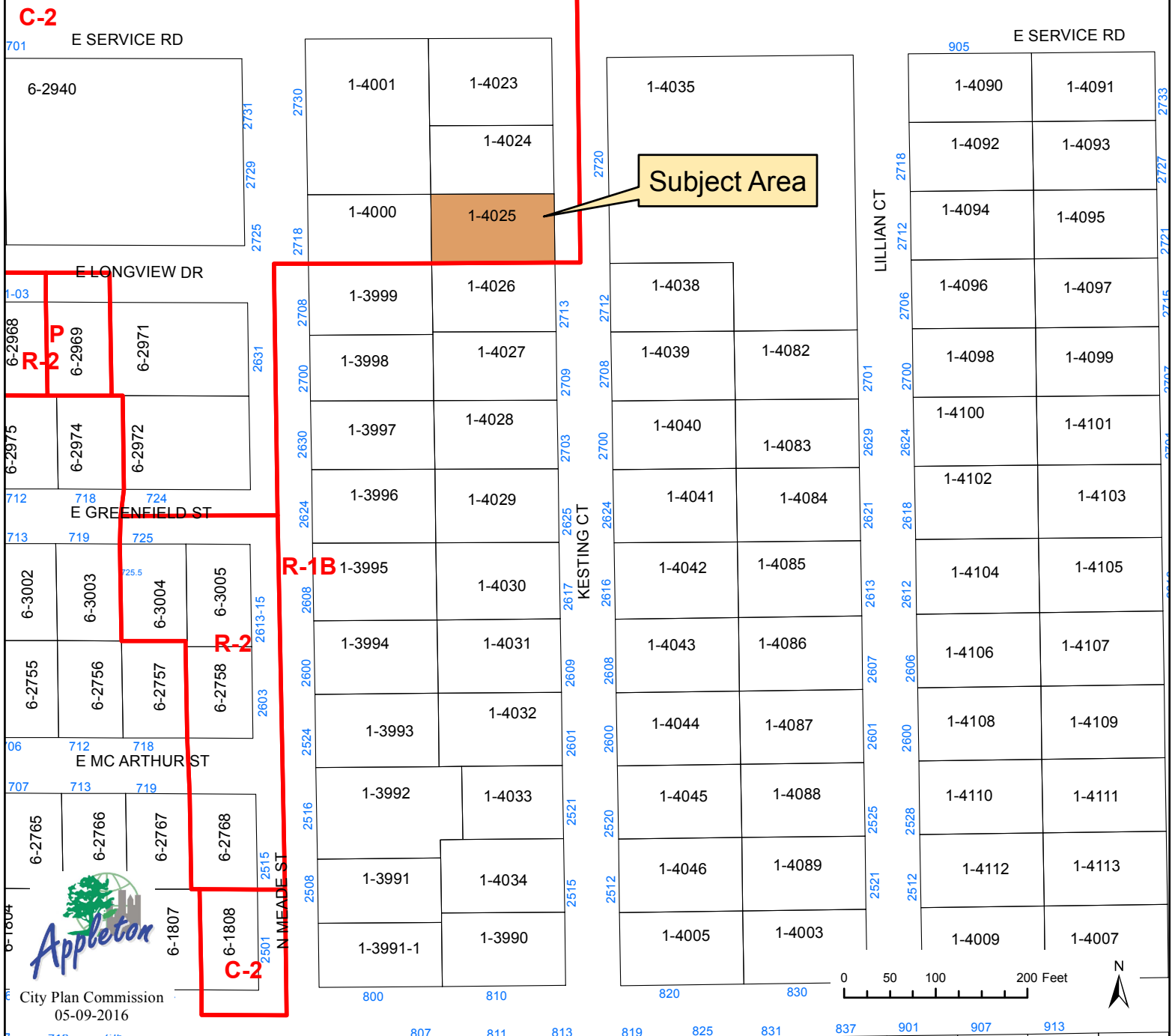
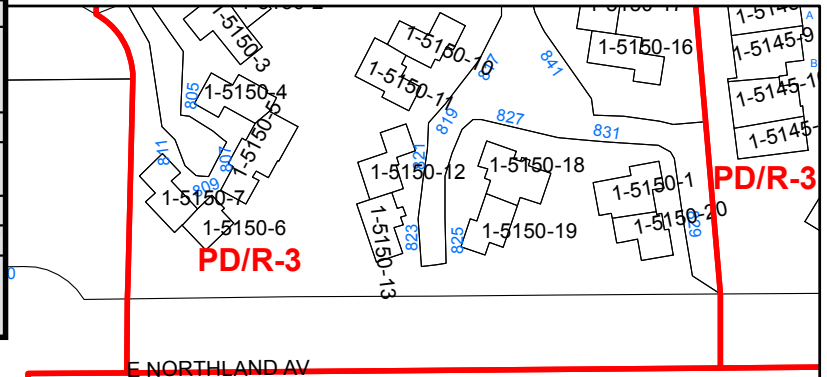
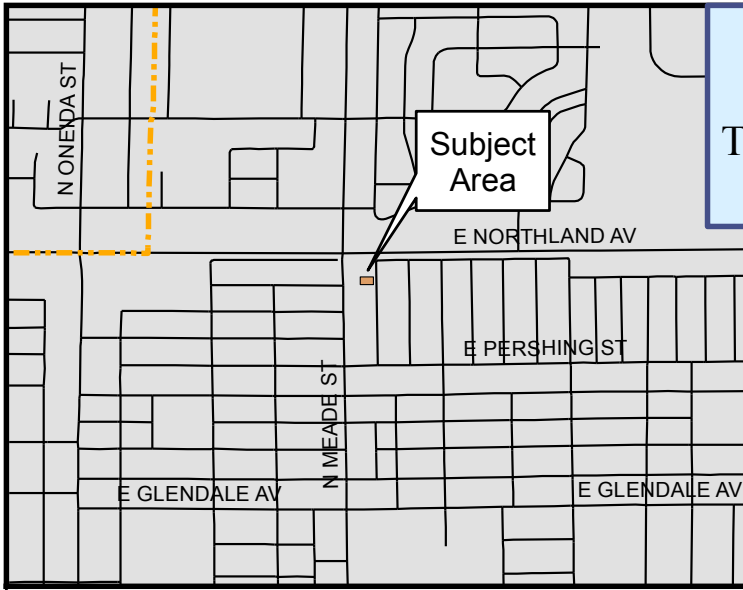
Technical Review Group Report (TRG): This item was discussed at the April 19, 2016 Technical Review Group meeting. The tower's location adjacent to residential properties was discussed.

RECOMMENDATION

Staff recommends and reaffirms, based on the above, that Special Use Permit #2-16 for a wireless telecommunication tower and associated ground equipment, as shown on the attached maps and per attached plan of operation, **BE APPROVED** subject to the following conditions:

1. A Site Plan Review application must be submitted to and approved by the Community and Economic Development Department prior to building permits being issued for the construction of the proposed wireless telecommunication facility.
2. The approved security fencing with privacy slats and landscaping per Sec. 23-424(h) shall be installed and maintained so as to fully screen the wireless telecommunication equipment and the base of the tower. The property owner is responsible for ensuring that screening is maintained.
3. All State and Federal regulations (State Statutes, FAA, FCC) established or administered by agencies other than the City of Appleton shall be adhered to as required.

2700 Block Kesting Court Special Use Permit Tower for Wireless Telecommunication Services Zoning/Vicinity Map

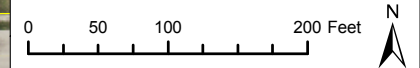


2700 Block Kesting Court
Special Use Permit
Tower for Wireless Telecommunication Services
Aerial Map

Subject Area



City Plan Commission
05-09-2016





CENTRAL STATES TOWER III, LLC



600 BUSSE HIGHWAY
PARK RIDGE, IL 60069
PH: 847-699-6100
FAX: 847-699-6101

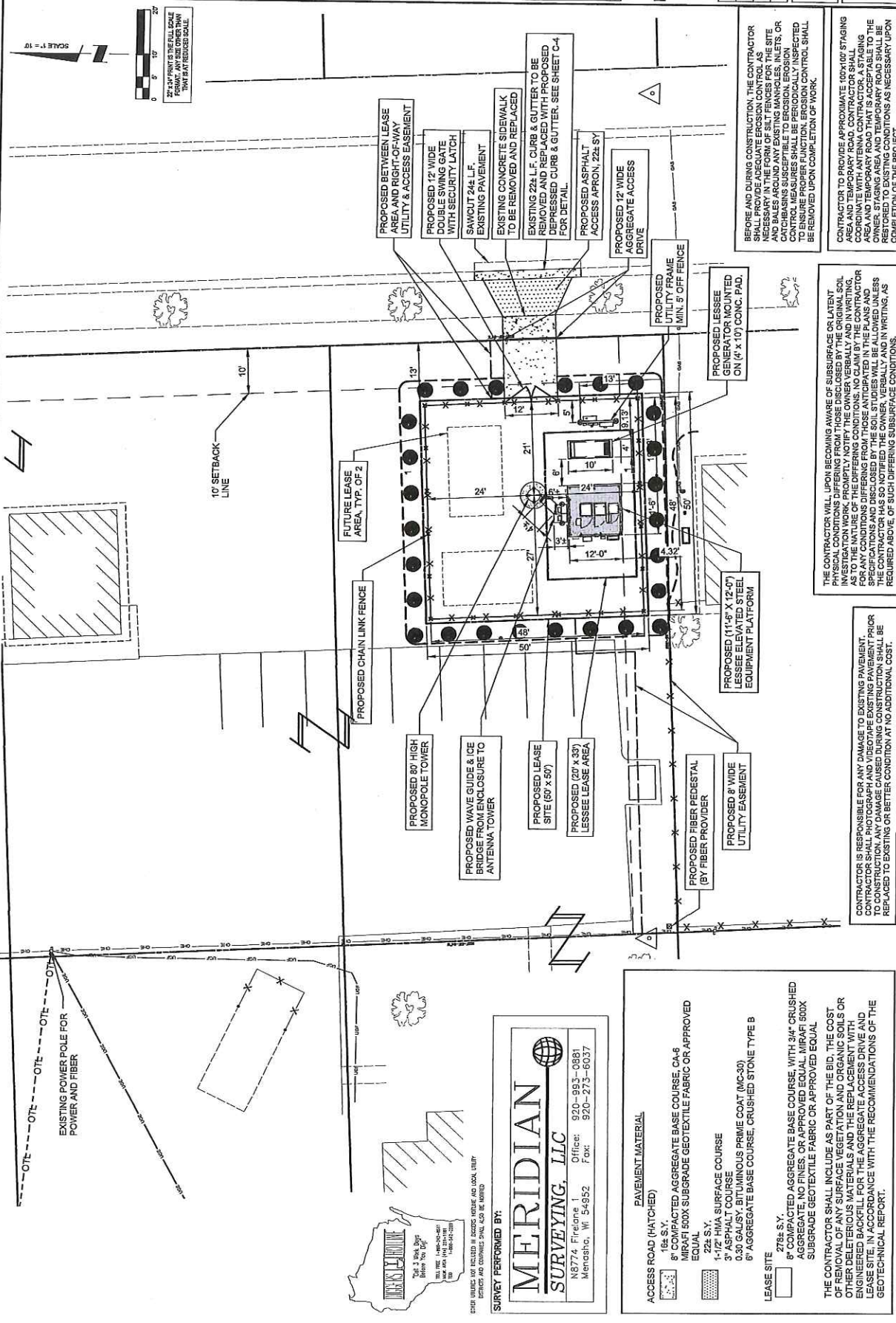
NO.	DATE	DESCRIPTION
1	09/15/15	ISSUED FOR REVIEW
2	01/16/16	REVISED PER TIME WARNER COMMENTS
3	01/16/16	UPDATES WITH CARLETT LAYOUT
4	02/17/16	ADDITION OF LANDSCAPE PLAN
5	03/16/16	UPDATE PER LIT COMMENTS

LOC. # 287788
MEADE STREET

2718 N. MEADE ST.
APPLETON, WI 54913

CHW BY:	CHW
DATE:	01/15/16
PROJECT #:	50-152
SHEET TITLE	ENLARGED SITE PLAN

SHEET NUMBER
C-1



MERIDIAN
SURVEYING, LLC

N8774 Firelane 1
Mendota, WI 54952

Office: 920-993-0881
Fax: 920-273-6037

PAVEMENT MATERIAL

ACCESS ROAD (HATCHED)

- 16" S.Y.
- 8" COMPACTED AGGREGATE BASE COURSE, CA-6
- MIRAFI 500X SUBGRADE GEOTEXTILE FABRIC OR APPROVED EQUAL
- 22" S.Y.
- 1-1/2" HMA SURFACE COURSE
- 3" ASPHALT COURSE
- 0.30 GAL/SY. BITUMINOUS PRIME COAT (MC-30)
- 8" AGGREGATE BASE COURSE, CRUSHED STONE TYPE B

LEASE SITE

- 278± S.Y.
- 8" COMPACTED AGGREGATE BASE COURSE, WITH 3/4" CRUSHED AGGREGATE, NO FINES, OR APPROVED EQUAL MIRAFI 500X SUBGRADE GEOTEXTILE FABRIC OR APPROVED EQUAL

THE CONTRACTOR SHALL INCLUDE AS PART OF THE BID, THE COST OF REMOVAL OF ANY SURFACE VEGETATION AND ORGANIC SOILS OR OTHER DELETERIOUS MATERIALS AND THE REPLACEMENT WITH ENGINEERED BACKFILL FOR THE AGGREGATE ACCESS DRIVE AND LEASE SITE, IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE GEOTECHNICAL REPORT.

THE CONTRACTOR WILL, UPON BECOMING AWARE OF SUBSURFACE OR LATENT PHYSICAL CONDITIONS DIFFERING FROM THOSE DISCLOSED BY THE ORIGINAL SOIL ANALYSIS, PROMPTLY NOTIFY THE OWNER, VERBALLY AND IN WRITING, AS TO THE NATURE OF THE DIFFERENCES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY CONDITIONS DIFFERING FROM THOSE ANTICIPATED IN THE ORIGINAL ANALYSIS. THE CONTRACTOR SHALL BE ALLOWED UNLESS SPECIFICATIONS AND DISCLOSED BY THE SOIL STUDIES WILL BE ALLOWED UNLESS THE CONTRACTOR HAS SO NOTIFIED THE OWNER, VERBALLY AND IN WRITING, AS REQUIRED ABOVE, OF SUCH DIFFERING SUBSURFACE CONDITIONS.

BEFORE AND DURING CONSTRUCTION, THE CONTRACTOR SHALL PROVIDE ADEQUATE EROSION CONTROL MEASURES TO PREVENT EROSION AND BALES AROUND ANY EXISTING MANHOLES, INLETS, OR OTHER STRUCTURES. EROSION CONTROL MEASURES SHALL BE EROSION CONTROL SHALL BE REMOVED UPON COMPLETION OF WORK.

CONTRACTOR TO PROVIDE APPROXIMATE 100'X10' STAGING AREA AND TEMPORARY ROAD. CONTRACTOR SHALL COORDINATE WITH ANTENNA CONTRACTOR, A STAGING AREA SHALL BE PROVIDED AND SHALL BE ACCEPTABLE TO THE OWNER, STAGING AREA AND TEMPORARY ROAD SHALL BE RESTORED TO EXISTING CONDITIONS AS NECESSARY UPON COMPLETION OF THE PROJECT.

CONTRACTOR IS RESPONSIBLE FOR ANY DAMAGE TO EXISTING PAVEMENT. ALL PHOTOGRAPHY AND VIDEO TAPES EXISTING PRIOR TO CONSTRUCTION SHALL BE PRESERVED AND SHALL BE REPLACED TO EXISTING OR BETTER CONDITION AT NO ADDITIONAL COST.



CENTRAL STATES TOWER III, LLC



600 BUSSE HIGHWAY
PARK RIDGE, IL 60068
PH: 847-698-6400
FAX: 847-698-6401



600 BUSSE HIGHWAY
PARK RIDGE, IL 60068
PH: 847-698-6400
FAX: 847-698-6401



600 BUSSE HIGHWAY
PARK RIDGE, IL 60068
PH: 847-698-6400
FAX: 847-698-6401

NO.	DATE	BY	DESCRIPTION
1	09/15/15	TJS	ISSUED FOR REVIEW
2	10/16/15	RA	REVISED PER THE WAVE COMMENTS
3	01/17/16	ZCN	UPDATED WITH CABINET LAYOUT
4	02/17/16	RA	ADDITION OF LADSCAPE PLAN
5	03/14/16	JTM	UPDATE PER ILL COMMENTS

LOC. # 287788

MEADE STREET

2718 N. MEADE ST.
APPLETON, WI 54913

DRAWN BY: CHM

CHECKED BY: TAZ

DATE: 01/11/15

PROJECT #: 50-182

SHEET TITLE

SITE ELEVATION

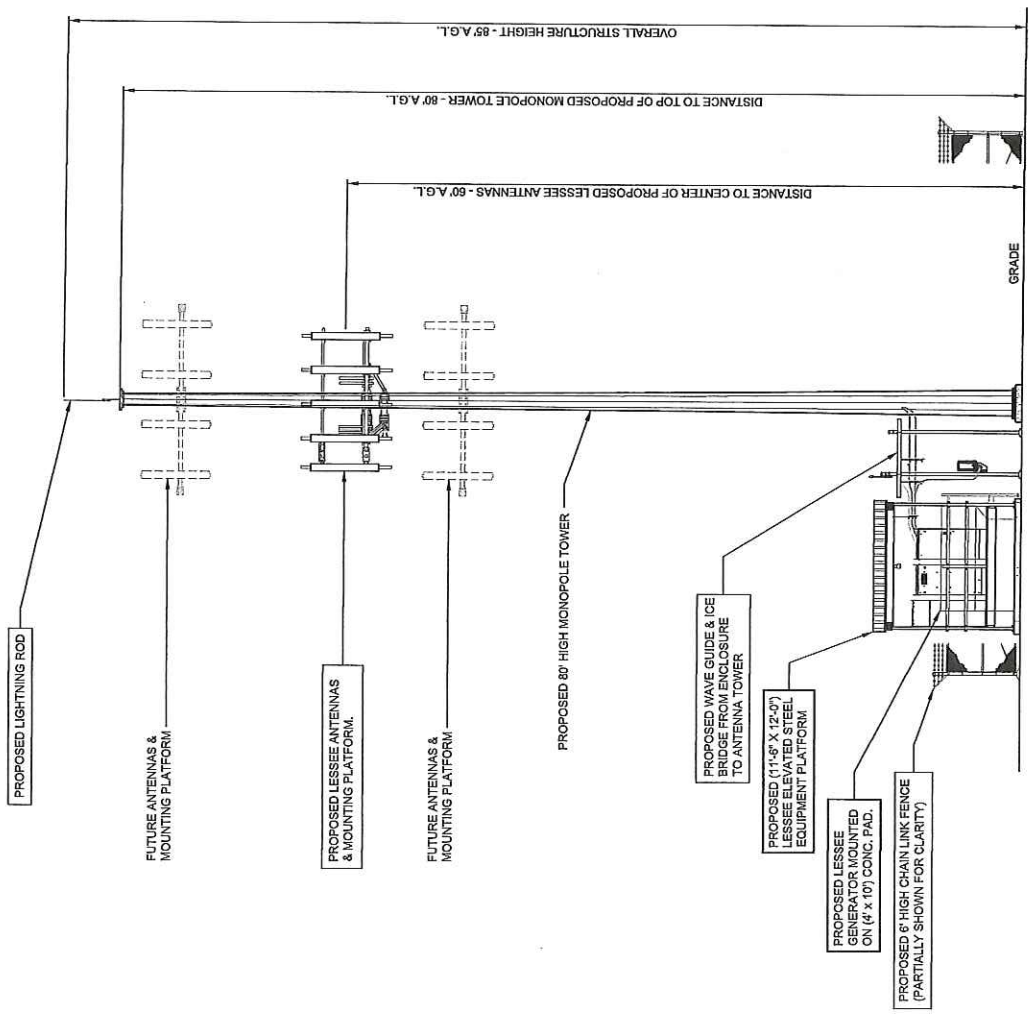
SHEET NUMBER

ANT-1



SCALE: 3/16" = 1'-0"

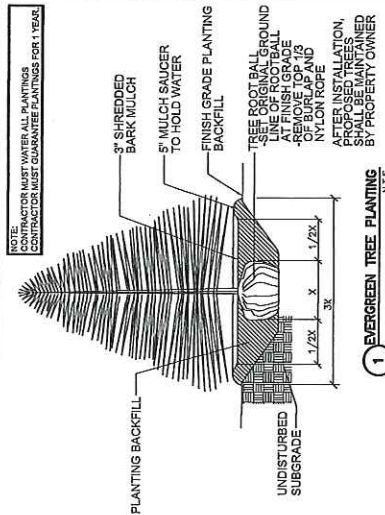
2" x 14" PRINT IS THE FULL SCALE
PLOT AT ANY SIZE OTHER THAN
THIS MAY VIOLATE THE RULE



1 SITE ELEVATION
SCALE: 3/16" = 1'-0"

1. PRUNE NEWLY INSTALLED SHRUBS. WORK SHALL BE DONE BY EXPERIENCED PERSONNEL TO THE ACCEPTED HORTICULTURAL AND ARBORICULTURAL STANDARDS. PRUNING SHALL RESULT IN A LOOSE OUTLINE CONFORMING TO THE GENERAL SHAPE OF THE SHRUB TYPE. DO NOT USE HEDGE SHEARS.
2. ALL PLANTING STOCK SHALL BE NURSERY-GROWN IN ACCORDANCE WITH GOOD HORTICULTURAL PRACTICE. PLANTS SHALL BE FREE OF DISEASE, INSECTS EGGS, LARVAE AND DEFECTS SUCH AS KNOTS, SUN-SCALD, INJURIES, ABRASIONS OR DISFIGUREMENT. THEY SHALL HAVE SOUND, HEALTHY ROOTS AND BE WELL DEVELOPED. PLANTS SHALL BE OF THE SPECIFIED VARIETY, WELL-FORMED, FREE FROM IRREGULARITIES AND WITH THE MINIMUM QUALITY AND SIZE CONFORMING TO AMERICAN STANDARD FOR NURSERY STOCK.

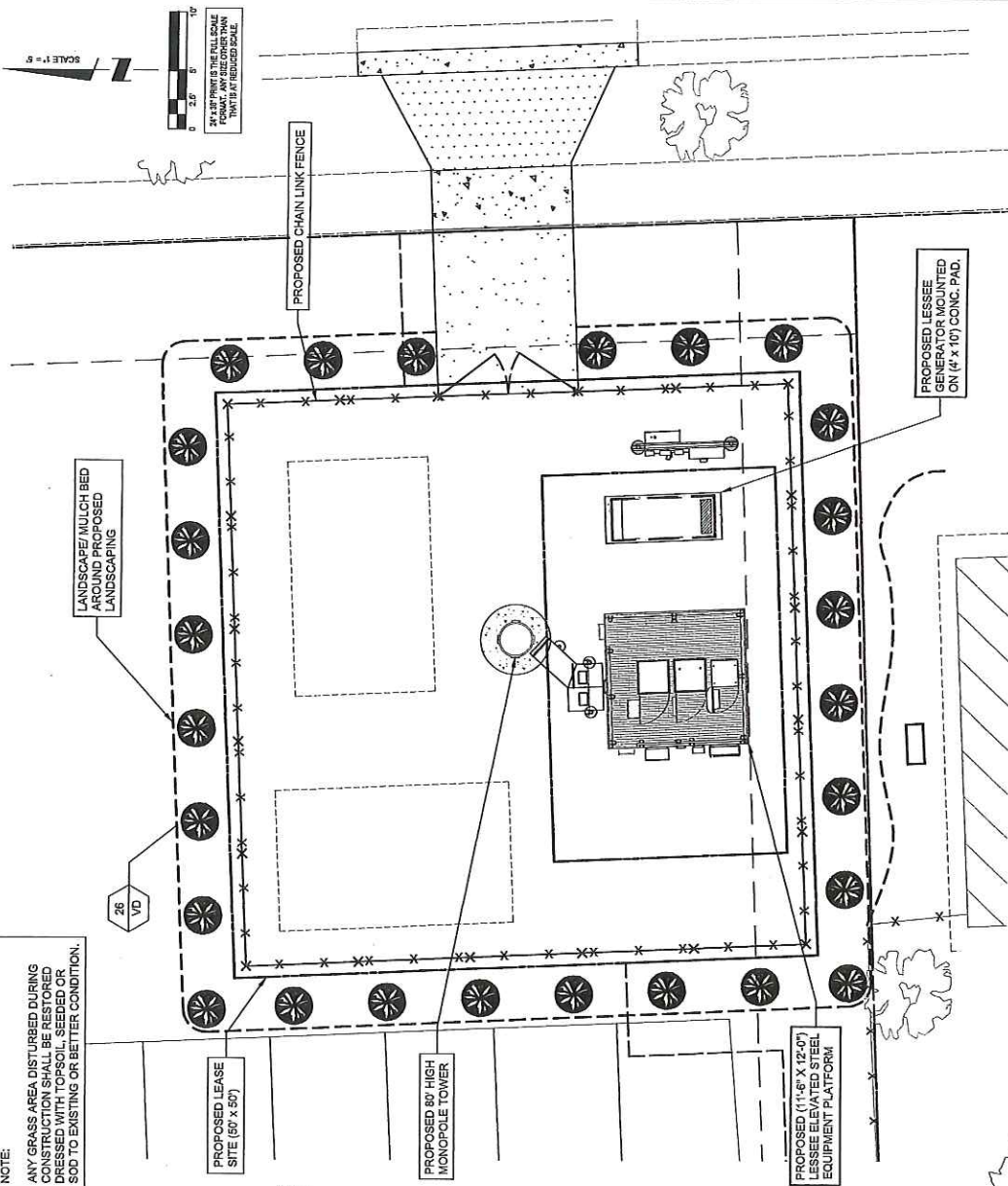
3. GUARANTEE: WARRANT ALL PLANT MATERIAL TO BE TRUE TO BOTANICAL NAME AND SPECIFIED SIZE. AFTER COMPLETION OF PLANTING, ALL PLANT MATERIALS SHALL BE WARRANTED AGAINST DEFECTS, INCLUDING DEATH AND UNSATISFACTORY GROWTH FOR A WARRANTY PERIOD OF ONE YEAR. THE CONTRACTOR WILL NOT BE RESPONSIBLE FOR DEFECTS RESULTING FROM NEGLECT, ABUSE, DAMAGE BY OTHERS, OR UNUSUAL PHENOMENA OR INCIDENTS BEYOND THE CONTRACTOR'S CONTROL WHICH RESULT FROM NATURAL CAUSES SUCH AS FLOODS, DROUGHTS, HAIL, OR VANDALISM.
4. REPLACEMENT: WITHIN THE WARRANTY PERIOD, REPLACE ONE TIME, AT NO ADDITIONAL COST TO THE OWNER, PLANT MATERIALS THAT ARE DEAD IN THE OPINION OF THE LANDSCAPE ARCHITECT, IN AN UNHEALTHY OR UNSUITABLE CONDITION, REJECTED PLANT MATERIALS SHALL BE REMOVED FROM THE SITE AT CONTRACTOR'S EXPENSE. REPLACEMENTS ARE TO BE MADE NO LATER THAN THE SUBSEQUENT PLANTING SEASON. RESTORE AREAS DISTURBED BY REPLACEMENT OPERATIONS.
5. MULCHING: SHALL BE DONE WITHIN 48 HOURS AFTER PLANTING. MULCH SHRUB BEDS TO NINE INCHES DEEP. MULCH TREE BEDS TO SEVEN INCHES DEEP. COMPOSTED PINE BARK MULCH FREE OF FOREIGN MATERIAL. BE CLEARANCE PIECES OVER THREE INCHES LONG. DO NOT MULCH TREE AND SHRUB PLANTING PITS. TOPSOIL SHALL CONSIST OF FERTILE FRIABLE NATURAL LOAM, CONTAINING A LIBERAL AMOUNT OF HUMUS AND SHALL BE SUBJECT TO INSPECTION AND APPROVAL. IT SHALL BE FREE OF ADMIXTURES OF SUBSOIL AND FREE OF CRAB GRASS, ROOTS, STICKS AND OTHER EXTRANEOUS MATTER, AND SHALL NOT BE USED FOR PLANTING OPERATIONS WHILE IN A FROZEN OR MUDDY CONDITIONS.
6. REPAIR ALL TURF AREAS BY SEEDING. SEEDING INSTALLATION SHALL BE EXECUTED ONLY AFTER ALL FINISH GRADING HAS BEEN COMPLETED. NO SEEDING WORK SHALL BE DONE POST SEPTEMBER 15, UNLESS APPROVED BY THE OWNER'S REPRESENTATIVE.
SEED: SEED MIX SHALL MATCH EXISTING TURF, OR BE A 50/50 MIX OF CERTIFIED SEED, BLENDED BLUEGRASS AND CERTIFIED IMPROVED PERENNIAL RYE MIX. SEED SHALL BE APPLIED AT A MINIMUM RATE OF 120 POUNDS PER ACRE. SEEDING SHALL BE APPLIED AT A MINIMUM RATE OF 120 POUNDS PER ACRE. FUTERRA BLANKET, OR EQUIV. SHALL BE USED FOR EROSION CONTROL MULCH WHERE NECESSARY IN LEU OF HYDRO MULCH.



1 **EVERGREEN TREE PLANTING** N.T.S.

OTHER UTILITIES NOT INCLUDED IN HOUSING, WATER AND LOCAL UTILITY
DECRETS AND REQUIREMENTS MAY BE NOTIFIED

ANY GRASS AREA DISTURBED DURING CONSTRUCTION SHALL BE RESTORED DRESSED WITH TOPSOIL, SEEDED OR SOD TO EXISTING OR BETTER CONDITION.



PLANT LIST	PLANT QUANTITY	PLANT SYMBOL
	26	VD

SYMBOL	BOTANICAL NAME	COMMON NAME	QUANTITY	SIZE	COMMENTS
VD	VIBURNUM DENTATUM	CHICAGO LUSTRE VIBURNUM	26	3 FT. HT. MIN.	B & B (BALLED & BURLAPPED)

REVISIONS		DATE	BY	NO
	DESCRIPTION			
	ISSUED FOR REVIEW	09/15/15	TJS	-
	REVISED PER TIME WASTAGE COMMENTS	10/05/15	RA	1
	UPDATED WITH CHANGER LAYOUT	01/04/16	ZCN	2
	ADJUSTMENT OF LANDSCAPE PLAN	02/17/16	RA	3
	UPDATE PER ILL COMMENTS	03/04/16	JTL	4
				5.

LOC. # 287788
MEADE STREET

2718 N. MEADE ST.
APPLETON, WI 54913

DRAWN BY:	CMM
CHECKED BY:	TAZ
DATE:	5/15/15
PROJECT #:	50-182

SHEET TITLE
LANDSCAPE
PLAN

SHEET NUMBER

1



CST

TERRA
COMMERCIAL GROUP, LTD.
600 BUSSE HIGHWAY
PARK RIDGE, IL 60068
PH: 847-698-6400
FAX: 847-698-6401

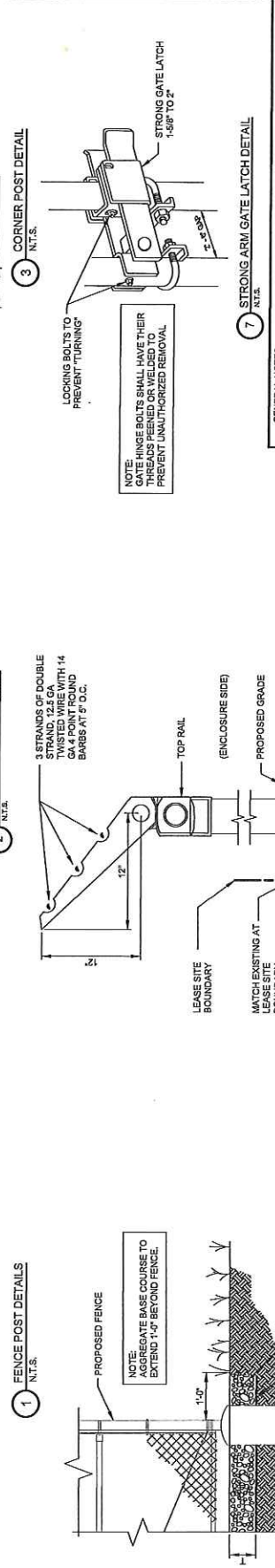
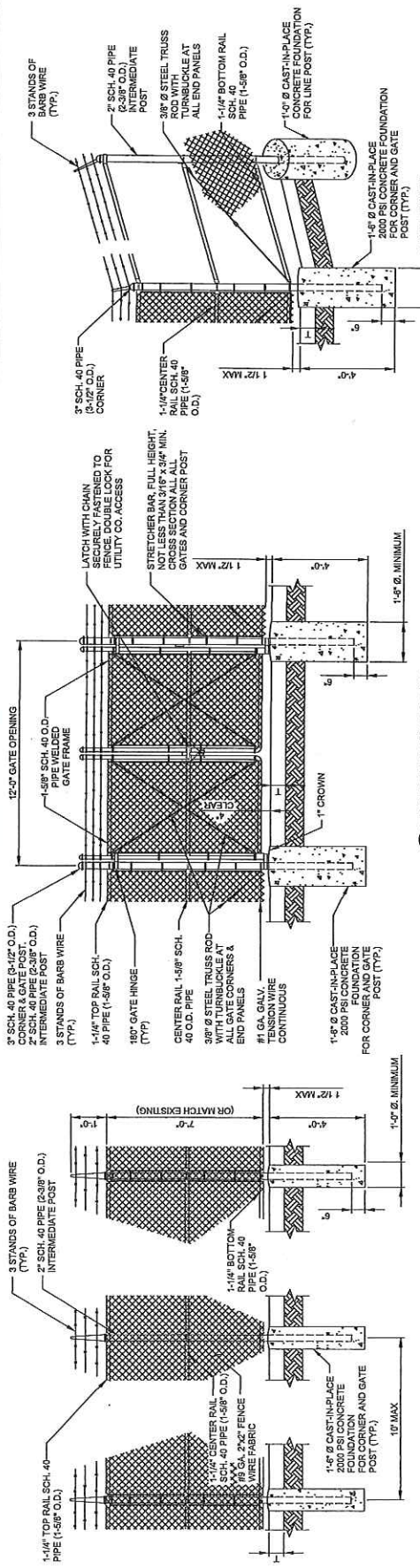


NO.	DATE	BY	DESCRIPTION
1	09/15/15	TJS	ISSUED FOR REVIEW
2	10/16/15	RA	REVISED PER TIME WARNER COMMENTS
3	01/14/16	ZCN	UPDATED WITH CABINET LAYOUT
4	02/17/16	RA	ADDITION OF LANDSCAPE PLAN
5	03/14/16	JMA	UPDATE PER L. COMMENTS

LOC. # 287788
MEADE STREET

2719 N. MEADE ST.
APPLETON, WI 54913

CNMT	DRAWN BY:
TAX	CHECKED BY:
9/11/15	DATE:
90-462	PROJECT #:
SHEET TITLE	SHEET NO.
FENCED DETAIL	



GENERAL NOTES

1) G.C. IS RESPONSIBLE TO PAY AND SCHEDULE THIRD PARTY INSPECTIONS FOR BOTH TOWER AND BUILDING FOUNDATIONS. Y2W GETS CONTACT AT CLOSE OUT.

COPIES OF THE REPORT ARE ISSUED TO THE CONTRACTOR FOR CONVENIENCE ONLY. THE REPORT IS NOT PART OF THE CONTRACT DOCUMENTS. NEITHER THE CONTRACTOR NOR THE ENGINEER SHALL BE RESPONSIBLE FOR THE VALIDITY OF THE DATA CONTAINED THEREIN, NOR DO THEY ASSUME ANY RESPONSIBILITY FOR THE CONTRACTOR'S USE OR INTERPRETATION OF THE DATA CONTAINED THEREIN.

PROPERTY	MINIMUM VALUE (a)	TEST METHOD
GRAB STRENGTH	180 LBS.	ASTM D-4832-91
PUNCTURE STRENGTH	75 LBS.	ASTM D-4833-98
BURST STRENGTH	230 LBS.	ASTM D-3788
TRAPEZOIDAL TEAR	50 LBS.	ASTM D-4871-97

(a) ALL VALUES REPRESENT MINIMUM ROLL VALUES

NOTES:

THE FABRIC SHOULD BE PLACED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS. THE FABRIC SHOULD BE PLACED OVER THE EXISTING SURFACE AND SHOULD BE SUFFICIENTLY OVERLAPPED AT LEAST 24 INCHES OR AS SPECIFIED BY THE MANUFACTURER. THE GEOTEXTILE SHEETS SHOULD ALSO BE PLACED TAUT TO REDUCE WRINKLES OR FOLDS. CARE MUST BE EXERCISED TO PREVENT PHYSICAL DAMAGE TO THE FABRIC DURING INSTALLATION. UTILITIES SHOULD BE INSTALLED BEFORE PLACING THE FABRIC.

POST: STEEL EITHER "T" OR "U" TYPE OR 2" HARDWOOD.

FENCE: WOVEN WIRE, 14 1/2" GAUGE, 6" MAX. MESH OPENING

FILTER CLOTH: FILTER X, MIRAF 100X.

STAPLES: 1/4" OR APPROVED EQUAL

PREFABRICATED UNIT: GEOTAB, ENVIROFENCE, OR APPROVED EQUAL

NOTE:

DEPENDENT UPON CONFIGURATION, ATTACH FABRIC TO WIRE MESH WHOLE RINGS, STEEL POSTS W/ TIE WIRES, WOOD POSTS W/ NAILS.

AGENT AUTHORIZATION LETTER

DATE: March 16, 2016

TO: City of Appleton
Community Development Department
100 N. Appleton Street, Appleton, WI 54911

RE: Meade St communication tower
Project name

The undersigned, Robert Harris
Property Owner name
is the owner of property known as 2718 N. Meade Street 311402300, 311402400, 311402500
address, tax key number

The undersigned authorizes Guy Stewart
Agent name
to sign and file an application on behalf of Profesional Associates, Inc.
Property Owner name
to Install a communications tower at the above property address

Describe Project
Robert Harris also authorizes
Property Owner name
Guy Stewart to execute any and all other
Agent name
documentation and/or applications required by the City for the intended project
and appear on its behalf before the Plan Commission and Common Council in
proceedings relating to the application.

Executed as of the day and year first above set forth.

Robert Harris
Signature of property owner

PLAN OF OPERATION AND LOCATIONAL INFORMATION

Business Information:

Name of business: CENTRAL STATES TOWERS / VERIZON WIRELESS

Years in operation: 20 plus

Type of proposed establishment (detailed explanation of business):

COMMUNICATIONS TOWER AND ASSOCIATED
EQUIPMENT

Proposed Hours of Operation:

Day	From	To
Week Day	24/7	
Friday	24/7	
Saturday	24/7	
Sunday	24/7	

Building Capacity and Area:

Maximum number of persons permitted to occupy the building or tenant space as determined by the International Building Code (IBC) or the International Fire Code (IFC), whichever is more restrictive: 400 persons

Gross floor area of the existing building(s):

OUTSIDE CABINETS

Gross floor area of the proposed building(s):

SEE ATTACHED

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

SEE ATTACHED

Outdoor Uses:

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

50 X 50 LEASED AREA

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

505 ATTACHED

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

50 X 50 LEASED AREA

Number of Employees:

Number of existing employees: 2

Number of proposed employees: 2

Number of employees scheduled to work on the largest shift: 2

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

INTERMITTENT GENERATOR TESTING

Describe Any Potential Noise Emanating From the Proposed Use:

Describe the noise levels anticipated from all mechanical equipment:

SEE ATTACHED - ATTENUATED GULLOUSE

How will the noise be controlled?

SEE ATTACHED

Outdoor Lighting:

Type: SERVICE LIGHT SEE ATTACHED

Location: _____

Off-Street Parking:

Number of spaces existing: NONE

Number of spaces proposed: 2

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

SEE ATTACHED

Sabre Industries™

Towers and Poles

March 21, 2016

Mr. Yuri Dobrowolsky
Director of Construction
Central States Tower
323 South Hale Street, Suite 100
Wheaton, IL 60187

RE: Proposed 85 ft Sabre Monopole for Meade Street, WI

Dear Mr. Dobrowolsky,

Upon receipt of order, we propose to design and supply the above referenced Sabre monopole for a Basic Wind Speed of 90 mph with no ice and 40 mph with 1/2" ice, Structure Class II, Exposure Category C, and Topographic Category 1, in accordance with the Telecommunications Industry Association Standard ANSI/TIA-222-G, "Structural Standard for Antenna Supporting Structures and Antennas" to support at least four cellular carriers.

When designed according to this standard, the wind pressures and steel strength capacities include several safety factors, resulting in an overall minimum safety factor of 25%. Therefore, it is highly unlikely that the monopole will fail structurally in a wind event where the design wind speed is exceeded within the range of the built-in safety factors.

Should the wind speed increase beyond the capacity of the built-in safety factors, to the point of failure of one or more structural elements, the most likely location of the failure would be within one of the monopole shaft sections. This would result in a buckling failure mode, where the steel shaft would bend beyond its elastic limit (beyond the point where the shaft would return to its original shape upon removal of the wind load).

Therefore, the overall effect of an extreme wind event would be localized buckling of the monopole shaft. Assuming that the wind pressure profile is similar to that used to design the monopole, the shaft will buckle at the location of the highest combined stress ratio in the upper portion of the monopole. This would result in the portion of the monopole above "folding over" onto the portion below, essentially collapsing upon itself. **Please note that this letter only applies to a monopole designed and manufactured by Sabre Towers & Poles.** In the unlikely event of total separation, this, in turn, would result in collapse of that portion to the ground within a radius equal to 30 ft.

Sincerely,

Robert E. Beacom, P.E., S.E.
Design Engineer II



SWORN STATEMENT OF MUSTAFA SIAMOF IN SUPPORT OF NEW TOWER CONSTRUCTION
PURSUANT TO WIS. STAT. §66.0404

OUTAGAMIE COUNTY)
) ss.
STATE OF WISCONSIN)

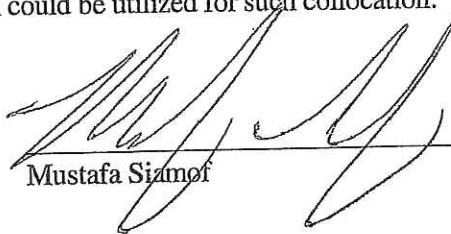
MUSTAFA SIAMOF, being first duly sworn on oath, deposes and says that:

1. I am an adult resident of the State of Wisconsin and serve as RF Engineer at Verizon Wireless.


2. My job duties include responsibility over the placement of the mobile service support structure being proposed by 2718 N Meade St Appleton WI 54913

3. This sworn statement is made pursuant to Wis. Stat. §66.0404(2)(b)6.

4. The Verizon Wireless Proposal is being submitted because collocation within Verizon Wireless' search ring for the area covered by the Verizon Wireless Proposal is infeasible, as no existing structures of any kind currently exist which could be utilized for such collocation.


Mustafa Siamof

Subscribed and sworn to before me
this day of 2nd of December 2015


Notary Public, State of Wisconsin
My commission: 10/20/16

TOWAIR Determination Results

*** NOTICE ***

TOWAIR's findings are not definitive or binding, and we cannot guarantee that the data in TOWAIR are fully current and accurate. In some instances, TOWAIR may yield results that differ from application of the criteria set out in 47 C.F.R. Section 17.7 and 14 C.F.R. Section 77.13. A positive finding by TOWAIR recommending notification should be given considerable weight. On the other hand, a finding by TOWAIR recommending either for or against notification is not conclusive. It is the responsibility of each ASR participant to exercise due diligence to determine if it must coordinate its structure with the FAA. TOWAIR is only one tool designed to assist ASR participants in exercising this due diligence, and further investigation may be necessary to determine if FAA coordination is appropriate.

Determination Results

Structure does not require registration. There are no airports within 8 kilometers (5 miles) of the coordinates you provided.

Your Specifications

NAD83 Coordinates

Latitude	44-17-11.2 north
Longitude	088-23-41.1 west

Measurements (Meters)

Overall Structure Height (AGL)	25.9
Support Structure Height (AGL)	24.4
Site Elevation (AMSL)	235.6

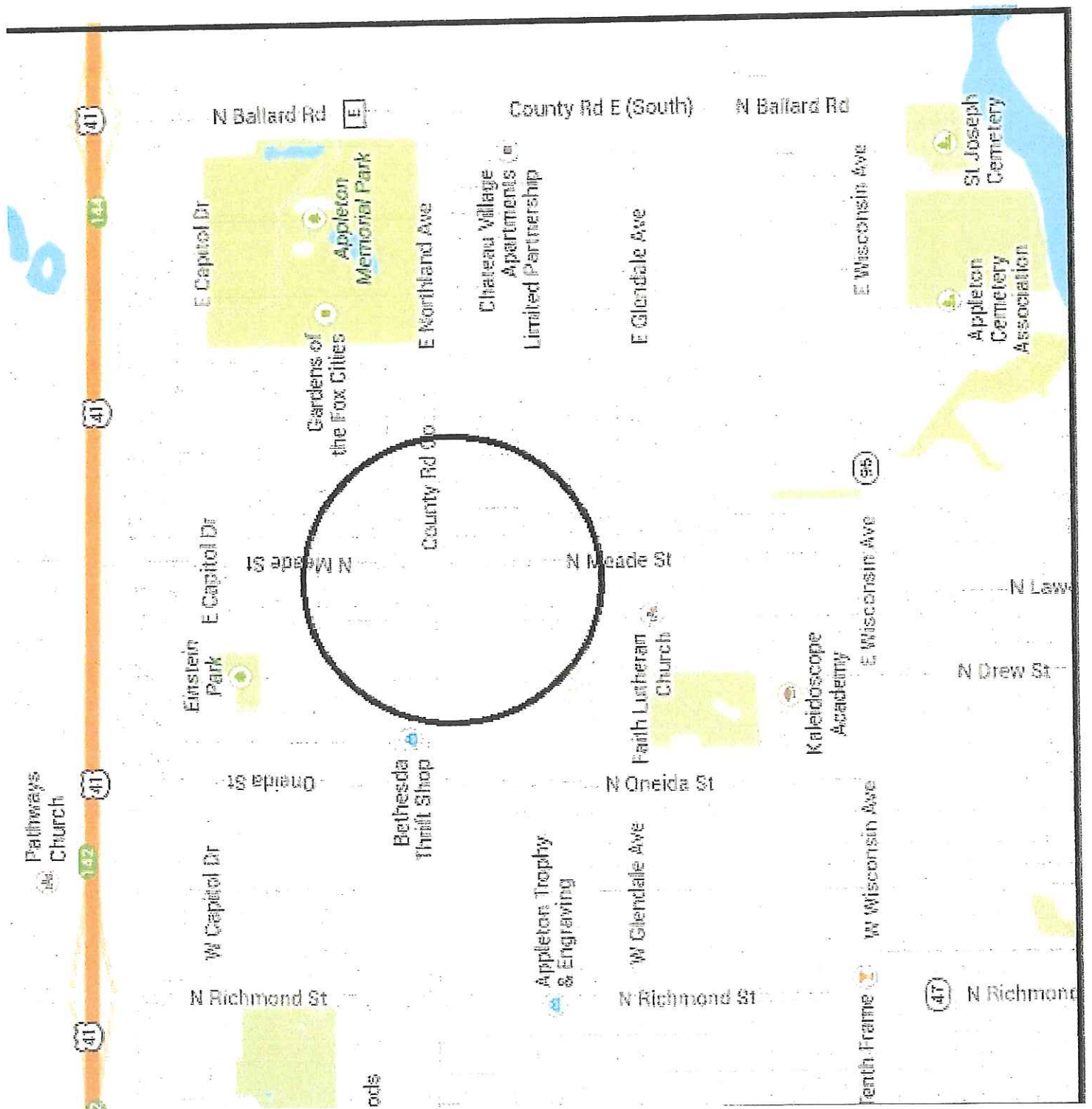
Structure Type

MTOWER - Monopole

Tower Construction Notifications

Notify Tribes and Historic Preservation Officers of your plans to build a tower.

CLOSE WINDOW



READ

Real Estate Acquisition & Development, LLC

Jeff Towne
Principal Planner
Department of Community Development
City of Appleton
100 N. Appleton Street
Appleton, WI 54501

April 12, 2016

Re: Special Use Permit Application - Central States Tower III, LLC-New Mobile Service Support Structure and Mobile Service Facility/MTW of Appleton, Inc. Property located at 2718 N Meade Street Appleton WI 54913. Parcel ID #: 331402300, 311402400, 311402500

Jeff Towne

Please find enclosed, the required project information along with a completed City of Appleton Special Use Permit application form for Central States Tower III, LLC ("CST") and Verizon Wireless,. This application has been prepared in accordance with the State of Wisconsin Mobile tower siting regulations found at Wis. Stat. Sect. 66.0404. The application procedures for a new mobile service support structure (tower) and mobile service facility (communications equipment) are found at Wis. Stat. Sect. 66.0404(2)(b) and list six (6) requirements for a completed application.

Below is a narrative on these six (6) requirements, including the specific project information. I have also enclosed a copy of the State of Wisconsin regulations for your reference as you review this submittal.

1. The name and business address of, and the contact individual of, the applicant.

Applicant (s):
Central States Tower III, LLC
323 South Hale Street, Suite 100
LLC
Wheaton, IL 60187

Contact Individual:
Guy Stewart
Real Estate Acquisition & Development,
3703 North Point Dr.
Stevens Point WI 54481

Verizon Wireless
1515 Woodfield Road
Schaumburg, IL 60173

2. The location of the proposed support structure.

2718 N Meade Street Appleton WI 54913. Parcel ID #: 331402300, 311402400, 311402500

The location of the proposed 80' monopole tower structure (85' overall with lightning rod) is in the southeast corner of the above referenced parcel within a 50' x 50' lease area as depicted in the enclosed survey and construction drawings.

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Stevens Point WI 54481
715.340.2123

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3. The location of the proposed mobile service facility.

2718 N Meade Street Appleton WI 54913. Parcel ID #: 331402300, 311402400, 311402500

CST proposes to construct an 80' monopole type tower structure (85' overall with lightning rod) for the immediate use by Verizon Wireless in the southeast corner of the property 2718 N Meade Street Appleton WI 54913. Parcel ID #: 331402300, 311402400, 311402500. This new tower structure will be located within a 50' x 50' ground lease area as depicted in the enclosed survey and construction drawings. Verizon Wireless will locate its antennas and equipment upon the tower at the 60' centerline, route its coax/cabling down the inside of the tower, and install outside equipment with a generator at grade near the base of the tower structure all within the CST ground lease area. Also, the monopole tower and compound is designed to accommodate at least two (2) additional similar wireless telecommunications equipment installations besides the one contemplated by Verizon Wireless.

4. If the application is to substantially modify an existing support structure...

The application is for a new 80' monopole tower (85' overall with lightning rod), therefore the submittal requirements of this section are not applicable.

5. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile services support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.

See the enclosed construction drawings showing the proposed CST and Verizon Wireless installations containing the above described information.

6. If the application is to construct a new mobile service support structure, an explanation as to why the application chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has the responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

The Verizon Wireless search ring is depicted in the enclosed Delorme Map labeled "Verizon Wireless Search Area: Wisconsin Avenue Site", where there are no existing structures of any kind within the defined search area available for collocation by Verizon Wireless. Enclosed in the application materials is a sworn statement from the Verizon Wireless Radio Frequency Engineer assigned to the site attesting to the fact that collocation is not feasible option for this site, as there are no existing structures of any kind which exist within the Verizon Wireless Search Area that could be utilized by Verizon Wireless for a collocation.

ADDITIONAL DISCUSSION

This is a joint application for a proposed new communications tower facility which will be owned by Central States Tower III, LLC ("CST"), a national owner and operator of wireless communications

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infrastructure; and an antenna and equipment installation upon this new communications tower facility by its proposed tenant, Verizon Wireless. It is not uncommon for wireless telecommunications service providers to engage the services of a tower company to construct, own, and operate the infrastructure upon which they desire locate their equipment. In this case, Verizon Wireless needs the site to meet its service needs for the defined search area, and has engaged CST to participate as the tower developer/owner for the project.

As described above, the proposed project is for the construction, installation, and operation of an unmanned wireless tower communications facility upon the property located on 2718 N Meade Street Appleton WI 54913. Parcel ID #: 331402300, 311402400, 311402500. This facility will consist of Verizon Wireless antennas and equipment to be mounted at the 60' centerline of a newly constructed CST owned 80' monopole tower (85' with lightning rod), associated coaxial/hybrid cable runs down the inside of the tower, and outside cabinet platform for equipment and backup power generator which will be housed upon a concrete pad/foundation near the base of the tower, all within a 50' x 50' fenced CST compound area as shown in the enclosed plans.

This Special Use Permit will result in a great benefit for the community, in that it will allow for the continued provision of the highest quality, and most technologically advanced wireless communication services to the nearby residents and visitor populations of the City of Appleton. Besides the services which will be provided by Verizon Wireless, the tower facility has been designed so it will be available for at least two (2) other comparable antenna and equipment installations, and shall conform to all applicable ANSI/TIA 222-G, FCC, and FAA regulations and standards governing such facilities. Multiple company collocations on its infrastructure is the core of CST's business, and CST actively markets its portfolio of tower sites for collocation to all communication users nationwide and will do so for this site as well. In this regard, it is CST's experience that the typical wireless communication service provider would require similar or somewhat higher mounting heights than what Verizon Wireless is proposing with this application, and with this in mind CST wants to ensure that the proposed tower structure is designed to remain as marketable as possible. Therefore, it is seeking the approval of a somewhat taller overall tower structure (85' AGL), than the mounting height required (60' AGL) by Verizon Wireless at this location. CST feels that this incremental additional height will both increase the viability of this location for other potential future users needs in this area, while at the same time decreasing the future chances that an additional tower location would need to be sought in this vicinity, both accomplished without materially increasing any potential impact(s) to the surrounding area due to the slight increase in height the proposed taller tower would bring.

The proposed facility will not require any public participation, or result in any public cost for public facilities and services which would be detrimental to the economic welfare of the community. In fact, the wireless communication services offered by Verizon Wireless are desired by both businesses and individuals, and will be an economic asset to the community. The enhanced E-911 services provided by facilities such as these will also assist in the protection of the public health, safety, and welfare of the community.

The equipment will operate continuously at this unmanned facility and will require no additional parking or facilities for employees. Verizon Wireless' cell site technicians will visit the site periodically, typically a couple hours once per month, for the testing and monitoring of the maintenance and security of its equipment. CST personnel will also visit the site periodically to monitor the maintenance and security of the facility. The facility will not generate any substantial

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traffic, and besides the new tower structure, the remainder of the equipment has a minimal visual impact and generates very little noise.

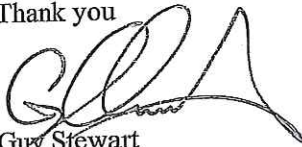
This site is located upon a property in the C-2 General Commercial Zoning District within an established commercial corridor along W. Wisconsin Avenue, and has been positioned upon the underlying parcel to best conform with the current and potential future use(s) of the property. The location of the proposed tower upon the property is setback from the nearest property line by approximately 29', a distance that is less than the height of the proposed tower structure. However, enclosed please find a stamped engineering letter from Sabre Industries Towers and Poles, CST's tower manufacturer, ensuring that the tower will be designed to collapse within the subject property in the event of structural failure. A landscaping buffer will also be installed around the perimeter of the compound to assist in minimizing any potential impacts to the adjoining properties and nearby view sheds.

Besides the six (6) application requirements defined by Wis. Stat. Sect. 66.0404(2)(b), I have also enclosed a copy of a FCC TOWAIR report for the proposed tower at this location and a check made payable to the City of Appleton in the amount of \$450.00 for the applicable application fee.

I believe the above information satisfies the applicable application requirements as defined by the City of Appleton Zoning Ordinance and as preempted by Wis. Stat. Sect. 66.0404; and is ready to be scheduled for consideration by the City of Appleton Planning Commission. I look forward to the public hearing for this request, and will be present at the meeting to address any remaining questions that the commission or members of the public may have regarding the application and proposed use of the site.

Should you have any additional information needs or questions regarding the application, the enclosed materials, or the proposed use of the site, please contact me directly at (715) 340-2123 or by email at guystewart@charter.net.

Thank you



Guy Stewart
Real Estate Acquisition & Development, LLC
3703 North Point Dr.
Stevens Point WI 54481

Enclosures:

3703 North Point Dr
Stevens Point WI 54481
715.340.2123

66.0404 Mobile tower siting regulations. (1) DEFINITIONS. In this section:

(a) “Antenna” means communications equipment that transmits and receives electromagnetic radio signals and is used in the provision of mobile services.

(b) “Application” means an application for a permit under this section to engage in an activity specified in sub. (2) (a) or a class 2 collocation.

(c) “Building permit” means a permit issued by a political subdivision that authorizes an applicant to conduct construction activity that is consistent with the political subdivision’s building code.

(d) “Class 1 collocation” means the placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support structure for the facility but does need to engage in substantial modification.

(e) “Class 2 collocation” means the placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support structure for the facility or engage in substantial modification.

(f) “Collocation” means class 1 or class 2 collocation or both.

(g) “Distributed antenna system” means a network of spatially separated antenna nodes that is connected to a common source via a transport medium and that provides mobile service within a geographic area or structure.

(h) “Equipment compound” means an area surrounding or adjacent to the base of an existing support structure within which is located mobile service facilities.

(i) “Existing structure” means a support structure that exists at the time a request for permission to place mobile service facilities on a support structure is filed with a political subdivision.

(j) “Fall zone” means the area over which a mobile support structure is designed to collapse.

(k) “Mobile service” has the meaning given in 47 USC 153 (33).

(L) “Mobile service facility” means the set of equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment, that is necessary to provide mobile service to a discrete geographic area, but does not include the underlying support structure.

(m) “Mobile service provider” means a person who provides mobile service.

(n) “Mobile service support structure” means a freestanding structure that is designed to support a mobile service facility.

(o) “Permit” means a permit, other than a building permit, or approval issued by a political subdivision which authorizes any of the following activities by an applicant:

1. A class 1 collocation.
2. A class 2 collocation.
3. The construction of a mobile service support structure.

(p) “Political subdivision” means a city, village, town, or county.

(q) “Public utility” has the meaning given in s. 196.01 (5).

(r) “Search ring” means a shape drawn on a map to indicate the general area within which a mobile service support structure should be located to meet radio frequency engineering requirements, taking into account other factors including topography and the demographics of the service area.

(s) “Substantial modification” means the modification of a mobile service support structure, including the mounting of an antenna on such a structure, that does any of the following:

1. For structures with an overall height of 200 feet or less, increases the overall height of the structure by more than 20 feet.
2. For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10 percent or more.

3. Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by 20 feet or more, unless a larger area is necessary for collocation.

4. Increases the square footage of an existing equipment compound to a total area of more than 2,500 square feet.

(t) “Support structure” means an existing or new structure that supports or can support a mobile service facility, including a mobile service support structure, utility pole, water tower, building, or other structure.

(u) “Utility pole” means a structure owned or operated by an alternative telecommunications utility, as defined in s. 196.01 (1d); public utility, as defined in s. 196.01 (5); telecommunications utility, as defined in s. 196.01 (10); political subdivision; or cooperative association organized under ch. 185; and that is designed specifically for and used to carry lines, cables, or wires for telecommunications service, as defined in s. 182.017 (1g) (cq); for video service, as defined in s. 66.0420 (2) (y); for electricity; or to provide light.

(2) NEW CONSTRUCTION OR SUBSTANTIAL MODIFICATION OF FACILITIES AND SUPPORT STRUCTURES. (a) Subject to the provisions and limitations of this section, a political subdivision may enact a zoning ordinance under s. 59.69, 60.61, or 62.23 to regulate any of the following activities:

1. The siting and construction of a new mobile service support structure and facilities.

2. With regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities.

(b) If a political subdivision regulates an activity described under par. (a), the regulation shall prescribe the application process which a person must complete to engage in the siting, construction, or modification activities described in par. (a). The application shall be in writing and shall contain all of the following information:

1. The name and business address of, and the contact individual for, the applicant.

2. The location of the proposed or affected support structure.

3. The location of the proposed mobile service facility.

4. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.

5. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.

6. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant’s search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

(c) If an applicant submits to a political subdivision an application for a permit to engage in an activity described under par. (a), which contains all of the information required under par. (b), the political subdivision shall consider the application complete. If the political subdivision does not believe that the application is complete, the political subdivision shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An appli-

cant may resubmit an application as often as necessary until it is complete.

(d) Within 90 days of its receipt of a complete application, a political subdivision shall complete all of the following or the applicant may consider the application approved, except that the applicant and the political subdivision may agree in writing to an extension of the 90 day period:

1. Review the application to determine whether it complies with all applicable aspects of the political subdivision's building code and, subject to the limitations in this section, zoning ordinances.

2. Make a final decision whether to approve or disapprove the application.

3. Notify the applicant, in writing, of its final decision.

4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

(e) A political subdivision may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under par. (b) 6.

(f) A party who is aggrieved by the final decision of a political subdivision under par. (d) 2. may bring an action in the circuit court of the county in which the proposed activity, which is the subject of the application, is to be located.

(g) If an applicant provides a political subdivision with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the setback or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the political subdivision provides the applicant with substantial evidence that the engineering certification is flawed.

(h) A political subdivision may regulate the activities described under par. (a) only as provided in this section.

(i) If a political subdivision has in effect on July 2, 2013, an ordinance that applies to the activities described under par. (a) and the ordinance is inconsistent with this section, the ordinance does not apply to, and may not be enforced against, the activity.

(3) COLLOCATION ON EXISTING SUPPORT STRUCTURES. (a) 1. A class 2 collocation is a permitted use under ss. 59.69, 60.61, and 62.23.

2. If a political subdivision has in effect on July 2, 2013, an ordinance that applies to a class 2 collocation and the ordinance is inconsistent with this section, the ordinance does not apply to, and may not be enforced against, the class 2 collocation.

3. A political subdivision may regulate a class 2 collocation only as provided in this section.

4. A class 2 collocation is subject to the same requirements for the issuance of a building permit to which any other type of commercial development or land use development is subject.

(b) If an applicant submits to a political subdivision an application for a permit to engage in a class 2 collocation, the application shall contain all of the information required under sub. (2) (b) 1. to 3., in which case the political subdivision shall consider the application complete. If any of the required information is not in the application, the political subdivision shall notify the applicant in writing, within 5 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

(c) Within 45 days of its receipt of a complete application, a political subdivision shall complete all of the following or the applicant may consider the application approved, except that the applicant and the political subdivision may agree in writing to an extension of the 45 day period:

1. Make a final decision whether to approve or disapprove the application.

2. Notify the applicant, in writing, of its final decision.

3. If the application is approved, issue the applicant the relevant permit.

4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

(d) A party who is aggrieved by the final decision of a political subdivision under par. (c) 1. may bring an action in the circuit court of the county in which the proposed activity, which is the subject of the application, is to be located.

(4) LIMITATIONS. With regard to an activity described in sub. (2) (a) or a class 2 collocation, a political subdivision may not do any of the following:

- (a) Impose environmental testing, sampling, or monitoring requirements, or other compliance measures for radio frequency emissions, on mobile service facilities or mobile radio service providers.

- (b) Enact an ordinance imposing a moratorium on the permitting, construction, or approval of any such activities.

- (c) Enact an ordinance prohibiting the placement of a mobile service support structure in particular locations within the political subdivision.

- (d) Charge a mobile radio service provider a fee in excess of one of the following amounts:

1. For a permit for a class 2 collocation, the lesser of \$500 or the amount charged by a political subdivision for a building permit for any other type of commercial development or land use development.

2. For a permit for an activity described in sub. (2) (a), \$3,000.

- (e) Charge a mobile radio service provider any recurring fee for an activity described in sub. (2) (a) or a class 2 collocation.

- (f) Permit 3rd party consultants to charge the applicant for any travel expenses incurred in the consultant's review of mobile service permits or applications.

- (g) Disapprove an application to conduct an activity described under sub. (2) (a) based solely on aesthetic concerns.

- (gm) Disapprove an application to conduct a class 2 collocation on aesthetic concerns.

- (h) Enact or enforce an ordinance related to radio frequency signal strength or the adequacy of mobile service quality.

- (i) Impose a surety requirement, unless the requirement is competitively neutral, nondiscriminatory, and commensurate with the historical record for surety requirements for other facilities and structures in the political subdivision which fall into disuse. There is a rebuttable presumption that a surety requirement of \$20,000 or less complies with this paragraph.

- (j) Prohibit the placement of emergency power systems.

- (k) Require that a mobile service support structure be placed on property owned by the political subdivision.

- (L) Disapprove an application based solely on the height of the mobile service support structure or on whether the structure requires lighting.

- (m) Condition approval of such activities on the agreement of the structure or mobile service facility owner to provide space on or near the structure for the use of or by the political subdivision at less than the market rate, or to provide the political subdivision other services via the structure or facilities at less than the market rate.

- (n) Limit the duration of any permit that is granted.

- (o) Require an applicant to construct a distributed antenna system instead of either constructing a new mobile service support structure or engaging in collocation.

66.0404 MUNICIPAL LAW

Updated 13–14 Wis. Stats. 48

(p) Disapprove an application based on an assessment by the political subdivision of the suitability of other locations for conducting the activity.

(q) Require that a mobile service support structure, existing structure, or mobile service facilities have or be connected to backup battery power.

(r) Impose a setback or fall zone requirement for a mobile service support structure that is different from a requirement that is imposed on other types of commercial structures.

(s) Consider an activity a substantial modification under sub. (1) (s) 1. or 2. if a greater height is necessary to avoid interference with an existing antenna.

(t) Consider an activity a substantial modification under sub. (1) (s) 3. if a greater protrusion is necessary to shelter the antenna from inclement weather or to connect the antenna to the existing structure by cable.

(u) Limit the height of a mobile service support structure to under 200 feet.

(v) Condition the approval of an application on, or otherwise require, the applicant's agreement to indemnify or insure the political subdivision in connection with the political subdivision's exercise of its authority to approve the application.

(w) Condition the approval of an application on, or otherwise require, the applicant's agreement to permit the political subdivision to place at or collocate with the applicant's support structure any mobile service facilities provided or operated by, whether in whole or in part, a political subdivision or an entity in which a political subdivision has a governance, competitive, economic, financial or other interest.

(5) **APPLICABILITY.** If a county enacts an ordinance as described under sub. (2) the ordinance applies only in the unincorporated parts of the county, except that if a town enacts an ordinance as described under sub. (2) after a county has so acted, the county ordinance does not apply, and may not be enforced, in the town, except that if the town later repeals its ordinance, the county ordinance applies in that town.

History: 2013 a. 20, 173.

66.0405 Removal of rubbish. Cities, villages and towns may remove ashes, garbage, and rubbish from such classes of places in the city, village or town as the board or council directs. The removal may be from all of the places or from those whose owners or occupants desire the service. Districts may be created and removal provided for certain districts only, and different regulations may be applied to each removal district or class of property. The cost of removal may be funded by special assessment against the property served, by general tax upon the property of the respective districts, or by general tax upon the property of the city, village or town. If a city, village or town contracts for ash, garbage or rubbish removal service, it may contract with one or more service providers.

History: 1993 a. 246; 1999 a. 150 s. 119; Stats. 1999 s. 66.0405.

66.0406 Radio broadcast service facility regulations.

(1) **DEFINITIONS.** In this section:

(a) "Political subdivision" means any city, village, town, or county.

(b) "Radio broadcast services" means the regular provision of a commercial or noncommercial service involving the transmission, emission, or reception of radio waves for the transmission of sound or images in which the transmissions are intended for direct reception by the general public.

(c) "Radio broadcast service facilities" means commercial or noncommercial facilities, including antennas and antenna support structures, intended for the provision of radio broadcast services.

(2) **LIMITATIONS ON LOCAL REGULATION.** Beginning on May 1, 2013, if a political subdivision enacts an ordinance, adopts a resolution, or takes any other action that affects the placement, construction, or modification of radio broadcast service facilities, the

ordinance, resolution, or other action may not take effect unless all of the following apply:

(a) The ordinance, resolution, or other action has a reasonable and clearly defined public health or safety objective, and reflects the minimum practical regulation that is necessary to accomplish that objective.

(b) The ordinance, resolution, or other action reasonably accommodates radio broadcast services and does not prohibit, or have the effect of prohibiting, the provision of such services in the political subdivision.

(3) **CONTINUED APPLICATION OF EXISTING REGULATIONS.** If a political subdivision has in effect on May 1, 2013, an ordinance or resolution that is inconsistent with the requirements that are specified in sub. (2) for an ordinance, resolution, or other action to take effect, the existing ordinance or resolution does not apply, and may not be enforced, to the extent that it is inconsistent with the requirements that are specified in sub. (2).

(4) **DENIAL OF PLACEMENT, CONSTRUCTION, OR MODIFICATION OF FACILITIES.** If a political subdivision denies a request by any person to place, construct, or modify radio broadcast service facilities in the political subdivision, the denial may be based only on the political subdivision's public health or safety concerns. The political subdivision must provide the requester with a written denial of the requester's request, and the political subdivision must provide the requester with substantial written evidence which supports the reasons for the political subdivision's action.

History: 2013 a. 20; 2013 a. 173 s. 33.

66.0407 Noxious weeds. (1) In this section:

(a) "Destroy" means the complete killing of weeds or the killing of weed plants above the surface of the ground by the use of chemicals, cutting, tillage, cropping system, pasturing livestock, or any or all of these in effective combination, at a time and in a manner as will effectually prevent the weed plants from maturing to the bloom or flower stage.

(b) "Noxious weed" means Canada thistle, leafy spurge, field bindweed, any weed designated as a noxious weed by the department of natural resources by rule, and any other weed the governing body of any municipality or the county board of any county by ordinance or resolution declares to be noxious within its respective boundaries.

(3) A person owning, occupying or controlling land shall destroy all noxious weeds on the land. The person having immediate charge of any public lands shall destroy all noxious weeds on the lands. The highway patrolman on all federal, state or county trunk highways shall destroy all noxious weeds on that portion of the highway which that highway patrolman patrols. The town board is responsible for the destruction of all noxious weeds on the town highways.

(4) The chairperson of each town, the president of each village and the mayor or manager of each city may annually on or before May 15 publish a class 2 notice, under ch. 985, that every person is required by law to destroy all noxious weeds, as defined in this section, on lands in the municipality which the person owns, occupies or controls. A town, village or city which has designated as its official newspaper or which uses for its official notices the same newspaper as any other town, village or city may publish the notice under this subsection in combination with the other town, village or city.

(5) This section does not apply to Canada thistle or annual noxious weeds that are located on land that the department of natural resources owns, occupies or controls and that is maintained in whole or in part as habitat for wild birds by the department of natural resources.

History: 1975 c. 394 s. 12; 1975 c. 421; Stats. 1975 s. 66.96; 1983 a. 112, 189; 1989 a. 56 s. 258; 1991 a. 39, 316; 1997 a. 287; 1999 a. 150 ss. 617 to 619; Stats. 1999 s. 66.0407; 2009 a. 55.

Proposed Kesting Court Cell Tower

We, the undersigned people, ask that the proposed 85 foot cell tower to be erected by Central States Tower III & Verizon Wireless on the southeast portion of a property located at 2718 N Meade Street in Appleton (tax parcel 311402500) be moved to an alternative site in the area that would be more appropriate and safer for the residents of the adjacent neighborhood

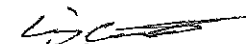



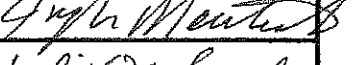
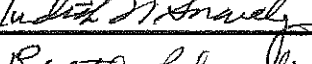
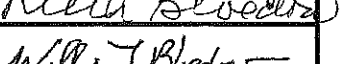
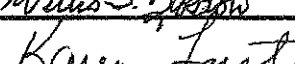
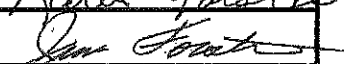
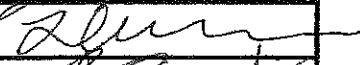



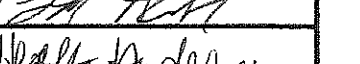
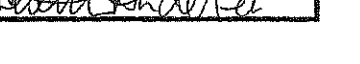

We are concerned that the proposed site, which adjoins Kesting Court to the east, is immediately adjacent to a residential neighborhood where young families with small children live.

We are concerned about the effects of the proposed tower location on neighborhood property values.

We are very concerned about the unknown risks to residents' health, especially for pregnant women and small children posed by high exposure to radiofrequency energy.

We are concerned that, in the event of a mechanical failure, all or some parts of the tower structure could actually fall on neighboring homes (the closest home is 38 feet from the actual center of the proposed site)

We believe that there are alternative sites in the area that would be safer and more appropriate for a proposed cell tower and therefore request that an alternative site analysis be done to find the safest and most appropriate site for this tower.

Name	Address	Phone Number	Signature
Craig Coggeshall	2700 Kesting Ct	920-427-3487	
Ann Behrke	2624 Kesting Ct	920-739-1090	
Joanne Schwabe	2608 Kesting Ct	920-731-9109	
Chris Turner	2600 Kesting CT	864-266-7019	
Joe MARETECH	2512 Kesting Ct	920 739 8014	
Judy Dravely	2520 Kesting Ct	920-749-9303	
Rita Bloodor	820 E. Pershing	920-739-2275	
Willis J. Bloodor	820 E. Pershing	920-739-2275	
Karen Foster	810 E. Pershing	920-470-3337	
Jan Foust	810 E Pershing St	920 470 3330	
Lee VuLee	800 E. Pershing St.	920-202-3795	
Thue Lee	800 E. Pershing St.	920-202-3795	
Chase Beschta	2516 N Meade St	920-562-1162	
Kelly Beschta	2516 N. Meade St.	(920) 233-5215	
Lloyd Anderson	2524 N. Meade St.	(920) 284-6123	
Heather Anderson	2524 N. Meade St.	920-284-6123	

Proposed Kesting Court Cell Tower

We, the undersigned people, ask that the proposed 85 foot cell tower to be erected by Central States Tower III & Verizon Wireless on the southeast portion of a property located at 2718 N Meade Street in Appleton (tax parcel 311402500) be moved to an alternative site in the area that would be more appropriate and safer for the residents of the adjacent neighborhood

We are concerned that the proposed site, which adjoins Kesting Court to the east, is immediately adjacent to a residential neighborhood where young families with small children live.

We are concerned about the effects of the proposed tower location on neighborhood property values.

We are very concerned about the unknown risks to residents' health, especially for pregnant women and small children posed by high exposure to radiofrequency energy.

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We believe that there are alternative sites in the area that would be safer and more appropriate for a proposed cell tower and therefore request that an alternative site analysis be done to find the safest and most appropriate site for this tower.

Name	Address	Phone Number	Signature
HUNTER JCATZ	2400 N Meade	920-288-4462	[Signature]
Ida Jones	2624 N. Meade	920-739-3042	[Signature]
Jeanne Becker	2703 Kesting Ct.	920-991-9718	[Signature]
Sue Van Vorst	2102 S Kesting Ct.	920-749-1895	[Signature]
Joe Van Vorst	2625 Kesting Ct.	"	[Signature]
Brian Hill	2617 Kesting	920-246-6259	[Signature]
Nichelle VerBruggen	2609 Kesting Ct.	920-213-2533	[Signature]
DAVID BRINKMAN	2616 KESTING CT	920-450-5734	[Signature]
Sara Brinkman	2616 Kesting Ct	920-739-6592	[Signature]
BT Doe			
John M. Hill	2701 Lillian Ct	414-430-7866	[Signature]
Patie Hladick	2607 Lillian Ct.	920-562-4585	[Signature]
Trevor Willico	830 E Pershing St	920-371-4792	[Signature]
SAM MURPHY	2528 LILLIAN CT	920-450-4658	[Signature]
Lisa Murphy	2528 Lillian Ct	920-450-4659	[Signature]
Matt Prochaska	2612 Lillian Ct	920-327-8533	[Signature]
Marsha Prochaska	2612 Lillian Ct	920-378-4072	[Signature]
Delany Prochaska	2713 Kesting Ct	920-716-1808	[Signature]
Ryan Ussers	2713 Kesting Ct	920-716-2405	[Signature]
Ucky Prochaska	2708 Kesting Ct	920-993-0952	[Signature]
Ucky Prochaska	2708 Kesting Ct	920-993-0952	[Signature]

Proposed Kesting Court Cell Tower

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We are concerned about the effects of the proposed tower location on neighborhood property values.

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We believe that there are alternative sites in the area that would be safer and more appropriate for a proposed cell tower and therefore request that an alternative site analysis be done to find the safest and most appropriate site for this tower.

[illegible]

West/Northwest view



proposed
tower

Visser's landscaping on
north side of their house

West/Northwest view



From Visser's' front lawn.

North View



From Visser's' front lawn

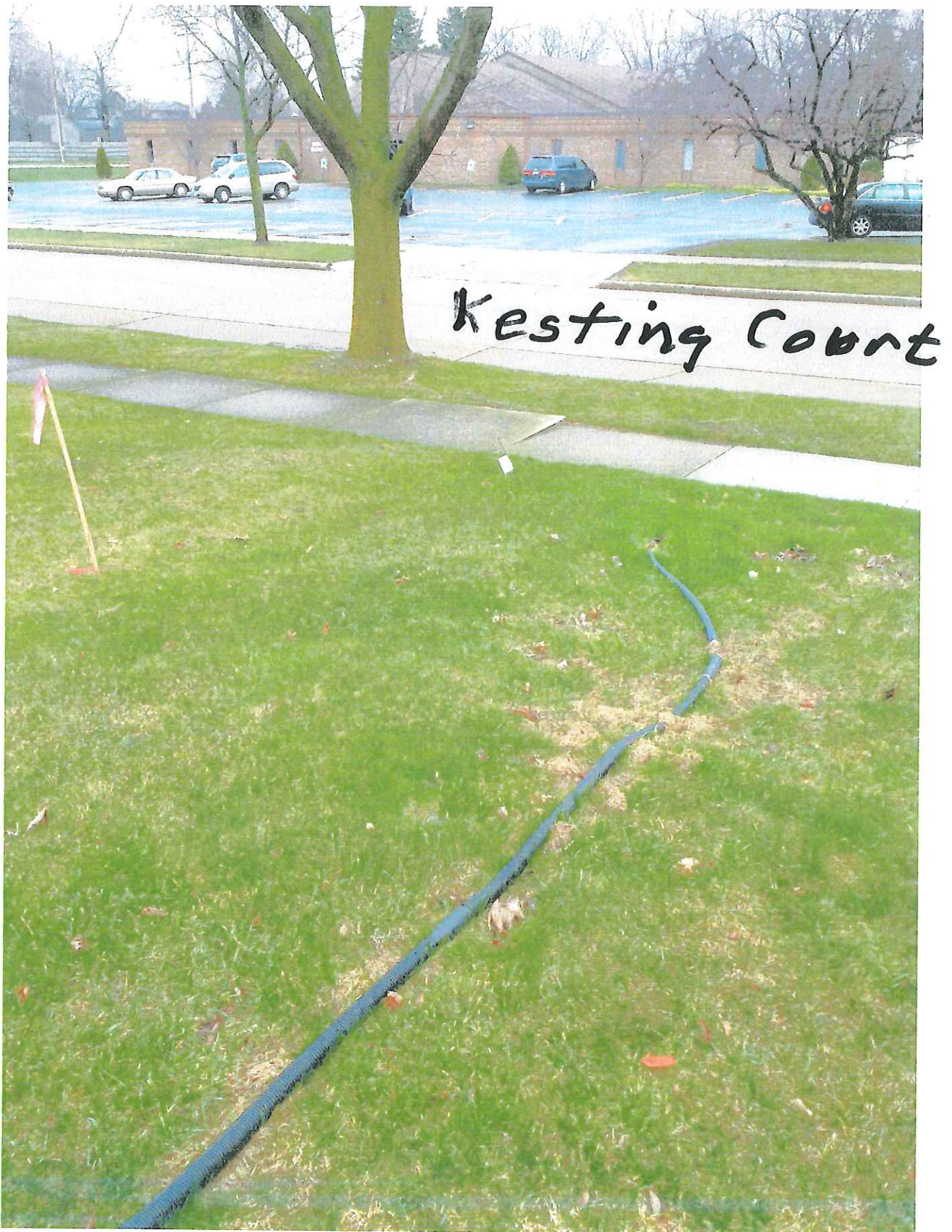
North View



From Vißers front lawn

5/6/16, 7:59 PM

East View



Kesting Court

From Visser's' front lawn.



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Meeting Date: May 9, 2016

Common Council Meeting Date: June 15, 2016 (To be reported out with Comprehensive Plan Amendment #2-16 and Rezoning #4-16)

Item: Special Use Permit #3-16 for a Community Living Arrangement (CLA) serving 24 persons in an R-3 Multi-Family Residential District

Case Manager: Jeff Towne

GENERAL INFORMATION

Owner/Applicant: Primrose Retirement Communities, owner
Corey Sauerwein, applicant

Lot/Parcel: 5715 North Meade Street (Tax Id #31-6-6100-50)

Petitioner's Request: The applicant is requesting a Special Use Permit to establish a Community Living Arrangement (CLA) serving 24 persons in an R-3 District. The 24-unit memory care facility will be licensed as a Community Based Residential Facility (CBRF).

BACKGROUND

The subject area was annexed to the City in 2004, as part of the Paltzer/Jacob Annexation with a zoning of AG Agricultural District. The property was rezoned to R-1A Single-Family District in 2013. The applicant is also requesting a Comprehensive Plan Amendment and a Rezoning to change the Future Land Use Map designation on the subject site from One and Two-Family Residential to Multi-Family Residential and the zoning to R-3 Multi-Family District.

STAFF ANALYSIS

Project Summary: The applicant proposes to construct a senior living project that will consist of 10 independent living duplex villa units, a 76-unit residential care apartment complex, and a 24-person memory care component, considered a CLA under the Zoning Ordinance.

Existing Site Conditions: The subject site is approximately 20 acres in size and has a single-family home on it. To the east, the property fronts North Meade Street, which is classified as an arterial street on the City's Arterial/Collector Plan, and Officially Mapped Spartan Drive to the north, which will be a collector street.

Petitioner's Operational Plan: The applicant has included a project summary sheet, which is attached to this report. The 24-unit memory care building will be a single-story 24,912 square foot structure with individual units ranging from 182 to 250 square feet in size. Dining, activity and kitchen facilities will be located in the structure.

Zoning Ordinance Requirements: Community Living Arrangements (CLAs) require a Special Use Permit in the R-3 Multi-Family District provided one of the following is met:

- The facility capacity is sixteen (16) or more persons (per Section 23-96(e) of the Municipal Code).
- The total capacity of all CLAs in an aldermanic district has and will by the inclusion of a new CLA exceed one percent (1%) of such district population (per Section 23-52(b) (2) (a) of the Municipal Code).
- The total capacity of all CLAs in the City has and will by the inclusion of a new CLA exceed one percent (1%) of the total City population (per Section 23-52(b) (2) (b) of the Municipal Code).

Based on the applicant's proposal, the first of these conditions is met. Conditions two and three are not applicable in this case as there are currently zero licensed CLAs in District 7 and the proposed facility does not increase the overall City CLA capacity to over one percent of the population. Listed below are details explaining how the subject CLA relates to these Zoning Ordinance requirements and Aldermanic District 7.

- The proposed licensed capacity of the subject CLA is 24 persons.
- The population of the aldermanic district is 4,905 people (2010 census).
- Maximum licensed CLA capacity (1% of the aldermanic district population) is 49 persons.
- Current licensed capacity of all existing CLAs in the aldermanic district is 0 persons.
- The subject CLA will elevate the licensed CLA capacity of the aldermanic district to 24 persons.

The population of the City is approximately 72,623 people (2010 census). One percent of the total City population is 726. The licensed capacity of all existing CLAs in the City is 516, and the subject CLA will increase the CLA licensed capacity of the City to 540. The proposed capacity of the subject CLA will not exceed the one percent City capacity.

The capacity limits were set by the Wisconsin legislature in 1978 and are intended to preserve the established character of a neighborhood and community.

Surrounding Zoning and Land Uses: The surrounding area is under the jurisdiction of the City of Appleton and Town of Grand Chute. The uses are generally commercial and residential in nature.

North:	Town of Grand Chute;	Single-family residence
South:	Town of Grand Chute;	Single-family residence
West:	AG Agricultural District;	Agricultural uses
	R-1A Single-Family District;	Single-family residences
	P-I Public Institutional District;	Stormwater pond
East:	Town of Grand Chute;	Plamann Park

Appleton Comprehensive Plan 2010-2030 and Official Zoning Map: The Future Land Use Map currently shows this area to be designated for One and Two-Family Residential uses, but the owner has applied to amend the Future Land Use Map to Multi-Family Residential use and to rezone the property from its current R-1A Single-Family District to R-3 Multi-Family District. If these requests are approved, the proposed use of the subject site would then be consistent with the Future Land Use Map and Official Zoning Map.

Goal 1 – Community Growth

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

Goal 3 – Housing Quality and Affordability

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

OBJECTIVE 5.3 Housing and Neighborhoods:

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

OBJECTIVE 10.1 Land Use

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

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

Technical Review Group (TRG) Report: This item was discussed at the April 19, 2016 Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION

Staff recommends, based on the above, that Special Use Permit #3-16 for a Community Living Arrangement (CLA) serving 24 persons located at 5715 North Meade Street, north of the intersection of Edgewood Drive (JJ) and Meade Street (Tax Id #31-6-6100-50), **BE APPROVED** to run with the land, subject to the following conditions:

1. Any deviations from the approved development plan may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.
2. 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.
3. All applicable codes, ordinances, and regulations, including but not limited to Fire and Building Codes, shall be complied with. Prior to the issuance of a Certificate of Occupancy, the operator of the CLA shall provide the Inspections Supervisor with a copy of a valid license from the Wisconsin Department of Health Services.

Primrose Community of Appleton PROJECT SUMMARY

The proposed Primrose senior living project will consist of 76 unit, (36 independent units and 40 assisted living units) two-story apartment building with a one story linked parking garage, a 24 unit stand-alone memory care and 10 independent living villa buildings with attached garages providing housing for seniors. The project will also have a stand-alone clubhouse building meant for gathering and socializing for the residents occupying the villas.

The 76 unit IL/AL apartment building will be licensed as an RCAC and the 24 unit memory care will be licensed as a CBRF.

The independent living apartments located in the two-story building will range from 750 to 1000 sq. ft. respectively for 1 & 2 bedroom. Every apartment will have a balcony/patio, central air and private washer/dryer hookups. The apartments will have full kitchens with refrigerator, range and garbage disposal.

The assisted living apartments located in the two-story building will range from 525 sq ft to 850 sq ft respectively for a studio and 1 bedroom. All the apartments have a kitchenette, central air/heat and their own private bath.

The villa living units will be a duplex style, 2 bedroom apartment homes with an approximate size of 1,500 square feet. Every villa will have an attached garage; patio, washer/dryer hookup and central air/forced air heat.

The proposed 24 assisted living units for residents with memory care issues in a one story apartment building.. The facility is to be a 24,912 s.f. single story structure with fully compliant NFPA fire sprinkler system (design to follow submission at later date). These units will range from 182 square feet to 250 square feet; all units are to be studio type. Apartments include a small fridge, central air/heat and private bath (including shower). Laundry services will be provided on site at a central location. Separate dining, activity and central kitchen are included.

An emergency call system is available for the AL residents from the larger, two-story building, as well as, the one-story memory care building to contact staff in case they need emergency services.

The assisted living residences are designed exclusively for the needs of older adults who desire the privacy of an apartment, with the security of 24-hour service.

N Meade St
Special Use Permit
Community Living Arrangement

Subject Area

N MEADE ST

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6-6200-75

6-6200-76

6-6200-77

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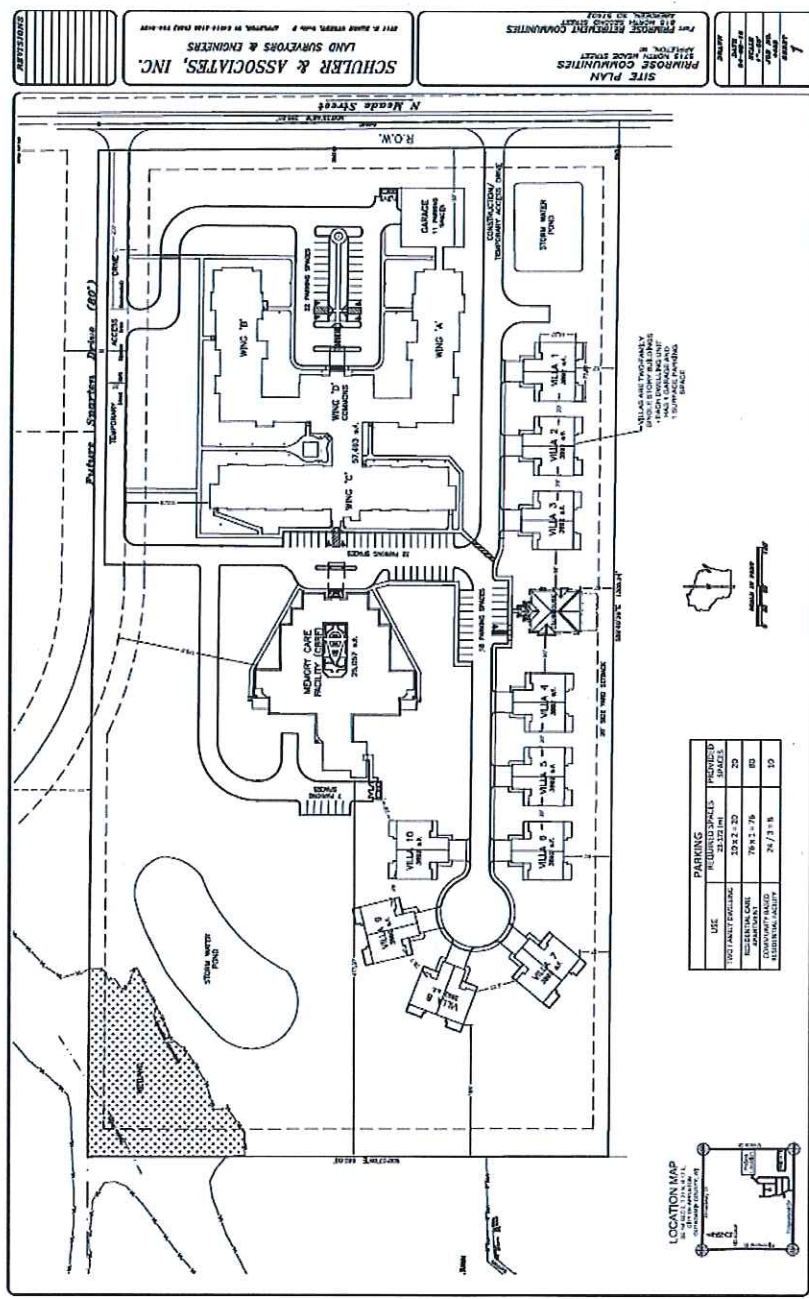
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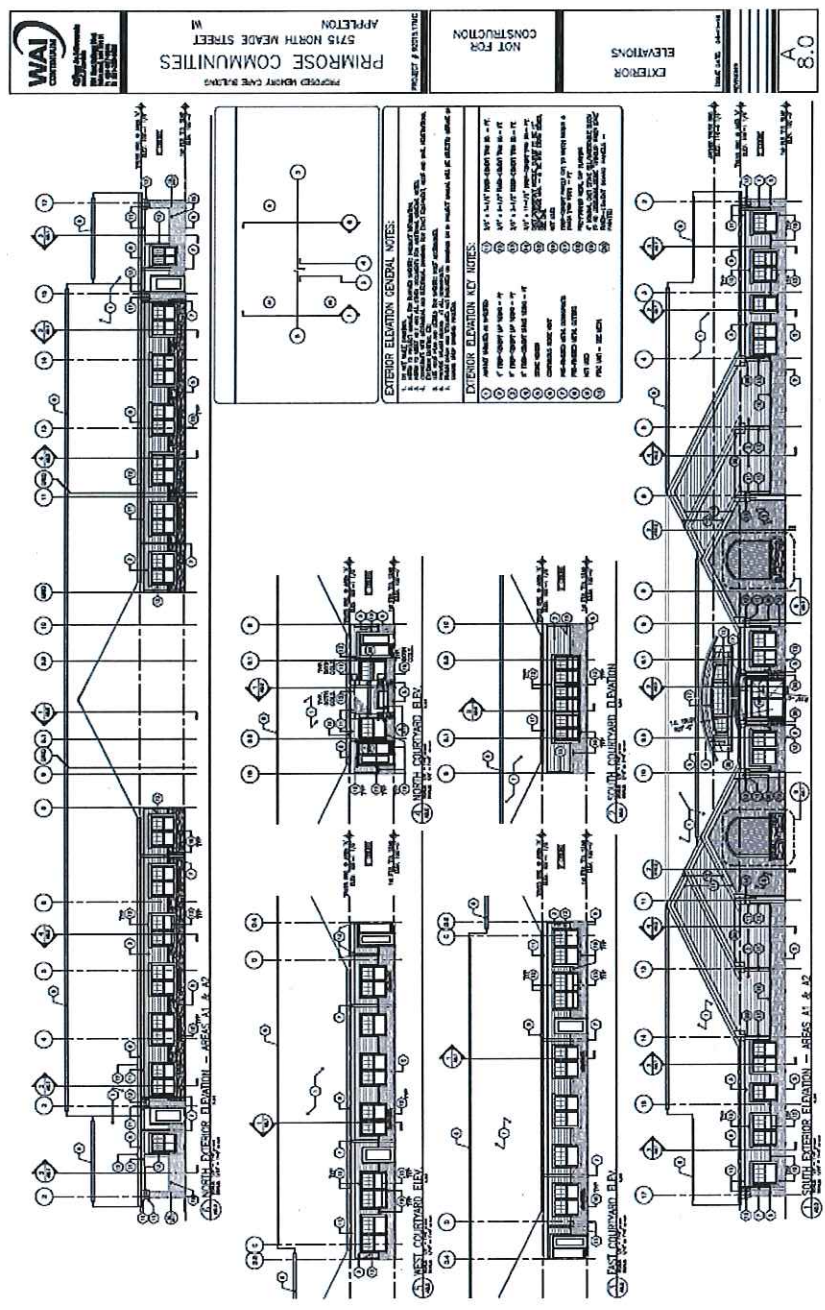
City Plan Commission
5-9-16

Special Use Permit for a Community Living Arrangement
Primrose Retirement Communities
5715 N Meade St

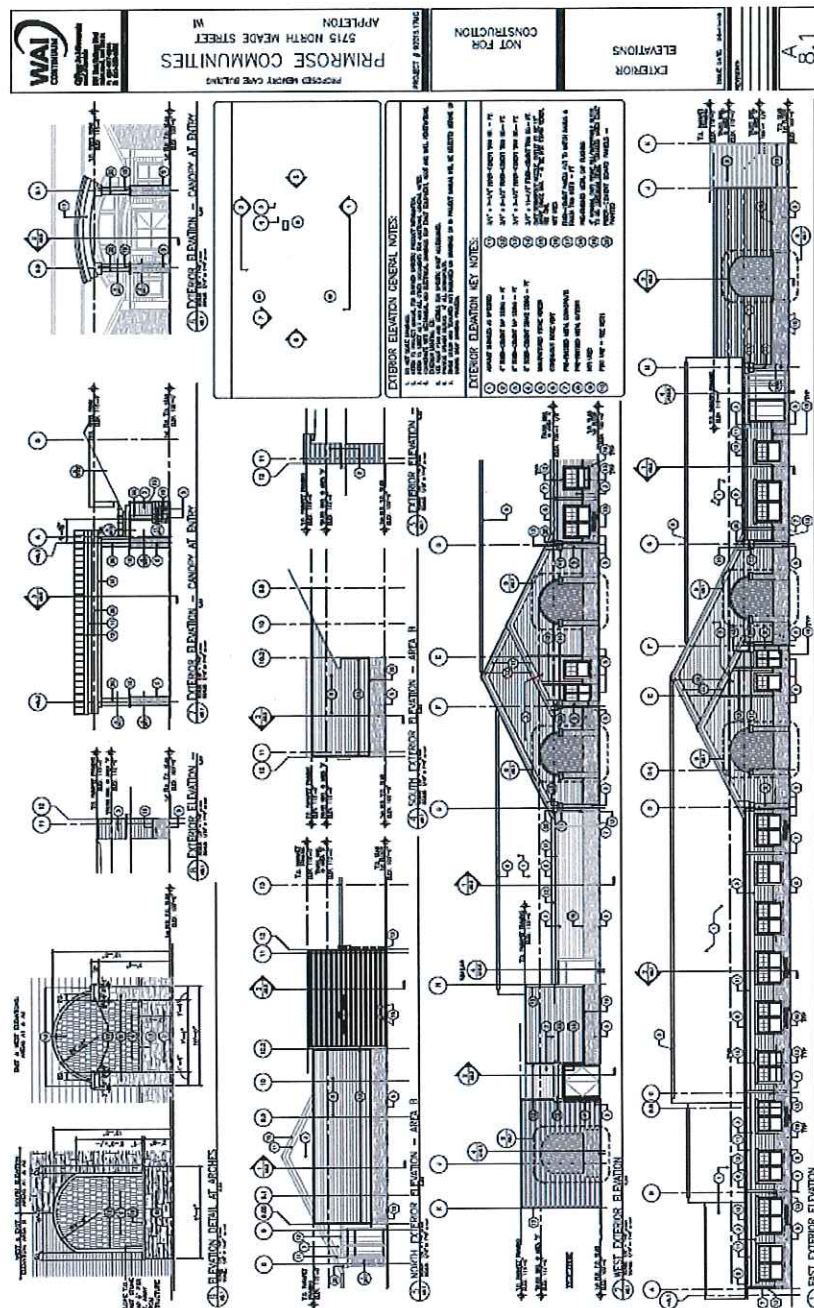




Special Use Permit for a Community Living Arrangement
Primrose Retirement Communities
5715 N Meade St



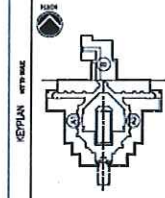
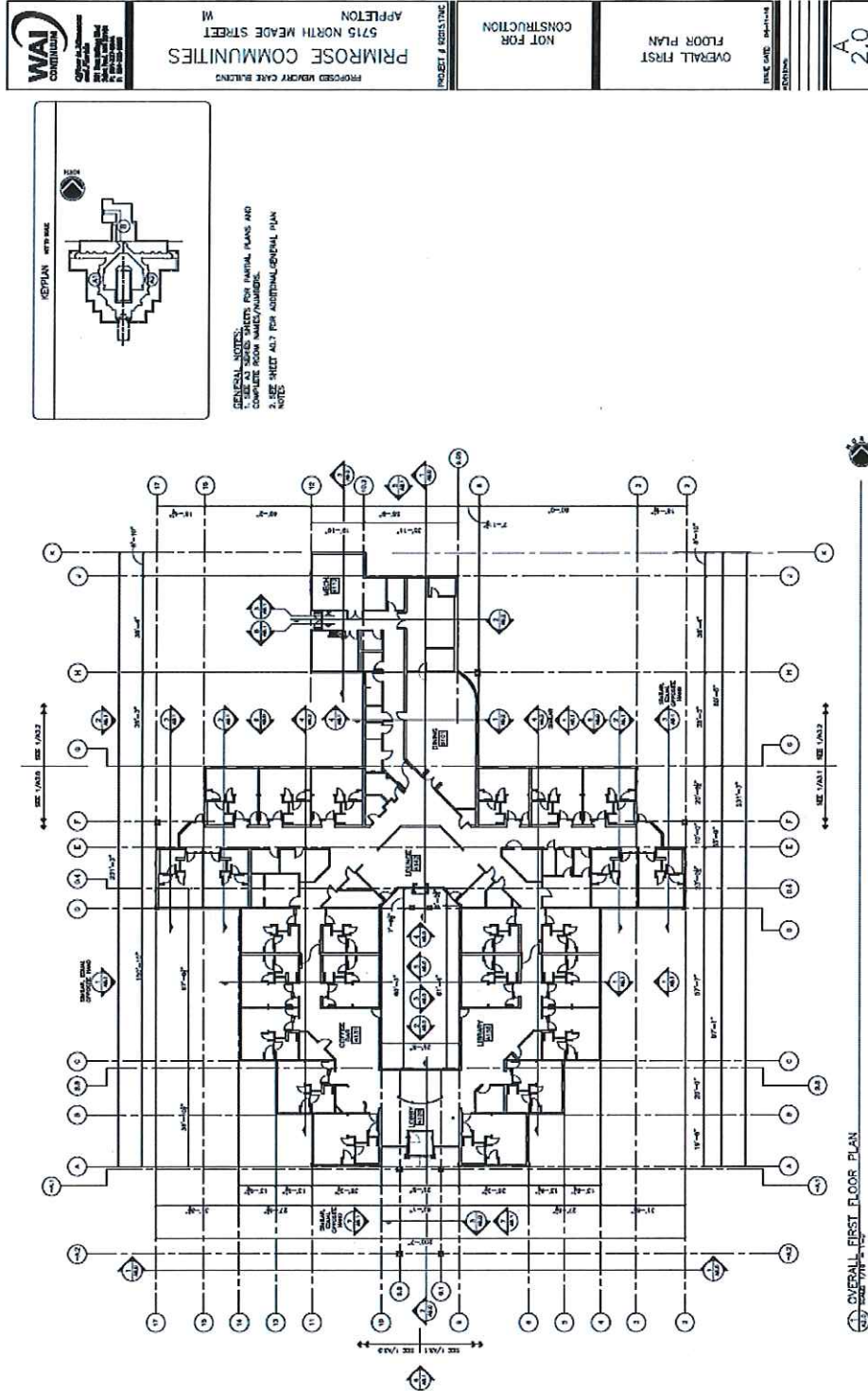
**Special Use Permit for a Community Living Arrangement
Primrose Retirement Communities
5715 N Meade St**





City Plan Commission
5-9-16

Special Use Permit for a Community Living Arrangement
Primrose Retirement Communities
5715 N Meade St



GENERAL NOTES:
1. SEE ALL RELATED SHEETS FOR PARTIAL PLANS AND
COMPLETE ROOM NUMBERS.
2. SEE SHEET A17 FOR AUXILIARY GENERAL PLAN
PLOT

KEEP PLAN WITH BUREAU



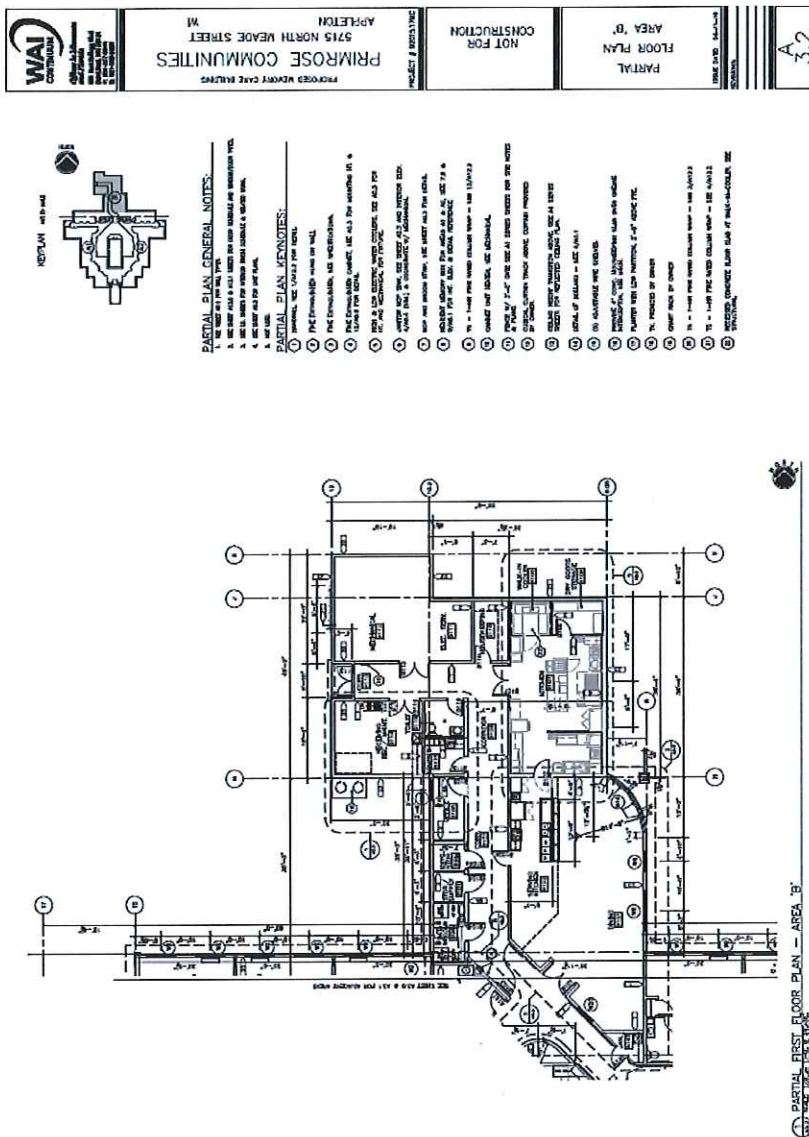
PROJECT & EXISTING
APPLETON
5715 NORTH MEADE STREET
W
PRIMROSE COMMUNITIES
PROPOSED NEW/RENT CARE BUILDING
NOT FOR
CONSTRUCTION
OVERALL FIRST
FLOOR PLAN
DATE: 05/09/16
SCALE: 1/8\"/>

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Special Use Permit for a Community Living Arrangement
Primrose Retirement Communities
5715 N Meade St





REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Meeting Date: May 9, 2016

Common Council Public Hearing Meeting Date: June 15, 2016 (Public Hearing on Comprehensive Plan Amendment and Rezoning)

Items: City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map Amendment #2-16 and Rezoning #4-16

Case Manager: Jeff Towne

GENERAL INFORMATION

Owner/Applicant: Primrose Retirement Communities, owner
Corey Sauerwein, applicant

Lot/Parcel: 5715 North Meade Street (Tax Id #31-6-6100-50)

Petitioner's Request: The applicant is requesting to amend the City's *Comprehensive Plan 2010-2030* Future Land Use Map from the One and Two-Family Residential designation to the Multi-Family Residential designation for the subject parcel. In conjunction with this request, the applicant is also proposing to rezone the subject parcel from R-1A Single-Family District to R-3 Multi-Family District. The requests are being made to accommodate the proposed development of a senior residential care apartment complex, a memory care CLA, and villa housing units on the site.

BACKGROUND

The subject area was annexed to the City in 2004, as part of the Paltzer/Jacob Annexation with an AG Agricultural District zoning. The subject area was rezoned to R-1A Single-Family Residential District in 2013.

STAFF ANALYSIS

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

Existing Site Conditions: The subject site is approximately 20 acres in size and has a single-family home on it. The property fronts North Meade Street on the east, which is classified as an arterial street on the City's Arterial/Collector Plan, and Officially Mapped Spartan Drive to the north, which will be a collector street.

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

North:	Town of Grand Chute;	Single-family residence
South:	Town of Grand Chute;	Single-family residence
West:	AG Agricultural District;	Agricultural uses
	R-1A Single-Family District;	Single-family residences
	P-I Public Institutional District;	Stormwater pond
East:	Town of Grand Chute;	Plamann Park

Proposed Future Land Use Designation: Amendments to the Comprehensive Plan are sometimes triggered by technical corrections to omissions or errors, specific development proposals, or changing circumstances in the City. In this case, a specific development proposal for the subject site is necessitating the change to Multi-Family Residential designation.

Comprehensive Plan 2010-2030 Goals and Objectives: The *Comprehensive Plan 2010-2030* and Future Land Use Map are intended to guide City growth and development in an organized, efficient manner. The Plan addresses a range of topics related to land use, housing and neighborhoods, economic development, transportation, utilities and community facilities, and more. Evaluating the proposed amendment for consistency with relevant goals, objectives, and policies is necessary in determining if changes to the Future Land Use Map are appropriate. The proposed amendment appears to be consistent with the following excerpts from the City's *Comprehensive Plan 2010-2030*.

Goal 1 – Community Growth

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

Goal 3 – Housing Quality and Affordability

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

OBJECTIVE 5.3 Housing and Neighborhoods:

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

OBJECTIVE 10.1 Land Use:

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

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

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

- 1) **Minimum lot area:**
 - a. 6,000 square feet for single-family dwelling.
 - b. 7,000 square feet for two story two-family dwellings.
 - c. 9,000 square feet for single story two-family dwelling.
 - d. 3,000 square feet per dwelling unit for multi-family dwellings.
 - e. 7,000 square feet for all other uses.
- 2) **Maximum lot coverage:** 70%.
- 3) **Minimum lot width:**
 - a. 50 feet for single-family dwellings.
 - b. 70 feet for two-family dwellings.
 - c. 80 feet for all other uses.
- 4) **Minimum front yard:**
 - a. 20 feet.
 - b. 25 feet if located on an arterial street.
- 5) **Minimum rear yard:** 35 feet.
- 6) **Minimum side yard:**
 - a. 6 feet for single and two-family dwellings.
 - b. 20 feet all other uses.
- 7) **Minimum setback from single or two-family lot line:** 30 feet.
- 8) **Maximum building height:**
 - a. 35 feet for single and two-family dwellings.
 - b. 45 feet or all other uses.
- 9) **Minimum distance between multi-family buildings:** 12 feet.

Zoning Ordinance Review Criteria: The requests are being made to accommodate the proposed development on the site, which consists of permitted uses and a special use in the R-3 Multi-Family District. Per Section 23-40(a)(4) of the Municipal Code, no more than one principal building shall occupy a single lot, except where a lot is in a PD district or used for multi-family, educational, institutional, motel, hotel, commercial, or industrial purposes. Rezoning to the R-3 District would allow for the establishment of all of the proposed uses on the subject lot. A CLA with a capacity greater than 16 persons in the R-3 District is listed as a Special Use Permit under 23-96(e). A separate request for a Special Use Permit has been filed and is also being presented at the May 9, 2016 Plan Commission meeting.

Review Criteria: Based upon the above analysis, it would appear the criteria established by Section 23-65(d) (3) Zoning Amendments has been satisfied, provided Comprehensive Plan Future Land Use Map Amendment #2-16 is approved.

Technical Review Group (TRG) Report: These items were discussed at the April 19, 2016 Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION

Based upon the above analysis, staff recommends the proposed City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map Amendment #2-16 from One and Two-Family Residential designation to Multi-Family Residential designation and resolution, **BE APPROVED**; and

Staff recommends, based upon the standards for zoning map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning Application #4-16 to rezone the subject parcel located at 5715 North Meade Street, north of the intersection of Edgewood Drive (JJ) and Meade Street (Tax Id #31-6-6100-50) from R-1A Single-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**.

NOTE: If approved, Rezoning #4-16 will be reported out at the same Common Council meeting as the proposed Comprehensive Plan Amendment #2-16 to accurately reflect the change in future land use from One and Two-Family Residential designation to Multi-Family Residential designation.

**RESOLUTION
CITY OF APPLETON**

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

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

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

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

WHEREAS, members of the public were invited to make comments at a meeting held on May 9, 2016, by the City Plan Commission, wherein the following Comprehensive Plan amendment (Amendment #2-16) herein adopted were reviewed and commented upon by members of the public; and

WHEREAS, the City of Appleton Plan Commission has reviewed the recommended amendment to the Comprehensive Plan Future Land Use Map at a meeting held on May 9, 2016; and

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

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

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

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

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

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

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

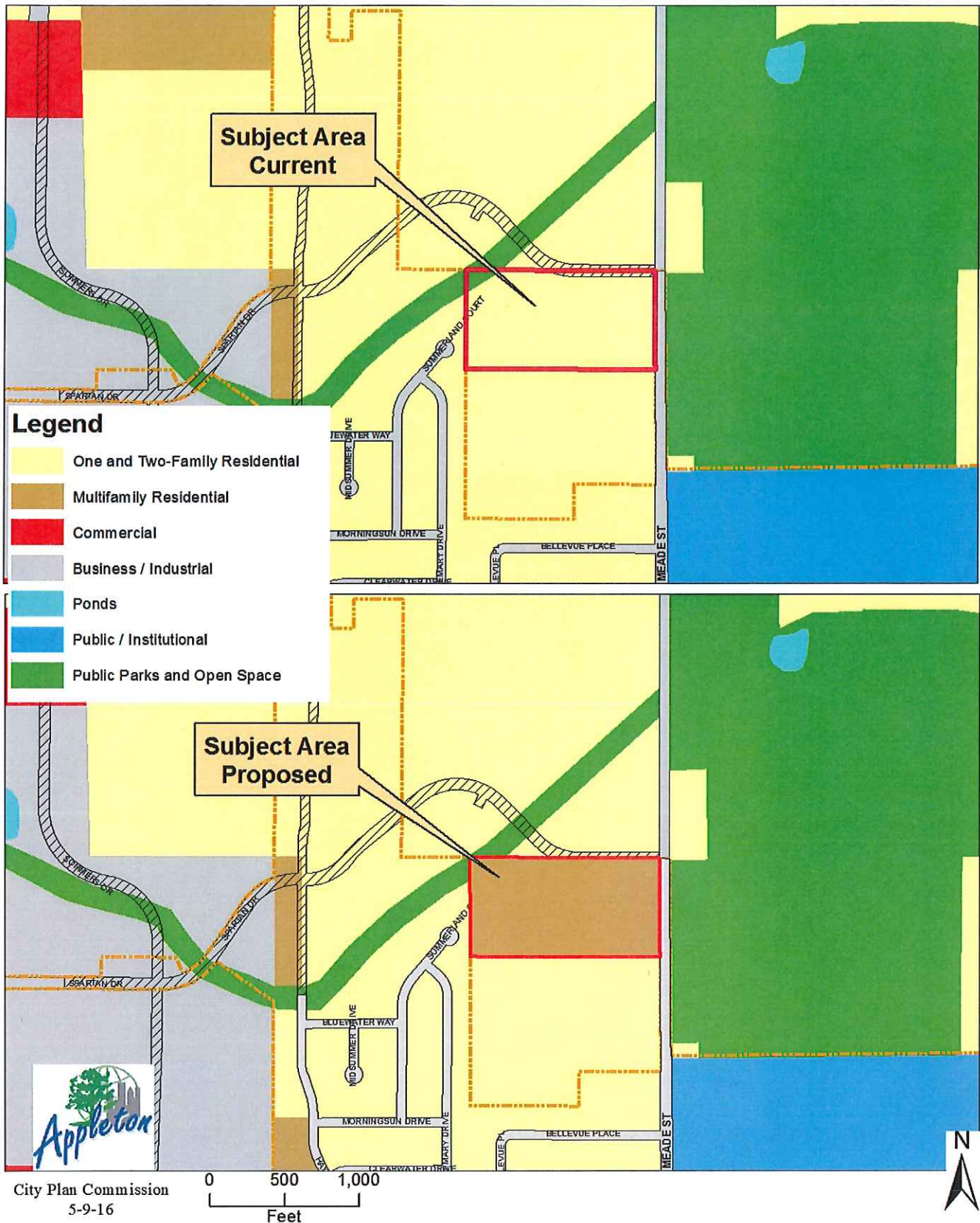
Adopted this _____ day of _____, 2016.

Timothy M. Hanna, Mayor

ATTEST:

Kami Lynch, City Clerk

N Meade St
 Future Land Use Map Amendment
 One and Two-Family Residential to Multi-Family Residential



North Meade Street Rezoning
R-1A Single-Family District to R-3 Multi-Family District
Zoning Map





REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Meeting Date: May 9, 2016

Common Council Public Hearing Meeting Date: June 15, 2016 (Public Hearing on Comprehensive Plan Amendment and Rezoning)

Items: City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map Amendment #2-16 and Rezoning #4-16

Case Manager: Jeff Towne

GENERAL INFORMATION

Owner/Applicant: Primrose Retirement Communities, owner
Corey Sauerwein, applicant

Lot/Parcel: 5715 North Meade Street (Tax Id #31-6-6100-50)

Petitioner's Request: The applicant is requesting to amend the City's *Comprehensive Plan 2010-2030* Future Land Use Map from the One and Two-Family Residential designation to the Multi-Family Residential designation for the subject parcel. In conjunction with this request, the applicant is also proposing to rezone the subject parcel from R-1A Single-Family District to R-3 Multi-Family District. The requests are being made to accommodate the proposed development of a senior residential care apartment complex, a memory care CLA, and villa housing units on the site.

BACKGROUND

The subject area was annexed to the City in 2004, as part of the Paltzer/Jacob Annexation with an AG Agricultural District zoning. The subject area was rezoned to R-1A Single-Family Residential District in 2013.

STAFF ANALYSIS

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

Existing Site Conditions: The subject site is approximately 20 acres in size and has a single-family home on it. The property fronts North Meade Street on the east, which is classified as an arterial street on the City's Arterial/Collector Plan, and Officially Mapped Spartan Drive to the north, which will be a collector street.

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

North:	Town of Grand Chute;	Single-family residence
South:	Town of Grand Chute;	Single-family residence
West:	AG Agricultural District;	Agricultural uses
	R-1A Single-Family District;	Single-family residences
	P-I Public Institutional District;	Stormwater pond
East:	Town of Grand Chute;	Plamann Park

Proposed Future Land Use Designation: Amendments to the Comprehensive Plan are sometimes triggered by technical corrections to omissions or errors, specific development proposals, or changing circumstances in the City. In this case, a specific development proposal for the subject site is necessitating the change to Multi-Family Residential designation.

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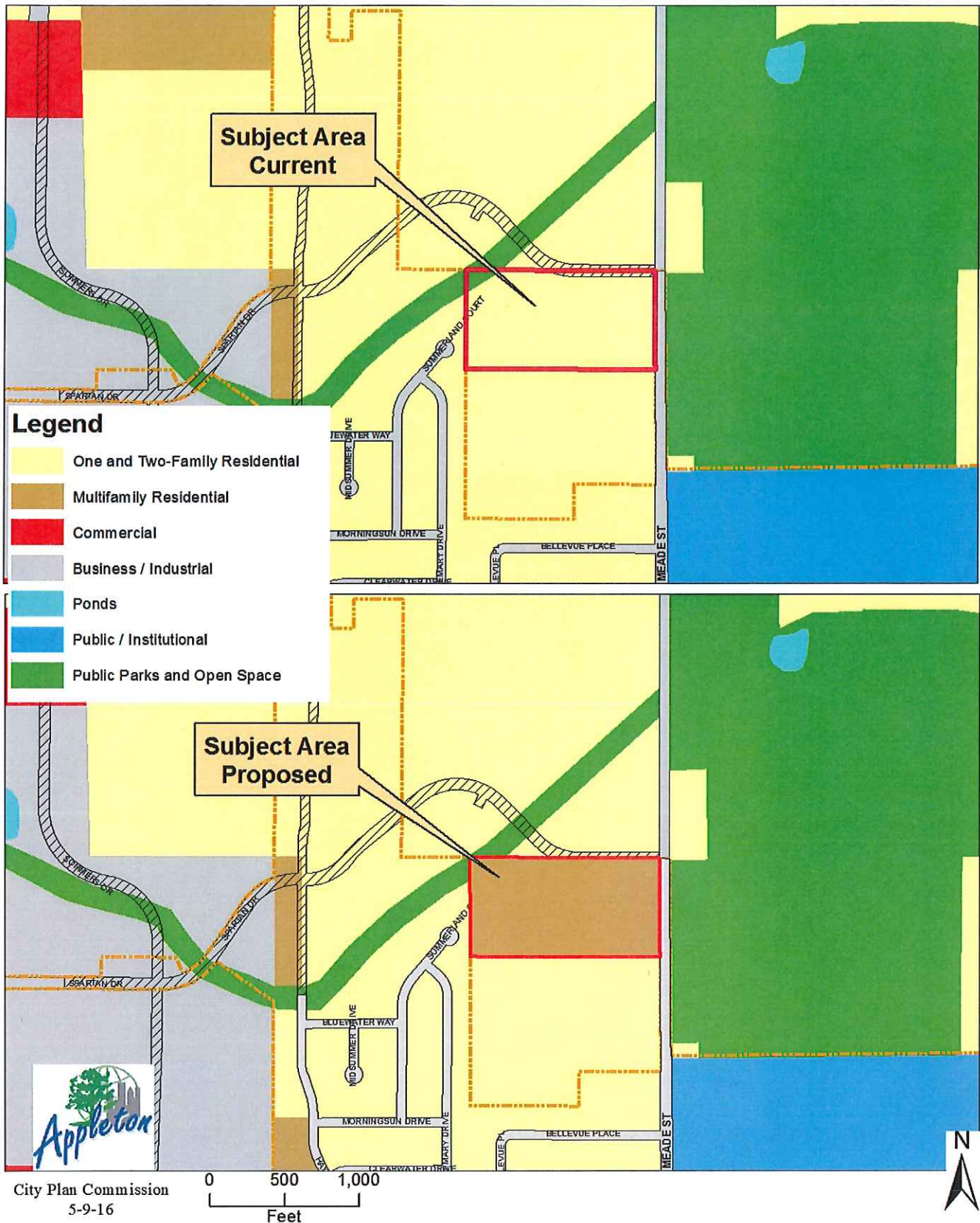
Adopted this _____ day of _____, 2016.

Timothy M. Hanna, Mayor

ATTEST:

Kami Lynch, City Clerk

N Meade St
 Future Land Use Map Amendment
 One and Two-Family Residential to Multi-Family Residential



North Meade Street Rezoning
R-1A Single-Family District to R-3 Multi-Family District
Zoning Map



PROJECT LIMITS:

3-P-16

SANITARY SEWER, STORM SEWER AND LATERALS

Glendale Avenue from Birchwood Avenue to Mason Street
Grant Street from Nicholas Street to Mason Street

In accordance with the preliminary resolution of the Common Council dated June 15, 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 **\$1,675,570.00.**

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 **\$21,660.00.**

Finance Committee



"...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

TO: Finance Committee

FROM: Dean R. Gazza

DATE: 06-07-2016

RE: Action: Award the City of Appleton Municipal Services Building "2016 HVAC Replacement Project" contract to B & P Mechanical, Inc. in the amount of \$338,800 with a contingency of \$8,400 for a contract total not to exceed \$347,200.

Action: Approve positive balance transfer of \$35,000 from the "MSB Roof Replacement Project" to "MSB HVAC Replacement Project."

Action: Approve positive balance transfer of \$30,000 from the "Fire Stations #3 and #5 Exterior Lighting Project" to "MSB HVAC Replacement Project."

The 2016 Capital Improvement Plan includes \$295,000 for replacing the HVAC system at the Municipal Services Building. The project includes installing a new variable air volume distribution system and new rooftop units to the offices. The existing HVAC system is at the end of its life cycle, and is energy inefficient compared to the proposed system. This project will also include the replacement of existing ceiling tiles, office lighting, and incorporate the HVAC system into the backup generator system.

The bids were received as follows:

B & P Mechanical, Inc. (low bid)	\$338,800
Great Lakes Mechanical, Inc.	\$377,200
Reeke-Marold Company	\$390,795

During design phase it was determined that an additional roof top unit is required and that this area should be served by back-up power during emergencies, thus raising the anticipated cost of this project. We are requesting to utilize positive variances from the Municipal Roof Project and the Fire Stations #3 and #5 Exterior Lighting Upgrade Projects that had bid below estimates.

Our consulting engineer has written the City of Appleton a formal letter of recommendation to award the contract to B & P Mechanical, Inc. Therefore, the Parks, Recreation, and Facilities

Management Department recommends awarding the contract to B & P Mechanical, Inc. in the amount of \$338,800 plus a contingency of \$8,400 only to be utilized as needed.

Please contact me at 832-5572 or at dean.gazza@appleton.org with any questions.



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

**PARKS, RECREATION & FACILITIES
MANAGEMENT**

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Please contact me at 832-5572 or at dean.gazza@appleton.org with any questions.



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: June 2, 2016

Re: Request to approve entering an intergovernmental agreement with the Appleton Area School District for the purpose of the joint establishment, operation and cost sharing of an employee health clinic.

The City of Appleton and the Appleton Area School District agree in principal to the following key terms for the joint establishment, operation and cost sharing of an employee health clinic:

*Three year term with automatic renewal for successive one year terms unless notification of termination by either party.

*The Agreement Administrators shall be:
City: Director of Human Resources
District: Chief Financial Officer

*Each party will enter into a services contract with ThedaCare for the initial three year term to staff and operate the clinic.

*The parties will create an Advisory Group consisting of one or more representatives of each party to meet and discuss operation of the Clinic, scope of services, staffing, hours of operation, pricing, Provider Contracts and all other provisions necessary or beneficial to the operation of the clinic.

*Payment of Fees and Improvements by the parties (startup costs for equipment, supplies and furniture):
City: 50%
District: 50%

*Payment of Office Lease Expenses:
City: 29%

District: 71%

*Payment of Health Provider Expenses:

City: 29%

District: 71%

*Parties agree to review the previous six month's usage by each party's employees and determine an appropriate adjustment to the percentage paid by each Party. Percentages shall approximately represent clinic use by the respective Parties' employees.

*Parties agree to a minimum contribution percentage regardless of actual clinic use:

City: 15%

District: 50%

*Payment of expenses for special services shall be the responsibility solely of the party requiring the program or service

*Withdrawal by either party after the initial term of the agreement shall be 90 days.

The District's Legal Staff is still reviewing the draft agreement (attached). If any substantive changes are negotiated subsequent to Council's approval of the terms outlined above, the modifications would be brought back to the Council for approval.

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

**INTERGOVERNMENTAL COOPERATION AGREEMENT
UNDER WIS. STATS. SEC. 66.0301
FOR OPERATION OF AN EMPLOYEE HEALTH CLINIC**

This Intergovernmental Cooperation Agreement (“**Agreement**”) is entered into as of the 16th day of June, 2016 (“**Effective Date**”), by and between the CITY OF APPLETON, Outagamie County, Wisconsin (“**City**”) and the APPLETON AREA SCHOOL DISTRICT (“**District**”), all of which are political subdivisions of the State of Wisconsin and are organized and existing pursuant to the Wisconsin Constitution, and enter into this Agreement under the authority granted in Wis. Stats. § 66.0301 for the purpose of establishing a clinic to provide health and wellness services to its employees. The City and the District, and any additional members pursuant to Article 4 hereunder, are each sometimes referred to herein as a “**Party**” and collectively as the “**Parties**”.

RECITALS

WHEREAS, the Parties wish to cooperate in the provision of health and wellness services for members of the Parties’ health plans through the operation of an employee health and wellness clinic (“**Clinic**”), with the aims of better controlling health care expense and achieving more healthful and productive employees, to the mutual benefit of the Parties and their employees and taxpayers; and

WHEREAS, the Provider of the Clinic intends to lease agreed-upon premises located at 1818 N. Meade Street, Suite 120, Appleton, Outagamie County, Wisconsin (“**Property**”); and

WHEREAS, the Parties wish to have the Provider assist the Parties by establishing and operating a wellness clinic at the Property and provide other value-added services, which will be designed to assist the Parties in supplementing the current health benefit plans offered to the Parties’ respective employees, as well as reduce occupational medicine costs associated with workers’ compensation and decreasing lost productivity due to illness-related absences; and

WHEREAS, such Agreement may bind the Parties for the length of time herein specified;

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing, the Parties agree as follows:

**ARTICLE I
AGREEMENT TERM AND ADMINISTRATION**

1.1 Agreement Term. The term of this Agreement (the “**Initial Term**”) shall begin on the Effective Date and end on August 15, 2019. Unless terminated by any Party pursuant to Section 4.1(a) of this Agreement, or modified in writing approved by all Parties hereto, this

Agreement will automatically renew for successive one-year Subsequent Terms on August 15, 2019, and each August 15th thereafter.

1.2 Agreement Administrators. The following individuals are hereby designated as the official Agreement Administrator for the Party identified. These individuals shall be authorized to make decisions regarding operation of the Clinic and administration of this Agreement, not inconsistent with this Agreement, with the Provider Contracts, and with the authority granted to them by their respective governing body, and may accept service of any official notice required under this Agreement or any amendment, addendum, or exhibit thereto.

Chief Financial Officer, Appleton Area School District
Director of Human Resources, City of Appleton, Wisconsin.

Any Party may replace an Agreement Administrator upon written notice to all other Parties.

ARTICLE II OPERATION OF CLINIC

2.1 Contract with the Provider. Each of the Parties shall enter into a services contract (“**Provider Contracts**”) with a health services provider (“**Provider**”) to staff and operate the Clinic. The Provider Contracts shall be for a term at least equal to the Initial Term of this Agreement. At the time this Agreement was drafted it was anticipated that the Provider during the initial term of this Agreement will be ThedaCare, Inc., but the selection of the Provider and the terms and negotiation of the Provider Contracts are the responsibility of the Parties. The Provider Contracts shall establish the scope of services, staffing, hours of operation, pricing, insurance requirements, indemnification and other provisions necessary for the operation of the Clinic by the Provider.

2.2 Advisory Group. The Parties hereby authorize and direct the creation of an Advisory Group (“**Advisory Group**”) consisting of one or more representatives of each Party, as designated by that Party’s chief executive officer. The Advisory Group will meet quarterly to discuss operation of the Clinic, including, without limitation, the scope of services, staffing, hours of operating, pricing, Provider Contracts, and all other provisions necessary or beneficial for the operation of the Clinic. Other interested persons, such as but not limited to consultants, may be invited to attend Advisory Group meetings by agreement of the Parties.

The Advisory Group shall not have any authority to exercise any governmental authority, may not make financial commitments on behalf of any Party, and may not act on behalf of or bind any Party or any Party’s officers, agents, managers, or elected officials in any regard whatsoever. The Advisory Group may discuss the Clinic operation as well as each Party’s management of their Provider Contracts in an effort to coordinate the overall Clinic operation in the most beneficial manner possible. The Advisory Group may not require any Party to take any action.

ARTICLE III
PAYMENT OF CLINIC-RELATED EXPENSES

3.1 Payment of Fees and Improvement Costs by Parties.

(a) Subject to certain terms and conditions, Provider has agreed to partially fund initial clinic startup costs for furniture, equipment and supplies. Any such startup costs that exceed direct funding from Provider shall be paid by the City and then apportioned, for reimbursement purposes, as follows:

City:	50%
District:	50%

(b) If the Parties agree that improvements should be made to the Clinic facility at the Parties' expense, then the cost of such improvements will be paid according to the same percentages as set forth in (a), unless the Parties all expressly agree in writing to a different proportion.

3.2 Payment of Office Lease Expenses.

(a) Each Party shall be responsible for paying a portion of office lease expenses for the Clinic according to the following percentages, which will remain in effect at least from the Effective Date through December 1, 2016:

City:	29%
District:	71%

3.3 Payment of Health Provider Expenses.

(a) Fees charged under the Provider Contracts for the services of nurse practitioners, physician's assistants, chiropractors, medical assistants, receptionists and the like will be paid by the Parties according to the following percentages, which will remain in effect at least from the Effective Date through December 1, 2016:

City:	29%
District	71%

(b) On or about the 1st of each September, December, March, and June thereafter, during the term of this Agreement, the Parties through the Advisory Group will examine the usage of Clinic services by employees and dependents of each Party over the past quarter and over the past four quarters (if applicable), and will consider in good faith whether the number of service hours of any category of service should be increased or decreased.

(c) On or about the 1st of each June and December the advisory group shall examine and compare the previous six months' usage by each Party's employees and determine an appropriate adjustment to the percentage paid by each Party, as set forth in sec. 3.2 and 3.3, for the next six month period. Percentages shall approximately represent clinic use by the respective Parties' employees. Periodic adjustments pursuant to this section may be automatically implemented upon mutual agreement of the Party Administrators identified in sec. 1.2.

3.4 Minimum Contribution Percentages. The Parties recognize that while payments under this Article are designed to periodically fluctuate based on each Party's respective historical usage, establishing minimum contribution amounts is necessary to also allow some stability for budgeting and planning purposes. Accordingly, regardless of actual use, each Party's contribution under Secs. 3.2 and 3.3 shall not be less than the following:

City:	15%
District:	50%

3.5 Payment of Expenses for Special Services. If any of the Parties requires a specific program or service to be developed and delivered by the Provider, then the costs allocable to that specific program or service will be the sole responsibility of the Party or Parties requiring the program or service and will not be included in the costs allocated under Section 3.3.

3.6 Time of Payment. Each Party must make each payment required under this Article to the Provider, or as directed by the Provider, within the time specified or provided for each payment under that Party's Provider Contract.

ARTICLE IV TERMINATION OF AGREEMENT; WITHDRAWAL OR EXPULSION OF PARTIES; NEW PARTIES

4.1 Withdrawal of Parties.

(a) Any Party may terminate this Agreement and withdraw as a Party at the expiration of the Initial Term, or at the expiration of any Subsequent Term, by delivering written notice of termination to the other Parties in accordance with the following provisions:

(i) The termination date ("Termination Date") shall be the last day of the then-current Initial Term or Subsequent Term, as the case may be.

(ii) The Party electing to terminate this Agreement shall deliver to the other Parties written notice of termination not later than 90 days prior to the Termination Date.

(b) Upon withdrawal, the withdrawing Party shall remain responsible for its share of costs incurred prior to the Termination Date, and will not be entitled to recoupment of the

startup costs or any subsequent improvement costs paid. The terminating Party shall continue to be responsible for all costs which survive the termination of the Provider Contract, as provided for in the Provider Contract.

4.2 Expulsion of Parties.

(a) A Party may be expelled from this Agreement for cause by majority vote of the other Parties. Cause for termination consists of a substantial breach of the terms of this Agreement or a failure to cure any Default under Article VI.

(b) Upon expulsion, the expelled Party continues to be responsible for its share of the costs of any improvements, office lease expenses, health care provider fees, and expenses for special services incurred prior to such expulsion pursuant to this Agreement until the end of the current Term unless relieved of this obligation by mutual agreement of the remaining Parties.

4.3 Addition of New Parties.

(a) After the Effective Date of this Agreement, additional municipalities (as that term is defined in Wis. Stat. § 66.0301) may join in this Agreement upon unanimous approval by the existing Parties. Approval shall be conditioned upon the adoption by the governing body of the new municipality of the terms and provision of this Agreement by resolution, with a certified copy of the resolution provided to each Party.

(b) Before a new Party joins under this Agreement pursuant to this Section, all Parties must agree to a reallocation of the percentage of fees and expenses and proportional reimbursement of any improvement costs borne by the City and District.

4.4 Disposition of Property.

(a) If a Party withdraws from this agreement and the remaining party or parties elect to continue operating the Clinic, the withdrawing party shall forfeit any ownership interest in equipment or supplies acquired by the Parties for the Clinic operation. If the Parties mutually agree to discontinue the Clinic operation, any equipment or supplies acquired by the Parties during the course of the Clinic's operation shall be disposed of in an equitable fashion with the equipment and supplies, or proceeds from the sale thereof, being divided among the Parties based upon the most recent allocations calculated pursuant to Sec. 3.1.

ARTICLE V
STATEMENT OF COMMITMENT; DISPUTE RESOLUTION

5.1 The Parties enter into this Agreement with a full understanding that the success of the Clinic depends upon the commitment of the Parties to work diligently and cooperatively to accomplish their mutual objectives with respect to the Clinic.

5.2 The Parties acknowledge and agree that they shall endeavor to resolve any and all issues that may arise under this Agreement in good faith and in a spirit of cooperation consistent with the intent of this Agreement.

5.3 In case any dispute regarding the validity, operation, enforcement, breach, or interpretation of this Agreement may arise which cannot be resolved by mutual consent of the Parties, then the Parties shall, in good faith, attempt to mediate any dispute arising out of or in connection with this Agreement with a mediator selected by and agreed upon by the Parties.

ARTICLE VI
DEFAULT

If any Party shall fail to perform, or shall violate, any covenant, term, condition, or obligation of this Agreement, and if such failure to perform or such violation shall remain uncured for a period of thirty (30) days or more after notice of such failure or violation from any other Party, then such failure or violation shall constitute a "Default" under this Agreement; provided, however, that if such failure or violation cannot reasonably be cured within the pertinent thirty (30) day period, and if the Party notified of its failure or violation thereafter immediately commences and diligently and without interruption pursues a cure of such failure or violation, then such Party shall have a reasonable period, not exceeding one hundred twenty (120) days, to cure such failure or violation before the same shall be considered a Default. In the event of any Default, each non-Defaulting Party shall, without any notice (except only the notice of failure or violation required under this Article VI), be entitled to exercise at its option--whether concurrently, successively, or in any combination any and all remedies available at law or in equity, including without limitation any one or more of the following: (i) expulsion of the defaulting Party under Section 4.2; and (ii) recovery from the defaulting Party of all cost, damage, loss, and expense (including attorneys' fees) reasonably paid or incurred by each non-Defaulting Party as a result of any such Default.

ARTICLE VII
AUTHORIZING RESOLUTIONS

This Agreement is entered into by the Parties pursuant to the authority granted under Wis. Stats. § 66.0301 and other provisions of the Wisconsin Statutes. Each Party has authorized and directed the representatives of the governing body to enter this Agreement on behalf of the Party.

ARTICLE VIII HIPAA COMPLIANCE

Each Party agrees to comply with the Health Insurance Portability and Accountability Act of 1996 and its implementing regulations (“**HIPAA**”) to the extent those regulations apply to the services provided to the Party under the Provider Contract and this Agreement. The Parties recognize the importance of protecting the privacy and security of protected health information. The Parties agree to only use and disclose protected health information in accordance with state and federal law.

ARTICLE IX RECORDS

The Parties shall maintain such records and financial statements as required by state and federal laws, rules, and regulations. The Parties shall have a duty of cooperation to each other as to access to and maintenance of such records and financial statements and all Parties agree to cooperate with one another to provide access to records and financial statements that promote the efficient provision of services by, and operation of, the Clinic.

ARTICLE X MISCELLANEOUS

10.1 No Assignment. No Party to this Agreement may assign its interest in this Agreement to any other entity or individual.

10.2 Entire Agreement; Rules of Construction. The Parties acknowledge and agree that this Agreement, including the recitals which are incorporated into and made a part of this Agreement, expresses the entire agreement between the Parties as to the subject matter of this Agreement, and that this Agreement replaces and supersedes any prior negotiations and agreements, written or oral. The Parties further acknowledge and agree that each Party has been adequately and fully represented in connection with the negotiation and execution of this Agreement, and that, accordingly, rules of interpretation that signify that an agreement shall be construed against the drafter shall not apply.

10.3 Captions. The captions or headings in this Agreement are for convenience and in no way define, limit, or describe the scope or intent of the provisions of this Agreement

10.4 Governing Law. The laws of the State of Wisconsin shall govern the interpretation and enforcement of this Agreement. Venue over any action brought under this Agreement will lie in the Circuit Court for Outagamie County.

10.5 Counterparts. This Agreement may be signed in any number of counterparts with the same effect as if the signatures were on the same instrument.

10.6 No Third-party Beneficiaries. This Agreement is entered into for the sole and exclusive benefit of the Parties. No third party (including, without limitation, any employees of the Parties) shall have, obtain, or derive from this Agreement any rights or other benefits or interests, under law, in equity, or otherwise.

10.7 No Joint Venture. Nothing contained in this Agreement shall be deemed or construed as creating a partnership or joint venture between the Parties.

10.8 Exculpatory Provision. The Parties expressly acknowledge and agree that, anything herein to the contrary notwithstanding, that no officer, director, employee, agent, or official (elected or appointed) of any Party shall have any personal liability or obligation arising out of this Agreement, and no Party shall make any claim to the contrary.

10.9 No Waiver. No failure to exercise, and no delay in exercising, any right, power, or remedy under this Agreement on the part of any Party shall operate as a waiver of such right, power, or remedy, nor shall any single or partial exercise of any right, power, or remedy preclude any other or further exercise thereof or the exercise of any other right, power, or remedy. No express waiver shall affect any event or default other than the event or default specified in such waiver, and any such waiver, to be effective, must be in writing and shall be operative only for the time and to the extent expressly provided therein. A waiver of any covenant, term, or condition contained in this Agreement shall not be construed as a waiver of any, subsequent breach of the same covenant, term, or condition.

10.10 Severability. The terms of this Agreement are severable and any determination by any court or agency having jurisdiction over the subject matter of this Agreement that results in the invalidity of any part shall not affect the remainder of the Agreement.

10.11 Indemnification. Each Party retains for itself all legal responsibility for any injuries, claims, or losses arising from or caused by the acts or omissions of its agents or employees acting within the scope of their employment. Nothing in this Agreement shall be construed as an assumption or indemnification by one Party of any legal liability of the other Party. The obligations of the Parties under this provision shall be subject to the limitations set forth in Wis. Stat. § 893.80 and Wis. Stat. § 895.46, and shall survive the expiration or termination of this Agreement.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the Effective Date.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

CITY OF APPLETON

Witness: _____
Printed Name: _____

By: _____
Timothy M. Hanna, Mayor

Witness: _____
Printed Name: _____

By: _____
Kami Lynch, City Clerk

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

Approved as to form:

Anthony D. Saucerman, Finance Director

James P. Walsh, City Attorney

APPLETON AREA SCHOOL DISTRICT

Witness: _____
Printed Name: _____

By: _____
Printed Name: _____
Title: _____

Witness: _____
Printed Name: _____

By: _____
Printed Name: _____
Title: _____

J:\Attorney\WORD\CRB\Human Resources\Employee Health Clinic\Intermunicipal Agreement - City and AASD.doc



"...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: June 3, 2016

Re: Request to approve payment to ThedaCare for the City's share of facility location expenses during the three year term that ThedaCare also provides the employee health clinic services.

The City of Appleton and the Appleton Area School District, in conjunction with ThedaCare, have located a proposed site for operation of an employee health clinic. The site is located in the AMC building at 1818 N. Meade Street Suite 120 (Formerly the Oncology Office for ThedaCare). The proposed site is very close to move-in ready and only a few modifications will need to be made. We anticipate that the tenant improvement allowance provided for in the proposal will be adequate to prepare the location for operation.

I have attached a copy of the lease proposal that outlines the terms of the lease. ThedaCare will be the lease holder and will bill the parties for their respective share of the lease costs as outlined in the Intergovernmental Agreement.

In addition to the lease costs, we anticipate a not to exceed of \$20,000 for furnishings for the clinic. Cost allocation between the parties is outlined in the Intergovernmental Agreement.

I have also attached a revised spreadsheet of the anticipated savings breakdown with the lease costs incorporated. The expenses to operate the clinic will be funded by the anticipated savings in claim costs under the City's self-funded medical plan.

If you have any questions or need additional information, please contact me directly at (920) 832-6426.



Lillibridge Healthcare Services, Inc.
820 E. Grant Street, Suite 235 / Appleton, WI 54911 / Lillibridge.com
main 920 735 7628 / fax 920 735 7633

May 16, 2016

Ms. Pam Berth
Account Executive
ThedaCare at Work
820 Association Drive
Appleton, WI 54914

Re: Lease Proposal
1818 N. Meade Street, Suite 120

Dear Pam:

We are pleased to present the following new lease proposal to you representing the space located at 1818 N. Meade Street, (MOB West), Suite 120, Appleton, WI 54911. This proposal is submitted for your review based upon the following terms and conditions and shall expire in 30 days from the date hereof:

Please understand that our rates and square footages are based on usable square footage (USF), which equals the amount of square footage within the suite. Some rates and square footages quoted in the market are done on rentable square footage (RSF) which equals the amount within the suite plus a proportionate share of the common areas. Square footages presented in Leases/Proposals that are on a rentable basis are always higher than those on a usable basis due to factoring in the common areas, but rates are generally lower. Effectively it usually comes out to be the same annual rent payment (i.e. "Rentable" Leases are written with more square footage at lower rates; "Useable" Leases are written with less square footage at slightly higher rates).

TENANT LOCATION:	1818 N. Meade Street, Suite 120 Appleton, WI 54911
LEASE COMMENCEMENT:	08/15/16
LEASE EXPIRATION:	08/31/19
LEASE TERM:	3 years, 17 days
USE:	Medical office use
LEASED PREMISES:	Approx. 4,250 USF
FULL SERVICE LEASE:	The services provided by the landlord are: <ul style="list-style-type: none">• Interior and exterior maintenance and repair of building standard items as further detailed in the Lease Agreement• Janitorial services 5 days per week• All utilities excluding telephone• Elevator service• Central heating and air conditioning during business hours



BASE RENT: Total Amount: \$23.80 / usf
Annually: \$101,150.00
Monthly: \$ 8,429.17

LANDLORD WORK: Landlord shall provide a building standard tenant improvement allowance based on lease term and the applicable construction to be performed, not to exceed \$23,460, or \$5.52 per usable square foot.

OPERATING EXPENSES: Tenant is responsible for its pro-rata share of operating expense increases over a 2016 base year.

ANNUAL ESCALATION: Base rent adjusted by 3% annually, beginning 9/1/17.

TENANT'S PRO RATA SHARE: Approximately 11.87%.

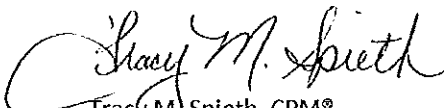
DISCLAIMER:

It is understood and agreed that this proposal shall serve as merely an outline of the major lease provisions and shall be neither legally binding nor construed as a legal offer to lease. Neither Landlord nor Tenant shall have any obligations resulting from this proposal nor shall any obligation or liability be incurred by either party until and unless a lease is executed by both parties.

The material contained herein is confidential. It is intended for the sole use of the Prospect in their decision to sign a lease with Lillibridge Healthcare Real Estate and is not to be copied nor disclosed to any other person. In the event that the Prospect does not enter into the contemplated transaction, they will continue to keep such information and material confidential.

We thank you for the opportunity to present this proposal for your consideration. I look forward to discussing this proposal with you. If you should have any questions, please do not hesitate to contact me at (920) 735-7629.

Sincerely,


Tracy M. Spieth, CPM®
General Manager

Agreed and Acknowledged

Signature: _____

Name: _____

Date: _____

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

	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
Savings	\$551,949	\$210,180	\$341,769
Lease Costs	\$101,150	\$ 29,334	\$ 71,816

Savings after Lease costs

\$450,799

\$180,846

\$269,953



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

MEMORANDUM

TO: Community and Economic Development Committee (CEDC)

FROM: Nikki Gerhard, Community Development Specialist

DATE: June 8, 2016

RE: 2015 Consolidated Annual Performance and Evaluation Report (CAPER)

The City of Appleton has prepared its 2015 Consolidated Annual Performance and Evaluation Report (CAPER) as required by the U.S. Department of Housing and Urban Development (HUD). The CAPER discusses Community Development Block Grant (CDBG) activities undertaken by the City of Appleton during the 2015 Program Year (April 1 - March 31).

The CAPER was available May 9 - June 7, 2016 for public comment. No comments were received.

Comments on the CAPER will also be accepted during a public hearing that will be held at the June 8, 2016 CEDC meeting. The primary function of this hearing is to obtain citizen comments on the submission.

The City considers all public input received before preparing its final submission, in addition to providing HUD with a summary of such comments as they relate to the 2015 CAPER. The CAPER is due to HUD by June 29, 2016.

A copy of the CAPER may be found online at www.appleton.org on the CDBG Program page or one copy is available for viewing at the fifth floor Customer Service area at City Hall.

Staff requests that CEDC approve the 2015 CAPER.

If you have any questions, please contact me at (920) 832-6469 or nikki.gerhard@appleton.org. Thank you!



Second Program Year CAPER (2015)

The CPMP Second Consolidated Annual Performance and Evaluation Report includes Narrative Responses to CAPER questions that CDBG, HOME, HOPWA, and ESG grantees must respond to each year in order to be compliant with the Consolidated Planning Regulations.

GOALS & OUTCOMES (CR-05)

Progress the jurisdiction has made in carrying out its strategic plan and its action plan. 91.520(a) This could be an overview that includes major initiatives and highlights that were proposed and executed throughout the program year.

The City of Appleton continually dedicates itself to meeting the needs of our community and enhancing the quality of life through emphasis on maintaining various urban amenities, such as reasonable costs of living, high levels of job availability and vibrant neighborhoods. The primary goal of the City's Community Development Block Grant (CDBG) Program is the development of a viable urban community through provision of decent housing, suitable living environments and economic opportunities, namely for low- and moderate-income persons. Although the rehabilitation of affordable housing has traditionally been the largest single use of CDBG funds in Appleton, the program also assists agencies in providing services and improving public facilities for lower-income populations.

The City of Appleton CDBG entitlement award for the 2015 program year, spanning April 1, 2015, to March 31, 2016, was \$523,813. Requests for funding totaled \$554,200; approximately \$1.06 for every dollar available to distribute. Our seven CDBG subrecipient programs all addressed priority needs from the Consolidated Plan, while approximately 92 percent of funds benefited the low- to moderate-income (LMI) population.

Specific accomplishments from the 2015 program year include:

- 24 low- and moderate-income (LMI) households had their homes rehabilitated with no-interest loans
- 3 blighted properties were acquired and rehabilitated into single-family homes and will be available for ownership by low-income families
- 11 rental units were refurbished for tenants with extremely low- and low-income
- 248 persons received emergency shelter and services as a result of homelessness
- 554 persons were provided a warm, secure place to spend the night
- 229 families facing domestic violence received shelter and supportive services
- 132 persons in recovery from alcohol and drug addiction received training services to help them increase their readiness for employment

Appleton's 2015 CDBG funding was focused primarily on housing rehabilitation, but funds were also used for public services, public facilities and administration. Funded projects addressed both strategic plan objectives (decent housing, suitable living environment, and expanded economic opportunity) and the high priority needs listed in the Consolidated Plan.

- Low- and moderate-income persons were given the opportunity to buy their first home, get new windows and roofs, correct code violations, and live in a safe environment
- Affordable housing was rehabilitated and leased to income-qualified households
- Women and children in abusive situations were provided with counseling and a safe place to stay
- Individuals in recovery from alcohol and drug addictions were given an opportunity to receive job readiness training
- Homeless individuals and families were given shelter and education about resources available to them in the community to improve their situation
- Families were provided the opportunity to own a home and neighborhoods were improved with the addition of new, affordable, green-built homes
- Neighborhood facilities were improved and made safer for the enjoyment of families living in low- and moderate-income areas

Comparison of the proposed versus actual outcomes for each outcome measure submitted with the consolidated plan and explain, if applicable, why progress was not made toward meeting goals and objectives. 91.520(g) Categories, priority levels, funding sources and amounts, outcomes/objectives, goal outcome indicators, units of measure, targets, actual outcomes/outputs, and percentage completed for each of the grantee's program year goals.

Goal	Category	Source / Amount	Indicator	Unit of Measure	Expected – Strategic Plan	Actual – Strategic Plan	Percent Complete	Expected – Program Year	Actual – Program Year	Percent Complete
Acquisition-new housing	Affordable Housing	CDBG: \$	Homeowner Housing Added	Household Housing Unit	15	3	20.00%	3	0	0.00%
Acquisition - new housing	Affordable Housing	CDBG: \$	Homeowner Housing Rehabilitated	Household Housing Unit	0	0		0	0	
Admin	Admin	CDBG: \$	Other	Other	1	0	0.00%			
Homebuyer assistance	Affordable Housing	CDBG: \$	Public service activities for Low/Mod Income Housing Benefit	Households Assisted	0	0		40	0	0.00%
Homebuyer assistance	Affordable Housing	CDBG: \$	Direct Financial Assistance to Homebuyers	Households Assisted	40	0	0.00%	4	0	0.00%

Improve & maintain housing stock	Affordable Housing Non-Homeless Special Needs	CDBG: \$	Homeowner Housing Rehabilitated	Household Housing Unit	175	38	21.71%	40	38	95.00%
Neighborhood revitalization	Non-Housing Community Development	CDBG: \$	Public Facility/ Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	10000	0	0.00%	4000	0	0.00%
Public facilities improvement and maintenance	Non-Housing Community Development	CDBG: \$	Public Facility/ Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	900	0	0.00%			
Public services	Homeless Non-Homeless Special Needs Non-Housing Community Development	CDBG: \$	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	5500	361	6.56%	215	361	167.91%
Public services	Homeless Non-Homeless Special Needs Non-Housing Community Development	CDBG: \$	Homeless Person Overnight Shelter	Persons Assisted	0	245		265	245	92.45%
Rental rehabilitation	Affordable Housing	CDBG: \$	Rental units rehabilitated	Household Housing Unit	40	0	0.00%	3	0	0.00%
Rental rehabilitation	Affordable Housing	CDBG: \$	Homeowner Housing Rehabilitated	Household Housing Unit	0	5		0	0	

Table 1 - Accomplishments – Program Year & Strategic Plan to Date

Assess how the jurisdiction's use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan, giving special attention to the highest priority activities identified.

Of the 2015 CDBG program year subrecipients, four agencies addressed the Consolidated Plan priorities and objectives identified under housing, three identified under homeless, and one identified under the

non-homeless/special priority.

The City of Appleton's Homeownership Rehabilitation Loan Program assisted 24 low- to moderate-income homeowners (less than 80% County Median Income (CMI)) with the ability to live in decent, safe, and sanitary housing. In addition, all 24 of the homes were made code compliant and lead safe.

Habitat for Humanity directly addressed affordable, permanent homeownership, which is a primary focus area in the Consolidated Plan. Habitat provided homeownership opportunities for families that were below 60% of the county median income (CMI), which are families that would not typically have had the opportunity to purchase a home.

Housing Partnership of the Fox Cities addressed the priority need of housing by serving households at or below 50% of the county median income (CMI) and charging rent based on 30% of the household's monthly income.

Homeless Connections' Shelter Program provided food, shelter and basic necessities to people experiencing homelessness and had little to no income. By providing clients with shelter, Homeless Connections provided a sense of stability that enabled clients to focus on developing the skills necessary to secure and maintain housing and employment. Furthermore, the Case Management Services Program offered through Homeless Connections helped clients achieve a greater level of self-sufficiency by assessing each client's barriers to success and then connecting them to relevant services.

Fox Valley's Warming Shelter addressed the priority need of supportive services by providing for the basic needs of people who are homeless, including a warm, secure place to reside, dinner and breakfast meals, access to daily shower facilities, laundry services, transportation, and access to job opportunities.

Harbor House is the only domestic abuse shelter serving City of Appleton residents. By providing access to safe shelter, Harbor House provided a level of safety to victims of domestic abuse that was not being met by any other organization. The ability of the Shelter Program to respond to growing demands over the years has meant a safe haven for all who seek it, regardless of capacity. Victims of domestic violence are also considered a "special" population in need of specialized services. Harbor House's Shelter Program helped ensure not only safety, but a chance to rebuild lives by providing basic necessities, safety planning, emotional support, and education.

STEP Industries provided job skills training, as well as support and mentoring, to men and women who were in recovery from alcohol and/or drug addiction. The program helped people in recovery gain self confidence and self esteem needed to find permanent employment and become economically independent.

Areas in which progress was not made toward meeting goals and objectives was due to circumstances beyond the City's control. Community partners that may have applied in the past and have provided services that would help meet the goals and objectives set in 2015 did not apply for CDBG funds during

the 2015 program year as anticipated. The administrative burden outweighed the benefit of receiving grant funds for some of the non-profit organizations that have previously applied for CDBG funding.

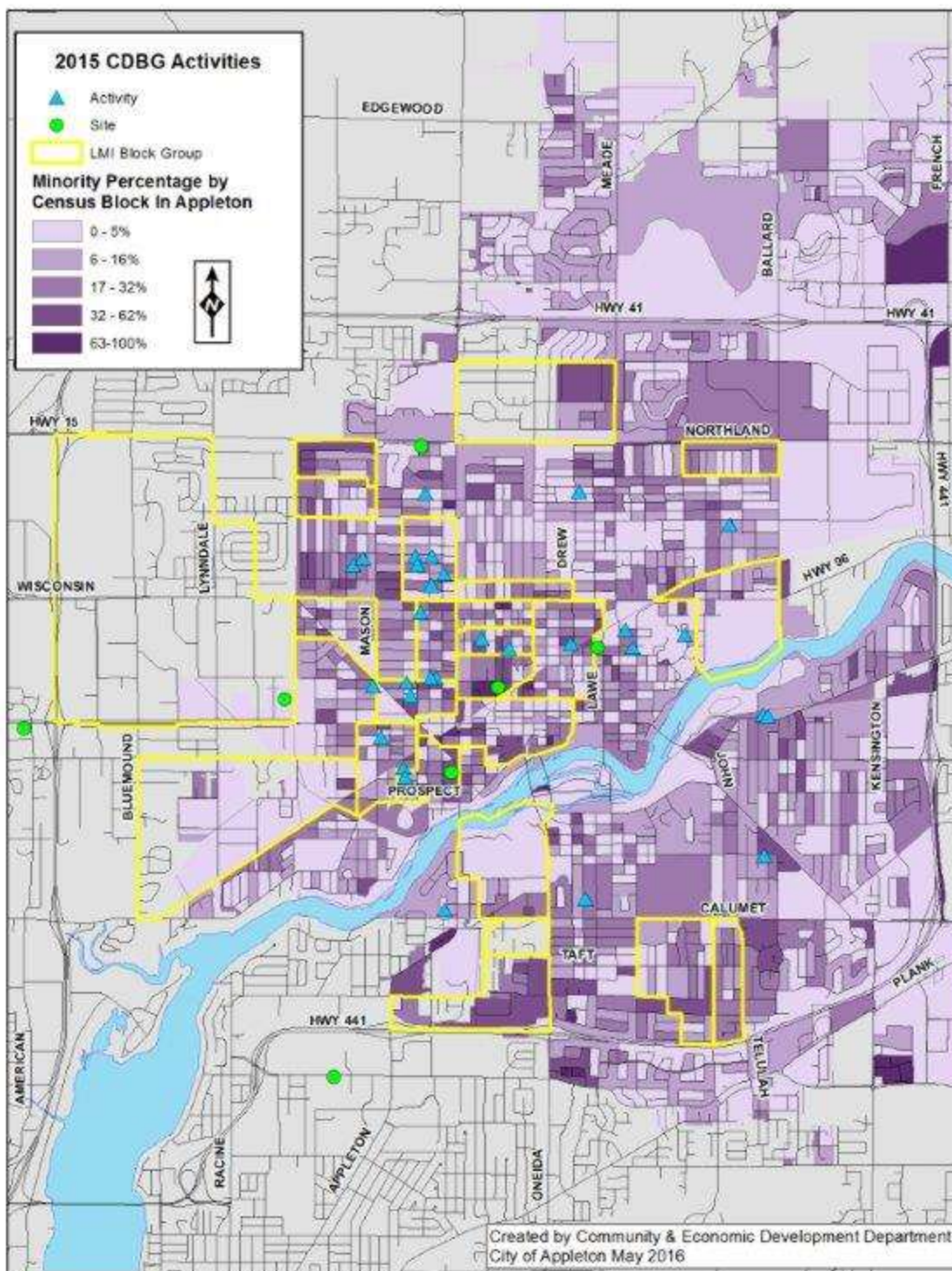
RACIAL & ETHNIC COMPOSITION OF FAMILIES ASSISTED (CR-10)

Describe the families assisted (including the racial and ethnic status of families assisted). 91.520(a)

	CDBG
White	272
Black or African American	91
Asian	8
American Indian or American Native	16
Native Hawaiian or Other Pacific Islander	0
Total	387
Hispanic	21
Not Hispanic	366

Table 2 – Table of assistance to racial and ethnic populations by source of funds

A map has been attached to this report (see "2015 CDBG CDBG LMI") that depicts the location of 2015 CDBG-funded activities. "Site" represents locations where these projects originate, while "Activity" represents locations where CDBG-funded projects occurred (i.e. housing rehabilitation). LMI Block Groups are outlined and Blocks are shaded according to minority percentages.



RESOURCES & INVESTMENTS (CR-15)

Identify the resources made available

Source of Funds	Source	Resources Made Available	Amount Expended During Program Year
CDBG		2,000,000	380,057

Table 3 – Resources Made Available

Several resources beyond CDBG and other HUD funding were utilized to assist subrecipient agencies in implementing their 2015 programming. The City of Appleton will give preference to CDBG applicant agencies that are well established and can demonstrate both a commitment to and success in achieving additional funding for their programs.

Identify the geographic distribution and location of investments

Target Area	Planned Percentage of Allocation	Actual Percentage of Allocation	Narrative Description

Table 4 – Identify the geographic distribution and location of investments

A map has been attached to this report (see "2015 CDBG LMI" located under CR-10, page 6) that depicts the location of 2015 CDBG-funded activities. "Site" represents locations where these projects originate, while "Activity" represents locations where CDBG-funded projects occurred (i.e. housing rehabilitation). LMI Block Groups are outlined and Blocks are shaded according to minority percentages.

Leveraging

Explain how federal funds leveraged additional resources (private, state, and local funds), including a description of how matching requirements were satisfied, as well as how many publicly owned land or property located within the jurisdiction that were used to address the needs identified in the plan.

Several resources beyond CDBG and other HUD funding were utilized to assist subrecipient agencies in implementing their 2015 programming. The City of Appleton will give preference to CDBG applicant agencies that are well-established and can demonstrate both a commitment to and success in achieving additional funding for their programs.

Rebuilding Together Fox Valley has two annual fundraising events that contribute a large amount to their budget (\$150,000-200,000). They also ask corporations to sponsor individual building projects, which totals \$300,000 in support every year.

STEP Industries is 87% self-supported through the revenue generated by their Business Partner services. They experienced growth in their current customer base with new projects for Kimberly Clark, Clearwater Paper, and Castle Pierce. Sources of other private grants included: Oshkosh Area Community

Foundation, JJ Keller Foundation, Community Foundation for the Fox Valley Region, Willis Foundation, and Schreiber Foods Foundation.

Harbor House is funded from numerous sources, including government and non-government agencies, United Ways, donations, and fundraising events. The domestic shelter also receives a large amount of in-kind donations each year. These in-kind donations assist with providing food, personal care items, linens, etc that benefit the residents.

Fox Valley Warming Shelter sources of funding included churches, other government grants including the State Shelter Subsidy Grant and the Emergency Solutions Grant, corporate donations and donations from individuals.

Homeless Connections recognizes that the future of any funding source is uncertain. Therefore, they are constantly seeking new and/or additional funding sources for virtually all of the programs that are offered. Homeless Connections' revenue streams include individual contributions, non-government grants/private foundations, government grants, in-kind donations, United Way, fundraising events, and bequests.

The **Housing Partnership of the Fox Cities** uses its monthly rental income to fund their affordable housing programs. Besides the funding received from the State of Wisconsin, a variety of foundations, corporations and individual donors also contribute to their budget.

Habitat for Humanity has secured additional funding from public and private resources to facilitate in the construction and renovation of the housing units. The funding has been committed primarily from corporations, churches, individuals, and the profits from the Habitat for Humanity ReStore.

AFFORDABLE HOUSING (CR-20)

Evaluation of the jurisdiction's progress in providing affordable housing, including the number and types of families served, the number of extremely low-income, low-income, moderate-income, and middle-income persons served. (91.520(b))

	One-Year Goal	Actual
Number of Homeless households to be provided affordable housing units	0	0
Number of Non-Homeless households to be provided affordable housing units	46	40
Number of Special-Needs households to be provided affordable housing units	0	0
Total	46	40

Table 5- Number of Households

	One-Year Goal	Actual
Number of households supported through Rental Assistance	0	0
Number of households supported through The Production of New Units	3	3
Number of households supported through Rehab of Existing Units	43	34
Number of households supported through Acquisition of Existing Units	0	0
Total	46	37

Table 6 - Number of Households Supported

Discuss the difference between goals and outcomes and problems encountered in meeting these goals.

Because there was a delay in the release of funding to entitlement communities, subrecipients did not sign their contracts with the City of Appleton until August of the program year. Some subrecipients were wary of beginning projects without having a solid idea of when funds would be available for reimbursement. As a result, there has been a delay in disbursements for some activities. All subrecipients that had funds remaining at the end of the 2015 program year were contacted and asked to explain why their allocations had not been expended. They were also asked to provide a timeline in which they expect to spend the CDBG funds they were awarded.

Specifically, the Appleton Housing Authority did not complete the number of rehabilitation activities it had estimated because they received more program income than in an average year, and per HUD regulations, program income must be expended before grant funds are used. City staff consulted with the AHA staff at the end of the 2015 program year and was assured that 2015 funds will be used in the first few months of the 2016 program year.

Habitat for Humanity has been unsuccessful in filling their rehabilitated housing units with qualified households, and therefore [while they've been able to expend their CDBG 2015 program year funding] have been unable to report accomplishments on the funding expended.

Lastly, Rebuilding Together Fox Valley has experienced significant staff turnover and has been unable to fully expend their 2015 program year funds; however, they have assured City staff that the funding will be fully expended within a few months into the 2016 program year.

Discuss how these outcomes will impact future annual action plans.

These outcomes are not foreseen to impact future annual action plans.

Include the number of extremely low-income, low-income, and moderate-income persons served by each activity where information on income by family size is required to determine the eligibility of the activity.

Number of Persons Served	CDBG Actual	HOME Actual
Extremely Low-income	405	0
Low-income	11	4
Moderate-income	2	0
Total	418	4

Table 7 – Number of Persons Served

All of Appleton's CDBG-funded programs for the 2015 program year, with the exception of administration activities, benefited low-moderate income (LMI) persons or households.

HOMELESS & OTHER SPECIAL NEEDS (CR-25)

(91.220(d,e); 91.320(d,e); 91.520(c) Evaluate the jurisdiction's progress in meeting its specific objectives for reducing and ending homelessness through:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

Three shelters serve the Appleton area homeless population.

Homeless Connections- a 78-bed facility for homeless individuals and families- offers residents a clean, safe environment. Basic necessities, ranging from meals to clothing, along with supportive services, are provided at no cost to the residents. The supportive services include housing counseling/case management, vocational case management, AODA/mental health counseling, physical healthcare, financial counseling, and life skills training. In 2015, Homeless Connections received \$15,000 in CDBG funding to assist with paying for a house supervisor salary and for utilities.

Harbor House- a 44-bed shelter- also provides safe, emergency housing, but specifically for victims of domestic violence. Similar to Homeless Connections, residents are provided with counseling, advocacy, information and referrals to other community agencies as part of a comprehensive delivery of services. In 2015, Harbor House received \$24,000 to assist with salaries of their client advocates.

The Fox Valley Warming Shelter accepts all adult homeless persons unless disruptive or proven to be a danger to themselves or others. The Shelter applied for CDBG funds for the second time in 2015 and received \$15,000 to fund additional staff that is needed to cover the growing number of those using the shelter on a nightly basis.

While they are not considered homeless shelters, two other subrecipients take action to address needs

of homeless persons in the City of Appleton.

The Housing Partnership of the Fox Cities serves homeless persons in their Transitional Housing Program, which is a converted unit utilizing CDBG funding.

STEP Industries incorporated an addition to their programming with two Sober Living Houses. These homes are designed for people who, upon leaving treatment for addiction, would either be homeless or have no safe home to return to.

Addressing the emergency shelter and transitional housing needs of homeless persons

The Housing Partnership of the Fox Cities, an organization that dedicates itself to the development of affordable housing in the Fox Cities, rehabilitates various properties to create affordable housing units for low-income families. Their transitional housing program includes 20 units (six of which are located at Harbor House) throughout Appleton and neighboring communities, assisting formerly homeless families with housing and supportive services over the course of their 18-24 month stay.

The City of Appleton also acts as fiscal administrator for the Fox Cities Continuum of Care Transitional Housing Program, administering funds for the Housing Partnership of the Fox Cities, Salvation Army and ADVOCAP.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

At least four of the 2015 CDBG subrecipient organizations addressed efforts to helping low-income individuals and families to avoid becoming homeless.

Harbor House. Part of the work to prevent homelessness is to work to prevent domestic violence. This agency offers a Prevention Education component that provides education at the elementary, middle, and high school levels. Over 12,000 students in the classroom in 2015 were exposed to this education component and the teen drama troupe, Zero Tolerance, continues to provide a peer training component to the prevention education. Harbor House continues to be actively involved with "Fox Valley Voices of Men," a group whose mission is *dedicated to changing the attitudes and actions of men and boys that contribute to the abuse of women and girls*. In 2015, this group hosted its 6th Annual Awareness Breakfast to encourage increased involvement in the work to end men's violence against women. There were approximately 1,000 men who attended the breakfast.

Housing Partnership of the Fox Cities. Housing Partnership offers supportive services through

their Transitional Housing Program. Supportive services offered in the Transitional Housing Program include help with budgeting, parenting, job skills, access to health services, and transportation.

Homeless Connections. The shelter operates a Homeless Prevention Program in collaboration with LEAVEN, which provides limited emergency assistance funding and case management services to those people who are of imminent risk of becoming homeless.

STEP Industries. This agency has incorporated an addition to their programming with two Sober Living Houses. These homes are designed for people who, upon leaving treatment for addiction, would either be homeless or have no safe home to return to.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

At least four of Appleton's 2015 CDBG subrecipient programs dealt with addressing the needs of homeless persons, including activities related to emergency shelter, domestic abuse, transitional housing programs, and the opportunity for homeownership. These subrecipient organizations work together, with facilitation from the Fox Cities Housing Coalition (FCHC) of which the City of Appleton is a member, to ensure that a Continuum of Care strategy is executed within the community.

Three organizations receive funding from the Continuum of Care Transitional Housing grant: Housing Partnership of the Fox Cities (HPFC), ADVOCAP, and Salvation Army of the Fox Cities. HPFC also receives funding for a Permanent Supportive Housing grant for the Wireworks Project. The City of Appleton provides administrative services for these grants.

In 2015, the Fox Cities Housing Coalition initiated a \$75,000 research project, referred to as Project RUSH (Research to Understand and Solve Homelessness). It included a detailed study of the availability of affordable housing in the Fox Cities. Five hundred interviews, including those who were homeless and those who no longer needed assistance, were conducted. This project also focused on the "hidden homeless."

PUBLIC HOUSING (CR-30)

Actions taken to address the needs of public housing (91.220(h); 91.320(j))

While the City of Appleton works closely with the Appleton Housing Authority to address issues related to public housing, no portion of the 2015 CDBG funds were directly used to create or address needs of public housing.

Public Housing Resident Initiatives:

The Appleton Housing Authority and the City of Appleton have entered into an agreement for the services of a public health nurse who performs work as the Service Coordinator for Oneida Heights, a 159-unit public housing senior high rise. These services include linking residents to a wide variety of resources to maintain long-term independent living. This rather unique partnership provides independent living enhancement and the highest quality of life for the residents. The Service Coordinator utilizes their public health background, paying great detail to the medical needs of the residents, and links them to services/resources that are, at times, life saving measures.

In addition, the City of Appleton implements a Crime Free Housing Program, in which the Appleton Housing Authority (AHA) participates, to the greatest extent feasible. The public housing units have been visibly assessed by the Police Department and tools have been implemented to maintain visible deterrents for crime. The AHA is also an active participant in the Appleton Police Department's annual Landlord Crime Free Housing Initiative Training. This collaboration provides residents with an opportunity for a safer place to live.

Public Housing Capital Improvement:

The Appleton Housing Authority (AHA) aggressively plans and implements capital improvement projects to maintain the long-term viability of its public housing stock ensuring that each public housing resident lives in a decent, safe, and sanitary environment. The City of Appleton works cooperatively with the AHA on code definitions, building permits, and inspections.

Actions taken to encourage public housing residents to become more involved in management and participate in homeownership

While the City of Appleton works closely with the Appleton Housing Authority to address issues related to public housing, no portion of the 2015 CDBG funds were directly used to create or address needs of public housing.

Actions taken to provide assistance to troubled PHAs

The Appleton Housing Authority is not designated as a troubled housing agency.

OTHER ACTIONS (CR-35)

Actions taken to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment. 91.220 (j)-(k); 91.320 (i)-(j)

The City of Appleton will collaboratively work with developers and homeowners that encounter

barriers to affordable housing and guide them through any administrative channels they can utilize to overcome the barriers.

Furthermore, the East Central Wisconsin Regional Planning Commission (ECWRPC) collaborates with the Appleton Housing Authority to identify consistent barriers to affordable housing, which include political barriers, regulatory barriers, and economic barriers. Several recommendations for improvement of affordable housing were clearly identified in ECWRPC's publication, *Overcoming Barriers to Affordable Housing in the East Central Region*. Along with building upon these recommendations, the City of Appleton continues to address barriers to affordable housing through its grant making, policymaking, collaborative grant applications, funding and involvement in the Fox Cities Housing Coalition, of which the City is a member. Housing Coalition member agencies regularly offer events and/or initiatives that address barriers within the existing housing network.

Some of Appleton's CDBG subrecipients worked to eliminate barriers to affordable housing during the 2015 grant year, including:

Appleton Housing Authority- Homebuyer Program. This program works closely with the local banks to reduce fees associated with the home purchase process and has negotiated reduced costs for inspections, closings, and mortgage products. Participants of the Appleton Housing Authority's Homebuyer Program benefit from a no PMI, 30-year mortgage, as well as significantly reduced closing costs.

Fair Housing Services. This agency is contracted with the City of Appleton to provide outreach, education, enforcement, and investigation services related to fair housing.

City of Appleton Homeowner Rehabilitation Loan Program. This program helps property owners maintain their homes so that they can continue to live in a home that is affordable to them.

Greater Fox Cities Habitat for Humanity. Habitat for Humanity is an equal housing opportunity program that reaches out to all populations. Marketing efforts encompass a wide spectrum of outreach to people who have faced barriers to housing. The program provides all families that meet the guidelines with the opportunity to own their own homes. Homes remain affordable for as long as the family stays in the home. Since Habitat for Humanity holds the mortgage, a monthly mortgage payment, including property taxes and insurance, does not ever exceed 23 percent of the family's income.

Housing Partnership of the Fox Cities. The intake process for housing applicants helps to eliminate barriers such as having poor rental history or an eviction record.

Rebuilding Together Fox Valley. RTFV works to preserve and revitalize homes and communities, assuring that low-income homeowners, specifically seniors and individuals with disabilities, can continue to live in warmth, safety, and independence.

Actions taken to address obstacles to meeting underserved needs. 91.220(k); 91.320(j)

Underserved needs of the community are reflected in the list of high-priority needs from the Five-Year Consolidated Plan.

A few of the ways in which organizations that received CDBG funding in 2015 addressed obstacles to meeting underserved needs include:

Harbor House encountered challenges in finding affordable housing for its clients, resulting in an increased average length of shelter stay. The Economic Advocacy Program focused on helping clients obtain employment and remove barriers to employment, such as lack of childcare and transportation, which in turn increased the housing options for clients. If the reason for request for shelter was something other than domestic abuse, people were referred to more appropriate programs.

STEP Industries continued to see an increase in the number of persons with opiate/heroin addictions. The aftermath of these drugs includes cognitive challenges, in addition to the typical employment challenges someone early in recovery experiences. STEP initiated two additional Recovery Coach positions to help address these challenges and offer supportive services to this group of individuals.

The **Fox Valley Warming Shelter** identified a large group of chronically homeless individuals, and therefore recommitted to performing case management for these individuals as well as for individuals with significant barriers to housing, such as alcohol and drug addiction, criminal convictions, and sex offenses. The shelter also continued forward with its collaboration with Homeless Connections to establish a Street Outreach Worker who would work with individuals with more significant barriers.

Individuals experiencing homelessness must overcome many obstacles to access services that are or will be needed to become self-sufficient. **Homeless Connections** contracts with an Economic Support Specialist who assists homeless individuals with enrollments for various services, including health care insurance, housing, mental and physical healthcare, SSI/SSDI applications, rental assistance, and transportation.

Actions taken to reduce lead-based paint hazards. 91.220(k); 91.320(j)

CDBG funds for the 2015 program year were awarded to agencies that focused on housing rehabilitation and homeownership renovation assistance. Specific subrecipients undertook the following activities:

City of Appleton Homeowner Rehabilitation Loan Program. this zero-interest, deferred loan program requires that all lead hazards, which are identified in a Lead Risk Assessment, are corrected as part of the rehabilitation process and final clearance tests are conducted to ensure the home is lead safe.

Appleton Housing Authority- Homeowner Rehabilitation Program. A portion of this first-time homebuyer program involves loan assistance for the purpose of eliminating lead-based paint hazards in newly purchased homes. A Housing Quality Standard (HQS) inspection of each home prior to purchase

identifies lead hazards and a Lead Risk Assessment may be performed. If lead hazards exist in a home that is purchased, the program addresses those as part of the rehabilitation component.

Although CDBG funding does not contribute to its program and overall mission, the City of Appleton Health Department administers a Lead Prevention Outreach program to families of children who are six months of age and live in pre-1950 housing. Overall, this program contributes to HUD's goal of reducing lead hazards by creating healthy and lead-free housing for Appleton residents.

Actions taken to reduce the number of poverty-level families. 91.220(k); 91.320(j)

To address the needs of persons living in poverty, the City of Appleton used 2015 CDBG dollars to help support anti-poverty activities with these subrecipients:

Appleton Housing Authority provides a mechanism for breaking the poverty cycle through its affordable homeownership program for low-income persons. Obtaining a mortgage and home for many lower-income families provides some stability with a lower cost of living and community investment. The lower cost of homeownership has made this a "*dream come true*" for many residents of Appleton.

Homeless Connections collaborates on an Adult Basic Education Program to enable clients to earn their GED or HSED. Once these are earned, clients can enter Fox Valley Technical College and pursue a Certificate Program or Associate Degree Program that, upon graduation, should assist the client in obtaining a job that will provide them with a living wage.

Habitat for Humanity helps families break the cycle of poverty by giving them an opportunity to build equity through homeownership. In addition, Habitat provides supportive services to all families. This includes job coaching, assistance in accessing further education and budget counseling. Through these services, families are more equipped to move out of poverty.

Harbor House incorporated the position of Economic Advocate to work with their clients to improve their ability to obtain and maintain employment. The position is a collaboration between Harbor House, COTS, and the Housing Partnership of the Fox Cities, as most of the women living in those programs have been residents of Harbor House. If victims of domestic violence are able to maintain a living wage, they are less apt to return to an abusive partner.

Housing Partnership of the Fox Cities provides safe, decent, and affordable housing to help households in poverty create a more stable life and have access to resources like education, help with budgeting, job searches, etc. Using these resources increases their self-sufficiency and increases the chances that they will no longer be living below the poverty level.

STEP Industries provides employment and supportive services to individuals in recovery from alcohol/drug addiction. These men and women are earning a wage at the same time as receiving much needed job skills and life skills training.

Part of the **Fox Valley Warming Shelter's** mission is to connect individuals to community resources guiding them on to the path toward self-sufficiency. Staff of the Warming Shelter accomplish this by engaging clients in three goal areas: housing, employment and self care. They provided contacts for market housing, housing authority units, transitional housing and treatment facilities. They provided job leads to help clients become self-sufficient enough to move into their own home.

Actions taken to develop institutional structure. 91.220(k); 91.320(j)

Public institutions, non-profit organizations and private companies comprise the institutional structure that supports Appleton's community development activities. In general, the City of Appleton, as the major public sector component, serves as the lead fiscal and administrative agent for all community development grant programs, including the Community Development Block Grant (CDBG) Program, Continuum of Care/Supportive Housing Program (COC/SHP), and the Emergency Shelter Grant/Transitional Housing Program/Homeless Prevention Program (ESG/THP/HPP). The Community and Economic Development and Finance Departments work together to administer the CDBG grant. The Finance Department acts as a pass through agent for the remainder of the grants listed above.

The following list outlines the major players within Appleton's institutional structure by sector.

1. City of Appleton Departments/Programs
 - a. Community and Economic Development Department
 - b. Finance Department
 - c. Parks & Recreation Department
2. Other Public Sector
 - a. Appleton Housing Authority
 - b. Outagamie County Housing Authority
 - c. Outagamie County Department of Health & Human Services
3. Other Funders
 - a. United Way of the Fox Cities
 - b. Community Foundation for the Fox Valley Region
 - c. J.J. Keller Foundation
 - d. U.S. Venture/Schmidt Family Foundation
4. Private Sector
 - a. Churches
 - b. Contractors for housing/commercial rehabilitation
 - c. Companies that provide grants, services, discounts, donations, in-kind services, etc.

The City of Appleton continues to encourage open lines of communication and discussion regarding community development needs in the area. Regular discussions with public, non-profit, and private entity representatives allow for coordination of efforts.

Actions taken to enhance coordination between public and private housing and social service agencies. 91.220(k); 91.320(j)

Specific actions taken by 2015 subrecipients to enhance coordination with other community agencies include:

Appleton Housing Authority- Homebuyer Program. Appleton Housing Authority (AHA) partnered with local lenders to reduce fees associated with the home purchase process and have negotiated reduced cost inspections, closing and mortgage products. Participants in the AHA's program have benefitted from a no PMI, 30-year mortgage.

Harbor House. The Economic Advocacy Program enhances coordination between COTS, the Housing Partnership of the Fox Cities (HPFC), and Harbor House. Most of the female clients served by COTS and the HPFC are either former residents of Harbor House or have domestic violence issues. The Economic Advocate works across the three agencies to assist clients with finding and maintaining employment.

Regular referrals are made between Harbor House and other agency members of the Fox Cities Housing Coalition, each agency working to make sure that all homeless people, regardless of the reason for the homelessness, are provided with the shelter and support they need. The Housing Partnership of the Fox Cities operates six transitional living apartments within the Harbor House facility, specifically for families who have experienced domestic violence. These residents continue to need some of the services offered at Harbor House.

Fox Cities Housing Coalition (FCHC). The FCHC (of which several subrecipients are members), in collaboration with the Balance of the State Continuum of Care, has recently established a common intake form. When individuals go to any of the housing organizations (Homeless Connections, Fox Valley Warming Shelter, COTS, Harbor House, etc.), the same form will be used so that the most appropriate services will be recommended for the individual. The Balance of the State Continuum of Care has also implemented a VI SPDAT (Vulnerability Index & Service Prioritization Decision Assistance Tool) form which gives the individuals a score based on their needs. This allows all members of the Coalition to have the same information when evaluating the needs of an individual.

Homeless Connections. Homeless Connections is one of about 30 agencies that comprise the Fox Cities Housing Coalition. Members of the Coalition's Gaps and Services Committee periodically review the programs and services offered by the member agencies to ensure that there are no gaps and that services are delivered as seamlessly as possible. Oftentimes, clients of Homeless Connections need access to systems of care that are not part of the Housing Coalition. In those instances, the staff contacts specific organizations or agencies directly and connects the client with staff from the accepting agency.

Habitat for Humanity. Habitat for Humanity, in addition to being an active member in the Fox Cities Housing Coalition, has fully launched their Neighborhood Revitalization Program, which serves families of owner-occupied housing who are very low-income and cannot afford the necessary repairs to make

their home safe, healthy, and energy-efficient.

Identify actions taken to overcome the effects of any impediments identified in the jurisdictions analysis of impediments to fair housing choice. 91.520(a)

In 2015, the Metropolitan Milwaukee Fair Housing Council (MMFHC) through its Northeast Wisconsin satellite office, the Fair Housing Center of Northeast Wisconsin (FHCNW), utilized \$22,000 in CDBG funding to undertake the following tasks that addressed private market impediments and provided enforcement alternatives to Appleton's fair housing ordinance:

380 outreach/education contacts were made to the general public, civic organizations, social services agencies, and governmental staff. FHCNW staff disseminates a wide variety of information about fair housing laws, the nature and prevalence of illegal housing discriminations, and the services available to community members through the City's contract.

Three fair housing presentations were offered by MMFHC/FHCNW staff. These presentations reached approximately 60 audience members and were located at the Fox Valley Refugee Resettlement Team Meeting in April, Homeless Connections in June, and Homeless Connections in July. FHCNW staff did conduct eight additional presentations reaching 123 persons in the City of Appleton during 2015, but these presentations were supported by a different grant.

Fair Housing presentations cover topics such as:

- Purposes and provisions of local, state, and federal fair housing laws
- Contemporary forms of illegal discrimination in the housing market
- Remedies available to people who have experienced illegal housing discrimination
- "Red flags" that may indicate the presence of illegal housing discrimination
- How complaints of illegal discrimination are investigated

Audience members received printed educational materials and staff was available to respond to follow-up inquiries.

Two collaborative rental management training seminars were held, reaching 73 owners and managers of rental property. Both training sessions were held in the City of Appleton during the contract period. These training seminars covered in-depth information about local, state, and federal fair housing laws; how to make reasonable accommodations and modifications for tenants with disabilities; advertising rental units in compliance with fair housing laws; non-discriminatory negotiation with prospective tenants, and much more. Attendees learn how to implement fair housing practices at every stage of a housing transaction, from advertising and showing available units to terminating tenancies. Because these trainings were provided free of charge to attendees, they attracted audience members who may not otherwise have had access to high-quality fair housing information and the expertise of fair housing professionals.

Twenty-five occasions of technical assistance were administered for the City of Appleton residents, housing providers, and social service agencies, addressing questions related to areas such as service/emotional support animals, screening criteria, arrest and conviction records, protected classes, exemptions, and termination of tenancy.

During 2015, FHCNW staff participated in 10 meetings of the Fox Cities Housing Coalition, as well as 13 other 'interagency' meetings. These meetings included:

- Fox Cities Housing Coalition (9)
- Fox Cities Housing Coalition Marketing/Communication Committee (1)
- Fox Cities Community Council (4)
- Hmong Interagency Meeting (6)
- Hispanic Interagency Meeting (3)

In addition, the Fair Housing Council received 11 complaints for the Appleton area during the 2015 program year. One complaint was referred to an attorney and to the U.S. Department of Housing and Urban Development.

MONITORING (CR-40)

Describe the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements (91.220 and 91.230)

The first step in assuring that CDBG funds are utilized to meet the objectives and outcomes set forth in Appleton's Consolidated Plan is taken with the review of applications. In 2015, applications were reviewed first by Community and Economic Development department staff, and then a board of various City Council, City Committee and community members with experience in awarding grants and knowledge of community needs. From there, the funding recommendations were sent to the Community and Economic Development Committee for review, and ultimately City Council for final approval.

Throughout this process, two of the most discussed aspects of the applications were: 1) what products/services were going to be realized, and 2) which products/services were the highest and best use of funds. The return on investment is a factor that is highly scrutinized. Meeting high priority needs and objectives, as identified in the Consolidated Plan, is the second question on the application and the High Priority Needs table from the Consolidated Plan was included with each application. This emphasized, to both applicants and reviewers, the importance the City places on focusing on these community-identified needs.

Throughout the program year, accomplishment reports and payment requests were used to track

activities, expenditures and record keeping. Sufficient documentation, reasonable expenses, as well as qualifying activities were evaluated. Lack of documentation, activity or expenditures, were triggers for some kind of communication with the subrecipient. A subrecipient's overall performance is examined when they apply for funding during the proceeding program year, and that score helps reviewers evaluate the activities and how well those activities fill the community's needs.

Citizen Participation Plan 91.105(d); 91.115(d)

Describe the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports.

Citizens are provided with two separate opportunities for public comment: a 30-day public comment period and a public hearing at a regular meeting of the Community and Economic Development Committee (CEDC). The public comment period was from May 9 through June 7 and the public hearing at CEDC was held June 8. Comments and views of citizens are taken into consideration by including them within the CAPER and any comments received before the public meeting held on June 8 at the CEDC meeting are included in a memo attached to the meeting agenda. Comments and views are accepted before the final report is submitted to HUD so that any part of the report that may be affected can be altered.

CDBG (CR-45)

Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences. (91.520(c))

There were no changes in program objectives during the 2015 program year. The City of Appleton does not anticipate making changes in its program.

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?

No

HOME/ADDI

Appleton did not receive HOME/ADDI funds in 2015.

HOPWA

Appleton did not receive HOPWA funds in 2015.

Department of Public Works – Engineering Division

MEMO

TO: Utilities Committee

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

DATE: May 18, 2016

RE: Approve May 2016 Revisions to Stormwater Utility Credit Policy (attachments).

The Department of Public Works is requesting approval of the proposed May 2016 Revised Stormwater Utility Credit Policy (attached).

At the May 9th, 2016 Utilities Committee, DPW staff presented a draft revised credit policy for discussion, which included new standards for allowing single- and two-family properties to obtain credits for listed “basic stormwater practices” that improve stormwater runoff quality.

During that discussion, the Utilities Committee requested that staff investigate the following potential revisions to the proposed policy as presented:

1. Increase maximum number of rain barrels eligible for credit from three to four, with a possible corresponding change to the credit amount for each rain barrel.
2. Provide customers a written notice of credit expiration dates on or with their utility bills.

The credit policy has been updated to reflect Item 1, with credits available for up to four rain barrels, at \$20 per barrel.

DPW Staff presented Item 2 to Information Technology and Finance staff for consideration. Staff’s recommendation is as follows:

Finance will soon be updating its billing to use the new Tyler Munis system. Programming the existing system and modifying the current billing format to accommodate an expiration date is not recommended, as the City will likely be transferred to the new system before the three year credit expirations. Once the Tyler Munis system is up and running, staff would like the opportunity to evaluate how the software can accommodate the request. At this time, staff cannot verify the new system will be able to provide a credit expiration date on the bill itself. Therefore, the policy as presented does not include a notification of credit expiration at this time. DPW staff intends to update the Utilities Committee on expiration notices once Information Technology and Finance staff is more familiar with the Tyler Munis system, likely in 2017.

DEPARTMENT OF PUBLIC WORKS
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CITY OF APPLETON
STORMWATER UTILITY CREDIT POLICY
May 2016

I. Purpose and Scope

The purpose of this policy is to provide a credit structure for stormwater utility charges for properties within the City of Appleton. Credit applications must be submitted by the property owner. Credit will only be considered for properties that meet at least one of the following criteria:

Property is a multi-family or non-residential property that meets one or more of the following criteria:

- Property implements onsite stormwater management practices according to the list of eligible practices per Appendix B, Basic Stormwater Practices.
- Property contains one or more approved stormwater practices that provide measurable, maintainable reductions in peak flow rates, flow volumes, and/or pollutant discharges.
- Property discharges some or all of its flow from impervious surfaces directly to the Fox River without such flow entering a stormwater conveyance owned or maintained by the City.

Property is a single-family or two-family residential property that:

- Implements onsite stormwater management practices according to the list of eligible practices per Appendix B, Basic Stormwater Practices.

This policy recognizes that:

- NR 151, containing water quality requirements from the State of Wisconsin, became effective October 1, 2004 and has since been updated.
- The Fox River TMDL, containing water quality requirements from United States Environmental Protection Agency and the State of Wisconsin, became effective March, 2012.
- The State of Wisconsin regulates floodplains through NR 116 and NR 117.
- The City of Appleton is regulated under a WPDES Stormwater Permit per NR 216.
- For some criteria, the City of Appleton Stormwater Management Ordinance exceeds the requirements of the state standards in NR 151 and the Fox River TMDL.

This policy may be reviewed and updated from time to time. Properties receiving a credit prior to adoption of this policy are not subject to re-evaluation of credits, unless site redevelopment causes the property to become subject to the stormwater management ordinance. Under this policy, properties that are not subject to re-evaluation of credits will continue to receive credits based on the policy in place at the time credit was issued.

II. Definitions

Definitions for this policy are as listed in the Appleton Municipal Code Sec. 20-229.

III. Credit Structure

1. Multi-Family and Non-Residential Properties

These properties may be eligible for a credit for implementing Basic Stormwater Practices per Appendix B, as well as for implementing onsite practices that provide quantifiable reductions in stormwater peak flow rates or measureable improvements in runoff quality.

For the purposes of calculating applicable credit rates for practices that do not qualify as Basic Stormwater Practices, the municipal stormwater management services, which are funded through the user fee, are divided into three categories. The listed percentages are the approximate fraction of utility expenditures within each category:

Stormwater Base Fee:	27%
Stormwater Peak Flow Fee:	60%
Stormwater Quality Fee:	13%

There is no credit applicable to the Stormwater Base Fee portion of Utility charges. The Stormwater Base costs are required to conduct the stormwater management programs throughout the City. Such programs include, but are not limited to leaf collection, street cleaning, and utility administration.

Only the costs associated with the Stormwater Peak Flow and Stormwater Quality Fees are eligible for a credit. These costs are associated with the City's efforts to maintain the capacity of the stormwater conveyance system, reduce flooding, and reduce pollution to meet regulations. Properties that demonstrate they are reducing the impacts on the stormwater peak flow and/or stormwater quality components may be eligible for a portion or all of the allowed credits.

2. Single Family and Two-Family Properties

The small scale of single-family and two-family properties renders impractical the accurate calculation of peak flow reduction and water quality improvement using stormwater practices. Therefore the credit for these properties is based upon a fixed amount according to the type of eligible Basic Stormwater Practice used, as listed in Appendix B. As long as a Basic Stormwater Practice meets City required design and operation criteria, the credit for such a practice is not based on performance calculation for peak flow control or runoff quality control.

IV. Credit Criteria for Multi-Family and Non-Residential Properties

Properties that implement the practices meeting the credit criteria described in this section are potentially eligible for a credit. To be eligible for a credit, the property owner shall comply with all of the following:

- Submit a completed credit application form and review fee per Section VI of this policy.
- For Basic Stormwater Practices, submit the following documentation:
 - Written description of the number, type, and location of each practice.
 - A photograph of each practice installed onsite.
- For other stormwater practices that provide measurable stormwater peak flow and/or runoff quality benefits, submit documentation regarding the design stormwater management function of each practice for which a credit is requested, as described in this section.
- Allow the City of Appleton to enter the property to inspect each practice
- Operate and maintain each practice in such a way that it continues to function per the approved design and, for practices designed to provide measurable benefits, per the approved Operation and Maintenance Plan.

1. Practices That Provide Measureable Benefits That Exceed Peak Flow Control Requirements

This credit applies to properties that provide privately constructed, owned, and maintained runoff peak flow control practices that are not Basic Stormwater Practices, and which provide measurable benefits according to accepted engineering practices. Properties that implement flow control management practices so as to exceed the City's stormwater management standards may be eligible for a credit. Minimum stormwater management standards for peak flow control are described in the Stormwater Management section of the Appleton Municipal Code, Chapter 20, Article VI, Sec 20-312. If, during site plan or stormwater management plan review, the Department of Public Works imposes requirements that are more restrictive than standard requirement of the Stormwater Management Ordinance, the more restrictive standards shall be considered the minimum requirements for credit purposes. The utility customer must submit documentation demonstrating that a management practice on their property exceeds the peak flow reduction criteria to the Department of Public Works (DPW). The amount of credit will be based on the prorated amount by which the property is exceeding the requirements.

The amount of Stormwater Peak Flow credit will be based on the following criteria:

- a. Post-development flow from all design storms, as defined in Article VI of Chapter 20 of the City's stormwater management ordinance, meet or exceed the minimum requirements.
- b. Property must reduce the peak flow rate of the 10-year design storm below the City required rate. All calculations shall use the 10-year storm as defined in Article VI of Chapter 20. For existing developed properties with no peak flow reduction requirements, the allowable peak flow rate is based on the actual peak flow rate for the developed property prior to installation of peak flow reduction practices.

The credit amount will be based on the percentage the property exceeds the minimum peak flow control requirements for the 10-year design storm. An example of credit calculations is provided in Table 1.

Table 1: Example Stormwater Peak Flow Fee Credit Calculations

Reduce peak flow below the requirement by:	0%	20%	40%	60%	80%	100%
Multiply by 60% (maximum eligible credit for peak flows)	60%	60%	60%	60%	60%	60%
The utility fee credit will be:	0%	12%	24%	36%	48%	60%

To calculate the percentage amount by which Peak Flow is reduced below the requirement, subtract the actual 10-year peak runoff rate from the allowed 10-year peak runoff rate. Then divide the resulting value by the allowed 10-year peak runoff rate.

2. Practices That Provide Measureable Benefits Which Exceed Runoff Quality Requirements

This credit applies to properties that provide privately constructed, owned, and maintained runoff quality practices that are not Basic Stormwater Practices, and which provide measurable benefits according to accepted engineering practices and any applicable DNR technical standards. Properties that implement pollution control management practices to reduce stormwater sediment (Total Suspended Solids, or TSS) beyond the requirements of the City's Stormwater Management Ordinance may be eligible for a credit. Minimum stormwater management standards for runoff quality are described in the Stormwater Management section of the Appleton Municipal Code, Chapter 20, Article VI, Sec 20-312. If, during site plan or stormwater management plan review, the Department of Public Works imposes requirements that are more restrictive than standard requirements of the Stormwater Management Ordinance, the more restrictive standards shall be considered the minimum requirements for credit purposes. The utility customer must submit documentation demonstrating the sediment control effectiveness of the management practice on their property to the Department of Public Works (DPW). The amount of credit will be based on the prorated amount as described below.

The amount of Stormwater Quality credit will be based on the following criteria:

- a. For new development and redevelopment properties as defined in the City's stormwater management ordinance:
 - 1) All requirements of the City's stormwater management ordinance must be met.
 - 2) If the stormwater Total Suspended Solids (TSS) reduction practices exceed the minimum requirements, then a credit is applied pro-rated to the level of TSS reduction achieved. An example of credit calculations is provided in Table 2.

Table 2: Example Stormwater Quality Credit Calculations for a New Development Parcel Required to Reduce Sediment by 80%

Parcel reduces TSS by:	80%**	85%	90%	95%	100%
Pro-ratio*	0/20	5/20	10/20	15/20	20/20
Multiply above row by 13% max eligible quality credit	13%	13%	13%	13%	13%
The utility fee credit will be:	0%	3%	6%	10%	13%

* credit pro-rated based on the percent sediment control remaining after the minimum requirement is met.

** this column does not exceed minimum requirement of City ordinance, thus no stormwater utility credit is applied.

- b. For existing developed properties with no pollution control requirements, the credit will be equal to the pro-ratio multiplied by 13%, where the pro-ratio is equal to the sediment control achieved compared to the property under the pre-management condition. In no case will the credit for this category exceed 13%.

For example: If an existing developed property installs a stormwater pollution management measure that reduces sediment pollution from the property by 20%, the property shall be eligible for a 2.6% credit. ($20/100 \times 13\%$)

3. Riparian Properties

Properties that discharge stormwater from all or a portion of their property directly into the Fox River, without entering a City of Appleton municipally owned stormwater conveyance system, may be eligible for a credit. The credit amount will be pro-rated based on the percent impervious area of the property that drains directly to the Fox River. Properties located on other creeks, streams and/or ditches, are not eligible for this credit.

For example if a property has 50% of its impervious area draining directly to the Fox River without entering the City's stormwater conveyance system, the eligible credit will be calculated as follows:

Stormwater Base Fee Portion of 27% =	0% (no credit applied)
Stormwater Peak Flow Fee Portion = $50\% \times 60\%$ =	30%
Stormwater Quality Fee Portion = $50\% \times 13\%$ =	6.5%
TOTAL CREDIT	36.5%

4. Properties that Implement Basic Stormwater Practices

Properties that implement the practices listed in Appendix B, Basic Stormwater Practices are

potentially eligible for a credit. To be eligible for a credit, the property owner shall:

- Submit a credit application per Section VI of this policy.
- Allow the City of Appleton to enter the property to inspect the practice.
- Install and maintain one or more practices according to the listed standards and in such a way that the practice provides a runoff quality benefit typical of such practices.
- Submit a photograph of the practice after installation.

Refer to Appendix B for applicable credits and conditions.

V. Credit Criteria for Single-Family and Two-Family Properties

Properties that implement the practices listed in Appendix B, Basic Stormwater Practices are potentially eligible for a credit. To be eligible for a credit, the property owner shall:

- Submit a credit application per Section VI of this policy.
- Allow the City of Appleton to enter the property to inspect the practice.
- Install and maintain one or more practices according to the listed standards and in such a way that the practice provides a runoff quality benefit typical of such practices.
- Submit a photograph of the practice after installation.

Refer to Appendix B for applicable credits and conditions.

VI. Credit Request Submittal Requirements

The Director of Public Works shall review credit request submittals for compliance with this policy.

1. Multi-Family and Non-Residential Property:

A. Review Fee

- i. Basic Stormwater Practices. There is no review fee for this category
- ii. Stormwater Practices with Measurable Benefits. Prior to review, the individual requesting the review shall pay a non-refundable review fee of \$200.00.

B. Required Documentation

- i. Application Form

The applicant shall submit a completed application form to the Department of Public Works, Engineering Division.

ii. Narrative Description, Certification and Supporting Documentation

Applicant shall provide a report including a narrative description, supporting documentation, and certification as described herein.

Narrative description shall describe the amount and type of credit requested, and describe in general the property and the basis for the request.

For non-riparian properties, the applicant shall provide written certification that the stormwater practices that are the subject of the credit have been constructed and are functioning in the manner indicated on the credit request calculations, and are owned and maintained by the property owner.

For practices that are not Basic Stormwater Practices, the applicant shall provide for DPW review and approval any hydrologic/hydraulic studies, plans, computer models, and other supporting documentation required to demonstrate, to the satisfaction of the Director, that the measures taken meet the requirements for the credits requested. A Registered Engineer or Hydrologist, licensed in the State of Wisconsin, must certify supporting plan and calculations.

For riparian properties, the applicant shall provide a site plan (to scale) showing existing elevations, drainage divides, and drainage patterns. The plan shall be stamped by an engineer or surveyor licensed in the state of Wisconsin.

iii. Operations and Maintenance Manual and Agreement

For practices that are not Basic Stormwater Practices, the applicant shall provide a manual for the operation, inspection, and maintenance of each stormwater practice, to ensure that it will continue to function as designed. The applicant shall also sign an Operation and Maintenance Agreement that will be recorded with the appropriate county to ensure continued maintenance of on-site practices. The applicant shall provide records of the inspection and maintenance performed pursuant to the approved Operation and Maintenance Agreement.

2. Single-Family and Two Family Residential Property

A. Review Fee

There is no review fee for this category.

B. Required Documentation

i. Application Form

The applicant shall submit a completed application form to the Department of Public Works, Engineering Division.

ii. Certification and Supporting Documentation

Applicant shall provide the following information with the application form:

- A site plan (to scale, with aerial photo) showing location of on-site stormwater management practice(s) and size of contributing impervious area(s)
- Copy of manufacturer's information (if applicable)
- Plant list and sizing calculations (for rain gardens)

3. Approval Process

A. Director's Review

The Director shall have thirty (30) business days to review credit applications, whereupon the Director may approve the application, deny the application, or provide comments for resubmittal. In the event of a resubmittal request, the thirty-day period referred to above shall begin again once the requested additional information is received.

B. Appeals

If the Director denies a credit request, the applicant may appeal the decision pursuant to sec. 20-239 of the Appleton Municipal Code. The applicant must file a notice of appeal with the Director no later than fifteen (15) days after receipt of the decision of the Director. Failure by an applicant to file an appeal in accordance with the foregoing provisions shall be deemed to constitute a withdrawal of the application for a credit. As the committee of jurisdiction, the Utilities Committee shall approve, disapprove, or conditionally approve with changes the credit request.

C. Annual Reevaluation

All credits shall be subject to an annual review for compliance with the terms and conditions of the credit at the time it was granted as well as the criteria of the current policy. Credits may vary or be eliminated over time. It is the responsibility of the billed customer to provide the Director with any and all changes to the conditions of the onsite practices and conditions that may affect the credit rate for the site. Violations of the terms and/or conditions of the credit request may be subject to collection of utility fees retroactive to the date of the violation.

VII. Effective Date and Expiration of Credits

A. Effective date of credits.

- a. Credits for Basic Stormwater Practices will be effective approximately 60 calendar days after they are approved.
- b. All other credits will become effective the date they are approved.

B. Expiration of Credits

- a. Ongoing Multi-Family and Non-Residential credits for Basic Stormwater Practices automatically expire as described in Appendix B. Other stormwater credits do not automatically expire. Credits are subject to cancellation or modification at any time if practices are found not to meet applicable credit standards. Credits are subject to modification based on changes to the credit standards. The applicant is responsible for tracking the date of credit expiration. The City does not provide notification of credit expiration, and any such changes are reflected by the amount billed.
- b. Ongoing Single- and Two-Family credits automatically expire as described in Appendix B. A new credit application must be filed to be eligible for a credit after credit expiration. Subsequent applications are allowed. Credits are subject to cancellation or modification at any time if practices are found not to meet applicable credit standards. Credits are subject to modification based on changes to the credit standards. The applicant is responsible for tracking the date of credit expiration. The City does not provide notification of credit expiration, and any such changes are reflected by the amount billed.

Appendix A

Stormwater Utility Credit Application Form

CITY OF APPLETON
STORMWATER UTILITY CREDIT APPLICATION FORM

May 2016

Submit completed application and any necessary attachments to:

City of Appleton Department of Public Works
Attn: Engineering Division
100 N. Appleton Street
Appleton, WI 54911

Please read the requirements of the City of Appleton Stormwater Utility Credit Policy prior to completing this application. You may contact the Engineering Division at 920-832-6474 if you have any questions.

Property Information	Utility Account #
Property Owner Name:	
Property Address:	
Phone & E-mail:	

Check all practices for which you are applying for a credit:

Residential (Single Family and 2-Family Credits)

Stormwater Practice (No Application Fee)	Credit Amount
<input type="checkbox"/> Rain Barrel (Min 55 Gal. Capacity) _____ Number of barrels installed \$0 Application Fee	One-Time Credit \$20 per barrel Maximum \$80 Credit per property
<input type="checkbox"/> Rain Garden \$0 Application Fee	Ongoing Credit \$25 per year. Expires after 3 years.
<input type="checkbox"/> Pervious Pavement System \$0 Application Fee	Ongoing Credit \$25 per year. Expires after 3 years.
<input type="checkbox"/> Stormwater Pledge Supporter (must attach completed pledge form) \$0 Application Fee	Ongoing Credit \$25 per year. Expires after 3 years.

Multi-Family and Non-Residential Credits

Stormwater Practice/Application Fee	Credit Amount
<input type="checkbox"/> Rain Barrel (Min 55 Gal. Capacity) _____ number of barrels installed \$0 Application Fee	One-Time Credit \$20 per barrel Maximum \$80 Credit per property
<input type="checkbox"/> Rain Garden \$0 Application Fee	Ongoing Credit \$25 per year. Expires after 3 years.
<input type="checkbox"/> Stormwater Peak Flow/Quality Practice must provide calculations \$200 Review Fee Applies	Special, See Credit Policy Section IV
<input type="checkbox"/> Riparian Property must provide drainage map \$200 Review Fee Applies	Special, See Credit Policy Section IV

Attach the following information to your application (Refer to Stormwater Utility Credit Policy for guidance):

- (1) Site plan (to scale) showing location of onsite stormwater management practice(s) and size of contributing impervious area(s) (rooftop, driveway, concrete walks/patios).
- (2) Copy of manufacturer's information (if applicable)
- (3) Plant list and sizing calculations (for rain gardens)
- (4) For Multi-Family and Nonresidential properties applying for Peak Flow Reduction credit, applicant must submit documentation for function of practice(s) per Credit Policy.
- (5) For Multi-Family and Nonresidential properties applying for Runoff Quality credit, applicant must submit documentation for function of practice(s) per Credit Policy.

Property Owner Certification

By signing this application, I certify that I am the owner or authorized representative of the owner and have read this application and understand the terms and conditions of Appleton's Stormwater Utility Credit Program. I certify that this application and additional materials accurately describe stormwater management practices on the property identified on this application. I hereby grant the City permission to enter this property for the sole purpose of conducting site inspections of the stormwater management practices on my property.

Property Owner Signature	Printed Name	Date
Reviewed By	Printed Name/Title	Date
Approved By	Printed Name/Title	Date**

**For single- and two-family properties, this credit approval is valid up to three years from date of approval. After this period, property owner must submit a new application to remain eligible for a credit.

Terms and Conditions

The design of the on-site stormwater management practice must be approved by the City of Appleton Public Works Department before a credit will be issued. **Applicants may submit this application form along with the required supporting documents for review prior to the installation of any on-site stormwater management practice, but credit will only be applied once practices are in-place.** The City may require the applicant to have the design certified and stamped by a registered Wisconsin Professional Engineer qualified in stormwater management design (see policy for further information).

The City grants stormwater utility credits to the property owner. If approved, the credit will be deducted from the City stormwater bill for the utility account provided on this application. The City may revoke the discount, require payment of previous discounts, and impose civil penalties if any of the following conditions occur:

- (1) the City finds that this application is inaccurate;
- (2) the private stormwater management system is unsafe or illegal;
- (3) the property does not comply with City building, plumbing, or stormwater requirements; or
- (4) the practice is not operated and maintained as required;
- (5) the City is denied an opportunity to conduct a site inspection of the stormwater systems.

The Director of Public Works or their designee may change the amount of the stormwater credit in response to changes in the stormwater utility rates, changes to the Credit Policy, or changes to the property.

Appendix B

Basic Stormwater Practices

1. Rain Barrel (One-Time \$20 Credit per Barrel, Maximum \$80 per Property)

This credit applies to properties that provide one or more onsite rain barrels to collect and contain rooftop runoff. Each rain barrel shall have a minimum storage capacity of 55 gallons and shall receive runoff from at least one-quarter of the roof surface of the residence in question.

There are many functional rain barrel configurations. Unless otherwise allowed by City of Appleton, rain barrels shall follow the guidance provided in University of Wisconsin Garden Facts: Rain Barrels, Revised February 5, 2008 (XHT1157).

http://labs.russell.wisc.edu/pddc/files/Fact_Sheets/LC_PDF/Rain_Barrels.pdf

2. Rain Garden (Ongoing \$25 Annual Credit)

This credit applies to properties that provide one or more onsite rain gardens to collect runoff from impervious onsite sources. Such practices shall receive runoff from at least one quarter of the impervious surfaces on the site.

Rain Gardens shall be constructed and maintained according to WDNR Publication PUB-WI-776 2003 (UWEX Publication GWQ037) "Rain Gardens a How To Manual for Homeowners".

<http://dnr.wi.gov/topic/shorelandzoning/documents/rgmanual.pdf>

This credit automatically expires after 3 years, at which time a new credit application may be submitted. The applicant is responsible for tracking the date of credit expiration. The City does not provide special notification of credit expiration, and any such changes are reflected by the amount billed.

3. Pervious Pavement System (Ongoing \$25 Annual Credit)

This credit applies to single- and two-family properties that provide a minimum of 200 square feet of pervious pavement system driveway on private property, constructed and maintained according to manufacturer's guidelines such that infiltration of runoff occurs.

Multi-family and non-residential properties that implement a Pervious Pavement System are not eligible for a credit as a Basic Stormwater Practice. Such properties shall follow the requirements for Peak Flow Reduction and/or Runoff Quality practices in Section IV.

The pervious pavement system shall not violate standards in City Ordinance Sec 19-91 "Parking in front and side yard in residential district; parking on terraces."

This credit automatically expires after 3 years, at which time a new credit application may be submitted. The applicant is responsible for tracking the date of credit expiration. The City does not provide special notification of credit expiration, and any such changes are reflected by the amount billed.

4. Stormwater Supporter Pledge (Ongoing \$10 Annual Credit)

The City of Appleton encourages "good housekeeping" stormwater practices by homeowners. This credit applies to single- and two-family property owners who sign and submit the Appleton Stormwater Supporter Pledge Form and then implement pledge practices over the duration of the credit. For single- and two-family properties, this credit automatically expires after 3 years, at which time a new credit application may be submitted. The applicant is responsible for tracking the date of credit expiration. The City does not provide special notification of credit expiration, and any such changes are reflected by the amount billed.

Appendix C

Appleton Stormwater Supporter Pledge Form

Appleton Stormwater Supporter Pledge Form

Submit completed pledge form to:

City of Appleton
Department of Public Works
Attn: Director of Public Works
100 N. Appleton Street
Appleton, WI 54911

Please contact the Department of Public Works at 920-832-6474 if you have any questions on this pledge form.

Property Information	Utility Account #:
Property Owner Name:	
Property Address:	
Phone & E-mail:	

Property Owner Certification

By signing this pledge form, I certify that I am the owner or authorized representative of the owner of the subject property listed above. I certify that I am pledging that everyone on this subject property will follow 30 of the total 47 activities as checked off on the following pages. I hereby grant the City permission to enter this property for the sole purpose of verifying these activities on my property.

Property Owner Signature	Printed Name	Date
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Reviewed By	Printed Name/Title	Date
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Welcome to the Appleton Stormwater Supporter Program!

The Appleton Stormwater Supporter program is a community education and action project that helps local residents and businesses do their part for clean water. Take a moment to look through this application form and learn how you can help prevent pollution to Appleton's waters. You may find you have already incorporated many water-friendly practices into your daily life. We hope you will find new ideas to try as well.

To be a "Appleton Stormwater Supporter", fill out this form and submit it to the Appleton Public Works Department. We want to know what you are already doing to protect the watershed and which new things you will try. Applicants that can demonstrate they are doing at least 30 of the 47 activities noted to protect Appleton's waters are eligible for a credit on their stormwater utility bill.

Join your neighbors in pledging to protect our watersheds. Remember, kids can help too (see <http://www.renewourwaters.org/wp-content/uploads/2015/07/Kids-can-help-too.pdf> for more info). Together we can make a difference!

The Appleton Stormwater Supporter program is sponsored by the City of Appleton's Stormwater Utility.

1. Lawn Care

Everyone loves a green, healthy lawn. There are many ways to keep your lawn beautiful without applying harmful chemicals. The right amount of water and proper mowing are important to keep your lawn in top shape. Lawns consisting of short turf grass need no more than one inch of water every week. Too much water leads to runoff and an unhealthy lawn. Consider letting your lawn go brown and dormant during the summer dry season – it will green up when the rains return. A low growing clover (ie: Dwarf White 'Dutch' Clover – *Trifolium repens*) interseeded with your lawn will help keep it green during drought conditions and help capture nitrogen. Use 2-5 oz. per 1000 ft². If you have a shady area that you do not walk on much, 'Low-Mow' or 'No-Mow' grasses such as a mix of fine fescues (*Festuca ovina*, *Festuca longifolia*, *Festuca rubra*, etc.) may also be worth considering to reduce the need to mow your lawn.

Grass clippings fertilize the lawn, help hold moisture, and improve soil organic matter content to reduce the need for chemical fertilizers that can end up in our groundwater. Instead of bagging your clippings, leave them on the lawn, add them to your compost pile, or use them as mulch in garden beds. Grass clippings will not cause thatch build-up. Thatch is mostly roots and stems, not grass blades.

Consider using slow release natural fertilizers such as compost or corn gluten meal. Conventional fertilizers are petroleum-based products that have a high salt content. They also tend to be quick release, creating a greater risk of leaching into streams and groundwater. Grass takes up fertilizer best in late fall.

Consider installing one or more rain barrels to collect roof runoff that would be lost. Catching rainwater allows you to water your garden and plants during dry periods, saving you money on your water bill. See <http://www.renewourwaters.org/wp-content/uploads/2015/07/Rain-Barrel.pdf>.

Did you know a regular gas-powered mower emits pollutants into the air at over ten times the rate of the average car? When it comes time to buy a new mower, think about

getting a mulching, electric mower – they are quiet and will finely chop your clippings. Better yet, use a hand-powered reel mower, which gives your grass the healthiest cut, has the least impact on the environment, and is great exercise too! For more information, check out <http://www.renewourwaters.org/wp-content/uploads/2015/07/The-Perfect-Lawn.pdf> and <http://www.renewourwaters.org/wp-content/uploads/2015/07/The-Perfect-Landscape.pdf> for more information.

I pledge to:

	a. Mow with a non-power or electric mower to reduce fossil fuel consumption, noise, air pollution, and run-off.
	b. Leave grass clippings on the lawn and sweep them from sidewalk, driveway, and street areas back into the lawn.
	c. Compost any collected grass clippings and other yard waste. Check http://clean-water.uwex.edu/pubs/pdf/managlt.pdf for composting information.
	d. Obtain a soil test on my lawn before selecting a chemical fertilizer and sweep up any fertilizer that lands on the driveway, sidewalk, or street
	e. Use natural lawn fertilizers such as compost or corn gluten meal.
	f. Reduce lawn size and enhance the beauty of my yard by installing a rain garden with native vegetation. Many native plants require less water and maintenance than grass and provide better stormwater capabilities as well as habitat for native insects and animals. Check http://dnr.wi.gov/topic/shorelandzoning/documents/rgmanual.pdf for information on rain gardens.

2. Weeds and Pests

While they may seem to be a great solution to weed and pest problems, fertilizers, insecticides, fungicides and herbicides (collectively called pesticides), often provide a short-term solution with long-term consequences. The suffix “-cide” means “to kill.” Insecticides kill insects, herbicides kill plants and fungicides kill fungus species. Understanding the nutritional and environmental needs of your lawn and garden will help you maintain them without chemicals. Most diseases and insects attack plants that are already stressed by poor growing conditions. For example, plants that thrive on sunny, sandy soil are likely to be susceptible to molds and other diseases when planted in shady, moist areas. Healthy plants well suited to their environment are the best prevention against pest and weed damage.

Avoid “weed and feed” products that spread chemicals over a large area instead of targeting specific weeds. These products also apply a heavy dose of quick-release fertilizer that your lawn oftentimes doesn’t need. All pesticides can be harmful to the health of your family and pets by increasing exposure to toxic chemicals. Pesticides can also kill earthworms and other soil organisms that are beneficial to your lawn.

A healthy, fluffy soil high in organic matter is the best prevention for insect and disease problems. Regular soil aeration helps create a good environment for beneficial microbes and earthworms. Core aerate your lawn once a year in the fall or early spring. Then overseed to create a dense lawn that shades out weeds. Corn gluten meal is a natural product that fertilizes lawns and prevents weed seedlings from growing.

Check <http://clean-water.uwex.edu/pubs/> for more information on yard and garden care recommendations.

I pledge to:

	a. Accept a few weeds, even clover which adds nitrogen to the soil.
	b. Target invasive and/or noxious weeds with hand-weeding or spot spraying.
	c. Avoid conventional “weed and feed” products and replace with corn gluten meal if necessary.
	d. Re-seed thin lawn areas to crowd out weeds.
	e. Read herbicide and pesticide labels and follow application directions. Never apply more than the recommended amount.
	f. Pick harmful insects off plants or spray them off with water.
	g. Keep pesticides from leaving my property via storm runoff.

3. Sanitary Sewer Savvy

Appleton’s storm sewer system is separate from its sanitary sewer (wastewater) system. Well-maintained private sewer systems can provide years of reliable service. Poor housekeeping practices can affect the performance and longevity of private and public sanitary sewer systems. Poor housekeeping practices can also place a greater burden on Appleton’s Wastewater Treatment Plant. Chemical drain cleaners, solvents, and some cleaning products can kill beneficial bacteria that make sanitary sewage treatment systems work. To keep wastewater systems healthy, try biodegradable cleaning products and do not flush baby wipes or cleaning wipes down your drains. Avoid pouring fats, oils, and grease (FOG) down the drain-- instead pour it into a container after it has cooled, secure the lid and put it in the trash. Check your basement plumbing to make sure your sump pump isn’t connected to or discharging into your sanitary sewer. Inspect your floor drains to confirm there are no drain tiles connected to them. Drain tile piping should discharge to a sump pit and then to the outside of the building. Never dump unused medicine or hazardous products down the drain; never dump motor oil or other auto fluids down any sanitary drain.

See <http://www.recyclemoreoutagamie.org/what-do-i-do-with/> for more information on disposing of special waste such as household hazardous waste.

I pledge to:

	a. Use biodegradable soaps and alternatives to hazardous cleaning compounds.
	b. Never put refuse down the drain or in toilets. Oil, grease, plastics, paper towels, wipes and cigarettes can clog the sanitary sewer system.
	c. Never flush unused medications down the toilet. Instead, take meds to an approved medication drop-off. See http://www.recyclemoreoutagamie.org/wp-content/uploads/2015/12/pill-dropoff-landing-page-Rev1.pdf for medication drop-off info.
	d. Verify that no basement floor drains are connected to my storm lateral, and that my sump pump and foundation drain tiles are not discharging into my sanitary lateral.

	e. Dispose of dirty wash water from carpet cleaning into a sanitary drain in my house, never into a storm drain. See http://www.renewourwaters.org/wp-content/uploads/2015/07/carpet-cleaning.pdf
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4. In the Home: Tips on Toxics

Many household products contain hazardous ingredients. If improperly handled, they may end up in our local streams, wetlands, marshes, lakes, or groundwater. Small amounts of toxins from many homes can build up and cause big problems. When choosing a product, take a moment to read the label. Key words can alert us to the hazardous nature of products. “Danger” “Caution” and “Warning” signify products that are potentially dangerous to the environment and animals, including humans. If you choose to use a hazardous product, use the least toxic substance, buy only what you need, and use it up or dispose of it properly. For more information, see <http://www.renewourwaters.org/wp-content/uploads/2015/07/Household-Hazardous-Waste.pdf> . For disposal of hazardous products, such as household cleaners, pesticides, oil paints, and solvents, visit <http://www.recyclemoreoutagamie.org/what-do-i-do-with/> for more information.

I pledge to:

	a. Use all-purpose cleaner made of 1 cup of vinegar in a pail of water.
	b. Use bathtub/sink cleaner – sprinkle baking soda, scrub, and rinse.
	c. Use drain cleaner – pour ½ cup of borax in drain followed by 2 cups of boiling water.
	d. Use phosphate-free laundry soaps.
	e. Use oven cleaner – mix 2 teaspoons borax and 2 tablespoons liquid soap in a spray bottle of warm water. Spray on and clean after 20 minutes.
	f. Use toilet cleaner – scrub with a solution of ½ cup borax in 1-gallon water.
	g. Use window cleaner – mix 1 part vinegar to every 4 parts water.
	h. Read labels when purchasing household cleaning products and dispose of unused products as directed.

5. Pets and Animals

Animal waste is a serious water quality problem that is often overlooked. While there have always been animals, it was not until humans and their pets and farm animals concentrated populations along waterways that animal waste became a real problem. Waste from dogs, cats, horses, and waterfowl may contain disease-causing organisms that are harmful to both humans and animals. Animal waste also contains nutrients that encourage weed and algae growth in streams and lakes. Never put animal waste in a street inlet.

Did you know that dogs are not the only problem? Cat waste is also a significant contributor to water quality problems in urban watersheds. Encourage your cat to use a litter box inside and out. Keep it clean so that the cat will prefer it to the garden. Dispose of the waste in the trash.

I pledge to:

	a. Carry a bag and clean up after my pet when out walking and in the yard. I will either put it in a plastic bag in the refuse or give it a flush.
	b. Encourage my cat to use a litter box by keeping it clean. I'll dispose of the waste in the refuse rather than the yard or garden.
	c. Never feed ducks and geese. They will be healthier without my breadcrumbs and will not be encouraged to concentrate in one area where their waste would also be concentrated.

Check <http://www.renewourwaters.org/wp-content/uploads/2015/04/Pet-Waste.pdf> for more information on protecting our waters from pet waste.

6. On the Road

Automobiles are one of the largest sources of water pollution. Cars leak oil, antifreeze, and other fluids that are washed into waterways. Exhaust and brake systems also release chemicals, particulates, metals, and other compounds into the air and onto the ground. When these products get into streams or wetlands they are harmful to plants, fish, wildlife, and humans.

So each time you get in the car, remember the impacts and consider an alternative to driving. Driving less often and owning an efficient and well maintained car saves money and resources and helps protect the environment. For more information, see <http://www.renewourwaters.org/wp-content/uploads/2015/07/Car.pdf>.

I pledge to:

	a. Wash cars at a commercial car wash where wastewater is treated and recycled. If washed at home, cars will be washed on grass or permeable pavement with biodegradable soap.
	b. Maintain cars with regular tune-ups and fix fluid leaks. Clean up any leaks that accumulate on surfaces as soon as possible.
	c. Use ground cloths and/or drip pans under the car when working on it at home.
	d. Properly dispose of used antifreeze by taking it to a local auto service center that will accept it, or to the Brown County Hazardous Waste Facility. You can also use the Outagamie County Hazardous Waste Collection Program. See http://www.recyclemoreoutagamie.org/what-do-i-do-with/ for the latest schedule.
	e. Properly dispose of used motor oil by taking it to an approved drop-off. See http://www.recyclemoreoutagamie.org/what-do-i-do-with/#topic-Waste-Oil-Oil-Filters
	f. Reduce the number of car trips I take by consolidating errands, carpooling, walking, using public transportation, or riding my bike.
	g. Consider purchasing a more fuel efficient vehicle, or other method of transportation, when it's time to replace my current vehicle(s).

7. Runoff and Stormwater

In the natural world, soil acts like a sponge, filtering out impurities and slowly releasing water from runoff into the groundwater and adjacent surface waters. Hard surfaces such as roadways, parking lots, and rooftops increase runoff that contributes to flooding and water pollution. Porous surfaces, such as natural landscapes, and pervious pavement, slowly absorb pollutants and reduce runoff. Buffers along the banks of streams and water bodies filter sediments and other pollutants from runoff.

Appleton storm sewers and roadside ditches do not drain to the wastewater treatment plant; they carry runoff, along with any pollutants, directly to area streams and the Fox River. The combination of cars, homes, people, and animals in the watershed makes pollution from stormwater a serious threat to water quality.

I pledge to:

	a. Minimize or reduce paved or non-porous surfaces when planning to build or remodel.
	b. Use paving alternatives such as spaced paving stones, paver bricks, and paver blocks.
	c. Position rain gutters so they drain rainwater onto grass or garden beds and away from hard surfaces such as asphalt or concrete.

Appleton is a member of the Northeast Stormwater Consortuim (NEWSC). Check out the NEWSC “Renew our Waters” website at <http://www.renewourwaters.org/> for more information.

8. Urban Forestry

According to the USDA Forest Service, planting trees improves water quality and reduces runoff and erosion. During rain events, trees capture and hold water in their canopy and then release it later into the atmosphere by evapotranspiration. Where rain falls on paved surfaces, a much greater amount of runoff is generated compared to runoff from the same storm falling over a forested area. The large volumes of water from impervious surfaces are swiftly carried to our local streams, lakes, wetlands and rivers and can cause flooding and erosion, and wash away important animal habitats. In addition, tree roots and leaf litter create soil conditions that promote the infiltration of rainwater into the soil. This helps to replenish our groundwater supply and maintain streamflow during dry periods. Visit <http://www.arboday.org/trees/stormwater.cfm> to get a better idea of how a city changes when more trees are present.

The benefits of trees are more than just reducing stormwater runoff. Trees around your home can increase its value by improving curb appeal. In the summer they provide shade (and save you money on air conditioning bills) and in winter help by providing wind breaks to help lower your heating costs. Trees remove carbon dioxide (CO₂) from the atmosphere and release oxygen, and they provide a habitat for birds and other small creatures. By properly maintaining existing trees and planting new ones, we both protect our streams and enjoy all of the other benefits that these plants have to offer.

For more information about planting trees in urban areas, visit <http://www.forestsforwatersheds.org/storage/Part3ForestryManual.pdf> to learn how to plant trees. Most established trees and shrubs in our area should never need fertilization. In particular, where trees are surrounded by fertilized turf, they very likely receive adequate nutrients.

I pledge to:

	a. Minimize removal of trees.
	b. Preserve established trees, plant new trees when possible, and replace any established trees that are cut down.
	c. Plant new trees that encourage diversity and site suitability. Select tree species that are appropriate for the climate and site conditions, including soils and sun exposure. Visit http://www.arboday.org/shopping/trees/treeWizard/intro.cfm to find a tree that's right for you.
	d. Mulch my leaves into my lawn, or compost them for use in the spring. See http://www.renewourwaters.org/wp-content/uploads/2015/07/Leaf-Collection.pdf for more info.
	e. Preserve and improve the soil quality around any trees. Soil should be accessible to air, water and nutrients. Minimize soil compaction, displacement, and erosion.
	f. Not over fertilize or over irrigate trees or lawns.

9. Ice and Snow

Winter is a fact of life in northeast Wisconsin. Managing ice and snow properly requires being aware of both safety and water quality. Shoveling frequently during and after snow storms, and using only as much salt as necessary will improve both safety and water quality. See <http://www.renewourwaters.org/wp-content/uploads/2015/07/Ice-and-Snow-Control.pdf> for more information.

I pledge to:

	a. Limit the amount of salt I apply to my sidewalk and driveway to the amount needed for safety, and not use it as a substitute for shoveling.
	b. Shovel during and immediately after snow storms to reduce snow and ice accumulation.

DEPARTMENT OF PUBLIC WORKS
Engineering Division
100 North Appleton Street
Appleton, WI 54911
(920) 832-6474
FAX (920) 832-6489

CITY OF APPLETON
STORMWATER UTILITY CREDIT POLICY
June 2016

I. Purpose and Scope

The purpose of this policy is to provide a credit structure for stormwater utility charges for properties within the City of Appleton. Credit applications must be submitted by the property owner. Credit will only be considered for properties that meet at least one of the following criteria:

Property is a multi-family or non-residential property that meets one or more of the following criteria:

- Property implements onsite stormwater management practices according to the list of eligible practices per Appendix B, Basic Stormwater Practices.
- Property contains one or more approved stormwater practices that provide measurable, maintainable reductions in peak flow rates, flow volumes, and/or pollutant discharges.
- Property discharges some or all of its flow from impervious surfaces directly to the Fox River without such flow entering a stormwater conveyance owned or maintained by the City.

Property is a single-family or two-family residential property that:

- Implements onsite stormwater management practices according to the list of eligible practices per Appendix B, Basic Stormwater Practices.

This policy recognizes that:

- NR 151, containing water quality requirements from the State of Wisconsin, became effective October 1, 2004 and has since been updated.
- The Fox River TMDL, containing water quality requirements from United States Environmental Protection Agency and the State of Wisconsin, became effective March, 2012.
- The State of Wisconsin regulates floodplains through NR 116 and NR 117.
- The City of Appleton is regulated under a WPDES Stormwater Permit per NR 216.
- For some criteria, the City of Appleton Stormwater Management Ordinance exceeds the requirements of the state standards in NR 151 and the Fox River TMDL.

This policy may be reviewed and updated from time to time. Properties receiving a credit prior to adoption of this policy are not subject to re-evaluation of credits, unless site redevelopment causes the property to become subject to the stormwater management ordinance. Under this policy, properties that are not subject to re-evaluation of credits will continue to receive credits based on the policy in place at the time credit was issued.

II. Definitions

Definitions for this policy are as listed in the Appleton Municipal Code Sec. 20-229.

III. Credit Structure

1. Multi-Family and Non-Residential Properties

These properties may be eligible for a credit for implementing Basic Stormwater Practices per Appendix B, as well as for implementing onsite practices that provide quantifiable reductions in stormwater peak flow rates or measureable improvements in runoff quality.

For the purposes of calculating applicable credit rates for practices that do not qualify as Basic Stormwater Practices, the municipal stormwater management services, which are funded through the user fee, are divided into three categories. The listed percentages are the approximate fraction of utility expenditures within each category:

Stormwater Base Fee:	27%
Stormwater Peak Flow Fee:	60%
Stormwater Quality Fee:	13%

There is no credit applicable to the Stormwater Base Fee portion of Utility charges. The Stormwater Base costs are required to conduct the stormwater management programs throughout the City. Such programs include, but are not limited to leaf collection, street cleaning, and utility administration.

Only the costs associated with the Stormwater Peak Flow and Stormwater Quality Fees are eligible for a credit. These costs are associated with the City's efforts to maintain the capacity of the stormwater conveyance system, reduce flooding, and reduce pollution to meet regulations. Properties that demonstrate they are reducing the impacts on the stormwater peak flow and/or stormwater quality components may be eligible for a portion or all of the allowed credits.

2. Single Family and Two-Family Properties

The small scale of single-family and two-family properties renders impractical the accurate calculation of peak flow reduction and water quality improvement using stormwater practices. Therefore the credit for these properties is based upon a fixed amount according to the type of eligible Basic Stormwater Practice used, as listed in Appendix B. As long as a Basic Stormwater Practice meets City required design and operation criteria, the credit for such a practice is not based on performance calculation for peak flow control or runoff quality control.

IV. Credit Criteria for Multi-Family and Non-Residential Properties

Properties that implement the practices meeting the credit criteria described in this section are potentially eligible for a credit. To be eligible for a credit, the property owner shall comply with all of the following:

- Submit a completed credit application form and review fee per Section VI of this policy.
- For Basic Stormwater Practices, submit the following documentation:
 - Written description of the number, type, and location of each practice.
 - A photograph of each practice installed onsite.
- For other stormwater practices that provide measurable stormwater peak flow and/or runoff quality benefits, submit documentation regarding the design stormwater management function of each practice for which a credit is requested, as described in this section.
- Allow the City of Appleton to enter the property to confirm the outdoor practice(s).
- Operate and maintain each practice in such a way that it continues to function per the approved design and, for practices designed to provide measurable benefits, per the approved Operation and Maintenance Plan.

1. Practices That Provide Measureable Benefits That Exceed Peak Flow Control Requirements

This credit applies to properties that provide privately constructed, owned, and maintained runoff peak flow control practices that are not Basic Stormwater Practices, and which provide measurable benefits according to accepted engineering practices. Properties that implement flow control management practices so as to exceed the City's stormwater management standards may be eligible for a credit. Minimum stormwater management standards for peak flow control are described in the Stormwater Management section of the Appleton Municipal Code, Chapter 20, Article VI, Sec 20-312. If, during site plan or stormwater management plan review, the Department of Public Works imposes requirements that are more restrictive than standard requirement of the Stormwater Management Ordinance, the more restrictive standards shall be considered the minimum requirements for credit purposes. The utility customer must submit documentation demonstrating that a management practice on their property exceeds the peak flow reduction criteria to the Department of Public Works (DPW). The amount of credit will be based on the prorated amount by which the property is exceeding the requirements.

The amount of Stormwater Peak Flow credit will be based on the following criteria:

- a. Post-development flow from all design storms, as defined in Article VI of Chapter 20 of the City's stormwater management ordinance, meet or exceed the minimum requirements.
- b. Property must reduce the peak flow rate of the 10-year design storm below the City required rate. All calculations shall use the 10-year storm as defined in Article VI of Chapter 20. For existing developed properties with no peak flow reduction requirements, the allowable peak flow rate is based on the actual peak flow rate for the developed property prior to installation of peak flow reduction practices.

The credit amount will be based on the percentage the property exceeds the minimum peak flow control requirements for the 10-year design storm. An example of credit calculations is provided in Table 1.

Table 1: Example Stormwater Peak Flow Fee Credit Calculations

Reduce peak flow below the requirement by:	0%	20%	40%	60%	80%	100%
Multiply by 60% (maximum eligible credit for peak flows)	60%	60%	60%	60%	60%	60%
The utility fee credit will be:	0%	12%	24%	36%	48%	60%

To calculate the percentage amount by which Peak Flow is reduced below the requirement, subtract the actual 10-year peak runoff rate from the allowed 10-year peak runoff rate. Then divide the resulting value by the allowed 10-year peak runoff rate.

2. Practices That Provide Measureable Benefits Which Exceed Runoff Quality Requirements

This credit applies to properties that provide privately constructed, owned, and maintained runoff quality practices that are not Basic Stormwater Practices, and which provide measurable benefits according to accepted engineering practices and any applicable DNR technical standards. Properties that implement pollution control management practices to reduce stormwater sediment (Total Suspended Solids, or TSS) beyond the requirements of the City's Stormwater Management Ordinance may be eligible for a credit. Minimum stormwater management standards for runoff quality are described in the Stormwater Management section of the Appleton Municipal Code, Chapter 20, Article VI, Sec 20-312. If, during site plan or stormwater management plan review, the Department of Public Works imposes requirements that are more restrictive than standard requirements of the Stormwater Management Ordinance, the more restrictive standards shall be considered the minimum requirements for credit purposes. The utility customer must submit documentation demonstrating the sediment control effectiveness of the management practice on their property to the Department of Public Works (DPW). The amount of credit will be based on the prorated amount as described below.

The amount of Stormwater Quality credit will be based on the following criteria:

- a. For new development and redevelopment properties as defined in the City's stormwater management ordinance:
 - 1) All requirements of the City's stormwater management ordinance must be met.
 - 2) If the stormwater Total Suspended Solids (TSS) reduction practices exceed the minimum requirements, then a credit is applied pro-rated to the level of TSS reduction achieved. An example of credit calculations is provided in Table 2.

Table 2: Example Stormwater Quality Credit Calculations for a New Development Parcel Required to Reduce Sediment by 80%

Parcel reduces TSS by:	80%**	85%	90%	95%	100%
Pro-ratio*	0/20	5/20	10/20	15/20	20/20
Multiply above row by 13% max eligible quality credit	13%	13%	13%	13%	13%
The utility fee credit will be:	0%	3%	6%	10%	13%

* credit pro-rated based on the percent sediment control remaining after the minimum requirement is met.

** this column does not exceed minimum requirement of City ordinance, thus no stormwater utility credit is applied.

- b. For existing developed properties with no pollution control requirements, the credit will be equal to the pro-ratio multiplied by 13%, where the pro-ratio is equal to the sediment control achieved compared to the property under the pre-management condition. In no case will the credit for this category exceed 13%.

For example: If an existing developed property installs a stormwater pollution management measure that reduces sediment pollution from the property by 20%, the property shall be eligible for a 2.6% credit. ($20/100 \times 13\%$)

3. Riparian Properties

Properties that discharge stormwater from all or a portion of their property directly into the Fox River, without entering a City of Appleton municipally owned stormwater conveyance system, may be eligible for a credit. The credit amount will be pro-rated based on the percent impervious area of the property that drains directly to the Fox River. Properties located on other creeks, streams and/or ditches, are not eligible for this credit.

For example if a property has 50% of its impervious area draining directly to the Fox River without entering the City's stormwater conveyance system, the eligible credit will be calculated as follows:

Stormwater Base Fee Portion of 27% =	0% (no credit applied)
Stormwater Peak Flow Fee Portion = $50\% \times 60\%$ =	30%
Stormwater Quality Fee Portion = $50\% \times 13\%$ =	6.5%
TOTAL CREDIT	36.5%

4. Properties that Implement Basic Stormwater Practices

Properties that implement the practices listed in Appendix B, Basic Stormwater Practices are

potentially eligible for a credit. To be eligible for a credit, the property owner shall:

- Submit a credit application per Section VI of this policy.
- Allow the City of Appleton to enter the property to inspect the practice.
- Install and maintain one or more practices according to the listed standards and in such a way that the practice provides a runoff quality benefit typical of such practices.
- Submit a photograph of the practice after installation.

Refer to Appendix B for applicable credits and conditions.

V. Credit Criteria for Single-Family and Two-Family Properties

Properties that implement the practices listed in Appendix B, Basic Stormwater Practices are potentially eligible for a credit. To be eligible for a credit, the property owner shall:

- Submit a credit application per Section VI of this policy.
- Allow the City of Appleton to enter the property to confirm the outdoor practice(s).
- Install and maintain one or more practices according to the listed standards and in such a way that the practice provides a runoff quality benefit typical of such practices.
- Submit a photograph of the practice after installation.

Refer to Appendix B for applicable credits and conditions.

VI. Credit Request Submittal Requirements

The Director of Public Works shall review credit request submittals for compliance with this policy.

1. Multi-Family and Non-Residential Property:

A. Review Fee

- i. Basic Stormwater Practices. There is no review fee for this category
- ii. Stormwater Practices with Measurable Benefits. Prior to review, the individual requesting the review shall pay a non-refundable review fee of \$200.00.

B. Required Documentation

- i. Application Form

The applicant shall submit a completed application form to the Department of Public Works, Engineering Division.

ii. Narrative Description, Certification and Supporting Documentation

Applicant shall provide a report including a narrative description, supporting documentation, and certification as described herein.

Narrative description shall describe the amount and type of credit requested, and describe in general the property and the basis for the request.

For non-riparian properties, the applicant shall provide written certification that the stormwater practices that are the subject of the credit have been constructed and are functioning in the manner indicated on the credit request calculations, and are owned and maintained by the property owner.

For practices that are not Basic Stormwater Practices, the applicant shall provide for DPW review and approval any hydrologic/hydraulic studies, plans, computer models, and other supporting documentation required to demonstrate, to the satisfaction of the Director, that the measures taken meet the requirements for the credits requested. A Registered Engineer or Hydrologist, licensed in the State of Wisconsin, must certify supporting plan and calculations.

For riparian properties, the applicant shall provide a site plan (to scale) showing existing elevations, drainage divides, and drainage patterns. The plan shall be stamped by an engineer or surveyor licensed in the state of Wisconsin.

iii. Operations and Maintenance Manual and Agreement

For practices that are not Basic Stormwater Practices, the applicant shall provide a manual for the operation, inspection, and maintenance of each stormwater practice, to ensure that it will continue to function as designed. The applicant shall also sign an Operation and Maintenance Agreement that will be recorded with the appropriate county to ensure continued maintenance of on-site practices. The applicant shall provide records of the inspection and maintenance performed pursuant to the approved Operation and Maintenance Agreement.

2. Single-Family and Two Family Residential Property

A. Review Fee

There is no review fee for this category.

B. Required Documentation

i. Application Form

The applicant shall submit a completed application form to the Department of Public Works, Engineering Division.

ii. Certification and Supporting Documentation

Applicant shall provide the following information with the application form:

- A site plan (to scale, with aerial photo) showing location of on-site stormwater management practice(s) and size of contributing impervious area(s)
- Copy of manufacturer's information (if applicable)
- Plant list and sizing calculations (for rain gardens)

3. Approval Process

A. Director's Review

The Director shall have thirty (30) business days to review credit applications, whereupon the Director may approve the application, deny the application, or provide comments for resubmittal. In the event of a resubmittal request, the thirty-day period referred to above shall begin again once the requested additional information is received.

B. Appeals

If the Director denies a credit request, the applicant may appeal the decision pursuant to sec. 20-239 of the Appleton Municipal Code. The applicant must file a notice of appeal with the Director no later than fifteen (15) days after receipt of the decision of the Director. Failure by an applicant to file an appeal in accordance with the foregoing provisions shall be deemed to constitute a withdrawal of the application for a credit. As the committee of jurisdiction, the Utilities Committee shall approve, disapprove, or conditionally approve with changes the credit request.

C. Annual Reevaluation

All credits shall be subject to an annual review for compliance with the terms and conditions of the credit at the time it was granted as well as the criteria of the current policy. Credits may vary or be eliminated over time. It is the responsibility of the billed customer to provide the Director with any and all changes to the conditions of the onsite practices and conditions that may affect the credit rate for the site. Violations of the terms and/or conditions of the credit request may be subject to collection of utility fees retroactive to the date of the violation.

VII. Effective Date and Expiration of Credits

A. Effective date of credits.

- a. Credits for Basic Stormwater Practices will be effective approximately 60 calendar days after they are approved.
- b. All other credits will become effective the date they are approved.

B. Expiration of Credits

- a. Ongoing Multi-Family and Non-Residential credits for Basic Stormwater Practices automatically expire as described in Appendix B. Other stormwater credits do not automatically expire. Credits are subject to cancellation or modification at any time if practices are found not to meet applicable credit standards. Credits are subject to modification based on changes to the credit standards. The applicant is responsible for tracking the date of credit expiration. The City does not provide notification of credit expiration, and any such changes are reflected by the amount billed.
- b. Ongoing Single- and Two-Family credits automatically expire as described in Appendix B. A new credit application must be filed to be eligible for a credit after credit expiration. Subsequent applications are allowed. Credits are subject to cancellation or modification at any time if practices are found not to meet applicable credit standards. Credits are subject to modification based on changes to the credit standards. The applicant is responsible for tracking the date of credit expiration. The City does not provide notification of credit expiration, and any such changes are reflected by the amount billed.

Appendix A

Stormwater Utility Credit Application Form

CITY OF APPLETON
STORMWATER UTILITY CREDIT APPLICATION FORM

June 2016

Submit completed application and any necessary attachments to:

City of Appleton Department of Public Works
Attn: Engineering Division
100 N. Appleton Street
Appleton, WI 54911

Please read the requirements of the City of Appleton Stormwater Utility Credit Policy prior to completing this application. You may contact the Engineering Division at 920-832-6474 if you have any questions.

Property Information	Utility Account #
Property Owner Name:	
Property Address:	
Phone & E-mail:	

Check all practices for which you are applying for a credit:

Residential (Single Family and 2-Family Credits)

Stormwater Practice (No Application Fee)	Credit Amount
<input type="checkbox"/> Rain Barrel (Min 40 Gal. Capacity) _____ Number of barrels installed \$0 Application Fee	One-Time Credit \$20 per barrel Maximum \$80 Credit per property
<input type="checkbox"/> Rain Garden \$0 Application Fee	Ongoing Credit \$25 per year. Expires after 3 years.
<input type="checkbox"/> Pervious Pavement System \$0 Application Fee	Ongoing Credit \$25 per year. Expires after 3 years.
<input type="checkbox"/> Stormwater Pledge Supporter (must attach completed pledge form) \$0 Application Fee	Ongoing Credit \$10 per year. Expires after 3 years.

Multi-Family and Non-Residential Credits

Stormwater Practice/Application Fee	Credit Amount
<input type="checkbox"/> Rain Barrel (Min 55 Gal. Capacity) _____ number of barrels installed \$0 Application Fee	One-Time Credit \$20 per barrel Maximum \$80 Credit per property
<input type="checkbox"/> Rain Garden \$0 Application Fee	Ongoing Credit \$25 per year. Expires after 3 years.
<input type="checkbox"/> Stormwater Peak Flow/Quality Practice must provide calculations \$200 Review Fee Applies	Special, See Credit Policy Section IV
<input type="checkbox"/> Riparian Property must provide drainage map \$200 Review Fee Applies	Special, See Credit Policy Section IV

Attach the following information to your application (Refer to Stormwater Utility Credit Policy for guidance):

- (1) Site plan (to scale) showing location of onsite stormwater management practice(s) and size of contributing impervious area(s) (rooftop, driveway, concrete walks/patios).
- (2) Copy of manufacturer's information (if applicable)
- (3) Plant list and sizing calculations (for rain gardens)
- (4) For Multi-Family and Nonresidential properties applying for Peak Flow Reduction credit, applicant must submit documentation for function of practice(s) per Credit Policy.
- (5) For Multi-Family and Nonresidential properties applying for Runoff Quality credit, applicant must submit documentation for function of practice(s) per Credit Policy.

Property Owner Certification

By signing this application, I certify that I am the owner or authorized representative of the owner and have read this application and understand the terms and conditions of Appleton's Stormwater Utility Credit Program. I certify that this application and additional materials accurately describe stormwater management practices on the property identified on this application. I hereby grant the City permission to enter this property for the sole purpose of confirming the outdoor stormwater management practices on my property.

Property Owner Signature	Printed Name	Date
Reviewed By	Printed Name/Title	Date
Approved By	Printed Name/Title	Date**

**For single- and two-family properties, this credit approval is valid up to three years from date of approval. After this period, property owner must submit a new application to remain eligible for a credit.

Terms and Conditions

The design of the on-site stormwater management practice must be approved by the City of Appleton Public Works Department before a credit will be issued. **Applicants may submit this application form along with the required supporting documents for review prior to the installation of any on-site stormwater management practice, but credit will only be applied once practices are in-place.** The City may require the applicant to have the design certified and stamped by a registered Wisconsin Professional Engineer qualified in stormwater management design (see policy for further information).

The City grants stormwater utility credits to the property owner. If approved, the credit will be deducted from the City stormwater bill for the utility account provided on this application. The City may revoke the discount, require payment of previous discounts, and impose civil penalties if any of the following conditions occur:

- (1) the City finds that this application is inaccurate;
- (2) the private stormwater management system is unsafe or illegal;
- (3) the property does not comply with City building, plumbing, or stormwater requirements; or
- (4) the practice is not operated and maintained as required;
- (5) the City is denied an opportunity to conduct a site confirmation of the stormwater systems.

The Director of Public Works or their designee may change the amount of the stormwater credit in response to changes in the stormwater utility rates, changes to the Credit Policy, or changes to the property.

Appendix B

Basic Stormwater Practices

1. Rain Barrel (One-Time \$20 Credit per Barrel, Maximum \$80 per Property)

This credit applies to properties that provide one or more onsite rain barrels to collect and contain rooftop runoff. Each rain barrel shall have a minimum storage capacity of 40 gallons (for one- and two-family) or 55 gallons (for multi-family and nonresidential) and shall receive runoff from at least one-quarter of the roof surface of the residence in question.

There are many functional rain barrel configurations. Unless otherwise allowed by City of Appleton, rain barrels shall follow the guidance provided in University of Wisconsin Garden Facts: Rain Barrels, Revised February 5, 2008 (XHT1157).

http://labs.russell.wisc.edu/pddc/files/Fact_Sheets/LC_PDF/Rain_Barrels.pdf

2. Rain Garden (Ongoing \$25 Annual Credit)

This credit applies to properties that provide one or more onsite rain gardens to collect runoff from impervious onsite sources. Such practices shall receive runoff from at least one quarter of the impervious surfaces on the site.

Rain Gardens shall be constructed and maintained according to WDNR Publication PUB-WI-776 2003 (UWEX Publication GWQ037) "Rain Gardens a How To Manual for Homeowners".

<http://dnr.wi.gov/topic/shorelandzoning/documents/rgmanual.pdf>

This credit automatically expires after 3 years, at which time a new credit application may be submitted. The applicant is responsible for tracking the date of credit expiration. The City does not provide special notification of credit expiration, and any such changes are reflected by the amount billed.

3. Pervious Pavement System (Ongoing \$25 Annual Credit)

This credit applies to single- and two-family properties that provide a minimum of 200 square feet of pervious pavement system driveway on private property, constructed and maintained according to manufacturer's guidelines such that infiltration of runoff occurs.

Multi-family and non-residential properties that implement a Pervious Pavement System are not eligible for a credit as a Basic Stormwater Practice. Such properties shall follow the requirements for Peak Flow Reduction and/or Runoff Quality practices in Section IV.

The pervious pavement system shall not violate standards in City Ordinance Sec 19-91 "Parking in front and side yard in residential district; parking on terraces."

This credit automatically expires after 3 years, at which time a new credit application may be submitted. The applicant is responsible for tracking the date of credit expiration. The City does not provide special notification of credit expiration, and any such changes are reflected by the amount billed.

4. Stormwater Supporter Pledge (Ongoing \$10 Annual Credit)

The City of Appleton encourages "good housekeeping" stormwater practices by homeowners. This credit applies to single- and two-family property owners who sign and submit the Appleton Stormwater Supporter Pledge Form and then implement pledge practices over the duration of the credit. For single- and two-family properties, this credit automatically expires after 3 years, at which time a new credit application may be submitted. The applicant is responsible for tracking the date of credit expiration. The City does not provide special notification of credit expiration, and any such changes are reflected by the amount billed.

Appendix C

Appleton Stormwater Supporter Pledge Form

Appleton Stormwater Supporter Pledge Form

Submit completed pledge form to:

City of Appleton
Department of Public Works
Attn: Director of Public Works
100 N. Appleton Street
Appleton, WI 54911

Please contact the Department of Public Works at 920-832-6474 if you have any questions on this pledge form.

Property Information	Utility Account #:
Property Owner Name:	
Property Address:	
Phone & E-mail:	

Property Owner Certification

By signing this pledge form, I certify that I am the owner or authorized representative of the owner of the subject property listed above. I certify that I am pledging that everyone on this subject property will follow 30 of the total 47 activities as checked off on the following pages. I hereby grant the City permission to enter this property for the sole purpose of confirming the outdoor practices on my property.

Property Owner Signature	Printed Name	Date
--------------------------	--------------	------

Reviewed By	Printed Name/Title	Date
-------------	--------------------	------

Welcome to the Appleton Stormwater Supporter Program!

The Appleton Stormwater Supporter program is a community education and action project that helps local residents and businesses do their part for clean water. Take a moment to look through this application form and learn how you can help prevent pollution to Appleton's waters. You may find you have already incorporated many water-friendly practices into your daily life. We hope you will find new ideas to try as well.

To be a "Appleton Stormwater Supporter", fill out this form and submit it to the Appleton Public Works Department. We want to know what you are already doing to protect the watershed and which new things you will try. Applicants that can demonstrate they are doing at least 30 of the 47 activities noted to protect Appleton's waters are eligible for a credit on their stormwater utility bill.

Join your neighbors in pledging to protect our watersheds. Remember, kids can help too (see <http://www.renewourwaters.org/wp-content/uploads/2015/07/Kids-can-help-too.pdf> for more info). Together we can make a difference!

The Appleton Stormwater Supporter program is sponsored by the City of Appleton's Stormwater Utility.

1. Lawn Care

Everyone loves a green, healthy lawn. There are many ways to keep your lawn beautiful without applying harmful chemicals. The right amount of water and proper mowing are important to keep your lawn in top shape. Lawns consisting of short turf grass need no more than one inch of water every week. Too much water leads to runoff and an unhealthy lawn. Consider letting your lawn go brown and dormant during the summer dry season – it will green up when the rains return. A low growing clover (ie: Dwarf White 'Dutch' Clover – *Trifolium repens*) interseeded with your lawn will help keep it green during drought conditions and help capture nitrogen. Use 2-5 oz. per 1000 ft². If you have a shady area that you do not walk on much, 'Low-Mow' or 'No-Mow' grasses such as a mix of fine fescues (*Festuca ovina*, *Festuca longifolia*, *Festuca rubra*, etc.) may also be worth considering to reduce the need to mow your lawn.

Grass clippings fertilize the lawn, help hold moisture, and improve soil organic matter content to reduce the need for chemical fertilizers that can end up in our groundwater. Instead of bagging your clippings, leave them on the lawn, add them to your compost pile, or use them as mulch in garden beds. Grass clippings will not cause thatch build-up. Thatch is mostly roots and stems, not grass blades.

Consider using slow release natural fertilizers such as compost or corn gluten meal. Conventional fertilizers are petroleum-based products that have a high salt content. They also tend to be quick release, creating a greater risk of leaching into streams and groundwater. Grass takes up fertilizer best in late fall.

Consider installing one or more rain barrels to collect roof runoff that would be lost. Catching rainwater allows you to water your garden and plants during dry periods, saving you money on your water bill. See <http://www.renewourwaters.org/wp-content/uploads/2015/07/Rain-Barrel.pdf>.

Did you know a regular gas-powered mower emits pollutants into the air at over ten times the rate of the average car? When it comes time to buy a new mower, think about

getting a mulching, electric mower – they are quiet and will finely chop your clippings. Better yet, use a hand-powered reel mower, which gives your grass the healthiest cut, has the least impact on the environment, and is great exercise too! For more information, check out <http://www.renewourwaters.org/wp-content/uploads/2015/07/The-Perfect-Lawn.pdf> and <http://www.renewourwaters.org/wp-content/uploads/2015/07/The-Perfect-Landscape.pdf> for more information.

I pledge to:

	a. Mow with a non-power or electric mower to reduce fossil fuel consumption, noise, air pollution, and run-off.
	b. Leave grass clippings on the lawn and sweep them from sidewalk, driveway, and street areas back into the lawn.
	c. Compost any collected grass clippings and other yard waste. Check http://clean-water.uwex.edu/pubs/pdf/managlt.pdf for composting information.
	d. Obtain a soil test on my lawn before selecting a chemical fertilizer and sweep up any fertilizer that lands on the driveway, sidewalk, or street
	e. Use natural lawn fertilizers such as compost or corn gluten meal.
	f. Reduce lawn size and enhance the beauty of my yard by installing a rain garden with native vegetation. Many native plants require less water and maintenance than grass and provide better stormwater capabilities as well as habitat for native insects and animals. Check http://dnr.wi.gov/topic/shorelandzoning/documents/rgmanual.pdf for information on rain gardens.

2. Weeds and Pests

While they may seem to be a great solution to weed and pest problems, fertilizers, insecticides, fungicides and herbicides (collectively called pesticides), often provide a short-term solution with long-term consequences. The suffix “-cide” means “to kill.” Insecticides kill insects, herbicides kill plants and fungicides kill fungus species. Understanding the nutritional and environmental needs of your lawn and garden will help you maintain them without chemicals. Most diseases and insects attack plants that are already stressed by poor growing conditions. For example, plants that thrive on sunny, sandy soil are likely to be susceptible to molds and other diseases when planted in shady, moist areas. Healthy plants well suited to their environment are the best prevention against pest and weed damage.

Avoid “weed and feed” products that spread chemicals over a large area instead of targeting specific weeds. These products also apply a heavy dose of quick-release fertilizer that your lawn oftentimes doesn’t need. All pesticides can be harmful to the health of your family and pets by increasing exposure to toxic chemicals. Pesticides can also kill earthworms and other soil organisms that are beneficial to your lawn.

A healthy, fluffy soil high in organic matter is the best prevention for insect and disease problems. Regular soil aeration helps create a good environment for beneficial microbes and earthworms. Core aerate your lawn once a year in the fall or early spring. Then overseed to create a dense lawn that shades out weeds. Corn gluten meal is a natural product that fertilizes lawns and prevents weed seedlings from growing.

Check <http://clean-water.uwex.edu/pubs/> for more information on yard and garden care recommendations.

I pledge to:

	a. Accept a few weeds, even clover which adds nitrogen to the soil.
	b. Target invasive and/or noxious weeds with hand-weeding or spot spraying.
	c. Avoid conventional “weed and feed” products and replace with corn gluten meal if necessary.
	d. Re-seed thin lawn areas to crowd out weeds.
	e. Read herbicide and pesticide labels and follow application directions. Never apply more than the recommended amount.
	f. Pick harmful insects off plants or spray them off with water.
	g. Keep pesticides from leaving my property via storm runoff.

3. Sanitary Sewer Savvy

Appleton’s storm sewer system is separate from its sanitary sewer (wastewater) system. Well-maintained private sewer systems can provide years of reliable service. Poor housekeeping practices can affect the performance and longevity of private and public sanitary sewer systems. Poor housekeeping practices can also place a greater burden on Appleton’s Wastewater Treatment Plant. Chemical drain cleaners, solvents, and some cleaning products can kill beneficial bacteria that make sanitary sewage treatment systems work. To keep wastewater systems healthy, try biodegradable cleaning products and do not flush baby wipes or cleaning wipes down your drains. Avoid pouring fats, oils, and grease (FOG) down the drain-- instead pour it into a container after it has cooled, secure the lid and put it in the trash. Check your basement plumbing to make sure your sump pump isn’t connected to or discharging into your sanitary sewer. Inspect your floor drains to confirm there are no drain tiles connected to them. Drain tile piping should discharge to a sump pit and then to the outside of the building. Never dump unused medicine or hazardous products down the drain; never dump motor oil or other auto fluids down any sanitary drain.

See <http://www.recyclemoreoutagamie.org/what-do-i-do-with/> for more information on disposing of special waste such as household hazardous waste.

I pledge to:

	a. Use biodegradable soaps and alternatives to hazardous cleaning compounds.
	b. Never put refuse down the drain or in toilets. Oil, grease, plastics, paper towels, wipes and cigarettes can clog the sanitary sewer system.
	c. Never flush unused medications down the toilet. Instead, take meds to an approved medication drop-off. See http://www.recyclemoreoutagamie.org/wp-content/uploads/2015/12/pill-dropoff-landing-page-Rev1.pdf for medication drop-off info.
	d. Verify that no basement floor drains are connected to my storm lateral, and that my sump pump and foundation drain tiles are not discharging into my sanitary lateral.

	e. Dispose of dirty wash water from carpet cleaning into a sanitary drain in my house, never into a storm drain. See http://www.renewourwaters.org/wp-content/uploads/2015/07/carpet-cleaning.pdf
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4. In the Home: Tips on Toxics

Many household products contain hazardous ingredients. If improperly handled, they may end up in our local streams, wetlands, marshes, lakes, or groundwater. Small amounts of toxins from many homes can build up and cause big problems. When choosing a product, take a moment to read the label. Key words can alert us to the hazardous nature of products. “Danger” “Caution” and “Warning” signify products that are potentially dangerous to the environment and animals, including humans. If you choose to use a hazardous product, use the least toxic substance, buy only what you need, and use it up or dispose of it properly. For more information, see <http://www.renewourwaters.org/wp-content/uploads/2015/07/Household-Hazardous-Waste.pdf> . For disposal of hazardous products, such as household cleaners, pesticides, oil paints, and solvents, visit <http://www.recyclemoreoutagamie.org/what-do-i-do-with/> for more information.

I pledge to:

	a. Use all-purpose cleaner made of 1 cup of vinegar in a pail of water.
	b. Use bathtub/sink cleaner – sprinkle baking soda, scrub, and rinse.
	c. Use drain cleaner – pour ½ cup of borax in drain followed by 2 cups of boiling water.
	d. Use phosphate-free laundry soaps.
	e. Use oven cleaner – mix 2 teaspoons borax and 2 tablespoons liquid soap in a spray bottle of warm water. Spray on and clean after 20 minutes.
	f. Use toilet cleaner – scrub with a solution of ½ cup borax in 1-gallon water.
	g. Use window cleaner – mix 1 part vinegar to every 4 parts water.
	h. Read labels when purchasing household cleaning products and dispose of unused products as directed.

5. Pets and Animals

Animal waste is a serious water quality problem that is often overlooked. While there have always been animals, it was not until humans and their pets and farm animals concentrated populations along waterways that animal waste became a real problem. Waste from dogs, cats, horses, and waterfowl may contain disease-causing organisms that are harmful to both humans and animals. Animal waste also contains nutrients that encourage weed and algae growth in streams and lakes. Never put animal waste in a street inlet.

Did you know that dogs are not the only problem? Cat waste is also a significant contributor to water quality problems in urban watersheds. Encourage your cat to use a litter box inside and out. Keep it clean so that the cat will prefer it to the garden. Dispose of the waste in the trash.

I pledge to:

	a. Carry a bag and clean up after my pet when out walking and in the yard. I will either put it in a plastic bag in the refuse or give it a flush.
	b. Encourage my cat to use a litter box by keeping it clean. I'll dispose of the waste in the refuse rather than the yard or garden.
	c. Never feed ducks and geese. They will be healthier without my breadcrumbs and will not be encouraged to concentrate in one area where their waste would also be concentrated.

Check <http://www.renewourwaters.org/wp-content/uploads/2015/04/Pet-Waste.pdf> for more information on protecting our waters from pet waste.

6. On the Road

Automobiles are one of the largest sources of water pollution. Cars leak oil, antifreeze, and other fluids that are washed into waterways. Exhaust and brake systems also release chemicals, particulates, metals, and other compounds into the air and onto the ground. When these products get into streams or wetlands they are harmful to plants, fish, wildlife, and humans.

So each time you get in the car, remember the impacts and consider an alternative to driving. Driving less often and owning an efficient and well maintained car saves money and resources and helps protect the environment. For more information, see <http://www.renewourwaters.org/wp-content/uploads/2015/07/Car.pdf>.

I pledge to:

	a. Wash cars at a commercial car wash where wastewater is treated and recycled. If washed at home, cars will be washed on grass or permeable pavement with biodegradable soap.
	b. Maintain cars with regular tune-ups and fix fluid leaks. Clean up any leaks that accumulate on surfaces as soon as possible.
	c. Use ground cloths and/or drip pans under the car when working on it at home.
	d. Properly dispose of used antifreeze by taking it to a local auto service center that will accept it, or to the Brown County Hazardous Waste Facility. You can also use the Outagamie County Hazardous Waste Collection Program. See http://www.recyclemoreoutagamie.org/what-do-i-do-with/ for the latest schedule.
	e. Properly dispose of used motor oil by taking it to an approved drop-off. See http://www.recyclemoreoutagamie.org/what-do-i-do-with/#topic-Waste-Oil-Oil-Filters
	f. Reduce the number of car trips I take by consolidating errands, carpooling, walking, using public transportation, or riding my bike.
	g. Consider purchasing a more fuel efficient vehicle, or other method of transportation, when it's time to replace my current vehicle(s).

7. Runoff and Stormwater

In the natural world, soil acts like a sponge, filtering out impurities and slowly releasing water from runoff into the groundwater and adjacent surface waters. Hard surfaces such as roadways, parking lots, and rooftops increase runoff that contributes to flooding and water pollution. Porous surfaces, such as natural landscapes, and pervious pavement, slowly absorb pollutants and reduce runoff. Buffers along the banks of streams and water bodies filter sediments and other pollutants from runoff.

Appleton storm sewers and roadside ditches do not drain to the wastewater treatment plant; they carry runoff, along with any pollutants, directly to area streams and the Fox River. The combination of cars, homes, people, and animals in the watershed makes pollution from stormwater a serious threat to water quality.

I pledge to:

	a. Minimize or reduce paved or non-porous surfaces when planning to build or remodel.
	b. Use paving alternatives such as spaced paving stones, paver bricks, and paver blocks.
	c. Position rain gutters so they drain rainwater onto grass or garden beds and away from hard surfaces such as asphalt or concrete.

Appleton is a member of the Northeast Stormwater Consortuim (NEWSC). Check out the NEWSC “Renew our Waters” website at <http://www.renewourwaters.org/> for more information.

8. Urban Forestry

According to the USDA Forest Service, planting trees improves water quality and reduces runoff and erosion. During rain events, trees capture and hold water in their canopy and then release it later into the atmosphere by evapotranspiration. Where rain falls on paved surfaces, a much greater amount of runoff is generated compared to runoff from the same storm falling over a forested area. The large volumes of water from impervious surfaces are swiftly carried to our local streams, lakes, wetlands and rivers and can cause flooding and erosion, and wash away important animal habitats. In addition, tree roots and leaf litter create soil conditions that promote the infiltration of rainwater into the soil. This helps to replenish our groundwater supply and maintain streamflow during dry periods. Visit <http://www.arboday.org/trees/stormwater.cfm> to get a better idea of how a city changes when more trees are present.

The benefits of trees are more than just reducing stormwater runoff. Trees around your home can increase its value by improving curb appeal. In the summer they provide shade (and save you money on air conditioning bills) and in winter help by providing wind breaks to help lower your heating costs. Trees remove carbon dioxide (CO₂) from the atmosphere and release oxygen, and they provide a habitat for birds and other small creatures. By properly maintaining existing trees and planting new ones, we both protect our streams and enjoy all of the other benefits that these plants have to offer.

For more information about planting trees in urban areas, visit <http://www.forestsforwatersheds.org/storage/Part3ForestryManual.pdf> to learn how to plant trees. Most established trees and shrubs in our area should never need fertilization. In particular, where trees are surrounded by fertilized turf, they very likely receive adequate nutrients.

I pledge to:

	a. Minimize removal of trees.
	b. Preserve established trees, plant new trees when possible, and replace any established trees that are cut down.
	c. Plant new trees that encourage diversity and site suitability. Select tree species that are appropriate for the climate and site conditions, including soils and sun exposure. Visit http://www.arboday.org/shopping/trees/treeWizard/intro.cfm to find a tree that's right for you.
	d. Mulch my leaves into my lawn, or compost them for use in the spring. See http://www.renewourwaters.org/wp-content/uploads/2015/07/Leaf-Collection.pdf for more info.
	e. Preserve and improve the soil quality around any trees. Soil should be accessible to air, water and nutrients. Minimize soil compaction, displacement, and erosion.
	f. Not over fertilize or over irrigate trees or lawns.

9. Ice and Snow

Winter is a fact of life in northeast Wisconsin. Managing ice and snow properly requires being aware of both safety and water quality. Shoveling frequently during and after snow storms, and using only as much salt as necessary will improve both safety and water quality. See <http://www.renewourwaters.org/wp-content/uploads/2015/07/Ice-and-Snow-Control.pdf> for more information.

I pledge to:

	a. Limit the amount of salt I apply to my sidewalk and driveway to the amount needed for safety, and not use it as a substitute for shoveling.
	b. Shovel during and immediately after snow storms to reduce snow and ice accumulation.



"...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: Robert Kennedy, AWWTP Operations Supervisor

Cc: Chris Shaw, Director of Utilities
Paula Vandehey, Director of Public Works
Dean Gazza, Director of Parks, Recreation and Facilities Management
Mayor Tim Hanna

Date: June 7, 2016

Re: *Request Approval of the electronic Compliance Maintenance Annual Report (eCMAR) for 2015 and Request Resolution be Presented to Common Council for Approval*

State of Wisconsin Code NR 208 mandates an annual assessment of the wastewater utility known as the electronic Compliance Maintenance Annual Report (eCMAR). Requirements under NR 208 are enforceable through the facility's Wisconsin Pollutant Discharge Elimination System permit. This regulation has four objectives: assuring consistency with other rules; expanding application of the rule to sanitary sewer collection system operation and maintenance; improving the compliance maintenance rating system; and improving the quality and ease of reporting through electronic data management integration. The 2015 eCMAR is required to be submitted to the Department of Natural Resources (DNR) by June 30, 2016.

Attached is the 2015 eCMAR summary, which will be submitted electronically to the Wisconsin Department of Natural Resources after the Utilities Committee and Common Council approve the resolution cited in the agenda with this attachment. Each eCMAR category was letter graded (A, B, C, D, or F) based on regulatory criteria. The categories are then combined and an overall treatment works grade point average was determined for 2015. Responses are required for categories with grades at or below a "C" or for an overall grade point average less than 3.0.

The overall letter grade for the 2015 eCMAR is an A with a grade point average of 3.73. Nine of the ten categorical grades for the facility were graded as excellent or A. There was one categories with a C grade: Biosolids Quality and Management.

The Biosolids Quality and Management section C grade was the result of the facility not having the necessary 180 days of storage capacity required under NR 204. The wastewater plant did maintain 149 days of biosolids storage for 2015.

Issues of biosolids storage capacity continue to be addressed by the Utilities Department. A capital project for a building expansion or a compost facility has been identified in the five year capital plan. AWWTP staff is currently engaged in a large scale pilot that is field testing composting biosolids with city generated yard wastes. The composted product has the potential for outlets year round that would effectively reduce the Class B biosolids building storage needs. WDNR re-issuance of the AWWTP WPDES permit is expected to address inclusion of the compost facility as storage, and provide ample acreage to achieve a section grade of A.

Overall, the 2015 Compliance Maintenance Annual Report reflects sound utility planning and operations. I would like to credit the Utilities Committee and Council for continued investment in our wastewater facilities, Wastewater Staff for their work in achieving a fine maintenance and compliance record, the Department of Public Works for collection system engineering and maintenance, and Facilities Management for maintaining our buildings and grounds.

I recommend approving the 2015 eCMAR and the Common Council resolution in support thereof. If you have any questions concerning the 2015 eCMAR please contact Robert Kennedy at 832-2349.

Compliance Maintenance Annual Report

Appleton Wastewater Treatment Facility

Last Updated: Reporting For:

6/1/2016

2015

Grading Summary

WPDES No: 0023221

SECTIONS	LETTER GRADE	GRADE POINTS	WEIGHTING FACTORS	SECTION POINTS
Influent	A	4	3	12
BOD/CBOD	A	4	10	40
TSS	A	4	5	20
Ammonia	A	4	5	20
Phosphorus	A	4	3	12
Biosolids	C	2	5	10
Staffing/PM	A	4	1	4
OpCert	A	4	1	4
Financial	A	4	1	4
Collection	A	4	3	12
TOTALS			37	138
GRADE POINT AVERAGE (GPA) = 3.73				

Notes:

A = Voluntary Range (Response Optional)

B = Voluntary Range (Response Optional)

C = Recommendation Range (Response Required)

D = Action Range (Response Required)

F = Action Range (Response Required)

Compliance Maintenance Annual Report

Appleton Wastewater Treatment Facility

Last Updated: Reporting For:

6/1/2016

2015

Resolution or Owner's Statement

Name of Governing
Body or Owner:

Date of Resolution or
Action Taken:

Resolution Number:

Date of Submittal:

ACTIONS SET FORTH BY THE GOVERNING BODY OR OWNER RELATING TO SPECIFIC CMAR SECTIONS (Optional for grade A or B. Required for grade C, D, or F):

Influent Flow and Loadings: Grade = A

Effluent Quality: BOD: Grade = A

Effluent Quality: TSS: Grade = A

Effluent Quality: Ammonia: Grade = A

Effluent Quality: Phosphorus: Grade = A

Biosolids Quality and Management: Grade = C

Staffing: Grade = A

Operator Certification: Grade = A

Financial Management: Grade = A

Collection Systems: Grade = A

(Regardless of grade, response required for Collection Systems if SSOs were reported)

ACTIONS SET FORTH BY THE GOVERNING BODY OR OWNER RELATING TO THE OVERALL GRADE POINT AVERAGE AND ANY GENERAL COMMENTS

(Optional for G.P.A. greater than or equal to 3.00, required for G.P.A. less than 3.00)

G.P.A. = 3.73



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

Department of Utilities
Water Treatment Facility
2281 Manitowoc Road
Menasha, WI 54952
920-997-4200 tel.
920-997-3240 fax

TO: Chairperson Greg Dannecker and Members of the Utilities Committee

FROM: Utilities Director Chris Shaw

DATE: June 2, 2016

RE: *Approve Amendment #1 to Robert E. Lee and Associates for the Water Clarifier Coating Contract to increase field inspections services resulting in an increase of \$16,000*

BACKGROUND:

The City of Appleton has a contract agreement with Robert E. Lee and Associates for engineering services and field services related to the Clarifier Coating Projects at the Appleton Water Treatment Facility. Engineering services for this project include system evaluation, preparation of plans and specifications, contract administration services, and field services. This project required a structural engineer with a Professional Engineering (PE) license who has considerable knowledge of structural steel mechanical equipment and corrosion resistant coating systems. The project field services portion of the contract includes inspecting contractor's conformance with project specifications, inspecting coatings for defects and performing non-destructive dry film mil thickness testing. Additional responsibilities include reviewing tank and weir modifications.

Robert E. Lee and Associates has performed well in their role as engineer and inspector. Due to circumstances beyond Robert E. Lee and Associates control their firm has had to perform additional testing and inspecting from what originally estimated in their quote. This project work was based on time and materials. This additional work load is the result of the contractor's method of work delivery.

RECOMMENDATION:

I have reviewed the May 27, 2016 letter from Robert E. Lee and concur with their estimate of additional resources necessary to successfully complete this project. The funding source for this contract amendment would be the 2016 water treatment plant operating budget. Therefore, I recommend the Committee approve Amendment #1 to Robert E. Lee and Associates for the Water Clarifier Coating Contract to increase field inspections services resulting in an increase of \$16,000

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



Green Bay Office ♦ 1250 Centennial Centre Boulevard ♦ Hobart, WI 54155-8995 ♦ 920-662-9641 ♦ www.releecinc.com

May 27, 2016

Mr. Chris Shaw, Director of Utilities
APPLETON WATER TREATMENT FACILITY
2281 Manitowoc Road
Menasha, WI 54952-8924

Dear Chris:

Robert E. Lee & Associates, Inc., (REL) has an agreement to provide engineering services associated with the recoating of two water treatment clarifiers for the City of Appleton water treatment facility. The agreement was based on our proposal, dated March 19, 2015. We estimated the total engineering fee for the scope of services on a time-and-expense basis of \$59,800. A detailed breakdown of the engineering fee for completion of the scope of services was provided with the original proposal, and is included as Attachment A to this letter.

As I explained in the e-mail transmitting our most recent invoice through May 1, our total billing is approximately \$53,700 compared to our total project budget on a time-and-expense basis of \$59,800. As we explained in previous e-mail correspondence, we had budgeted a total of 30 part-time inspection visits per clarifier for a total of 120 hours per clarifier. Through April, we have had over 80 inspection visits, resulting in approximately 260 hours for part-time inspection. The additional fee for the inspections has been partially offset by completing the design and bidding phase for approximately \$7,000 less than budgeted.

As you are aware, our effort regarding the on-site inspection is dictated by the contractor's schedule. Change Order No. 1 adjusted the Milestone No. 1 completion to March 15 and Substantial Completion to July 15. The adjusted milestone reflected a later than anticipated Notice to Proceed (November 12) and a longer schedule to complete the initial clarifier (4 months compared to 2 months). Actual completion of the initial clarifier was approximately one month later than March 15 milestone date. It is anticipated completion of the second clarifier, which was initiated April 20 with preliminary preparations, will not be completed by the July 15 Substantial Completion date. In accordance with the agreement, liquidated damages can be assessed for delay to the Contractor. However, Appleton's preference, as expressed in meetings, was to have a long lasting coating application, rather than possibly compromise quality and push for schedule completion.

Obviously, the longer it takes for the various stages of the coating process, the more site visits are required. As a reminder of the Engineer's responsibility for allowing a schedule that increases the Engineer's inspection effort, Article 9 of the Standard Conditions, Section 9.09, Paragraph B, Limitations on Engineer's Authority and Responsibilities, states the following:

"Engineer will not supervise, direct, control, or have authority over or be responsible for Contractor's means, methods, techniques, sequences, or procedures of construction, or the safety precautions and programs incident thereto..."

May 27, 2016
Mr. Chris Shaw, Director of Utilities
APPLETON WATER TREATMENT FACILITY
Page 2

Therefore, we advise that we will not be able to complete the on-site inspections for the second clarifier within our current time and expense budget, and are requesting an engineering amendment for our services to continue to provide part-time on-site inspection services for the additional clarifier. We are somewhat optimistic that modifications and efficiencies in the contractor's approach, as a result of knowledge gained, will result in the schedule for completion of the second clarifier in less time than the approximately four months required for the initial clarifier. However, assuming the second clarifier re-coating will require four months, and two inspection trips are required per week, we have estimated an additional 32 trips, resulting in an additional estimated fee for time and expenses of approximately \$16,000. We estimate each additional month will add an additional estimated fee for time and expenses of approximately \$4,000.

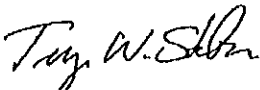
The amendment to our engineering services will address the following for the additional clarifier:

- Review contractor conformance with specifications for surface preparation and coatings and review protection devices of existing equipment.
- Review that proper coating system is being used on the project.
- Review paint application for defects, such as missed areas and excess paint runs.
- Conduct non-destructive dry film mil thickness testing of coating system at random locations after each coat.
- Review installation of fiberglass weir plates.
- Review any tank modifications required per the specifications.

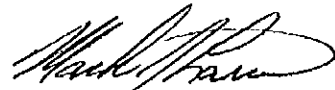
Therefore, we request an amendment to our engineering services to increase our estimated fee on a time-and-materials basis from \$59,800 to \$75,800. We are pleased to answer any questions that you may have regarding our requested amendment.

Sincerely,

ROBERT E. LEE & ASSOCIATES, INC.



Terry W. Stebor, P.E.
Water/Wastewater Engineering Manager



Mark J. Larson CPA, CGMA
President

TWS/MJL/LAR

ENC.

RESOLUTION 3-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

Glendale Avenue from Birchwood Avenue to Mason Street
Grant Street from Nicholas Street to Mason Street

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: June 15, 2016

S/ TIMOTHY M. HANNA (Mayor)

Attest: KAMI L. LYNCH, (City Clerk)

Resolution #5-R-16

Alderperson Plank

4-06-2016

WHEREAS, the City of Appleton has previously enacted Appleton city ordinance 3-15 which commands owner(s) or caretaker(s) of any animal to confine, restrain or maintain control over the animal so that the unprovoked animal does not run at large, attack or injure any person or domesticated animal,

WHEREAS, the City of Appleton has not required animal owners and/or caretakers to place their animals on a leash, so long as the owner and/or caretaker is able to maintain control over the animal. However, as a result, unleashed animals have proven to be disobedient when permitted to run unleashed and, on occasion have caused unprovoked attacks to humans and other animals.

THEREFORE BE IT RESOLVED that the City conduct a review of the current Animal Ordinance to modify and clarify language and definitions which result in more specific and safe leashing and restraint measures.

Referred to the Board of Health

Sec. 3-1. Definitions.

Animal at large means an animal that is off the property and/ or premises of the owner and/ or caretaker and not under restraint.

Leash: a strap, chain, or cord that is no more than eight (8) feet in length and of appropriate strength to control the animal, used by a person of sufficient capability to restrain, control, and guide an animal.

Molests: excessive barking, running up to or charging, threatening, jumping on or otherwise harassing people or other domestic animals or the passing public that are in the public right-of-way, or on public property, or on their own property, or property of anyone other than the owner and/or caretaker of the animal.

Restraint means that the animal is secured by a leash ~~or lead~~, not more than eight (8) feet in length and under the control of a responsible person and obedient to that person's command, or within the real property limits of its owner.

Sec. 3-15. Restraint, nuisance animals.

(a) The owner and/ or caretaker of any animal shall keep an animal within the limits of his or her property and/ or premises and when off of the property and/ or premises, the animal shall be confine, restrained or maintain control over the animal so that the unprovoked animal does not run at large, ~~attack or injure any person or domesticated animal, or become a public nuisance.~~ For purposes of this section, the phrase "running at large" encompasses all places within the City except the owner's premises, and includes all streets, alleys, sidewalks, other public areas where animals are permitted, and private property.

(b) All owners and/ or caretakers shall exercise proper care and control of ~~their~~ animals under their ownership, possession, and/ or custody to prevent them from becoming a public nuisance.

Sec. 3-1. Definitions.

Animal at large means an animal that is off the property and/ or premises of the owner and/ or caretaker and not under restraint.

Leash: a strap, chain, or cord that is no more than eight (8) feet in length and of appropriate strength to control the animal, used by a person of sufficient capability to restrain, control, and guide an animal.

Molests: excessive barking, running up to or charging, threatening, jumping on or otherwise harassing people or other domestic animals or the passing public that are in the public right-of-way, or on public property, or on their own property, or property of anyone other than the owner and/or caretaker of the animal.

Restraint means that the animal is secured by a leash not more than eight (8) feet in length and under the control of a responsible person and obedient to that person's command, or within the real property limits of its owner.

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(a) The owner and/or caretaker of any animal shall keep an animal within the limits of his or her property and/or premises and when off of the property and/ or premises, the animal shall be restrained so that the unprovoked animal does not run at large or become a public nuisance. For purposes of this section, the phrase "running at large" encompasses all places within the City except the owner's premises, and includes all streets, alleys, sidewalks, other public areas where animals are permitted, and private property.

(b) All owners and/ or caretakers shall exercise proper care and control of animals under their ownership, possession, and/ or custody to prevent them from becoming a public nuisance.

47-16

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

(City Plan Commission 6-15-16)

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

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

To rezone lands located at 5715 North Meade Street (north of the intersection of Edgewood Drive (JJ) and Meade Street) including to the centerline of adjacent right-of-way from R-1A Single-Family District to R-3 Multi-Family District. (Rezoning #4-16 – Primrose Retirement)

LEGAL DESCRIPTION:

SEC2 T21N R17E NE1/4 OF SE1/4 LESS S660FT M/L 20 AC and to the C/L of adjacent right-of-way (Tax Id. 31-6-6100-50)

COMMON DESCRIPTION:

5715 North Meade Street

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

48-16

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

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

Section 1: The Comprehensive Plan 2010-2030 Comprehensive Land Use Map Amendment for the following area of the city be amended as follows:

#2-16: For land located at 5715 North Meade Street (north of the intersection of Edgewood Drive (JJ) and Meade Street), City of Appleton, Outagamie County, Wisconsin (31-6-6100-50) including to the centerline of the adjacent right-of-way to change from future one- and two-family residential land use to multifamily residential use and the Future Land Use Map be revised accordingly.

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

49-16

AN ORDINANCE REPEALING AND RECREATING CHAPTER 24 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO EROSION AND SEDIMENT CONTROL.

(Utilities Committee – 6-1-16)

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

Section 1: That Chapter 24 of the Municipal Code of the City of Appleton, relating to erosion and sediment control, is hereby repealed and recreated as follows:

Sec. 24-1. Authority.

(a) This ordinance is adopted under the authority granted by §62.234, Wis. Stats. This ordinance supersedes all provisions of any ordinance previously enacted under §62.23, Wis. Stats., that relates to erosion and sediment control. Except as otherwise specified in §62.234 Wis. Stats., §62.23, Wis. Stats., 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 City of Appleton.

(c) The City of Appleton hereby designates the Director of Public Works or his/her designee as the administering authority to enforce the provisions of this ordinance.

(d) The requirements of this ordinance do not pre-empt more stringent erosion and sediment control requirements that may be imposed by any of the following:

- (1) Wisconsin Department of Natural Resources administrative rules, permits or approvals, including those authorized under §281.16 and §283.33, Wis. Stats.
- (2) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under s. NR 151.004, Wis. Adm. Code.

(Ord 180-04, §1, 1-1-05)

Sec. 24-2. Purpose.

The City of Appleton acknowledges that runoff from land disturbing construction activity and improper land management carries sediment and other pollutants to the waters of the state.

It is the purpose of this ordinance to further the maintenance of safe and healthful conditions; prevent and control water pollution; prevent and control soil erosion and sediment discharge; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth, by minimizing the amount of sediment and other pollutants carried by runoff or discharged from land disturbing activity to waters of the state within the City of Appleton.

It is also the purpose of this ordinance to meet the performance standards in subchapters III and IV of Ch. NR 151, Wis. Adm. Code and to meet the requirements for construction site pollutant control in the General Permit to Discharge under the Wisconsin Pollutant Discharge Elimination System WPDES Permit No. WI S050075-2 administered by the Wisconsin Department of Natural Resources (WDNR).

(Ord 180-04, §1, 1-1-05)

Secs. 24-3 – 24-9. Reserved.

Sec. 24-10. Applicability and jurisdiction.

(a) *Applicability.*

- (1) This ordinance applies to all land disturbing activities within the City of Appleton except as provided under sub. (3).
- (2) Land disturbing activities meeting any one of the following are required to prepare a plan and obtain a permit:
 - a. Building on lots in subdivisions, certified survey maps or unplatted lands.
 - b. Land disturbing activities involving grading, removal of protective ground cover or vegetation, excavation, land filling, scraping or other land disturbing activity affecting a surface of two thousand (2,000) square feet or more.
 - c. Land disturbing activities involving excavation or filling or a combination of excavating and filling affecting two hundred (200) cubic yards or more of soil, dirt, sand or other excavation or fill material.
 - d. Land disturbing activities involving street, highway, road or bridge construction, enlargement, relocation or reconstruction.
 - e. Land disturbing activities involving the laying, repairing, replacing or enlarging of an underground pipe, wire, cable or facility for a distance of three hundred (300) feet or more.

f. Land disturbing activities within protective areas as defined in City of Appleton Municipal Code Sec. 20-312(f).

g. Routine ditch maintenance for a continuous distance of one hundred (100) feet or more.

h. Notwithstanding the previously listed applicability requirements, this ordinance applies to any sites which, in the opinion of the City of Appleton, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that cause undue erosion, that increases water pollution by scouring or the transportation of particulate matter, or that endangers property or public safety.

(3) This ordinance does not apply to the following:

a. Land disturbing construction activity that includes the construction of one- (1-) and two- (2-) family residential dwellings that are not part of a larger common plan of development or sale and that result in less than one (1) acre of disturbance. These construction sites are regulated by the Wisconsin Department of Safety and Professional Services under s. SPS 321.125 Wis. Adm. Code.

b. A construction project that is exempted by federal statutes or regulations from the requirement to have a national pollutant discharge elimination system permit issued under Chapter 40, Code of Federal Regulations, part 122, for land disturbing activity.

c. Nonpoint discharges from agricultural facilities and practices.

d. Nonpoint discharges from silviculture activities.

e. Activities conducted by a state agency, as defined under §227.01 (1), Wis. Stats., but also including 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. Stats.

(b) ***Jurisdiction.***

(1) This ordinance applies to land disturbing activities located within the boundaries of the City of Appleton.

(2) *County and Town Ordinances.* This ordinance supercedes any county or town erosion and sediment control ordinance for lands annexed to the City after the effective date of the county's or town's ordinance, except when the county's or town's 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 ordinance is met.

- (3) *Waivers.* Requests to waive the erosion and sediment control requirements, or a portion thereof, shall be submitted to the City of Appleton, in writing, with the application and fee, for review. Written waivers may be granted administratively by the City for erosion and sediment control requirements that are required 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 without an erosion and sediment control plan or portion thereof.
- (4) *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 of Appleton'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 completing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.

(Ord 180-04, §1, 1-1-05; Ord 181-11, §1, 1-1-12)

Secs. 24-11 – 24-14. Reserved.

Sec. 24-15. 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:

Administering authority means the Director of Public Works, or a designee.

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

Average annual rainfall means a calendar year of precipitation, excluding snow, which is considered typical. An average annual rainfall for Green Bay, 1969 (March 29 - November 25) is applicable for the City of Appleton.

Best management practice or *BMP* means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff.

Business day means a day the 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 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 (1) plan. A common plan of development or sale includes, but is not limited

to, subdivision plats, certified survey maps, and other developments.

Construction site means an area upon which one (1) 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 (1) common plan of development.

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.

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

Erosion and sediment control plan means a comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.

Final stabilization means that all land disturbing activities at the 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.

Land disturbing activity means any man-made alteration resulting in a change in the topography, existing vegetative or non-vegetative soil cover, or drainage pattern, that may result in runoff and lead to an increase in soil erosion and movement of sediment. Land disturbing activities include, but are not limited to, clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities, an unstable pipe outfall, or an unstable slope.

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.

Maximum extent practicable 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. 20-10(b)(4) of the Appleton Municipal Code.

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 activity.

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

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

Responsible party means any person holding fee title to the property or other entity performing services to meet the requirements of this ordinance through a contract or other agreement.

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

Performance security means cash, or an irrevocable letter of credit submitted to the City of Appleton by the responsible party to assure that requirements of the ordinance are carried out in compliance with the approved erosion and sediment control plan and to recover any costs incurred by the City for designing, 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.

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

Sediment means settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.

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 activity is proposed in the permit application or has occurred.

Stop work order means an order issued by the City of Appleton, which requires that 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.
(Ord 182-11, §1, 1-1-12)

Technical standard means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.

Transportation facility means a highway, a railroad, a public mass transit facility, a public-use airport, a public trail or any other public work for transportation purposes such as harbor improvements under §85.095(1)(b), Wis. Stats. 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. Stats.

Waters of the state has the meaning in §283.01(20), Wis. Stat.
(Ord 180-04, §1, 1-1-05)

Secs. 24-16 – 24-19. Reserved.

Sec. 24-20. Technical standards.

(a) ***Design criteria, standards and specifications.*** All BMPs required to comply with this ordinance shall meet the design criteria, standards and specifications based on any of the following:

- (1) Design guidance and technical standards identified or developed by the Wisconsin Department of Natural Resources under subchapter V of Chapter NR 151, Wis. Adm. Code.
- (2) Soil loss prediction tools (such as the Universal Soil Loss Equation [USLE] or its successors RUSLE and RUSLE2) when using an appropriate rainfall or runoff factor (also referred to as the R factor) or an appropriate design storm and precipitation distribution, and when considering the geographic location of the site and the period of disturbance.

(b) ***Other standards.*** Other technical standards not identified or developed in sub. (a), may be used provided that the methods have been approved by the City of Appleton. (Ord 180-04, §1, 1-1-05; Ord 183-11, §1, 1-1-12)

Secs. 24-21 – 24-23. Reserved.

Sec. 24-24. Performance standards for non-permitted sites.

(a) ***Responsible party.*** The responsible party shall comply with this section.

(b) ***Requirements.*** Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all of the following:

- (1) The deposition of soil from being tracked onto streets by vehicles.
- (2) The discharge of sediment from disturbed areas into on-site storm water inlets.
- (3) The discharge of sediment from disturbed areas.
- (4) The discharge of sediment from drainage ways that flow off the site.
- (5) The discharge of sediment by dewatering activities.
- (6) The discharge of sediment eroding from soil stockpiles existing for more than seven (7) days.
- (7) The transport by runoff of chemicals, cement and other building compounds and materials on the construction site during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this paragraph.

(c) ***Location.*** The BMPs used to comply with this section shall be located so that treatment occurs before runoff leaves the site or enters a storm conveyance system, any drainage

channel or waters of the state.

(d) **Implementation.** The BMPs used to comply with this section shall be implemented as follows:

- (1) Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin.
- (2) Erosion and sediment control practices shall be maintained until final stabilization.
- (3) Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.
- (4) Temporary stabilization activity shall commence when land disturbing activities cease and will not resume for a period exceeding fourteen (14) calendar days.
- (5) BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.
- (6) All off-site deposits occurring as a result of a storm event shall be cleaned up by the end of the next working day. All other off-site deposits occurring as a result of land disturbing activities shall be cleaned up by the end of the workday. Flushing is not allowed.

(e) **Alternate requirements.** The City of Appleton may establish erosion and sediment control requirements more stringent than those set forth in this section if the City determines that an added level of protection is needed to protect resources.

(Ord 184-11, §1, 1-1-12)

Sec. 24-25. Performance standards for permitted sites.

(a) **Responsible party.** The responsible party shall implement an erosion and sediment control plan, developed in accordance with Sec. 24-35, that incorporates the requirements of this section.

(b) **Plan.** A written site specific erosion and sediment control plan shall be developed in accordance with Sec. 24-35 and implemented for each construction site.

(c) **Erosion and other pollutant control requirements.** The plan required under sub. (b) shall include the following:

- (1) Erosion and sediment control practices shall be used to prevent or reduce all of the following:
 - a. The deposition of soil from being tracked onto streets by vehicles.
 - b. The discharge of sediment from disturbed areas into on-site storm water inlets.

- c. The discharge of sediment from disturbed areas into adjacent waters of the state.
 - d. The discharge of sediment from drainage ways that flow off the site.
 - e. The discharge of sediment by dewatering activities.
 - f. The discharge of sediment eroding from soil stockpiles existing for more than seven (7) days.
 - g. The discharge of sediment from erosive flows at outlets and in downstream channels.
 - h. The transport by runoff of chemicals, cement and other building compounds and materials from the construction site during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this subdivision.
 - i. The transport by runoff of untreated wash water from vehicle and wheel washing from the construction site. Wastewaters, such as concrete truck washout, shall be properly managed to limit the discharge of pollutants.
- (2) For permitted sites with less than one (1) acre disturbed activity, BMPs that, by design, achieve to the maximum extent practicable, a reduction of eighty percent (80%) of the sediment load carried in runoff, on an average annual basis, as compared with no sediment or erosion controls until the site has undergone final stabilization. No person shall be required to exceed an eighty percent (80%) sediment reduction to meet the requirements of this paragraph.
 - (3) For permitted sites with one (1) acre or more disturbed area, BMPs that, by design, discharge no more than five (5) tons per acre per year, or to the maximum extent practicable, of the sediment load carried in runoff from initial grading to final stabilization, as determined by the WDNR construction site soil loss and sediment discharge guidance.
 - (4) Erosion and Sedimentation BMPs may be combined to meet the requirements of this section. Credit toward meeting the sediment reduction shall be given for limiting the duration or area, or both, of land disturbing activity, or other appropriate mechanism. The method of calculating the percent reduction in sediment shall be a method approved by the City of Appleton.
 - (5) No person shall be required to employ more BMPs than are needed to meet a performance standard in order to comply with MEP.
 - (6) Notwithstanding sub. (2) and (3), if BMPs cannot be designed and implemented to meet these requirements, the plan shall include a written and

site-specific explanation as to why the requirements are not attainable and how the sediment load shall be reduced to the maximum extent practicable.

(7) *Preventative measures.* The plan shall incorporate all of the following:

- a. Maintenance of existing vegetation, especially adjacent to surface waters whenever possible.
- b. Minimization of soil compaction and preservation of topsoil.
- c. Minimization of land disturbing construction activity on slopes of twenty percent (20%) or more.
- d. Development of spill prevention and response procedures.

(8) All off-site deposits occurring as a result of a storm event shall be cleaned up by the end of the next working day. All other off-site deposits occurring as a result of land disturbing activities shall be cleaned up by the end of the workday. Flushing is not allowed.

(d) ***Location.*** The BMPs used to comply with this section shall be located so that treatment occurs prior to runoff leaving the site or entering the storm conveyance system, any drainage channel or waters of the state.

(e) ***Implementation.*** The BMPs used to comply with this section shall be implemented as follows:

- (1) Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin in accordance with plan developed under Sec. 24-35.
- (2) Erosion and sediment control practices shall be maintained until final stabilization.
- (3) Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.
- (4) Temporary stabilization activity shall commence when land disturbing activities cease and will not resume for a period exceeding fourteen (14) calendar days.
- (5) BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.

(f) ***Alternate requirements.*** The City of Appleton may establish erosion and sediment control requirements more stringent than those set forth in this section if the City determines that an added level of protection is needed to protect sensitive resources.

(Ord 180-04, §1, 1-1-05; Ord 185-11, §1, 1-1-12)

Secs. 24-26 – 24-29. Reserved.

Sec. 24-30. Permitting requirements, procedures and fees.

(a) ***Permit required.*** No responsible party may commence any land disturbing activity subject to this ordinance without first receiving approval of an erosion and sediment control plan for the site and a permit from the City of Appleton.

(b) ***Permit application and fees.*** The responsible party desiring to undertake a land disturbing activity subject to this ordinance shall submit an application for a permit and an erosion and sediment control plan that meets the requirements of Sec. 24-35 and shall pay an application fee to the City of Appleton. By submitting an application, the applicant is authorizing the City of Appleton to enter the site to obtain information required for the review of the erosion and sediment control plan.

(c) ***Review and approval of permit application.*** The City of Appleton shall review any complete permit application that is submitted with an erosion and sediment control plan, and the required fee. The following approval procedure shall be used:

- (1) Within twenty (20) business days of the receipt of a complete permit application, as required by sub. (b), the City of Appleton shall inform the applicant whether the application and plan are approved or disapproved based on the requirements of this ordinance.
- (2) If the permit application and plan are approved, the City of Appleton shall issue the permit.
- (3) If the permit application or plan is disapproved, the City of Appleton shall state in writing the reasons for disapproval.
- (4) The City of Appleton may request additional information from the applicant. If additional information is submitted, the City of Appleton shall have twenty (20) business days from the date the additional information is received to inform the applicant that the plan is either approved or disapproved.
- (5) Failure by the City of Appleton to inform the permit applicant of a decision within twenty (20) business days of a required submittal shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued.

(d) ***Performance security.*** The City of Appleton may, at its discretion, require the submittal of a cash escrow, irrevocable letter of credit, or performance security prior to issuance of the permit to ensure that the practices are installed and maintained by the responsible party as required by the approved erosion and sediment control plan and any conditions attached to the permit. 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 erosion and sediment control practices approved under the permit unless otherwise specified in the permit. The amount of any

required maintenance performance security shall be determined by the City of Appleton. Any performance securities shall contain forfeiture provisions for failure to complete work specified in the 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 a professional engineer registered in the State of Wisconsin that the practice(s) were installed 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 requirements.*** All permits shall require the responsible party to:

- (1) Notify the City of Appleton no less than two (2) business days prior to commencing any land disturbing construction activity.
- (2) Notify the City of Appleton of completion of any BMPs within two (2) business days after their installation.
- (3) Obtain permission in writing from the City of Appleton prior to any modification pursuant to Sec. 24-35 of the erosion and sediment control plan.
- (4) Install all BMPs as identified in the approved erosion and sediment control plan.
- (5) Maintain and repair all road drainage systems, storm conveyance systems, BMPs and other facilities, both on and off site, identified in the approved erosion and sediment control plan.
- (6) Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land disturbing construction activities and document repairs in a site erosion control log.
- (7) Inspect the BMPs within twenty-four (24) hours after each rain of 0.5 inches or more and at least once each week. Make needed repairs, install additional BMPs as necessary and document the findings of the inspections in an

erosion control log kept on site with the date of inspection, the name of the person conducting the inspection, a description of the present phase of the construction, a description of any repairs needed and documentation of the completed repairs.

- (8) *Winter dormant inspection requirements.* When a permitted construction site is shut down and dormant over the winter season, the applicant shall be exempt from weekly inspections as required in Sec. 24-30(e)(7) upon approval of the Director of Public Works. In order for a permitted site to be classified as winter dormant, the applicant must install erosion control measures to the satisfaction of the Director of Public Works, provide an inspection of these measures and then cease all construction activities except for minor maintenance activities. Once a site is classified as winter dormant by the Director of Public Works, inspections are only required within twenty-four (24) hours of a rain or thaw event as determined by the Director of Public Works. If at any time construction resumes or an erosion control failure occurs at the site, the site shall lose the winter dormant classification and the applicant must resume normal inspection.
- (9) *Documentation of inspection.* When required by the City of Appleton, erosion control inspections, including any repairs needed and/or actions taken at the site, shall be documented on the City of Appleton online erosion control self-reporting system. The permittee will be given access to this website, which contains documentation and forms for use in the erosion control inspections. Digital photographs of each of the erosion control practices and the site conditions shall be submitted and shall be required to meet the minimum inspection requirements of this section.
- (10) Allow the City of Appleton to enter the site for the purpose of inspecting compliance with the erosion and sediment control plan or for performing any work necessary to bring the site into compliance with the plan. Keep a copy of the erosion and sediment control plan at the construction site.

(f) ***Permit conditions.*** Permits issued under this section may include conditions established by City of Appleton in addition to the requirements set forth in sub. (e), where needed to assure compliance with the performance standards in Sec. 24-25.

(g) ***Permit duration.*** Permits issued under this section shall be valid for a period of one (1) year, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance.

(h) ***Maintenance.*** The responsible party throughout the duration of the construction activities shall maintain all BMPs necessary to meet the requirements of this ordinance until the site has undergone final stabilization and final acceptance by the City of Appleton. Upon failure to perform the necessary maintenance of the erosion control practices, the City of Appleton retains the right to perform maintenance and/or repairs. The costs shall be assessed to the responsible party.

(i) All sites covered under this ordinance shall implement a long-term stormwater management plan per Wis. Adm. Code s. NR 216.47. For sites not subject to the Stormwater Management Standards and Planning Ordinance in Article VI of Chapter 20 of the Appleton

Municipal Code, a stormwater management acknowledgement form, accepting the long-term stormwater management requirements, shall be required prior to receiving an erosion and sediment control permit.
(Ord 180-04, §1, 1-1-05)

Secs. 24-31 – 24-34. Reserved.

Sec. 24-35. Erosion and sediment control plan, statement and amendments.

(a) ***Erosion and sediment control plan.***

- (1) An erosion and sediment control plan shall be prepared and submitted to the City of Appleton Department of Public Works unless the project is required to also submit a site plan. If a site plan is required, the complete erosion and sediment control permit application and appropriate fee shall be submitted to the City of Appleton Community Development Department with the site plan submittal.
- (2) The complete erosion and sediment control plan shall be submitted in both hard copy and .pdf format.
- (3) The erosion and sediment control plan shall be prepared by a person who holds a registration issued by the Wisconsin Department of Regulation and Licensing in one (1) of the following categories:
 - a. Architect.
 - b. Engineer.
 - c. Land Surveyor.
 - d. Landscape Architect.
- (4) The erosion and sediment control plan shall be designed to meet the performance standards in Sec. 24-25 and other requirements of this ordinance.
- (5) The erosion and sediment control plan shall address pollution caused by soil erosion and sedimentation during construction and up to final stabilization of the site. The erosion and sediment control plan shall include, at a minimum, the following items:
 - a. The name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant, together with the name of the applicant's contact at such firm. The application shall also include start and end dates for construction.
 - b. Description of the site and the nature of the land disturbing activity, Sites of one (1) acre or more shall include the limits of land

disturbance on a United States Geological Service 7.5 minute series topographic map.

- c. The intended sequence of land disturbing construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date when clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, establishment of permanent vegetation and removal of erosion and sediment controls.
 - d. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by construction activities.
 - e. For sites less than one (1) acre of disturbed area, include BMPs meeting the provisions of Sec. 24-25(c)(2).
 - f. For sites with one (1) acre or more of disturbed area, provide calculations per WDNR Soil Loss Guidelines per Sec. 24-25(c)(3).
 - g. Location and description of the existing surface soil as well as subsoils, as indicated by USDA Natural Resource Conservation Service Soil Survey information.
 - h. Depth to groundwater, as indicated by USDA Natural Resources Conservation Department soil survey information.
 - i. Name of the immediate named receiving water.
- (6) The erosion and sediment control plan shall include a site map. The site map shall include the following items and shall be at a scale not greater than one hundred (100) feet per inch and at a contour interval not to exceed two (2) feet.
- a. Existing topography, vegetative cover, natural and engineered drainage systems, roads, and surface waters. Lakes, streams, wetlands, channels, ditches and other watercourses on the site and on adjacent lands shall be shown. Any identified 100-year flood plains, flood fringes, floodways, and flood storage areas shall also be shown.
 - b. Boundaries of the parcel and the construction site.
 - c. Drainage patterns and approximate slopes before and after major grading activities.
 - d. Areas of soil disturbance.
 - e. Location, dimensions and descriptions of major structural and non-structural controls identified in the erosion and sediment control plan.

- f. Location of areas where stabilization BMPs will be employed.
- g. Areas that will be vegetated following construction.
- h. Area(s) and location(s) of wetlands on the site and locations where stormwater is discharged to a surface water or wetland, within one-quarter mile downstream of the construction site.
- i. Water courses and wetlands that may affect or be affected by runoff from the site.
- j. On sites one (1) acre or larger an alphanumeric or equivalent grid overlying the entire construction site map.
- k. Topography and drainage network of enough of the contiguous properties to show runoff patterns onto, through, and from the site.
- l. Location, dimensions and description of utilities, structures and pavements.
- m. Area(s) used for infiltration of post-construction stormwater runoff.

(7) Each erosion and sediment control plan shall include a description of appropriate control BMPs that will be installed and maintained at the construction site to prevent pollutants from reaching waters of the state. The erosion and sediment control plan shall clearly describe the appropriate erosion and sediment control BMPs for each major land disturbing construction activity and the timing during the period of land disturbing construction activity that the erosion and sediment control BMPs will be implemented. The description of erosion and sediment control BMPs shall include, when appropriate, the following minimum requirements:

- a. Description of interim and permanent stabilization practices, including a BMP implementation schedule. Erosion and sediment control plans shall ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized.
- b. Description of structural practices to divert flow away from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from the site. Unless otherwise specifically approved in writing by the City of Appleton, structural measures shall be installed on upland soils.
- c. Management of overland flow at all areas of the construction site, unless otherwise controlled by outfall controls.
- d. Trapping of sediment in channelized flow.
- e. Staging land disturbing construction activities to limit exposed soil

areas subject to erosion.

- f. Protection of downslope drainage inlets where they occur.
- g. Minimization of tracking at all vehicle and equipment entry and exit locations of the construction site.
- h. Clean up of off-site sediment deposits.
- i. Proper disposal of building and waste materials, including but not limited to designated sites for concrete truck washout.
- j. Stabilization of drainage ways.
- k. Control of soil erosion from stockpiles.
- l. Installation of permanent stabilization practices within ten (10) days after final grading.
- m. Minimization of dust to the maximum extent practicable.

(Ord 187-11, §1, 1-1-12)

- (8) The erosion and sediment control plan shall require that velocity dissipation devices be placed at discharge locations and along the length of any outfall channel, as necessary, to provide a non-erosive flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected.

(b) ***Erosion and sediment control plan statement.*** For each land disturbing construction site identified under Sec. 24-15, an erosion and sediment control plan statement shall be prepared. This statement shall be submitted to the City of Appleton. The control plan statement shall briefly describe the site, the development schedules and the best management practices that will be used to meet the requirements of the ordinance.

(c) ***Amendments.*** The applicant shall amend the plan if any of the following occur:

- (1) There is a change in design, construction, operation or maintenance at the site that has the reasonable potential for the discharge of pollutants and has not otherwise been addressed in the erosion and sediment control plan.
- (2) The actions required by the erosion and sediment control plan fail to reduce the impacts of pollutants carried by construction site runoff.
- (3) The City of Appleton notifies the applicant of changes needed in the plan.

(Ord 180-04, §1, 1-1-05)

Secs. 24-36 – 24-39. Reserved.

Sec. 24-40. Fee schedule.

Fees for the erosion and sediment control permits will be in such amount as may be established by the City of Appleton Common Council from time to time by separate resolution. Fees will be on file with the City Clerk.
(Ord 180-04, §1, 1-1-05)

Secs. 24-41 – 24-44. Reserved.

Sec. 24-45. Site inspections.

Whenever land disturbing activities are being carried out, the City of Appleton may enter the land pursuant to the provisions of §§66.0119(1), (2), and (3), Wis. Stats.
(Ord 180-04, §1, 1-1-05; Ord 188-11, §1, 1-1-12)

Secs. 24-46 – 24-49. Reserved.

Sec. 24-50. Enforcement and penalties.

(a) Any land disturbing activity 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 these ordinance provisions.

(b) The City of Appleton shall notify the responsible party in writing of any non-complying activity. 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 shall make the necessary corrections within the time period established by the City of Appleton.

(d) If the violations 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.

(e) The City of Appleton is authorized to post a stop work order on all land development or redevelopment activity 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 noncompliance 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 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 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 erosion and sediment control plan submitted and approved pursuant to this ordinance, or has failed to comply with schedules set forth in said erosion and sediment control 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 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.

(l) No building occupancy may be issued if there is noncompliance of any provision herein.

(m) No building permit may be issued in any subdivision when the subdivision is not in compliance with the requirements of this chapter.

(Ord 180-04, §1, 1-1-05)

Secs. 24-51 – 24-54. Reserved.

Sec. 24-55. Appeals

(a) 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 except for cease and desist orders obtained under Sec. 24-50(e).

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 180-04, §1, 1-1-05)

Secs. 24-56 – 24-59. Reserved.

Sec. 24-60. 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 180-04, §1, 1-1-05)

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