



# City of Appleton

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

## Meeting Agenda - Final-revised Common Council

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Wednesday, November 15, 2017

7:00 PM

Council Chambers

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A. CALL TO ORDER

B. INVOCATION

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

F. PUBLIC PARTICIPATION

G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[17-1836](#) November 1, 2017 Common Council meeting minutes

**Attachments:** [CC Minutes 11-1-17.pdf](#)

[17-1838](#) November 8, 2017 Common Council Budget Adoption minutes

**Attachments:** [CC Minutes 11-8-17 Budget Adoption.pdf](#)

H. BUSINESS PRESENTED BY THE MAYOR

I. PUBLIC HEARINGS

[17-1694](#) Public Hearing - Official Map Amendment to delete stormwater pond at Kensington Drive and Express Court

**Attachments:** [Public Hearing - Delete Stormwater Pond\\_Kensington.pdf](#)

[17-1840](#) Public Hearing on Special Resolution 5-P-17; Northland Avenue Frontage Road & Sidewalk

**Attachments:** [5-P-17 Northland Ave Public Hearing Notice.pdf](#)

J. SPECIAL RESOLUTIONS

[17-1715](#) Resolution 5-P-17 Northland Ave Frontage Road and Sidewalk Construction

**Attachments:** [5-P-17 Northland Ave Frontage Rd Sidewalk Final Resolution.pdf](#)

K. ESTABLISH ORDER OF THE DAY

L. COMMITTEE REPORTS

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

[17-589](#) Approve Intergovernmental Agreement with the Town of Grand Chute for Lanser Lane and the Green Grove Plat contingent upon Council approved budget adjustment.

**Attachments:** [Lanser Lane-Green Grove Plat.pdf](#)

**Legislative History**

4/25/17	Municipal Services Committee	recommended for approval
5/3/17	Common Council	referred to the Municipal Services Committee
5/9/17	Municipal Services Committee	held
<i>Item 17-589 held until May 23, 2017</i>		
11/6/17	Municipal Services Committee	recommended for approval

[17-1755](#) Request from Appleton Downtown Inc. to purchase one day hang tags at a rate of \$3 plus tax per day for 31 Saturdays of indoor Farmers Market valid until 2:00 p.m. Council approved rate is \$5 plus tax per day.

**Attachments:** [ADI reduce price of hang tags.pdf](#)

**Legislative History**

11/6/17	Municipal Services Committee	recommended for approval
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[17-1756](#) Request to not plant a replacement tree at 1424 N. Racine Street as part of the 2017 Fall Tree Planting Program.

**Attachments:** [Photo-1424 N Racine St.pdf](#)

**Legislative History**

11/6/17	Municipal Services Committee	recommended for denial
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- [17-1759](#) Approval to delay RFP process for one year and negotiate the 2018 Materials Testing Contract (M-18) with the OMNNI Associates, Inc. without an RFP process.

**Attachments:** [2018 Materials Testing Contract M-18.pdf](#)

**Legislative History**

11/6/17      Municipal Services      recommended for approval  
Committee

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

- [17-1684](#) Resolution #22-R-17; Resolution regarding The Social Station and Alcohol Consumption

**Attachments:** [Resolution #22-R-17 Social Station.pdf](#)

[22-R-17; Alcohol Consumption on the Social Station MEMO to SL .pdf](#)

**Legislative History**

10/25/17      Safety and Licensing      held  
Committee  
*Held until the next Safety & Licensing Committee meeting potentially on November 15th.*

- [17-1798](#) Operator's Licenses

**Attachments:** [Operator's Licenses for 11-15-2017 S&L.pdf](#)

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

- [17-1676](#) Request to approve Amendment to the City of Appleton Official Map to remove lands previously identified for a future stormwater pond generally located at the northeast corner of Kensington Drive and Express Court (part of Tax Id #31-4-5568-00) as shown on the attached maps

**Attachments:** [StaffReport\\_KensingtonDrExpressCt\\_OfficialMapAmendment\\_For10-24-17.pdf](#)

**Legislative History**

10/24/17      City Plan Commission      recommended for approval  
*Proceeds to Council on November 15, 2017.*

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

- [17-1854](#) Approve purchase of 1434 E. Northland Ave for \$140,000 and 1424 E. Northland Ave for \$100,000

**5. MINUTES OF THE FINANCE COMMITTEE**

[17-1664](#)

Request to enter into intergovernmental Agreement with Appleton Area School District to borrow short term cash in an amount not to exceed \$17,500,000 from time to time as needed. The note shall be dated as of date of issuance, shall bear interest at the rate of 2% above the average Federal Funds rate from its dated date until paid; and shall mature no later than June 30, 2018. Interest on the note shall be paid at maturity or redemption.

**Attachments:** [2017-2018 Mater Note Agreement.pdf](#)  
[AASD 2017-2018 Bond Council Letter.pdf](#)

**Legislative History**

11/6/17 Finance Committee recommended for approval

[17-1724](#)

Request for Proposal - Mixed Use Library Project

**Attachments:** [ApprovedLibraryRFP\(withdatechange11-3-2017\).pdf](#)

**Legislative History**

11/6/17 Finance Committee recommended for approval

[17-1725](#)

Request to approve payment to von Briesen & Roper, S.C. for real estate services performed under the "Hourly Services" provision of the Phase III agreement related to the construction of the Fox Cities Exhibition Center and approve the following related 2017 Budget adjustment:

**Exhibition Center Capital Projects Fund**

Consulting Services	+\$384
Debt Proceeds/Room Tax	+\$384

to provide funding for real estate services related to the construction of the Fox Cities Exhibition Center.

**Attachments:** [von Briesen 10-10-17 Bill Phase III.pdf](#)

**Legislative History**

11/6/17 Finance Committee recommended for approval

[17-1775](#)

Request the approval of Guaranteed Maximum Price Amendment to Miron Construction for the Fox Cities Exhibition Center for a total contract not to exceed \$29,287,381.

**Attachments:** [2017 Expo Center GMP\\_.pdf](#)

**Legislative History**

11/6/17 Finance Committee recommended for approval

- [17-1777](#) Request to reject bid from Miron Construction, The Boldt Company, and Radtke Contractors, Inc for the Jones Park Renovation Phase I Project.

**Attachments:** [2017 Jones Park Renovation Phase I \(Reject Bids2\).pdf](#)

**Legislative History**

11/6/17 Finance Committee recommended for approval

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

- [17-1736](#) Request to approve Substantial Amendment to 2017PY NAMI Fox Valley Community Development Block Grant (CDBG) Contract

**Attachments:** [NAMI ReAllocation Recs Memo to CEDC.pdf](#)

**Legislative History**

11/8/17 Community & Economic Development Committee recommended for approval

- [17-1738](#) Request to approve Substantial Amendments to the Community Development Block Grant (CDBG) Citizen Participation Plan (CPP) incorporating the Affirmatively Furthering Fair Housing (AFFH) mandate

**Attachments:** [CPP Amendment CEDC memo.pdf](#)

[Citizen Participation Plan- draft with markups.pdf](#)

[Citizen Participation Plan- Final 10-6-17.pdf](#)

[HUD CPD AFFH Memo.pdf](#)

**Legislative History**

11/8/17 Community & Economic Development Committee recommended for approval

- [17-1739](#) Request to approve 2018-2019PY Community Development Block Grant (CDBG) Community Partner Allocation Recommendations

**Attachments:** [Alloc Recs Memo to CEDC 11-8-17.pdf](#)

[2018 CDBG Simple Summary of Recommendations.pdf](#)

[2018 CDBG Summary of Recommendations.pdf](#)

[2018 CDBG Advisory Board Membership.pdf](#)

**Legislative History**

11/8/17 Community & Economic Development Committee recommended for approval

## 7. MINUTES OF THE UTILITIES COMMITTEE

- [17-1746](#) Approve Memorandum of Agreement with Wisconsin Department of Transportation for WIS 441/Oneida Street Stormwater Pond.

**Attachments:** [Util Memo Memorandum of Understanding 441 Pond Approval 11-01-2017 final FINAL WIS 441 Pond #5 MOA.pdf](#)

**Legislative History**

11/7/17      Utilities Committee      recommended for approval

**8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE**

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

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

**M. CONSOLIDATED ACTION ITEMS**

- [17-1837](#) CONSOLIDATED ACTION ITEMS:  
[17-1754](#) Municipal Services Committee - recommended for approval  
[17-1716](#) Board of Health - recommended for approval  
[17-1740](#) Community & Economic Development Committee - recommended for denial

- [17-1754](#) Approve Article V of Chapter 7 of the Municipal Code relating to Health in All Policies.

**Attachments:** [Article V of Chapter 7 of the Municipal Code.pdf](#)

**Legislative History**

11/6/17      Municipal Services Committee      recommended for approval

- [17-1716](#) Health in All Policies Ordinance

**Attachments:** [HiAP Ordinance-Official Form.pdf](#)

**Legislative History**

11/8/17      Board of Health      recommended for approval

- [17-1740](#) Health in All Policies Ordinance

**Attachments:** [HiAP Ordinance - Official Form \(Clean\) - 10-31-2017.pdf](#)

**Legislative History**

11/8/17

Community & Economic  
Development Committee

recommended for denial

*Baker moved, seconded by Williams, that the Report Action Item be recommended for approval. Roll Call. Motion failed by the following vote: Aye: 2 - Coenen and Baker, Nay: 3 - Baranowski, Reed and Williams*

*Baranowski moved, seconded by Williams to recommend the ordinance for denial. Roll Call. Motion Carried 3/2.*

## N. ITEMS HELD

## O. ORDINANCES

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO  
COMMITTEES OF JURISDICTIONQ. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES  
OF JURISDICTION

## R. OTHER COUNCIL BUSINESS

[17-1833](#)

Convene into Committee of the Whole

[17-1766](#)Approval to award HVAC Replacement Project Contract to Energy Control  
and Design

**Attachments:** [2017 Valley Transit HVAC replacement award.pdf](#)

[17-1834](#)

Reconvene to Common Council

[17-1835](#)

Report of the Committee of the Whole

## S. ADJOURN

Kami Lynch, City Clerk

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



# City of Appleton

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## Meeting Minutes - Final Common Council

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Wednesday, November 1, 2017

7:00 PM

Council Chambers

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### A. CALL TO ORDER

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

### B. INVOCATION

*The Invocation was offered by Alderperson Dvorachek.*

### C. PLEDGE OF ALLEGIANCE TO THE FLAG

### D. ROLL CALL OF ALDERPERSONS

**Present:** 14 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears, Alderperson Chris Croatt, Mayor Timothy Hanna and Alderperson Keir Dvorachek

**Excused:** 2 - Alderperson Joe Martin and Alderperson Bob Baker

### E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

*City Attorney Walsh, Deputy City Attorney Behrens, City Clerk Lynch,  
Director of Community & Economic Development Harkness,  
Fire Chief VanderWyst, Health Officer Eggebrecht,  
Director of Human Resources Matz, Director of Information Technology Fox,  
Library Director Rortvedt, Police Chief Thomas,  
Diversity Coordinator Nelson, Director of Parks, Recreation & Facilities Gazza,  
Director of Public Works Vandehey, Director of Utilities Shaw*

*The following departments were excused:*

*Finance*

*Valley Transit*

### F. PUBLIC PARTICIPATION

*The following spoke during Public Participation:*

*Lynn Keller, 1618 N Hall Ave - Item 17-1678 Hall Avenue Reconstruction*

*Kristen Klotz, 1708 N Hall Ave - Item 17-1678 Hall Avenue Reconstruction*

*Nancy Mills, 1617 Reid Dr - Item 17-1609 Second Driveway Appeal*

## G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[17-1698](#)

Common Council Meeting Minutes of October 18, 2017

**Attachments:** [CC Minutes 10-18-17.pdf](#)**Alderson Croatt moved, seconded by Alderson Dvorachek, that the Minutes be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 13 - Alderson Kathleen Plank, Alderson William Siebers, Alderson Curt Konetzke, Alderson Ed Baranowski, Alderson Patti Coenen, Alderson Kyle Lobner, Alderson Matt Reed, Alderson Vered Meltzer, Alderson Greg Dannecker, Alderson Christine Williams, Alderson Cathy Spears, Alderson Chris Croatt and Alderson Keir Dvorachek

**Excused:** 2 - Alderson Joe Martin and Alderson Bob Baker

**Abstained:** 1 - Mayor Timothy Hanna

## H. BUSINESS PRESENTED BY THE MAYOR

[17-1699](#)

Presentation of Wisconsin Department of Health Services Level III Certificate of Designation to the City of Appleton Health Department

**The Certificate of Designation was presented**

## I. PUBLIC HEARINGS

## J. SPECIAL RESOLUTIONS

## K. ESTABLISH ORDER OF THE DAY

[17-1607](#)

Request from Raymond and Claudine Green, 1400 E. Capitol Drive, for a variance to Municipal Code 19-91(f)(5) to extend his driveway 16 feet into the front yard.

**Attachments:** [Driveway variance-Raymond & Claudine Green.pdf](#)  
[Sketch of 1400 E Capitol Dr.pdf](#)

**Alderson Baranowski moved, seconded by Alderson Plank, that the Variance Request be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 13 - Alderson Kathleen Plank, Alderson William Siebers, Alderson Curt Konetzke, Alderson Ed Baranowski, Alderson Patti Coenen, Alderson Kyle Lobner, Alderson Matt Reed, Alderson Vered Meltzer, Alderson Greg Dannecker, Alderson Christine Williams, Alderson Cathy Spears, Alderson Chris Croatt and Alderson Keir Dvorachek

**Excused:** 2 - Alderperson Joe Martin and Alderperson Bob Baker

**Abstained:** 1 - Mayor Timothy Hanna

[17-1609](#)

Request from John Houlihan and Nancy Mills, 17 Riverfront Court, to appeal the denial for a second driveway to Pierce Court.

**Attachments:** [17 Riverfront Ct second driveway to Pierce Ct.pdf](#)

**Alderperson Baranowski moved, seconded by Alderperson Dannecker, that the Appeal of the second driveway 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 Matt Reed, Alderperson Vered Meltzer, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears, Alderperson Chris Croatt and Alderperson Keir Dvorachek

**Excused:** 2 - Alderperson Joe Martin and Alderperson Bob Baker

**Abstained:** 1 - Mayor Timothy Hanna

[17-1679](#)

Application for use of City logo received from Alissa Williams dated October 3, 2017

**Attachments:** [Application for Use of City Logo Alissa Williams 10-3-17.pdf](#)

**Alderperson Baranowski moved, seconded by Alderperson Croatt, that the City Logo Request 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 Matt Reed, Alderperson Vered Meltzer, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears, Alderperson Chris Croatt and Alderperson Keir Dvorachek

**Excused:** 2 - Alderperson Joe Martin and Alderperson Bob Baker

**Abstained:** 1 - Mayor Timothy Hanna

[17-1678](#)

**Hall Avenue**, from Woodland Avenue to Grant Street, be reconstructed with asphalt pavement and concrete curb and gutter to a width of 31' from back of curb to back of curb, which is 2' narrower than the existing street. New concrete sidewalk would be constructed along the east side of Hall Avenue within the project limits. Existing on-street parking provisions within the project limits will remain unchanged.

**Attachments:**     [Alderson Croatt letter regarding sidewalk on Hall St.pdf](#)  
[Memo-Why Sidewalks on Hall St.pdf](#)  
[Picture-Woodland & Grant Intersection.pdf](#)

**Alderson Croatt moved, seconded by Alderson Meltzer, that the Item be amended to remove the section: "New concrete sidewalk would be constructed along the east side of Hall Avenue within the project limits". Roll Call. Motion failed by the following vote:**

**Aye:** 5 - Alderson Patti Coenen, Alderson Vered Meltzer, Alderson Christine Williams, Alderson Cathy Spears and Alderson Chris Croatt

**Nay:** 8 - Alderson Kathleen Plank, Alderson William Siebers, Alderson Curt Konetzke, Alderson Ed Baranowski, Alderson Kyle Lobner, Alderson Matt Reed, Alderson Greg Dannecker and Alderson Keir Dvorachek

**Excused:** 2 - Alderson Joe Martin and Alderson Bob Baker

**Abstained:** 1 - Mayor Timothy Hanna

**Alderson Baranowski moved, seconded by Alderson Dannecker, that the Hall Avenue reconstruction be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 10 - Alderson Kathleen Plank, Alderson William Siebers, Alderson Curt Konetzke, Alderson Ed Baranowski, Alderson Patti Coenen, Alderson Kyle Lobner, Alderson Matt Reed, Alderson Vered Meltzer, Alderson Greg Dannecker and Alderson Keir Dvorachek

**Nay:** 3 - Alderson Christine Williams, Alderson Cathy Spears and Alderson Chris Croatt

**Excused:** 2 - Alderson Joe Martin and Alderson Bob Baker

**Abstained:** 1 - Mayor Timothy Hanna

[17-1548](#)

Resolution #20-R-17; Resolution regarding Special Events by Appleton Downtown Inc.

**Attachments:**     [#20-R-17.pdf](#)

**Aldersperson Baranowski moved, seconded by Aldersperson Croatt, that the Committee's recommendation to deny the Resolution be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 12 - Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Curt Konetzke, Aldersperson Ed Baranowski, Aldersperson Kyle Lobner, Aldersperson Matt Reed, Aldersperson Vered Meltzer, Aldersperson Greg Dannecker, Aldersperson Christine Williams, Aldersperson Cathy Spears, Aldersperson Chris Croatt and Aldersperson Keir Dvorachek

**Nay:** 1 - Aldersperson Patti Coenen

**Excused:** 2 - Aldersperson Joe Martin and Aldersperson Bob Baker

**Abstained:** 1 - Mayor Timothy Hanna

## L. COMMITTEE REPORTS

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

**Aldersperson Croatt moved, Aldersperson Baranowski seconded, to approve the report. The motion carried by the following vote:**

**Aye:** 13 - Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Curt Konetzke, Aldersperson Ed Baranowski, Aldersperson Patti Coenen, Aldersperson Kyle Lobner, Aldersperson Matt Reed, Aldersperson Vered Meltzer, Aldersperson Greg Dannecker, Aldersperson Christine Williams, Aldersperson Cathy Spears, Aldersperson Chris Croatt and Aldersperson Keir Dvorachek

**Excused:** 2 - Aldersperson Joe Martin and Aldersperson Bob Baker

**Abstained:** 1 - Mayor Timothy Hanna

## 1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[17-1606](#)

**Summit Street**, from Spencer Street to College Avenue, be reconstructed with asphalt pavement and concrete curb and gutter to a width of 31' from back of curb to back of curb, which is 2' narrower than the existing street. A new splitter island will be reconstructed at the south end of Summit Street, located at the intersection with Spencer Street and the railroad crossing. The proposed splitter island will restrict left turns from Summit Street on to Spencer Street in an effort to improve the safety at the railroad crossing, and is a part of the city-wide quiet zone implementation for all railroad crossings. Existing on-street parking provisions within the project limits will remain unchanged.

**This Report Action Item was approved.**

[17-1608](#)

Approve revised State/Municipal Agreement for the US 10/Oneida Street Interchange Project to include intelligent transportation system installations for a revised total Municipal Fund share of \$34,463.

**Attachments:** [Revised State-Municipal Agreement for the US10-Oneida St. Interchange Project.pdf](#)

**This Report Action Item was approved.**

[17-1610](#)

Request from the Radisson Paper Valley Hotel to convert the 4 metered stalls in the 300 W Lawrence Street block (planned to be installed as part of the Lawrence Street reconstruction project) to a 10-minute loading zone.

**Attachments:** [Radisson Paper Valley Hotel-metered stalls to a 10 minute loading zone.pdf](#)

**This Report Action Item was approved.**

[17-1611](#)

Request by staff to have two properties (tax key 1-9300-53 and tax key 1-9300-38) officially precluded from access to Canyon Lane.

**Attachments:** [Two properties precluded from access to Canyon Lane.pdf](#)

**This Report Action Item was approved.**

[17-1669](#)

Award 5-Year (2018-2022) Neglected Sidewalk Snow Shoveling Services to Special Forces Building and Grounds, LLC.

**Attachments:** [Special Forces Building and Grounds, LLC.pdf](#)

**This Report Action Item was approved.**

[17-1674](#)

**Durkee Street**, from Atlantic Street to Summer Street, be reconstructed with asphalt pavement and concrete curb and gutter to a width of 31' from back of curb to back of curb, which is 2' narrower than the existing street. Existing on-street parking provisions within the project limits will remain unchanged.

**This Report Action Item was approved.**

[17-1681](#)

Approve Contract Amendment/Change Order No. 1 to contract 64-17 for Red Ramp Structural Repairs to increase for the repair of an additional 95 square feet of deteriorated structural concrete beam, identified at time of adjacent column repairs in the amount of \$22,705.00 resulting in a decrease to contingency from \$5,292.00 to \$0.00. Overall contract increased from \$40,572.00 to \$57,985.00.

**Attachments:**     [Red Parking Ramp Structural Column Repairs.pdf](#)

**This Report Action Item was approved.**

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

[17-1590](#)

Taxicab Company and Limousine Service application of First Hitch Draft Company, Neal Bredesen, 1356 Wild Rose Lane, contingent upon approvals from all departments.

**This Report Action Item was approved.**

[17-1595](#)

Operator's Licenses

**Attachments:**     [Operator's Licenses for 10-25-17 S & L.pdf](#)

**This Report Action Item was approved.**

[17-1690](#)

Operator License application of Robert Budrick, 621 N. Center Street.

**Attachments:**     [Robert Budrick.pdf](#)  
                              [SL Denial 10-25-17.pdf](#)

**The Recommendation to Deny the License was approved.**

[17-1693](#)

Request to approve stipulated liquor license agreement between the City and Dieters Place

**Attachments:**     [MemoRE Dieters Liquor License Agerement.pdf](#)  
[Signed License Agreement.pdf](#)

This Report Action Item was approved.

[17-1695](#)

Secondhand Jewelry License application of Studio 247 Fine Jewelry, Milada Rice Henke, applicant, 3545 E. Calumet Street, contingent upon approval from all departments.

**Attachments:**     [Secondhand Jewelry application - Studio 247 Fine Jewelry.pdf](#)

This Report Action Item was approved.

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

[17-1673](#)

Request to approve Special Use Permit #11-17 for a wine bar located at 220 W. College Avenue (Tax Id #31-2-0257-00), including a sidewalk café directly in front of the establishment within the College Avenue amenity strip with alcohol sales and service, as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (2/3 vote required)

**Attachments:**     [StaffReport\\_SpecialUsePermit #11-17\\_220 W College Ave.pdf](#)

This Report Action Item was approved.

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

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

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

### **7. MINUTES OF THE UTILITIES COMMITTEE**

[17-1625](#)

Award contract to Patrick Engineering for design and engineering services for the Wastewater Plant Electrical Distribution Feasibility Study and Master Plan project for a contract of \$114,540.

**Attachments:**     [2017 Wastewater Electrical Distribution Phase one design.pdf](#)

This Report Action Item was approved.

## 8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

[17-1691](#)

Request to approve changes to the Employee Status policy to update the definition of a Community Service Officer.

**Attachments:** [Employee Status policy.pdf](#)

This Report Action Item was approved.

[17-1692](#)

Request to approve changes to the Salary Administration Policy from file #17-1532 which had Section H Overtime approved but remaining policy held until 10/25/17 committee meeting.

**Attachments:** [Salary Administration Policy 2017.pdf](#)  
[Salary Policy Examples.pdf](#)

Section V. Procedures, D-G were approved. The remainder of the Policy is held until December.

## 9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

[17-1497](#)

Authorization to Lease Bus from Outagamie County

**Attachments:** [Lease Contract memo.pdf](#)

This Report Action Item was approved.

## 10. MINUTES OF THE BOARD OF HEALTH

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

[17-1696](#)

Ordinances 79-17 to 83-17

**Attachments:** [Ordinance going to Council 11-1-17.pdf](#)

The Ordinances were approved.

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

- Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION
- R. OTHER COUNCIL BUSINESS
- S. CLOSED SESSION

17-1706

The Common Council may convene in closed session pursuant to State Statute §19.85(1)(e) for the purpose of deliberating the purchasing of public properties and/or the investing of public funds in certain property located in downtown Appleton and then will reconvene in open session.

**Aldersperson Lobner moved, seconded by Aldersperson Croatt, that the Common Council convene into closed session at 7:31 p.m. Roll Call. Motion carried by the following vote:**

**Aye:** 13 - Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Curt Konetzke, Aldersperson Ed Baranowski, Aldersperson Patti Coenen, Aldersperson Kyle Lobner, Aldersperson Matt Reed, Aldersperson Vered Meltzer, Aldersperson Greg Dannecker, Aldersperson Christine Williams, Aldersperson Cathy Spears, Aldersperson Chris Croatt and Aldersperson Keir Dvorachek

**Excused:** 2 - Aldersperson Joe Martin and Aldersperson Bob Baker

**Abstained:** 1 - Mayor Timothy Hanna

- T. ADJOURN

*Aldersperson Baranowski moved, seconded by Aldersperson Lobner to reconvene into open session. Motion carried 13/0 and at 7:43 p.m. the Council reconvened in open session. No action was taken in closed session.*

**Aldersperson Baranowski moved, seconded by Aldersperson Croatt, that the meeting be adjourned at 7:44 pm.. Roll Call. Motion carried by the following vote:**

**Aye:** 14 - Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Curt Konetzke, Aldersperson Ed Baranowski, Aldersperson Patti Coenen, Aldersperson Kyle Lobner, Aldersperson Matt Reed, Aldersperson Vered Meltzer, Aldersperson Greg Dannecker, Aldersperson Christine Williams, Aldersperson Cathy Spears, Aldersperson Chris Croatt, Mayor Timothy Hanna and Aldersperson Keir Dvorachek

**Excused:** 2 - Aldersperson Joe Martin and Aldersperson Bob Baker

Kami Lynch, City Clerk



# City of Appleton

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

## Meeting Minutes - Final Common Council

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Wednesday, November 8, 2017

6:00 PM

Council Chambers

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### Special Session - Adoption of the 2018 Executive Budget

#### A. CALL TO ORDER

*The meeting was called to order by Mayor Hanna at 6:01 p.m.*

#### B. INVOCATION

*The Invocation was offered by Mayor Hanna.*

#### C. PLEDGE OF ALLEGIANCE TO THE FLAG

#### D. ROLL CALL OF ALDERPERSONS

*Aldersperson Martin was excused.*

**Present:** 16 - Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Curt Konetzke, Aldersperson Ed Baranowski, Aldersperson Patti Coenen, Aldersperson Kyle Lobner, Aldersperson Matt Reed, Aldersperson Vered Meltzer, Aldersperson Joe Martin, Aldersperson Greg Dannecker, Aldersperson Christine Williams, Aldersperson Cathy Spears, Aldersperson Chris Croatt, Mayor Timothy Hanna, Aldersperson Keir Dvorachek and Aldersperson Bob Baker

#### E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

*City Attorney Walsh, Deputy City Attorney Behrens, City Clerk Lynch, Director of Community & Economic Development Harkness, Health Officer Eggebrecht, Director of Human Resources Matz, Director of Finance Saucerman, Deputy Director of Finance Rogers, Budget Manager Hoft-March, Fire Chief Vander Wyst, Director of Information Technology Fox, Library Director Rortvedt, Director for Parks, Recreation & Facilities Gazza, Police Chief Thomas, Director of Public Works Vandehey, Director of Utilities Shaw, Valley Transit General Manager Mc Donald*

**F. PUBLIC PARTICIPATION**

*The following spoke during public participation:*

*-Barb Merry, 1431 N. Briarcliff Dr. Re: Audio Upgrades in Council Chambers (Request not included in budget)*

*-Juliette Sterkeus, 1555 Candlelight, Oshkosh Re: Audio Upgrades in Council Chambers (Request not included in budget)*

*-Cindy Kort, 405 S. Olde Oneida St. #203 Item: 17-1647, Ellen Kort Peace Park*

*-Stevi Schmidt, 910 S Midpark Dr. Re: Audio Upgrades in Council Chambers (Request not included in budget)*

**G. BUSINESS PRESENTED BY THE MAYOR****H. ESTABLISH ORDER OF THE DAY**

[17-1790](#)

Approve the Finance Committee Budget Workshop Minutes ("Budget Saturday" Minutes) from October 28, 2017

**Attachments:** [FC Minutes 10-28-17 BudgetSat.pdf](#)

**The minutes were referred to the Finance Committee**

[17-1791](#)

Suspend the rules to go into Committee of the Whole to take up the Finance Committee Budget Workshop Minutes ("Budget Saturday" Minutes)

**Aldersperson Baranowski moved, seconded by Aldersperson Dannecker, that the Council go into the Committee of the Whole. Roll Call. Motion carried by the following vote:**

**Aye:** 14 - Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Curt Konetzke, Aldersperson Ed Baranowski, Aldersperson Patti Coenen, Aldersperson Kyle Lobner, Aldersperson Matt Reed, Aldersperson Vered Meltzer, Aldersperson Greg Dannecker, Aldersperson Christine Williams, Aldersperson Cathy Spears, Aldersperson Chris Croatt, Aldersperson Keir Dvorachek and Aldersperson Bob Baker

**Excused:** 1 - Aldersperson Joe Martin

**Abstained:** 1 - Mayor Timothy Hanna

**1. MINUTES OF THE FINANCE COMMITTEE**

*Proposed Amendments (see below) were the next items discussed on the agenda.*

[17-1612](#)

Request to approve Community & Economic Development Budget (pages 141-154)

**This Report Action Item was approved as amended on 10/28/17:**

**Amended to reduce funding to Fox Cities Partnership by (\$11,000) to \$25,000 to be used to support the Talent Upload program.**

[17-1613](#)

Request to approve Housing and Community Development Grants  
Special Revenue Fund Budget (pages 155-169)

**This Report Action Item was approved**

[17-1614](#)

Request to approve Industrial Park Land Fund Budget (pages 172-174)

**This Report Action Item was approved**

[17-1615](#)

Request to approve Community Development Capital Projects Budget  
(pages 176-178)

**This Report Action Item was approved**

[17-1616](#)

Request to approve TIF Districts Budget (pages 179-212)

**This Report Action Item was approved**

[17-1617](#)

Request to approve Fire Budget (pages 435-453)

**This Report Action Item was approved**

[17-1618](#)

Request to approve Public Safety Capital Projects Fund Budget (pages  
432-434)

**This Report Action Item was approved as amended on 10/28/17:  
Amended to add \$62,765 for Police Tactical robot.**

[17-1620](#)

Request to approve Police Budget (pages 411-425)

**This Report Action Item was approved as amended 10/28/17:  
Amended to add funds of \$102,909 (\$94,509 wages/benefits, \$2,000 uniforms,  
\$6,400 equipment) for a Behavioral Health Officer.**

[17-1619](#)

Request to approve Hazardous Materials Type II Special Revenue Fund  
Budget (pages 456-458)

**This Report Action Item was approved**

[17-1621](#)

Request to approve Police Grants Special Revenue Fund Budget (pages  
428-430)

**This Report Action Item was approved**

[17-1623](#) Request to approve Public Works Budget (pages 299-325)

**This Report Action Item was approved**

[17-1624](#) Request to approve Sanitation Special Revenue Fund Budget (pages 327-340)

**This Report Action Item was approved**

[17-1626](#) Request to approve Subdivision Capital Projects Fund Budget (pages 342-344)

**This Report Action Item was approved**

[17-1627](#) Request to approve Public Works Capital Projects Fund Budget (pages 346-348)

**This Report Action Item was approved**

[17-1629](#) Request to approve Wheel Tax Special Revenue Fund Budget (pages 350-352)

**This Report Action Item was approved**

[17-1630](#) Request to approve Parking Budget (pages 353-366)

**This Report Action Item was approved**

[17-1631](#) Request to approve Central Equipment Agency (CEA) Budget (pages 367-377)

**This Report Action Item was approved**

[17-1633](#) Request to approve CEA Replacement Capital Projects Fund Budget (pages 380-382)

**This Report Action Item was approved**

[17-1634](#) Request to approve Stormwater Budget (pages 523-538)

**This Report Action Item was approved**

[17-1635](#)

Request to approve Water Budget (pages 475-498)

**This Report Action Item was approved**[17-1636](#)

Request to approve Wastewater Budget (pages 499-522)

**This Report Action Item was approved**[17-1637](#)

Request to approve Human Resources Budget (pages 121-130)

**This Report Action Item was approved**[17-1638](#)

Request to approve Risk Management Budget (pages 131-139)

**This Report Action Item was approved**[17-1639](#)

Request to approve Library Budget (pages 259-276)

**This Report Action Item was approved**[17-1640](#)

Request to approve Library Grants Special Revenue Budget (pages 278-280)

**This Report Action Item was approved**[17-1641](#)

Request to approve Health Budget (pages 383-394)

**This Report Action Item was approved**[17-1642](#)

Request to approve Health Grants Special Revenue Budget (pages 396-409)

**This Report Action Item was approved**[17-1643](#)

Request to approve Information Technology Budget (pages 85-94)

**This Report Action Item was approved**[17-1644](#)

Request to approve Information Technology Capital Projects Fund Budget (pages 96-98)

**This Report Action Item was approved**

[17-1645](#)

Request to approve Valley Transit Budget (pages 281-298)

**This Report Action Item was approved**

[17-1646](#)

Request to approve Facilities & Construction Management Budget (pages 213-222)

**This Report Action Item was approved**

[17-1647](#)

Request to approve Facilities Capital Projects Fund Budget (pages 224-226)

**This Report Action Item was approved as amended-**

**10/28/17:**

**Amended to remove \$100,000 for Ellen Kort Peace Park design**

**11/8/17:**

**Amended to add \$25,000 for Ellen Kort Peace Park engineering work**

**11/8/17:**

**Amended to add \$25,000 for Summit Park bathroom design**

**(see amendments below)**

[17-1648](#)

Request to approve Exhibition Center Capital Projects Fund Budget (pages 228-230)

**This Report Action Item was approved**

[17-1649](#)

Request to approve Parks & Recreation Budget (pages 231-239)

**This Report Action Item was approved**

[17-1650](#)

Request to approve Parks & Recreation Trust Funds Budget (pages 241-248)

**This Report Action Item was approved**

[17-1651](#)

Request to approve Reid Golf Course Budget (pages 249-258)

**This Report Action Item was approved**

[17-1652](#)

Request to approve Legal Services Budget (pages 99-114)

**This Report Action Item was approved as amended:**

**11/8/17:**

**Add Tuition Reimbursement for City Clerk \$6,600**

**(see amendment below)**

[17-1653](#) Request to approve Tuchscherer Disability Fund Budget (page 115)

**This Report Action Item was approved**

[17-1654](#) Request to approve City Center Capital Projects Fund Budget (pages 118-120)

**This Report Action Item was approved**

[17-1655](#) Request to approve Mayor Budget (pages 45-54)

**This Report Action Item was approved**

[17-1656](#) Request to approve Council Budget (pages 55-58)

**This Report Action Item was approved**

[17-1657](#) Request to approve Debt Service Budget (pages 459-465)

**This Report Action Item was approved as amended:  
11/8/2017: add \$4,400 to deb service  
(see amendment below)**

[17-1658](#) Request to approve Finance Budget (pages 59-68)

**This Report Action Item was approved**

[17-1659](#) Request to approve Unclassified Budget (pages 69-76)

**This Report Action Item was approved as amended on 10/28/17:  
Amended to add \$202,909 to General Transportation Aids (reduces General  
Fund Amount by \$202,909)**

[17-1660](#) Request to approve Room Tax Special Revenue Fund Budget (pages 78-80)

**This Report Action Item was approved**

[17-1661](#) Request to approve Other Post Employment Benefits Fund Budget (pages 82-84)

**This Report Action Item was approved**

## PROPOSED AMENDMENTS

[17-1784](#) Utilize \$100,000 of increased State transportation aids remaining after addition of Police Behavioral Health Officer to increase wage reserve to provide additional pay for performance funding  
*Page 71- Unclassified, Reserves; 2018 Budget Amount: \$100,000*  
(Spears, Williams)

**This Amendment was withdrawn by the Alderperson Spears.**

[17-1785](#) Re-program \$100,000 from the Ellen Kort Peace Park planning/design project to design services for chemical bathrooms for parks without restroom facilities (CIP page 652)  
*Page 225- Facilities Capital Project; 2018 CIP Amount: \$100,000*  
(Spears)

**This Amendment was withdrawn by Alderperson Spears**

[17-1786](#) Move College Ave/Schaefer St pedestrian crosswalk upgrade from 2019 to 2018 (CIP page 571)  
*Page 347- DPW Capital Projects; 2018 CIP Amount: \$40,000*  
(Martin)

**This Amendment was held until later in the meeting to allow the author time to arrive to speak on the item.**

**Aye:** 12 - Alderperson William Siebers, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Joe Martin, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears, Mayor Timothy Hanna, Alderperson Keir Dvorachek and Alderperson Bob Baker

**Nay:** 4 - Alderperson Kathleen Plank, Alderperson Curt Konetzke, Alderperson Ed Baranowski and Alderperson Chris Croatt

[17-1787](#) Increase 2018 repayment of 2002 General Fund advance from \$5,000 to \$16,500  
*Page 258/256- Reid Golf Course; 2018 Budget Amount: \$11,500*  
(Lobner)

**Alderperson Lobner moved, seconded by Alderperson Baker, that the Amendment be approved. Roll Call. Motion failed by the following vote:**

**Aye:** 4 - Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Vered Meltzer and Alderperson Bob Baker

**Nay:** 10 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Matt Reed, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears, Alderperson Chris Croatt and Alderperson Keir Dvorachek

**Excused:** 1 - Alderperson Joe Martin

**Abstained:** 1 - Mayor Timothy Hanna

[17-1788](#)

Add tuition reimbursement for City Clerk

*Page 103- Legal Services; 2018 Budget Amount: \$6,600*

(Lobner)

**Alderson Lobner moved, seconded by Alderson Baker, that the Amendment be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 12 - Alderson Kathleen Plank, Alderson William Siebers, Alderson Curt Konetzke, Alderson Patti Coenen, Alderson Kyle Lobner, Alderson Matt Reed, Alderson Vered Meltzer, Alderson Christine Williams, Alderson Cathy Spears, Alderson Chris Croatt, Alderson Keir Dvorachek and Alderson Bob Baker

**Nay:** 2 - Alderson Ed Baranowski and Alderson Greg Dannecker

**Excused:** 1 - Alderson Joe Martin

**Abstained:** 1 - Mayor Timothy Hanna

[17-1789](#)

Move Pedestrian Crosswalk Safety Enhancements from debt-funded to general fund (CIP page 571)- \$57,132

Move Traffic Camera Program from debt-funded to general fund (CIP page 574)- \$32,500

Move Statue & Monument Restoration from debt-funded to general fund (CIP page 657)- \$15,000

*Pages 347/305, 347/311, 225/235- Concrete Restoration, Traffic Control & Maintenance, Parks & Grounds Maintenance;*

*2018 General Fund Amount: \$104,632*

*2018 CIP Amount: (\$104,632)*

(Lobner)

**Alderson Lobner moved, seconded by Alderson Baker, that the Amendment be approved. Roll Call. Motion failed by the following vote:**

**Aye:** 5 - Alderson Patti Coenen, Alderson Kyle Lobner, Alderson Matt Reed, Alderson Vered Meltzer and Alderson Bob Baker

**Nay:** 9 - Alderson Kathleen Plank, Alderson William Siebers, Alderson Curt Konetzke, Alderson Ed Baranowski, Alderson Greg Dannecker, Alderson Christine Williams, Alderson Cathy Spears, Alderson Chris Croatt and Alderson Keir Dvorachek

**Excused:** 1 - Alderson Joe Martin

**Abstained:** 1 - Mayor Timothy Hanna

[17-1826](#)

Reinstate CIP Funding for Ellen Kort Peace Park Design

**Alderson Baranowski moved, seconded by Alderson Lobner, that the Amendment be approved. Roll Call. Motion failed by the following vote:**

**Aye:** 7 - Alderson Curt Konetzke, Alderson Ed Baranowski, Alderson Patti Coenen, Alderson Kyle Lobner, Alderson Vered Meltzer, Alderson Keir Dvorachek and Alderson Bob Baker

**Nay:** 7 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Matt Reed, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears and Alderperson Chris Croatt

**Excused:** 1 - Alderperson Joe Martin

**Abstained:** 1 - Mayor Timothy Hanna

17-1828

Add \$25,000 to CIP for engineering work on Ellen Kort Peace Park

**Alderperson Coenen moved, seconded by Alderperson Spears, that the Amendment be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 10 - Alderperson Kathleen Plank, Alderperson Curt Konetzke, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Vered Meltzer, Alderperson Christine Williams, Alderperson Cathy Spears, Alderperson Chris Croatt, Alderperson Keir Dvorachek and Alderperson Bob Baker

**Nay:** 4 - Alderperson William Siebers, Alderperson Ed Baranowski, Alderperson Matt Reed and Alderperson Greg Dannecker

**Excused:** 1 - Alderperson Joe Martin

**Abstained:** 1 - Mayor Timothy Hanna

17-1827

Add \$25,000 to CIP for bathroom design for Summit Park

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

**Aye:** 9 - Alderperson Kathleen Plank, Alderperson Curt Konetzke, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Matt Reed, Alderperson Christine Williams, Alderperson Cathy Spears, Alderperson Chris Croatt and Alderperson Keir Dvorachek

**Nay:** 5 - Alderperson William Siebers, Alderperson Ed Baranowski, Alderperson Vered Meltzer, Alderperson Greg Dannecker and Alderperson Bob Baker

**Excused:** 1 - Alderperson Joe Martin

**Abstained:** 1 - Mayor Timothy Hanna

17-1829

Utilize \$4,400 toward debt service

**Alderperson Baranowski moved, seconded by Alderperson Konetzke, that the Amendment 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 Patti Coenen, Alderperson Kyle Lobner, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears, Alderperson Chris Croatt, Alderperson Keir Dvorachek and Alderperson Bob Baker

**Excused:** 1 - Alderperson Joe Martin

**Abstained:** 1 - Mayor Timothy Hanna

[17-1786](#)

Move College Ave/Schaefer St pedestrian crosswalk upgrade from 2019 to 2018 (CIP page 571)

*Page 347- DPW Capital Projects; 2018 CIP Amount: \$40,000*  
(Martin)

*This item was held earlier in the meeting (see above).*

**Aldersonperson Lobner moved, seconded by Aldersonperson Konetzke, that the Amendment be approved. Roll Call. Motion failed by the following vote:**

**Aye:** 3 - Aldersonperson Curt Konetzke, Aldersonperson Vered Meltzer and Aldersonperson Bob Baker

**Nay:** 11 - Aldersonperson Kathleen Plank, Aldersonperson William Siebers, Aldersonperson Ed Baranowski, Aldersonperson Patti Coenen, Aldersonperson Kyle Lobner, Aldersonperson Matt Reed, Aldersonperson Greg Dannecker, Aldersonperson Christine Williams, Aldersonperson Cathy Spears, Aldersonperson Chris Croatt and Aldersonperson Keir Dvorachek

**Excused:** 1 - Aldersonperson Joe Martin

**Abstained:** 1 - Mayor Timothy Hanna

[17-1825](#)

Take \$100,000 from Reserve Fund and place it into Pay for Performance

**Aldersonperson Spears moved, seconded by Aldersonperson Williams, that the Amendment be approved. Roll Call. Motion failed by the following vote:**

**Aye:** 2 - Aldersonperson Kyle Lobner and Aldersonperson Cathy Spears

**Nay:** 12 - Aldersonperson Kathleen Plank, Aldersonperson William Siebers, Aldersonperson Curt Konetzke, Aldersonperson Ed Baranowski, Aldersonperson Patti Coenen, Aldersonperson Matt Reed, Aldersonperson Vered Meltzer, Aldersonperson Greg Dannecker, Aldersonperson Christine Williams, Aldersonperson Chris Croatt, Aldersonperson Keir Dvorachek and Aldersonperson Bob Baker

**Excused:** 1 - Aldersonperson Joe Martin

**Abstained:** 1 - Mayor Timothy Hanna

[17-1790](#)

Approve the Finance Committee Budget Workshop Minutes ("Budget Saturday" Minutes) from October 28, 2017

**Attachments:** [FC Minutes 10-28-17 BudgetSat.pdf](#)

**Aldersonperson Baranowski moved, seconded by Aldersonperson Spears to approve the Finance Committee Budget Workshop Minutes. Roll Call. Motion carried by the following vote:**

**Aye:** 14 - Aldersonperson Kathleen Plank, Aldersonperson William Siebers, Aldersonperson Curt Konetzke, Aldersonperson Ed Baranowski, Aldersonperson Patti Coenen, Aldersonperson Kyle Lobner, Aldersonperson Matt Reed, Aldersonperson Vered Meltzer, Aldersonperson Greg Dannecker, Aldersonperson Christine Williams, Aldersonperson Cathy Spears, Aldersonperson Chris Croatt, Aldersonperson Keir Dvorachek and Aldersonperson Bob Baker

**Excused:** 1 - Aldersonperson Joe Martin

**Abstained:** 1 - Mayor Timothy Hanna

## RISE AND REPORT

### 17-1792

Rise and Report on the Committee of the Whole (Reconvene to Common Council)

**Aldersperson Spears moved, seconded by Aldersperson Croatt, that the Finance Committee reconvene to the Common Council. Roll Call. Motion carried by the following vote:**

**Aye:** 14 - Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Curt Konetzke, Aldersperson Ed Baranowski, Aldersperson Patti Coenen, Aldersperson Kyle Lobner, Aldersperson Matt Reed, Aldersperson Vered Meltzer, Aldersperson Greg Dannecker, Aldersperson Christine Williams, Aldersperson Cathy Spears, Aldersperson Chris Croatt, Aldersperson Keir Dvorachek and Aldersperson Bob Baker

**Excused:** 1 - Aldersperson Joe Martin

**Abstained:** 1 - Mayor Timothy Hanna

### 17-1793

Report of the Committee of the Whole

**Aldersperson Croatt moved, seconded by Aldersperson Konetzke, that the Report of the Committee of the Whole be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 14 - Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Curt Konetzke, Aldersperson Ed Baranowski, Aldersperson Patti Coenen, Aldersperson Kyle Lobner, Aldersperson Matt Reed, Aldersperson Vered Meltzer, Aldersperson Greg Dannecker, Aldersperson Christine Williams, Aldersperson Cathy Spears, Aldersperson Chris Croatt, Aldersperson Keir Dvorachek and Aldersperson Bob Baker

**Excused:** 1 - Aldersperson Joe Martin

**Abstained:** 1 - Mayor Timothy Hanna

### 17-1794

2018 Budget Resolution

**Attachments:** [Budget Resolution.pdf](#)

**Aldersperson Spears moved, seconded by Aldersperson Baranowski, that the 2018 Budget Resolution be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 14 - Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Curt Konetzke, Aldersperson Ed Baranowski, Aldersperson Patti Coenen, Aldersperson Kyle Lobner, Aldersperson Matt Reed, Aldersperson Vered Meltzer, Aldersperson Greg Dannecker, Aldersperson Christine Williams, Aldersperson Cathy Spears, Aldersperson Chris Croatt, Aldersperson Keir Dvorachek and Aldersperson Bob Baker

**Excused:** 1 - Aldersperson Joe Martin

**Abstained:** 1 - Mayor Timothy Hanna

[17-1795](#)

Reconsideration of the Report of the Committee of the Whole

**Aldersperson Konetzke moved, seconded by Aldersperson Spears, that the Report of the Committee of the Whole be reconsidered. Roll Call. Motion failed by the following vote:**

**Nay:** 14 - Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Curt Konetzke, Aldersperson Ed Baranowski, Aldersperson Patti Coenen, Aldersperson Kyle Lobner, Aldersperson Matt Reed, Aldersperson Vered Meltzer, Aldersperson Greg Dannecker, Aldersperson Christine Williams, Aldersperson Cathy Spears, Aldersperson Chris Croatt, Aldersperson Keir Dvorachek and Aldersperson Bob Baker

**Excused:** 1 - Aldersperson Joe Martin

**Abstained:** 1 - Mayor Timothy Hanna

- I. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION
- J. OTHER COUNCIL BUSINESS
- K. ADJOURN

**Aldersperson Baranowski moved, seconded by Aldersperson Dannecker, that the meeting be adjourned at 7:55 p.m. Roll Call. Motion carried by the following vote:**

**Aye:** 15 - Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Curt Konetzke, Aldersperson Ed Baranowski, Aldersperson Patti Coenen, Aldersperson Kyle Lobner, Aldersperson Matt Reed, Aldersperson Vered Meltzer, Aldersperson Greg Dannecker, Aldersperson Christine Williams, Aldersperson Cathy Spears, Aldersperson Chris Croatt, Mayor Timothy Hanna, Aldersperson Keir Dvorachek and Aldersperson Bob Baker

**Excused:** 1 - Aldersperson Joe Martin

Kami Lynch, City Clerk

## **N O T I C E**

### **PROPOSED AMENDMENT For the City of Appleton OFFICIAL MAP PUBLIC HEARING**

Wednesday, November 15, 2017  
7:00 P.M., Council Chambers, City Hall, 100 North Appleton Street

At Which Time Anyone Interested In This Proposal  
May Be Heard

The Official Map may be amended to provide for:

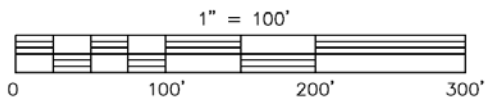
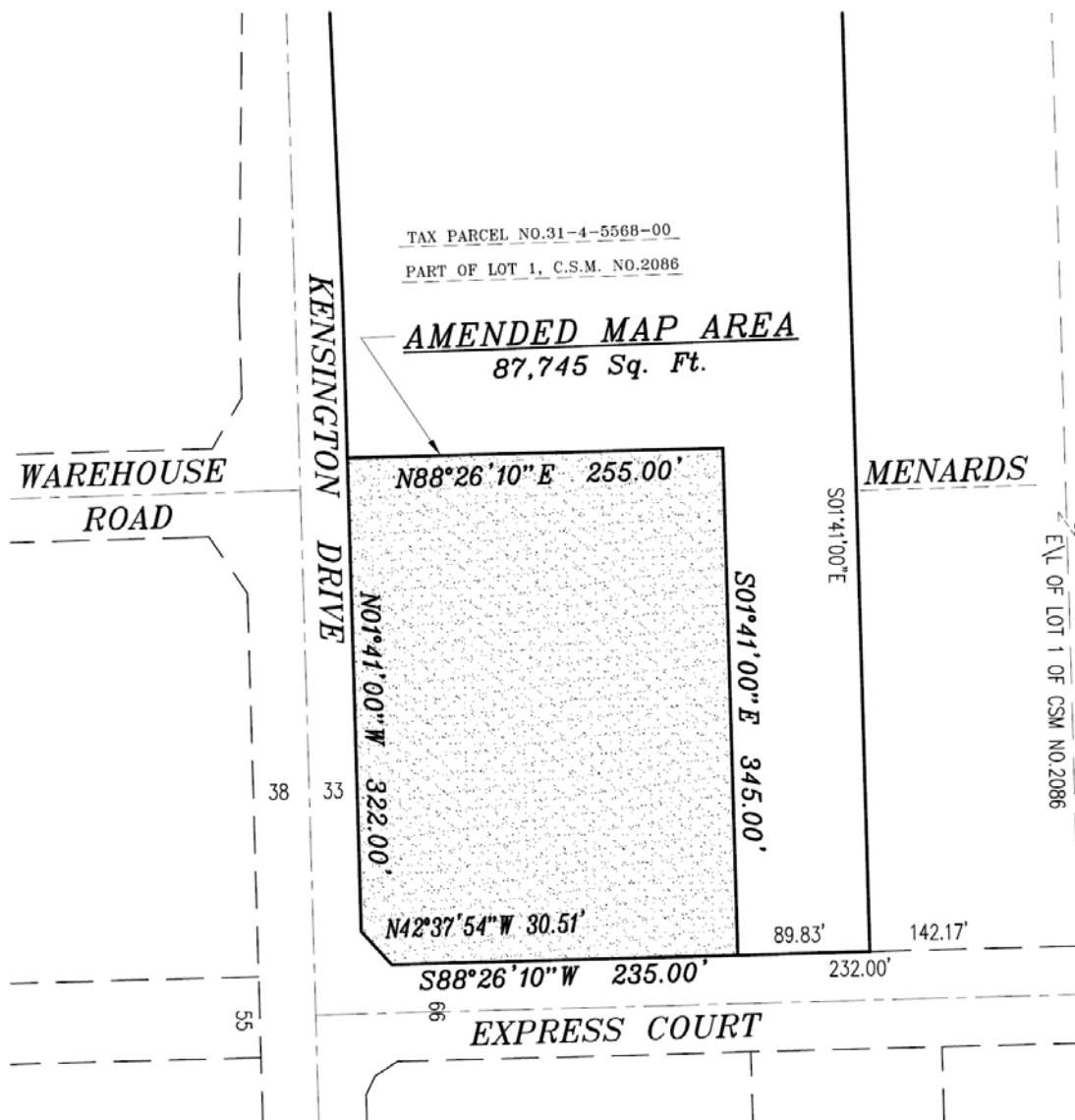
To remove lands previously identified for a future stormwater pond, generally located at the northeast corner of the intersection of Express Court and Kensington Drive and characterized by parcel number 31-4-5568-00.

#### **LEGAL DESCRIPTION:**

A part of Lot One (1) of Certified Survey Map No. 2086, recorded in Volume 11 on Page 2086 of Certified Survey Maps as Document No. 1142153 in the Outagamie County Register of Deeds Office, being located in Government Lot 4, Section 29, T.21N., R.18E., City of Appleton, Outagamie County, Wisconsin, containing 87,745 square feet of land m/l and being further described as follows:

Commencing at the Southeast corner of Lot 1 of said Certified Survey Map 2086;  
Thence S.88°26'10"W. 232.00 feet, along the South line of said Lot 1 to the point of beginning;  
Thence continue S.88°26'10"W. 235.00 feet, to a vision corner;  
Thence N.42°37'54"W. 30.51 feet, along said vision corner to the East line of Kensington Drive;  
Thence N.01°41'00"W. 322.00 feet, along the East line of said Kensington Drive;  
Thence N.88°26'10"E. 255.00 feet;  
Thence S.01°41'00"E. 345.00 feet, to the point of beginning.

# EXHIBIT "A"



## CITY OF APPLETON

DEPT. OF PUBLIC WORKS  
ENGINEERING DIVISION  
100 NORTH APPLETON STREET  
APPLETON, WI 54911  
920-832-6474

DRAFTED BY: T. KROMM

H:\ACAD\OFFICIAL MAP\EXPRESS POND\_Map Amend\_0912\_2017

October 25, 2017

Kami Lynch  
City Clerk

RUN: October 31, 2017  
November 7, 2017

REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES WILL BE MADE UPON  
REQUEST AND IF FEASIBLE.

**NOTICE OF PUBLIC HEARING ON SPECIAL ASSESSMENTS**

(Preliminary Resolution 5-P-17)

PLEASE TAKE NOTICE THAT 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.

**NORTHLAND AVE FRONTAGE ROAD SIDEWALK CONSTRUCTION**

Northland Avenue Frontage Road from Mason Street to Locust Street

The assessment area consists of all property fronting upon both sides of the named streets from intersection to intersection or point to point described herewith including the full width of said intersection of said limits.

The Report of the Finance Committee showing preliminary and/or Final Plans and Specifications, estimated cost of improvements, schedule of proposed assessments is on file in the Department of Public Works, Fifth Floor, 100 North Appleton Street, Appleton, WI 54911. Please call 832-5592 to discuss specific questions or amounts to be assessed to your property or to view said documents, Monday through Friday, between the hours of 7:30 A.M. to 3:00 P.M.

You are further notified that the Common Council will hear all persons interested or their agents or attorneys concerning matters contained in the preliminary resolution authorizing such improvements and assessments at a regular meeting of the Common Council to be held on **November 15, 2017, at 7:00 P.M.** or as soon thereafter as can be heard, in the Council Chambers at the City Hall, 100 North Appleton Street, Appleton, Wisconsin. All objections will be considered at said hearing and thereafter the amount of the assessments will be finally determined.

October 23, 2017

RUN: October 31, 2017

KAMI LYNCH, City Clerk

REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES WILL BE MADE UPON REQUEST AND IF FEASIBLE.

**RESOLUTION 5-P-17**

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

WHEREAS, the Common Council of the City of Appleton, Wisconsin, held a Public Hearing at the Council Chambers in City Hall at 7:00 P.M. on the 15th day of November, 2017, for the purpose of hearing all interested persons concerning the proposed improvements and construction in the following streets or portion of streets:

**NORTHLAND AVE FRONTAGE ROAD SIDEWALK CONSTRUCTION**

Northland Avenue Frontage Road from Mason Street to Locust Street

And has heard all persons desiring an audience at such hearing.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Appleton as follows:

1. That the report of the Finance Committee pertaining to the construction of the above described public improvements including plans and specifications therefor, is hereby adopted and approved.
2. That the Finance Committee is directed to advertise for bids to carry out the work of such improvement in accordance with the report of the Finance Committee.
3. That payment for said improvements be made by assessing the cost to the property benefited as indicated in said report.
4. The schedule of proposed assessments made under the police power and the amount assessed against each parcel are true and correct and are hereby confirmed.
5. That the assessment for all projects included on said report are hereby combined as a single assessments but any interested property owner shall be entitled to object to each assessment separately or both assessments jointly for any purpose or purposes.
6. The assessment 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 installments, if the assessment is greater than \$1000;Deferred payment will bear an interest at the rate of 6.75% per annum on the unpaid balance.
7. The City Clerk is directed to publish this resolution in the Appleton Post Crescent, the Official Newspaper of the City.
8. The Clerk is further directed to mail a copy of this resolution to every affected property owner whose name appears on the assessment roll and whose post office address is known or can with diligence be ascertained.

S/TIMOTHY M. HANNA (Mayor)

Attest: KAMI LYNCH (City Clerk)

Adopted: November 15, 2017

Published: November 20, 2017

**CITY OF APPLETON/TOWN OF GRAND CHUTE**  
**Lanser Lane and Green Grove Plat**

**INTERGOVERNMENTAL AGREEMENT**

**FOR PULVERIZING, ASPHALT PAVING & STORM SEWER PROJECT**

**DATE:** November 1, 2017

**PROJECT TITLE:** Lanser Lane and  
Green Grove Plat

The Town of Grand Chute, hereinafter called the "Town", through its undersigned duly authorized officers or officials, hereby enters into an agreement with the City of Appleton, through its Public Works Department, hereinafter called the "City", to pulverize, asphalt pave and install storm sewer in the Green Grove Plat and asphalt reclamation on Lanser Lane.

**PROPOSED IMPROVEMENT**

Pulverize, asphalt pave and install storm sewer in the Green Grove Plat and asphalt reclamation on Lanser Lane in 2017.

**COST ESTIMATE AND PARTICIPATION**

<b>PROJECT</b>	<b>TOWN SHARE</b>	<b>CITY SHARE</b>
Lanser Road		
Pavement		\$ 2,626.25
Green Grove Plat		
Storm Sewer	\$ 531,570.72	\$ 6,924.84
Pavement	\$ 426,807.29	\$ 37,562.64
R/R Quiet Zone		
Grand Chute Contribution		\$ (10,000.00)
<b>TOTAL COST</b>		<b>\$ 37,113.73</b>

**TERMS AND CONDITIONS:**

1. The Town of Grand Chute will be the lead agency for this project.
2. All plans and specifications for the improvements will be provided for City of Appleton's records.
3. The project cost in the agreement is a fixed amount for the City of Appleton.

**City of Appleton**

Attest:

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

By:

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

Attest:

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

By:

\_\_\_\_\_  
Kami Scofield, 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

**Town of Grand Chute**

Attest:

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

By:

\_\_\_\_\_  
David A. Schowalter, Town Chairman

Attest:

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

By:

\_\_\_\_\_  
Karen L. Weinschrott, Town Clerk

Approved as to form:

\_\_\_\_\_  
Charles D. Koehler  
Attorney for the Town of Grand Chute

October 23, 2017

Paula Vandehey  
City of Appleton, Public Works  
100 N. Appleton St.  
Appleton, WI 54911

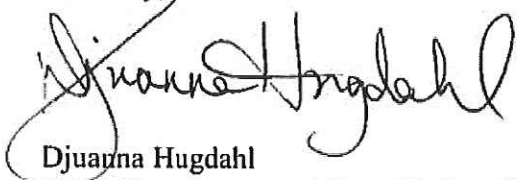
Ms. Vandehey-

Beginning November 4<sup>th</sup>, the Downtown Appleton Farm Market will move inside City Center Plaza for the twelfth indoor season. The Indoor Market will run for a total of 31 weeks inside, through the end of May, 2018. We request to continue to be able to buy hang tags in bulk for the vendors to park in the City Center ramp at a rate of \$3.00 a day, plus tax. We understand that the tags will be marked "Until 2 pm" on each one, and as in the past; we will have vendors park in "Permit Parking Only" locations, so as to leave the metered stalls open to customers.

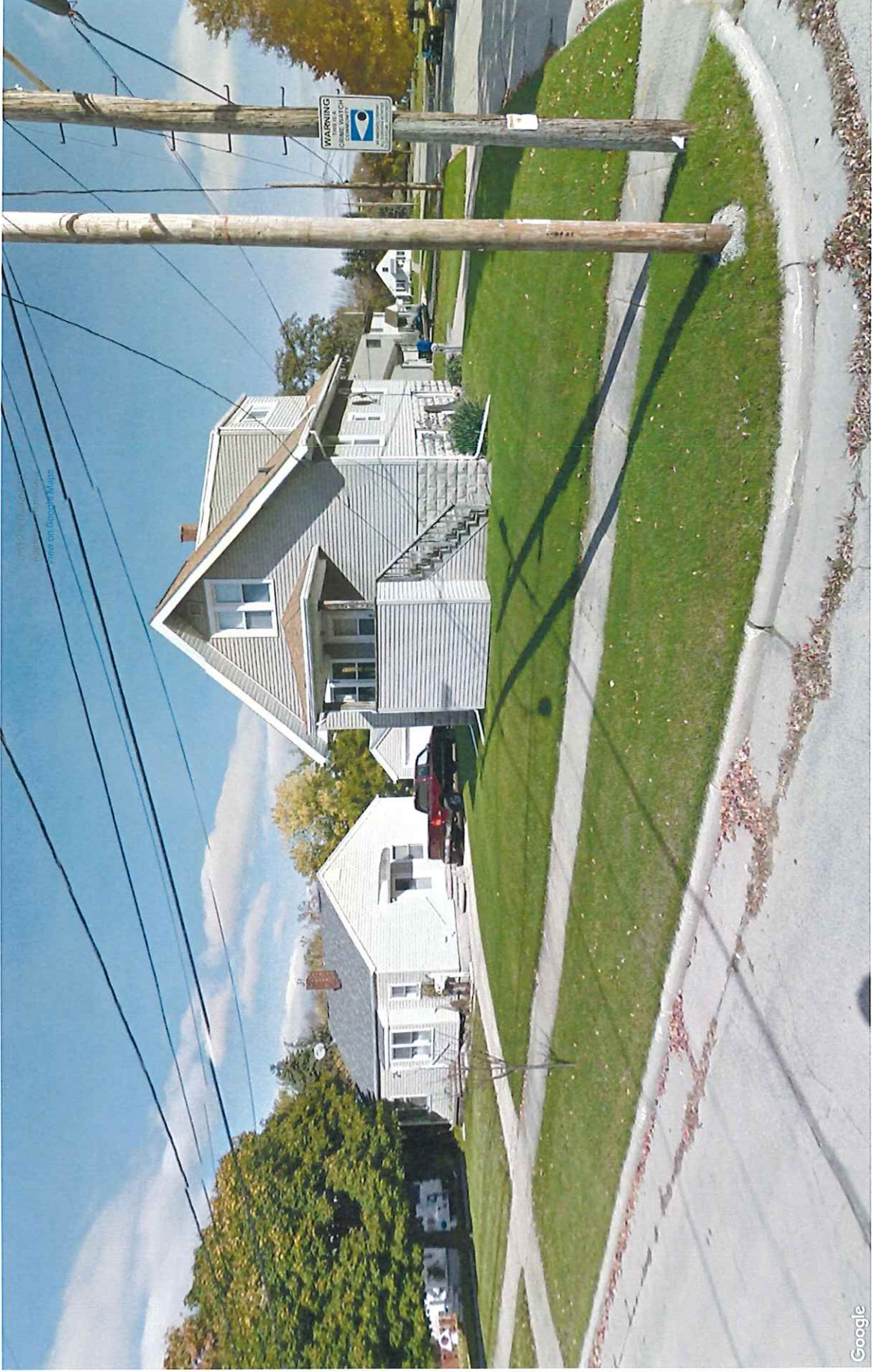
Please let me know if you have any questions or concerns.

Thank you for your time and consideration.

Sincerely,



Djuanna Hugdahl  
Event Coordinator and Farm Market Director  
Appleton Downtown Inc.





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

## Department of Public Works – Engineering Division

### MEMO

**TO:** Municipal Services Committee

**FROM:** Paula Vandehey, Director of Public Works *PAV*

**DATE:** November 2, 2017

**RE:** Approval to delay RFP process for one year and negotiate the 2018 Materials Testing Contract (M-18) with OMNNI Associates, Inc. without an RFP process.

---

The Department of Public Works requests authorization to delay RFP process for one year and negotiate the 2018 Materials Testing Contract (M-18) with OMNNI Associates, Inc.

In January 2015 a Request for Proposals (RFP) was issued and a Quality Based Selection process was used to award the 2015 Materials Testing contract to OMNNI Associates, Inc. The 2015 RFP also indicated that, with satisfactory performance, an additional two years could be awarded to OMNNI without an RFP process. Based on this process, other departments are able to contract with the selected consultant for the services covered in the RFP.

At this time, both DPW and Parks, Recreation, and Facilities Management have projects with OMNNI Associates that are on-going and changing consultants could cause delays. These projects include the Pierce Avenue storm sewer, the Ballard Road storm sewer, the Northland Pond, the Leona Pond, Evergreen Drive and Alvin Street Ponds, Jones Park, and the Exposition Center.

It is anticipated that these projects will be complete or at logical break points by the end of 2018 and an RFP will be issued for materials testing work beginning in 2019. OMNNI Associates, Inc. has performed well to date by scheduling drilling projects as soon as projects were defined, providing staff to respond to unexpected encounters with contaminated material and working smoothly with the Wisconsin Department of Natural Resources.

Therefore, the Department of Public Works requests authorization to negotiate the 2018 Materials Testing Contract (M-18) with OMNNI Associates, Inc. without an RFP process. The contract award will be brought forward for award after approval of the 2018 Budget.

City of Appleton – **Resolution #22-R-17**

October 18, 2017

*Submitted by: Alderperson Martin – District 4*

*Referred to: Safety & Licensing Committee*

**Whereas,** The Social Station intends to be the premier attraction in Northeast Wisconsin and the Fox Cities , eventually become the preferred activity for sight-seeing and entertainment and group activities.

**Whereas,** the tour is a great entertainment service for craft beer tours, narrated history tours, singles-mingle events, birthday parties, bachelorette/bachelor parties, fitness expeditions, mystery tours or scavenger hunts, at the coolest places in Downtown Appleton and the riverfront in Appleton. Wisconsin.

Whereas, The Social Station mission is to create unique, memorable and enjoyable group cycle experience.

Whereas, The Social Station promotes active living in a healthy and socially responsible manner while adhering to the highest safety standards and regulations

Whereas, The Social Station has laid out a great road map of up to 2 routes.

1. South on State Street to Lawrence Street crossing North at College Avenue, West on Washing Street, Division Street jog onto College Avenue West to Walnut Street, Right on Walnut Street, Left on Johnston Street, back on State Street , south on State Street crossing over College Avenue.

2.South on State Street to Jackman Street along the riverfront on Water Street, RIGHT on Olde Oneida Street, cross Oneida Street up into Riverview Gardens. Return on Olde Oneida Street, East on Water Street, cross College Ave, West on Washing Street, Division Street jog onto College Avenue West to Walnut Street, Right onto to Walnut Street, and Left on Johnston Street back to State Street, south on State Street crossing over College Ave..

NOW THEREFORE BE IT RESOLVED, The Social Station be permitted to have up to three beverages of malt beverages, wine in individual servings, hard sodas, hard seltzer's and similar canned beverages and or craft beers per person. Served only to twenty-one years of age and served only till 11:00 PM daily.

# LEGAL SERVICES DEPARTMENT

## Office of the City Attorney

100 North Appleton Street

Appleton, WI 54911

Phone: 920/832-6423

Fax: 920/832-5962

**TO:** Kyle Lobner, Chair of the Safety and Licensing Committee  
Members of the Safety and Licensing Committee

**FROM:** Darrin Glad, Assistant City Attorney

**DATE:** November 8, 2017

**RE:** 22-R-17; Alcohol Consumption on the "Social Station"

---

This memo is in response to Ald. Konetzke's request for information on how State laws or other guidelines affect the proposed resolution.

The proposed resolutions states:

NOW THEREFORE BE IT RESOLVED, The Social Station be permitted to have up to three beverages of malt beverages, wine in individual servings, hard sodas, hard seltzer's and similar canned beverages or craft beers per person. Served only to twenty-one years of age and served only till 11:00 PM daily.

The Appleton Municipal Code, section 9-55 states that "No person may consume a fermented malt beverage while a passenger on a commercial quadricycle...within the city of Appleton."

Wisconsin Statutes, section 340.01(8m) defines a commercial quadricycle as "a vehicle with fully operative pedals for propulsion entirely by human power, that has 4 wheels and is operated in a manner similar to a bicycle, that is equipped with at least 12 seats for passengers, that is designed to be occupied by a driver and by passengers providing pedal power to the drive train of the vehicle, that is used for commercial purposes, and that is operated by the vehicle owner or an employee of the owner."

As it relates to the proposed resolution, Wisconsin Statutes, section 346.94(23) regulates commercial quadricycles in following manner:

No person may drive a commercial quadricycle occupied by passengers after 10:30 p.m. or after any earlier time established by ordinance under s. [349.18 \(1\) \(d\)](#).

No person may drive a commercial quadricycle on which any alcohol beverages other than fermented malt beverages are carried or consumed.

No person may drive a commercial quadricycle on which any alcohol beverages are sold, including delivery on the commercial quadricycle of alcohol beverages previously sold by a caterer.

No person may possess on, or carry onto, a commercial quadricycle more than 36 fluid ounces of fermented malt beverages.

The proposed resolution is in direct conflict with section 9-55 of the Appleton Municipal Code. The concerns then shift to what is intended to be done by this resolution; repeal that section of the Code,

carve out an exception for just one business, or something else. There are additional general concerns if the resolution results in the special treatment to a single entity.

The next issues arise from the conflicts with State law. First, the proposed resolution's limitation of three beverages is not entirely consistent with the State law prohibiting the amount to be not more than 36 fluid ounces. There may be a need to clarify, as there already exists a prohibition on having more than 36 fluid ounces.

Similarly, the proposed resolution describes the types of alcoholic beverages to be allowed on the "Social Station" which is directly in conflict with the State law prohibiting alcohol beverages other than fermented malt beverages.

The proposed resolution conflicts with both of the State law prohibitions on serving of alcohol and driving an occupied commercial quadricycle after 10:30 PM.

In addition to the conflict with the Code and State law, there are other concerns over the enforcement of any violations. Currently, the Social Station operates under a limousine license that does not contemplate the alcohol consumption described in the proposed resolution. There is a need to clarify the intention of the resolution. For example, is the intention to create a separate licensing and enforcement procedure? If so, would that procedure be for all "commercial quadricycles" in Appleton or just the Social Station?

There is an additional concern over the routes and the Police Chief's position. Previously, Police Chief Thomas expressed concern over keeping commercial quadricycles off College Avenue. The proposed resolution describes two routes that were acceptable to Chief Thomas, but as the resolution is currently written, those routes are not binding on the Social Station and unenforceable.

Operator's Licenses for 11/15/17 S & L

Approved

Sara E. Bisbee	2531 W. 8 <sup>th</sup> Street
Kevin R. Bleck, Jr.	119 E. Calumet Street
Melinda S. Boelter	409 E. Mitchell Avenue
Emily N. Bradley	1354 W. Spencer Street
Emma E. Brown	1110 E. Rustic Road
Heather D. Brownson	W3425 Center Valley Road
Brendan W. Brustman	418 Heurman Street, Green Bay
Joseph Charlier	16 Daniel Drive, Hilbert
Ashley M. Coates	4020 N. Ballard Road
Carrie J. Dean	717 N. Bay Ridge Road
Dana N. Dederling-Sargent	945 E. Shady Lane, Neenah
Aaron J. Dekker	8515 Olde Market Drive, Larsen
Ashley A. Evers	239 S. Roger Street, Kimberly
Sara a. Gunderson	1512 E. Frances Street
Jennifer J. Hackbarth	725 W. Spencer Street
Bahreta Ibrahimanic	4016 Town Lakes Circle, #7210
Eugenia L. Jungwirth	1836 S. Kernan Avenue
Jennifer M. Kohn	617 E. Taft Avenue
Beverly A. Lewis	P.O. Box 2851
Mallory K. McCoy	800 E. Shady Lane, #16, Neenah
Jessica A. McKay	10744 W. Main Street, Hiles
Matthew A. Moebius	W6433 Sonny Drive, #2, Menasha
Barbara J. Noie	228 Frederick Street, Menasha
Amanda J. Pierce	104 E. Irving Avenue, Oshkosh
Hannah M. Reinhart	1003 W. College Avenue, #117
Katie L. Relken	1320 N. Alvin Street
Spring R. Roberts	806 E. Sylvan Avenue
Robin R. Rothe	526 E. Wilson Avenue
Hayley M. Schueler	309 Reaume Avenue, Kaukauna
Jeffrey C. Schueller	1500 S. Nicolet Road
Kimberly A. Seager	776 Vera Avenue, Neenah
Roberta C. Tosh	1600 E. Glendale Avenue
Michelle L. VanDriest	1002 N. Superior Street
Kathie J. Welch	2950 W. Spencer Street, #6
Mackenzie L. Wise	2500 S. Kerry Lane, #13
Heather N. Witzke	1261 Meadowview Lane, DePere
Colin M. Wrubel	100 E. Mitchell Avenue, #12
Yin-Si Yang	711 E. Boldt Way, SPC #1609
Matthew R. Zmek	1600 E. Glendale Avenue



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Informal Hearing Meeting Date:** October 24, 2017

**Common Council Public Hearing Meeting Date:** November 15, 2017  
(Public Hearing on Official Map Amendment)

**Item:** Official Map Amendment to remove lands previously identified for future stormwater pond

**Case Manager:** David Kress

### GENERAL INFORMATION

**Owner:** Menard, Inc.

**Applicant:** City of Appleton Department of Public Works

**Address/Parcel:** East Express Court (part of Tax Id #31-4-5568-00)

**Petitioner's Request:** The applicant is requesting to amend the City of Appleton Official Map to remove lands previously identified for a future stormwater pond.

### BACKGROUND

On July 20, 2011, Common Council adopted Ordinance 153-11, which amended the City's Official Map to officially map land area for a future stormwater pond generally located at the northeast corner of Kensington Drive and Express Court. This action by Common Council was based on a July 10, 2009 report by AECOM of the Kensington North Drainage Area and was meant to preserve land in case a stormwater pond was determined to be needed. Since that time, discussions with the impacted property owner indicates they are not experiencing flooding issues to the degree shown through the modeling process. Therefore, based on staff field observations to date and the support of potentially impacted properties, the Department of Public Works has initiated this current Official Map amendment.

### STAFF ANALYSIS

**Existing Site Conditions:** The subject area is approximately 87,745 square feet (2.01 acres) in size and is located at the northeast corner of Kensington Drive and Express Court. Kensington Drive is classified as a collector street on the City's Arterial/Collector Plan. Currently, the entire subject parcel is undeveloped.

**Changes to Official Map:** Per Section 16-37 of the Municipal Code, the Common Council may, whenever necessary and as provided in Wisconsin Statutes §62.23(6), change the Official Map so as to widen, narrow, extend, or close existing streets, highways, and parkways. Any changes to the Official Map shall be filed with the County Register of Deeds. Removing the subject area from the Official Map would allow this property to be developed with fewer limitations in the future.

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

North: M-2 General Industrial District. The adjacent land uses to the north are currently industrial.

South: C-2 General Commercial District. The adjacent land uses to the south are currently a mix of commercial uses, including a gasoline sales station.

East: C-2 General Commercial District. The adjacent land uses to the east are currently commercial, including a retail business.

West: M-1 Industrial Park District and C-2 General Commercial District. The adjacent land uses to the west are currently a mix of industrial and commercial uses, including a restaurant.

**Appleton Comprehensive Plan 2010-2030:** The City of Appleton *Comprehensive Plan 2010-2030* identifies this area for future commercial uses. The proposed Official Map amendment is supported by the City's *Comprehensive Plan 2010-2030*, including the related excerpts listed below.

*Goal 1 – Community Growth*

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

**OBJECTIVE 10.1 Land Use:**

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

*Policy 10.1.2 Adopt, and as necessary, amend an Official Map that designates street right-of-way requirements, existing and future city parks, school sites, and utility locations, along with other features permitted by state statute.*

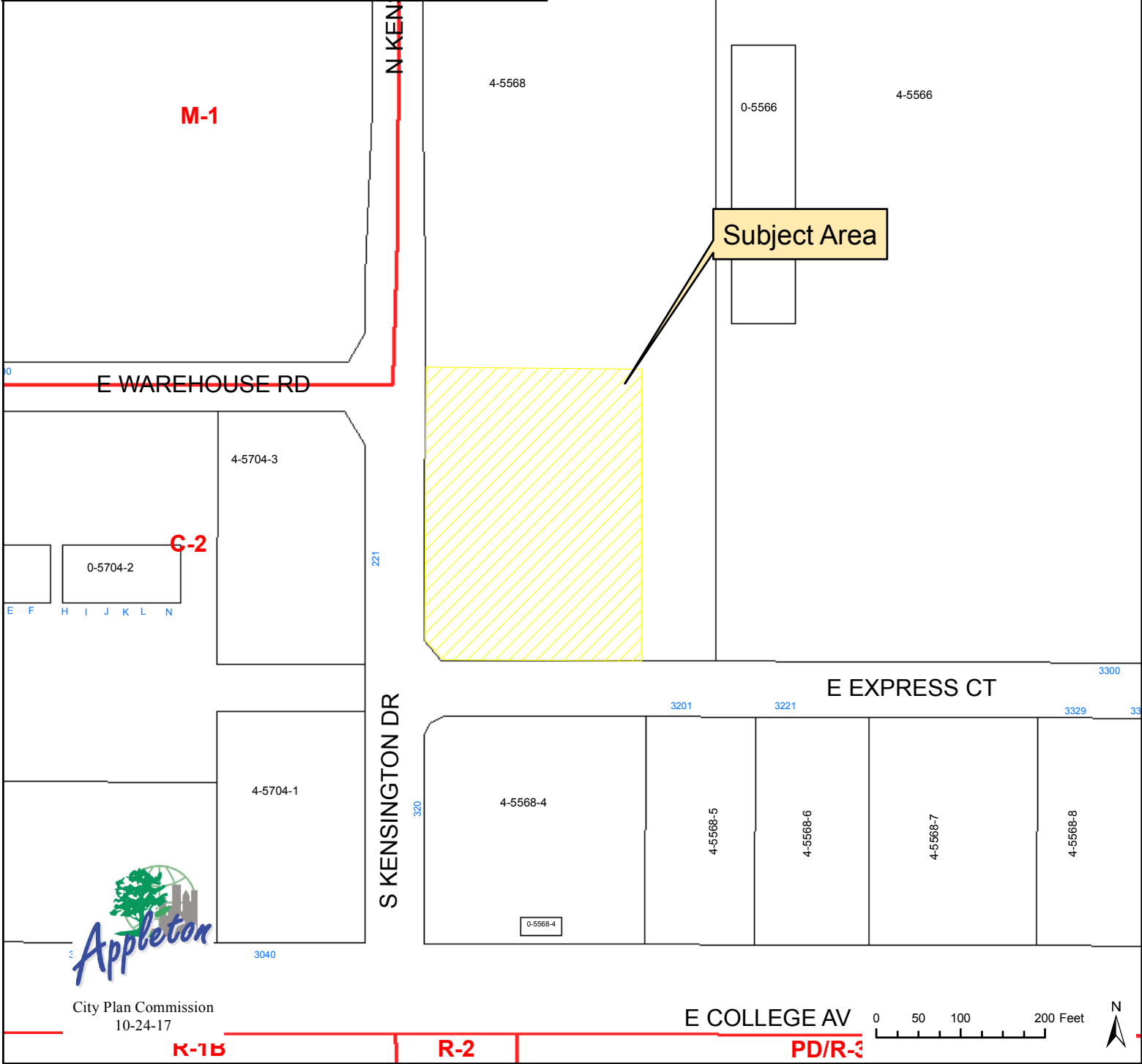
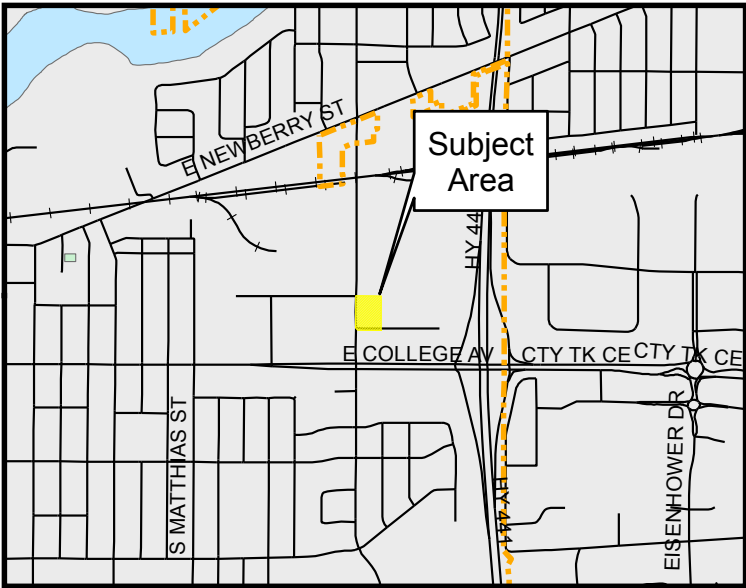
**Technical Review Group (TRG) Report:** This item was discussed at the September 19, 2017 Technical Review Group meeting. No negative comments were received from participating departments.

**RECOMMENDATION**

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Staff recommends, based on the above, that the amendment to the City of Appleton Official Map, to remove lands previously identified for a future stormwater pond generally located at the northeast corner of Kensington Drive and Express Court (part of Tax Id #31-4-5568-00), as shown on the attached maps, **BE APPROVED.**

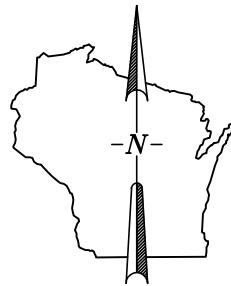
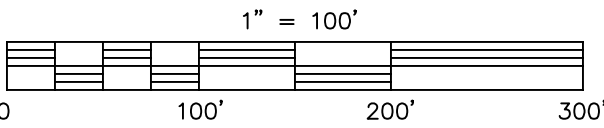
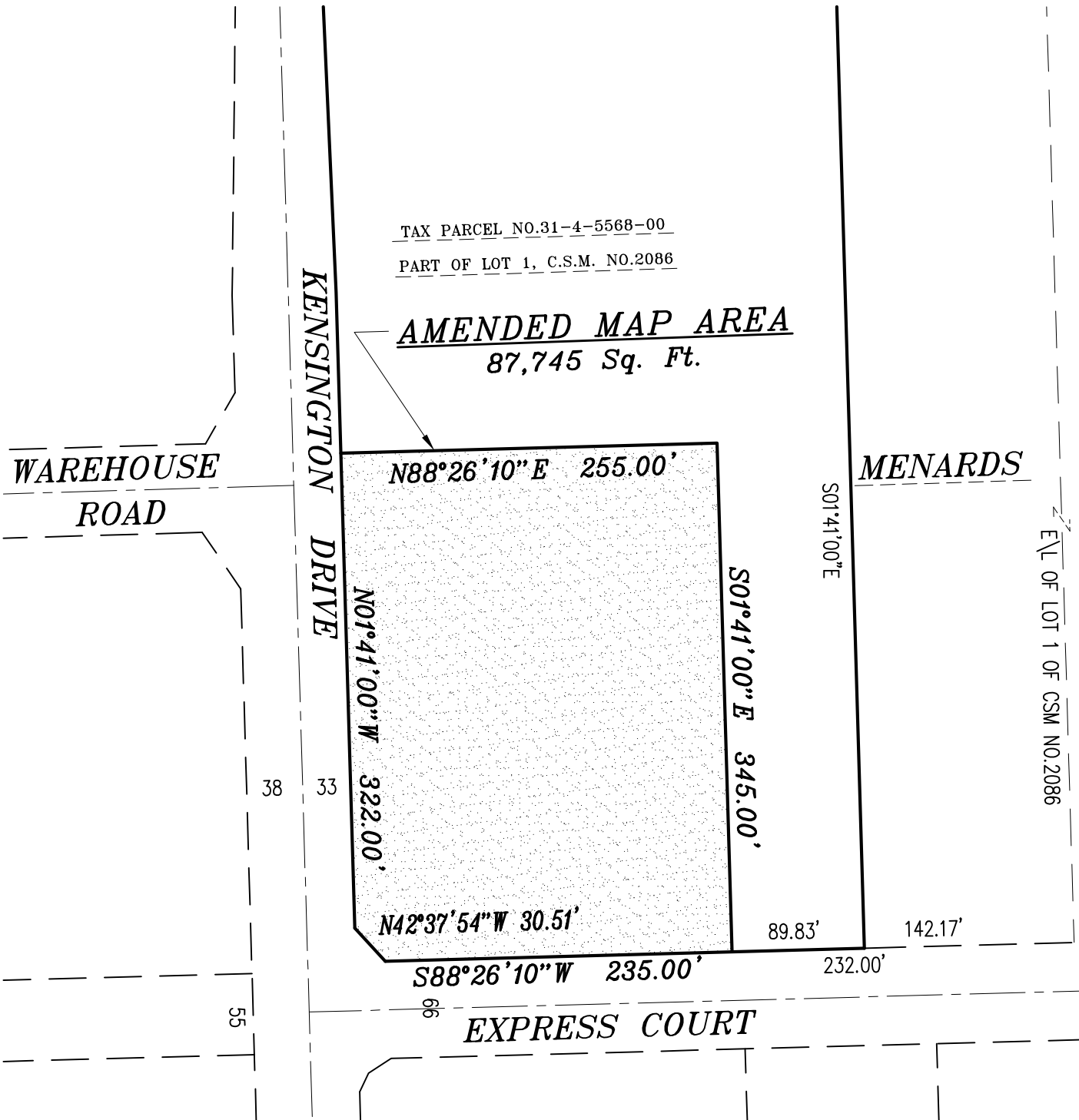
Kensington Drive and Express Court  
Official Map Amendment  
Delete Stormwater Pond  
Zoning Map



Kensington Drive and Express Court  
Official Map Amendment  
Delete Stormwater Pond  
Aerial Map



# EXHIBIT "A"



**CITY OF APPLETON**  
DEPT. OF PUBLIC WORKS  
ENGINEERING DIVISION  
100 NORTH APPLETON STREET  
APPLETON, WI 54911  
920-832-6474  
DRAFTED BY: T. KROMM  
H:\ACAD\OFFICIAL MAP\EXPRESS POND\_Map\_Amend\_0912\_2017

**OFFICIAL MAP  
OF  
STORMWATER POND**

A part of Lot One (1) of Certified Survey Map No. 2086, recorded in Volume 11 on Page 2086 of Certified Survey Maps as Document No. 1142153 in the Outagamie County Register of Deeds Office, being located in Government Lot 4, Section 29, T.21N., R.18E., City of Appleton, Outagamie County, Wisconsin, containing 87,745 square feet of land m/l and being further described as follows:

Commencing at the Southeast corner of Lot 1 of said Certified Survey Map 2086;  
Thence S.88°26'10"W. 232.00 feet, along the South line of said Lot 1 to the point of beginning;  
Thence continue S.88°26'10"W. 235.00 feet, to a vision corner;  
Thence N.42°37'54"W. 30.51 feet, along said vision corner to the East line of Kensington Drive;  
Thence N.01°41'00"W. 322.00 feet, along the East line of said Kensington Drive;  
Thence N.88°26'10"E. 255.00 feet;  
Thence S.01°41'00"E. 345.00 feet, to the point of beginning.

EXHIBIT A-1

UNITED STATES OF AMERICA  
STATE OF WISCONSIN  
CALUMET, OUTAGAMIE, WINNEBAGO COUNTIES  
SCHOOL DISTRICT OF APPLETON AREA

TAXABLE TAX AND REVENUE ANTICIPATION PROMISSORY NOTE

DATED October 9, 2017

MASTER NOTE

For value received, the School District of Appleton, Wisconsin (the "District") hereby acknowledges itself to owe and promises to pay in lawful money of the United States of America to the City of Appleton, Wisconsin, or registered assigns (the "Purchaser"), on or before June 30, 2018, the sum of not to exceed SEVENTEEN MILLION FIVE HUNDRED THOUSAND DOLLARS (\$17,500,000) (but only so much as shall have been advanced and outstanding) together with interest on the unpaid principle balance from the respective dates the outstanding principle amounts were advanced at the rate of 2% above the average federal funds rate from its dated date until paid; and shall mature no later than June 30, 2018. Disbursements of the proceeds of this Note shall be made by the Purchaser to the District within two (2) business days after the receipt of one or more Disbursement Notes in the form attached hereto as Exhibit B-1. The Purchaser shall record such format shown on the attached Exhibit C-1.

The principle and interest on this Note will be paid by the District Clerk or District Treasurer at the City office: 100 N. Appleton Street, Appleton, Wisconsin 54911. Interest shall be paid on a 30/360 day basis at maturity.

This Note is prepayable by the District at any time.

This Note is issued pursuant to Section 67.12(8)(a)1, Wisconsin Statutes, for the public purpose of paying the immediate expenses of operating and maintaining the public instruction in the District during the current school year; does not exceed one half of the estimate receipts for the operation and maintenance of the District for the current school year and shall not extend beyond June 30, 2018 of the next school year as authorized by a resolution of the governing body of the District duly adopted at a lawful open meeting held on October 23, 2017. Said resolution is recorded in the official minutes of said governing body for said date.

It is hereby certified and recited that all conditions, things and acts required by law to exist or to be done prior to and in connection with the issuance of this Note have been done, have existed and have been performed in due form and time; that the aggregate indebtedness of the District, including this Note and others issued simultaneously herewith, does not exceed any limitation imposed by law or the Constitution of the State of Wisconsin; and that the District has irrevocably pledged taxes heretofore levied and other revenues, including state aids, sufficient to pay this Note, together with interest thereon, when and as payable.

IN WITNESS WHEREOF, the District, by its governing body, has caused this Note to be executed by its duly qualified officers and to be sealed with its official or corporate seal, if any, as of the day and year first above written.

By: Kay S. Eggert  
Kay S. Eggert  
District President

(SEAL)

And: James R. Bowman  
James R. Bowman  
District Clerk



## LEGAL SERVICES DEPARTMENT

### Office of the City Attorney

100 North Appleton Street

Appleton, WI 54911-4799

Phone: 920/832-6423

Fax: 920/832-5962

November 6, 2017

Re: Appleton Area School District  
Calumet, Outagamie and Winnebago Counties, Wisconsin ("Issuer")  
\$17,500,000 Taxable Tax and Revenue Anticipation Promissory Note,  
dated November 6, 2017 ("Note")

We have acted as bond counsel to the Issuer in connection with the issuance of the Note. In such capacity, we have examined such law and other certified proceedings, certifications, and other documents as we have deemed necessary to render this opinion.

Regarding questions of fact material to our opinion, we have relied on the certified proceedings and other certifications of public officials and others furnished to us without undertaking to certify the same by independent investigation.

We certify that we have examined a sample of the Note and find the same to be in proper form.

Based upon our examination, it is our opinion under existing law that:

1. The Note has been duly authorized by the Issuer and, when issued, would be a valid and binding special obligation of the Issuer.
2. The interest on the Note is included for federal income tax purposes in the gross income of the owners of the Note.

We express no opinion regarding the accuracy, adequacy, or completeness of any other offering material relating to the Note. Further, we express no opinion regarding tax consequences arising with respect to the Note other than as expressly set forth herein.

This opinion is not intended to be used, and cannot be used, to avoid federal tax penalties.

The rights of the owners of the Note and the enforceability thereof may be subject to bankruptcy, insolvency, reorganization, moratorium and similar laws affecting creditors' rights and may be subject to the exercise of judicial discretion in accordance with general principles of equity, whether considered at law or in equity.

This opinion is given as of the date hereof, and we assume no obligation to revise or supplement this opinion to reflect any facts or circumstances that may hereafter come to our attention, or any changes in law that may hereafter occur.

---

James P. Walsh  
*City Attorney*

Christopher R. Behrens  
*Deputy City Attorney*

Amanda Abshire  
*Assistant City Attorney*

Darrin M. Glad  
*Assistant City Attorney*

REQUEST FOR PROPOSAL – MIXED USE LIBRARY PROJECT



Appleton  
Public Library

**PROPOSALS SOUGHT BY:**  
**City of Appleton**  
**c/o Community and Economic Development Department**  
**Attn: Karen Harkness**  
**100 North Appleton Street**  
**Appleton, WI 54911**  
**(920) 832-6468**  
Karen.Harkness@appleton.org

**November 2, 2017**

**CITY OF APPLETON – REQUEST FOR PROPOSAL**  
*Mixed Use Library Project*

*This entire RFP and all Exhibits are available at the City of Appleton website [www.appleton.org](http://www.appleton.org), Follow the “Mixed Use Library RFP” link.*

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## **I. INTRODUCTION.**

The Appleton Public Library's (APL) long term planning indicates that the current facility at 225 N. Oneida Street no longer meets the needs of the library. Originally built in 1981, the library building has infrastructure challenges that limit options for modern library service. APL is one of the busiest buildings in the downtown, serving an average of 1500 people a day.

The City of Appleton (City) and Appleton Library Board are seeking a qualified developer for a mixed-use library development which may include residential, retail, office, medical or a mixture of uses in addition to the library. The design should create appropriate separation of uses, providing clear access and entrances for the library, and other uses as well as provide parking as appropriate for the entire mixed use development.

The City of Appleton is located in the Fox River Valley of northeastern Wisconsin and has a population of approximately 73,000. APL provides service to a population of 115,000. The City is serviced by Interstate 41, US Highway 10 and US Highway 441. It is 90 miles north of Milwaukee and 30 miles southwest of Green Bay. More information about the City is available on our website at [www.appleton.org](http://www.appleton.org).

Downtown Appleton is the heart of the Fox Valley. As an arts and entertainment district, Downtown has embraced the creative economic energy of business, tourism, education and love of the Fox River. Downtown's resurgence and increased vibrancy has drawn recent praise with College Avenue being named one of the "Great Places in America" by the American Planning Association in 2014.

Several major projects currently in progress will impact the City in general and Downtown specifically, as they will influence future mobility, connectivity to the riverfront, residential density, and attraction of conventions and visitors. Appleton continues to see demand for new housing units and has a solid commercial and industrial base. Strategic and ongoing investment in Downtown remains a top priority for the City, and the issuance of this RFP for a mixed-use Library Project is a critical step in this process.

## **II. PROJECT PRIORITIES & OBJECTIVES**

Developers are encouraged to propose a new site or to consider redevelopment of the existing library site/area for this mixed-use project. The site must create a premier project that will enhance the downtown, contribute to the arts and culture of the area, and foster economic development that will benefit the entire community.

Proposals should take into consideration the needs and current market condition. Building designs and material should complement the existing urban form of the area as well as the goals spelled out in Chapter 14: Downtown Plan (Comprehensive Plan 2010-2030). Utilization of the land should leverage public (federal, state and local

funds) and private funds in order to develop the site into a vibrant, sustainable mixed use development.

In 2017, the Appleton Common Council and Appleton Library Board approved and supported, respectively, the five-year update to the City Comprehensive Plan 2010-2030. In addition, both bodies unanimously agreed to issue this mixed-use RFP that should align with the Comprehensive Plan, Downtown Parking Study, Downtown Mobility Study, Tax Incremental Financing Districts #11 and #12, and the current APL building program and documents.

The City is seeking proposals for an approximately 120,000 square foot requirement for APL in a mixed use development. Proposals for City ownership or lease would be considered. General requirements for the physical space include:

1. Approximately 120,000 square feet of space.
2. The “public” portion of the library should not occupy more than 3 floors (Approx. 110,000 square feet).
3. “Non-public” portions of the library (Administration, Network Services, Technical Services, etc.) can be located on other floor(s) (Approx. 10,000 square feet).
4. The general physical needs identified in the “Library Needs Assessment Final Report 8-25-14” (Section IX. Reference Materials) for APL have not changed. However, the space for Parks and Recreation and OWLS are not part of this RFP and should not be included. APL’s building program will need to be refreshed prior to actual design.
5. APL should serve as a primary floor anchor with its own entrance and primary meeting room spaces allowing after-hours access. APL must be able to function independently from the rest of the development.
6. Demonstration of available parking as appropriate for the entire mixed use development should be included.
7. If proposing a redevelopment of the existing site, provide a temporary library location.

In addition to the physical space requirements, it will be crucial for the proposed development to support the City’s redevelopment goals as spelled out in Chapter 14: Downtown Plan (Comprehensive Plan 2010-2030). As such, a mixed use proposal is anticipated to ensure the highest and best use of the proposed development.

Section IX. Reference Materials provides historic detail of APL’s needs, site preferences and analysis completed to date. Due to the dynamic nature of ownership, development, and redevelopment, any site within the boundaries of Exhibit A –Mixed Use Library RFP Boundary Map will be considered and weighed as spelled out in the “Evaluation of Proposals” section of this RFP.

### III. POTENTIAL SITE OPTIONS

Respondents are invited to submit proposals for a mixed-use development, including a new or remodeled library, located within downtown Appleton. The geographic boundary is shown on Exhibit A – Mixed Use Library RFP Boundary Map. One potential scenario involves relocating the library to a different site. The other scenario involves utilizing the existing library site and/or other City-owned property in the nearby area (see Exhibit B – Current Library Site). Some details on the existing library site are provided below. Any land to be assembled as part of the project for either scenario is at the discretion and responsibility of the developer.

#### **Background Information on Existing Library Site**

**Location:** 225 North Oneida Street (Tax ID #31-2-0397-00)

**Legal Description:** APPLETON PLAT 2WD LOTS 1, 2, 3, 4, 5 & 6 BLK 38

**Common Description:** Area bound by North Appleton Street, West Franklin Street, North Oneida Street, and West Washington Street

**Area:** 94,782 square feet m/l (2.18 acres m/l)

**Registered Neighborhood:** Downtown Neighborhood

**Current Zoning:** CBD Central Business District (City of Appleton Zoning Ordinance available at [www.appleton.org](http://www.appleton.org)).

**Utilities:** Served by existing water, sanitary sewer, and storm sewer.

The existing library will be made available for inspection on November 14, 2017 at 1:00pm for those anticipating submitting a proposal.

### IV. PROPOSAL REQUIREMENTS

Proposals must be organized in the following order of sections:

#### 1. EXECUTIVE SUMMARY

- a. A succinct, high level description of the proposed project
- b. Identity and contact information for the developer(s)
- c. The Executive Summary should be signed by a Principal or authorized agent of the proposing developer

#### 2. DESCRIPTION OF FIRM & PERSONNEL: Detailed description of the

organizational structure/hierarchy for the development team, including relationship of the partners to each other (if appropriate) and responsibilities of key personnel to be involved in this project. Provide professional resumes for the key personnel to be assigned.

3. **EXPERIENCE AND ABILITY TO COMPLETE PROPOSED PROJECT:** Statement regarding experience and qualifications relative to this project, including references of individuals who can provide assessments of your previous work on similar projects. List relevant public sector clients for whom you have performed similar work. For each project listed, provide the name, address and a contact number of the client's representative who can be contacted regarding the project.
4. **PROJECT APPROACH:** Provide a narrative description of how your firm proposes to execute the project, including the location of proposed library and why it was chosen, how you will address the library's programming needs, and how the proposal meets the stated objectives and goals. Describe the intended relationship between the Library/City Staff and the public during the process. Submit a statement as to why you believe your firm is the best qualified to carry out the project.
5. **CONCEPTUAL DEVELOPMENT PLAN:** Provide a detailed description of the proposed project, including conceptual designs with enough details to evaluate the building and site relationship, parking, landscaping, floor plans, elevations and renderings. Providing 3-D modeling and project "fly-through" is suggested but not required.
6. **PROPOSED PROJECT COST, FINANCING AND SCHEDULE:** Proposed financing strategy, including sources and uses of funds. Demonstrate ability to secure sources of funds. Provide documentation to demonstrate project feasibility. Anticipated timetable for completion of the project and sequence of events.
7. **PROPOSED RENT SCHEDULE AND/OR PURCHASE PRICE:** Provide details on cost to City for proposed APL facility.

Any other information you deem relevant in helping us to evaluate your proposal is welcomed. The City reserves the right to negotiate a development agreement with the developer(s) of the selected proposal.

## **V. DIRECTIONS FOR SUBMITTAL**

To be deemed timely, Ten (10) hard copy proposals and one (1) electronic copy in a PDF format shall be received on or before DECEMBER 8, 2017 at 12:00 p.m. by:

City of Appleton  
c/o Community and Economic Development Department  
Attn: Karen Harkness  
100 North Appleton Street  
Appleton, WI 54911  
Karen.Harkness@appleton.org

Proposals may be mailed or hand-delivered, but in either case must be received and stamped by the specified date and time. The City reserves the right to reject any and all proposals or to negotiate any or all aspects of the proposal as permitted by law. Proposals received after the above listed due date and time may be rejected by the City and returned unopened to the developer.

## **VI. DISCLOSURES, TIMELINE, TERMS & CONDITIONS**

1. The Proposal of the selected developer will become the basis for any contract entered into and will become subject to the City's provision on public access to open records and information.
2. To the extent a developer includes any uniquely proprietary or confidential information in the Proposal, the developer must clearly and unequivocally mark such information. The City will not reveal any such information to any third party, unless required to do so by law.
3. Developers must agree to make no other distribution of their Proposal beyond that made to the City and once under contract, all information gained in the process and work product is the ownership of the City.

## PROJECT TIMELINE

Activity	Estimated Date
APL tour of facilities and site for RFP respondents	1:00pm November 14, 2017
Request for Proposal deadline	12:00 p.m. <del>December 8, 2017</del> <a href="#">January 12, 2018</a> CST
City & APL staff review and score request for proposals for conformity with RFP requirements and select consultant for interviews	<del>December 18, 2017</del> <a href="#">January 19, 2018</a>
In-person interviews and final development concept selection	<del>January 4, 2018</del> <a href="#">January 29, 2018</a>
Finalist notified	<del>January 5, 2018</del> <a href="#">January 30, 2018</a>
Public Presentation by the successful developer to Library Board and Common Council	TBD
Library Board and Common Council approval	TBD

NOTE: This timeline should be considered a draft. The City reserves the right to deviate from this schedule.

## TERMS AND CONDITIONS

1. Termination - If for any reason the firm selected shall fail to fulfill the obligations agreed to in a timely manner, the City shall have the right to terminate the contract by specifying the date of termination in a written notice to the firm at least seven (7) days before the termination date. In this event, the firm shall be entitled to just and equitable compensation for the work satisfactorily completed.
2. Insurance - The successful developer will be required to furnish, within five (5) days of award notification and before commencing work, the certificate of insurance specified in Exhibit C - Insurance Requirements for professional services work. The certificate shall name the City, its officers and employees, as additional insured.
3. Bid Procedure - City procurement policies and bid procedures will have to be followed.
4. Indemnification Clause - The agreement resulting from this RFP shall be required to contain the following:  
  
 “The developer agrees to indemnify, defend and hold harmless the City and its officers, officials, employees and agents from and against any and all liability, loss, damage expense, costs (including attorney fees) arising out of this

agreement, caused in whole or in part by developer or anyone for whose acts any of them may be liable, except where caused by the sole negligence or willful misconduct of the City.”

5. The Developer must comply with all applicable local, state and federal regulations.
6. Contract Term - The contract resulting from the award of this RFP shall commence as soon as administratively possible following award notification and shall continue until all agreed upon tasks have been satisfactorily completed.
7. Right to Reject - The City reserves the right to reject any or all proposals, to waive technicalities, or to accept the proposal deemed to serve the City’s best interest.
8. Proposal Costs - All costs associated with preparation, submittal and presentation of proposals shall be borne by the developer.

## **VII. EVALUATION OF PROPOSALS**

Proposals will be evaluated on the basis of the degree of compliance with, and adherence to, the preceding proposal requirements and the following principles and guideline items:

1. Compliance with, and satisfaction of the Priorities and Objectives section of this RFP.
2. Conformance to the requirements and objectives of the City of Appleton Comprehensive Plan 2010-2030 and Chapter 14 Downtown Plan.
3. Compatibility of the project with the adjacent land uses.
4. Determination regarding the ability of the developer to carry out the proposal.
5. Amount of total investment and contribution to the City’s tax base.
6. Cost to the City.
7. Quality and stability of proposed development.

The City reserves the right to reject any and all proposals or to negotiate on any or all aspects of the proposal as permitted by law. Developers may be asked to present their proposal and answer questions of the City. If such a request is made, developers will be given at least five (5) working days’ notice.

## **VIII. ATTACHMENT LISTING**

The following Exhibits are attached.

Exhibit A – Mixed Use Library RFP Boundary Map

Exhibit B – Current Library Site Map

Exhibit C – Insurance Requirements

## **IX. REFERENCE MATERIALS**

The following documents are listed for reference purposes.

### **Library Studies**

Library Needs Assessment Final Report 8-25-14

<http://www.apl150.org/sites/apl150.org/files/pagefiles/APL%20Final%20Report%2008-25-14.pdf>

2013 Strategic Plan updated 2016

[http://www.apl.org/system/files/FinalPlanWOStats\\_0.pdf](http://www.apl.org/system/files/FinalPlanWOStats_0.pdf)

Library Site Evaluation Criteria

<http://www.apl150.org/sites/apl150.org/files/pagefiles/SiteEvaluationCriteria.pdf>

### **Other Related Documents**

Comprehensive Plan 2010-2030

<http://www.appleton.org/government/planning/city-of-appleton-comprehensive-plan-2010-2030>

Downtown Parking Study

<http://www.appleton.org/home/showdocument?id=12044>

Mobility Study – Full Version

<http://www.appleton.org/home/showdocument?id=11020>

Mobility Study – Summary

<http://www.appleton.org/home/showdocument?id=11016>

Appleton Economic Development Strategic plan

<http://www.appleton.org/home/showdocument?id=12046>

BID Operational Plan

<http://www.appleton.org/home/showdocument?id=16869>

TIF 12

<http://www.appleton.org/home/showdocument?id=14737>

TIF 11

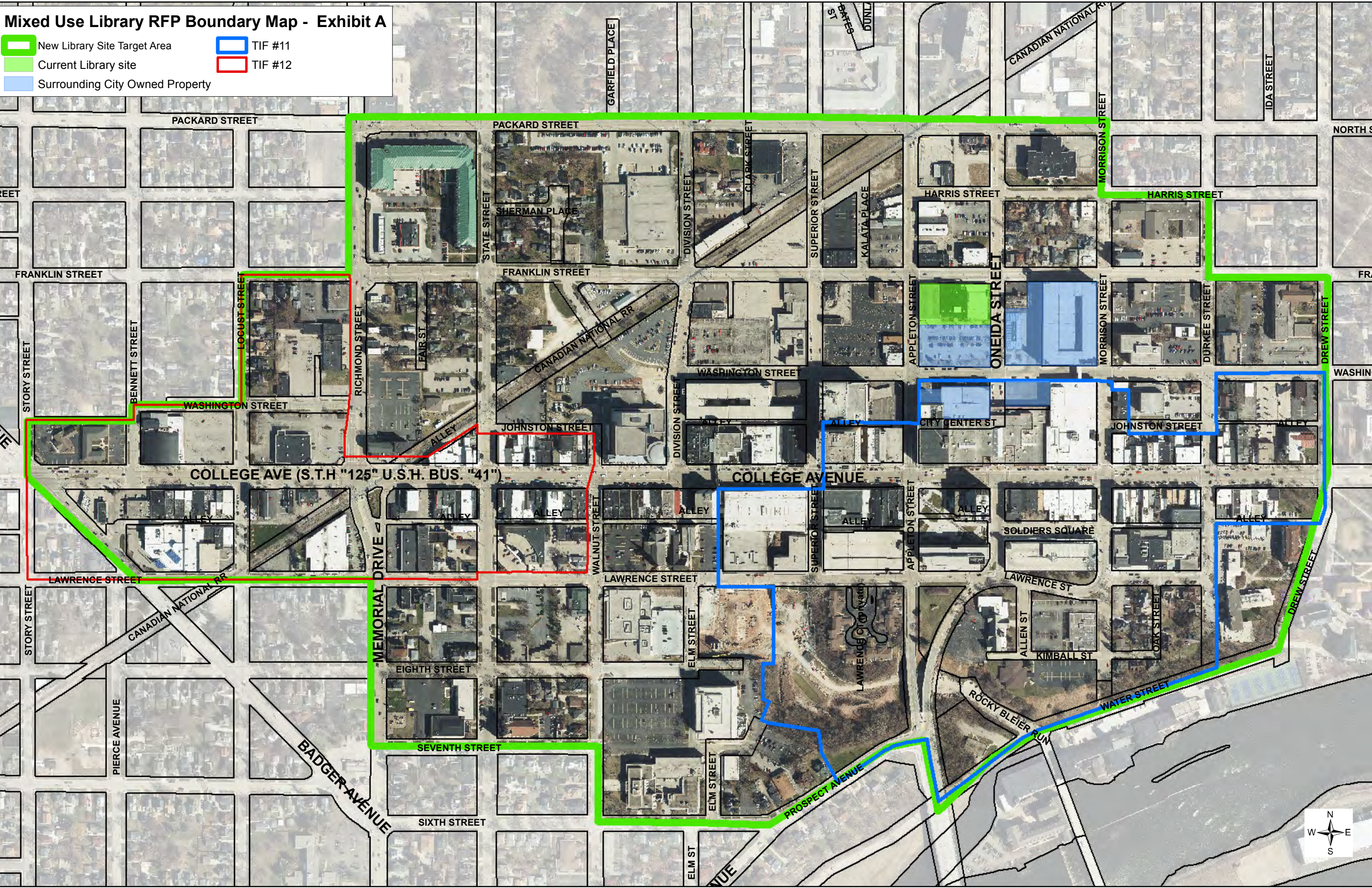
<http://www.appleton.org/home/showdocument?id=14731>

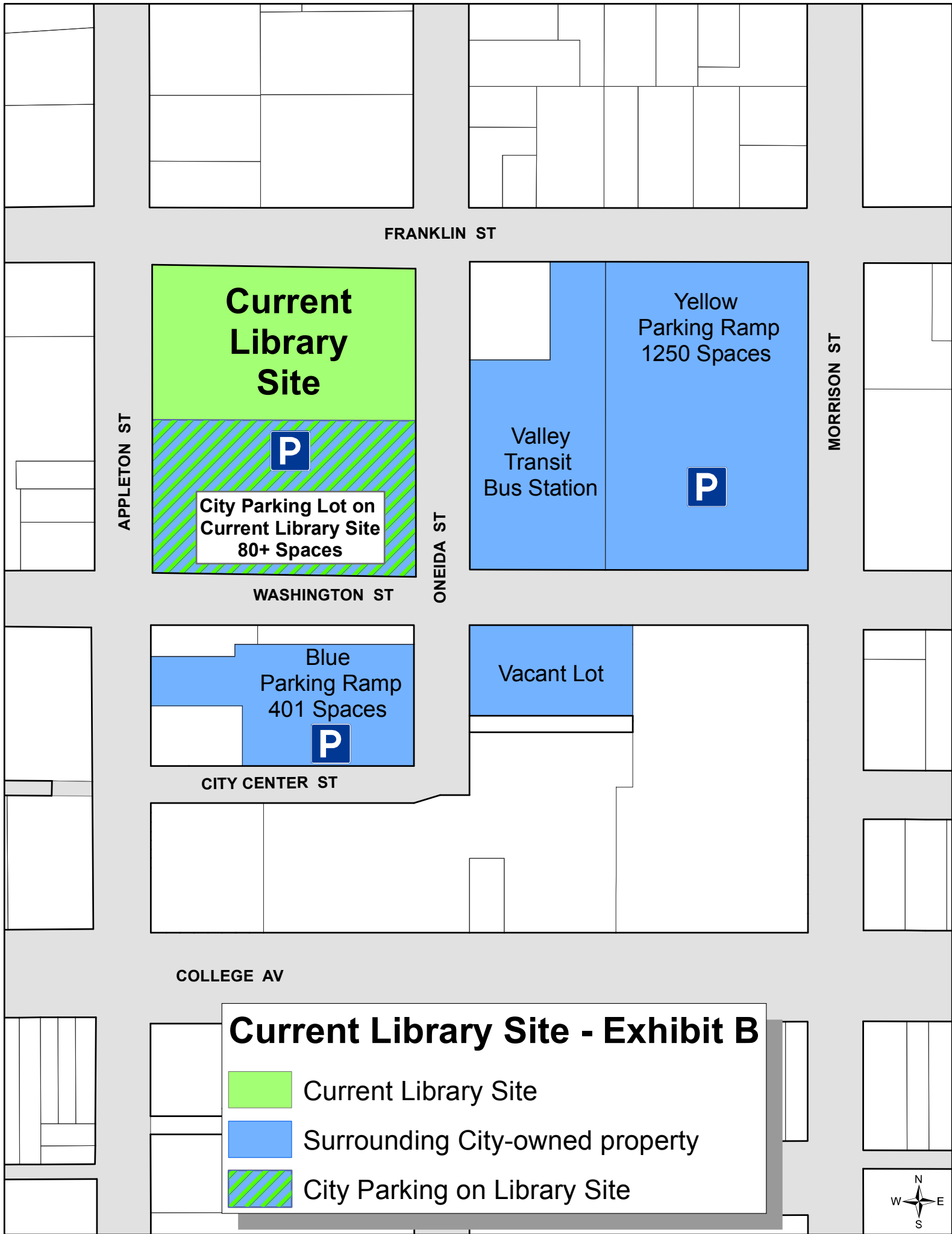
Trails Master Plan

<http://www.appleton.org/home/showdocument?id=16871>

Mixed Use Library RFP Boundary Map - Exhibit A

- New Library Site Target Area
- Current Library site
- Surrounding City Owned Property
- TIF #11
- TIF #12





**EXHIBIT C**  
**CITY OF APPLETON**  
**PROFESSIONAL SERVICES INSURANCE REQUIREMENTS**

The Contractor shall not commence work on contract until proof of insurance required has been provided to the applicable department before the contract or purchase order is considered for approval by the City of Appleton.

It is hereby agreed and understood that the insurance required by the City of Appleton is primary coverage and that any insurance or self insurance maintained by the City of Appleton, its officers, council members, agents, employees or authorized volunteers will not contribute to a loss. All insurance shall be in full force prior to commencing work and remain in force until the entire job is completed and the length of time that is specified, if any, in the contract or listed below whichever is longer.

**1. PROFESSIONAL LIABILITY**

- A. Limits
  - (1) \$1,000,000 each claim
  - (2) \$1,000,000 annual aggregate
- B. Must continue coverage for 2 years after final acceptance for service/job

**2. GENERAL LIABILITY COVERAGE**

- A. Commercial General Liability
  - (1) \$1,000,000 each occurrence limit
  - (2) \$1,000,000 personal liability and advertising injury
  - (3) \$2,000,000 general aggregate
  - (4) \$2,000,000 products – completed operations aggregate
- B. Claims made form of coverage is not acceptable.
- C. Insurance must include:
  - (1) Premises and Operations Liability
  - (2) Contractual Liability
  - (3) Personal Injury
  - (4) Explosion, collapse and underground coverage
  - (5) Products/Completed Operations must be carried for 2 years after acceptance of completed work
  - (6) The general aggregate must apply separately to this project/location

**3. BUSINESS AUTOMOBILE COVERAGE**

- A. \$1,000,000 combined single limit for Bodily Injury and Property Damage each accident
- B. Must cover liability for Symbol #1 - "Any Auto" – including Owned, Non-Owned and Hired Automobile Liability.

4. **WORKERS COMPENSATION AND EMPLOYERS LIABILITY** – “If” required by Wisconsin State Statute or any Workers Compensation Statutes of a different state.
- A. Must carry coverage for Statutory Workers Compensation and an Employers Liability limit of:
- (1) \$100,000 Each Accident
  - (2) \$500,000 Disease Policy Limit
  - (3) \$100,000 Disease – Each Employee
5. **UMBRELLA LIABILITY** - If exposure exists, provide coverage at least as broad as the underlying Commercial General Liability, Watercraft Liability (if required), Automobile Liability and Employers Liability, with a minimum limit of \$5,000,000 each occurrence and \$5,000,000 aggregate, and a maximum self-insured retention of \$10,000.
6. **ADDITIONAL PROVISIONS**
- A. **Primary and Non-Contributory requirement – all insurance must be primary and non-contributory to any insurance or self-insurance carried by City of Appleton.**
- B. Acceptability of Insurers - Insurance is to be placed with insurers who have an *A.M. Best* rating of no less than A- and a Financial Size Category of no less than Class VI, and who are authorized as an admitted insurance company in the state of Wisconsin.
- C. Additional Insured Requirements – The following must be named as **additional insureds** on the General Liability and Business Automobile Liability Policies for liability arising out of project work - City of Appleton, **and its officers, council members, agents, employees and authorized volunteers. On the Commercial General Liability Policy, the additional insured coverage must be ISO form CG 20 10 07 04 and also include Products – Completed Operations equivalent to ISO form CG 20 37 07 04 or their equivalents for a minimum of 2 years after acceptance of work. This does not apply to Workers Compensation Policies.**
- D. Certificates of Insurance acceptable to the City of Appleton shall be submitted prior to commencement of the work to the applicable department. **In addition form CG 20 10 07 04 for ongoing work exposure and form CG 20 37 07 04 for products-completed operations exposure must also be provided or its equivalent.** These certificates shall contain a provision that coverage afforded under the policies will not be canceled or non renewed until at least 30 days’ prior written notice has been given to the City of Appleton.

\*\*\* CONFIDENTIAL INFORMATION \*\*\*  
\*\*\* ATTORNEY-CLIENT PRIVILEGE \*\*\*  
CITY OF APPLETON  
ATTN: KAREN HARKNESS  
100 N. APPLETON STREET  
APPLETON, WI 54911

INVOICE NO. 243170 **REVISED**  
INVOICE DATE OCTOBER 10, 2017  
TAX ID. 39-1576289  
ATTY. BENJAMIN D. LAFROMBOIS

FCEC PHASE III UPDATE

MATTER NO. 010953-00014

PROFESSIONAL SERVICES RENDERED THROUGH SEPTEMBER 30, 2017

09/19/17 CAH RECEIPT AND REVIEW OF COST MITIGATION DETAILS; FOLLOW-UP WITH KAREN HARKNESS REGARDING THE SAME.	.20	41.00
09/20/17 CAH REVIEW DETAIL EXPENSE INFORMATION PROVIDED BY KAREN HARKNESS.	.50	102.50

CURRENT FEES FOR THIS MATTER \$143.50

BILLING SUMMARY

CURRENT FEES	\$143.50
TOTAL CURRENT CHARGES THIS BILL	\$143.50
BALANCE FORWARD	\$240.00
TOTAL AMOUNT DUE	\$383.50

\*\*\* CONFIDENTIAL INFORMATION \*\*\*  
\*\*\* ATTORNEY-CLIENT PRIVILEGE \*\*\*  
CITY OF APPLETON  
ATTN: KAREN HARKNESS  
100 N. APPLETON STREET  
APPLETON, WI 54911

INVOICE NO. 241757 **REVISED**  
INVOICE DATE SEPTEMBER 13, 2017  
TAX ID. 39-1576289  
ATTY. BENJAMIN D. LAFROMBOIS

FCEC PHASE III UPDATE

MATTER NO. 010953-00014

PROFESSIONAL SERVICES RENDERED THROUGH AUGUST 31, 2017

08/02/17 BDL DISCUSSION WITH CITY REGARDING NEXT STEPS OF ST. JOSEPH'S MATTER.	.10	40.00
08/07/17 BDL RECEIVE AND REVIEW LETTER FROM KRAUSE & METZ RE CONTAMINATION; PHONE CALL WITH KAREN HARKNESS RE SAME.	.30	120.00
08/08/17 BDL PHONE CALL WITH DIRECTOR HARKNESS TO DISCUSS COMMUNICATION WITH ST. JOSEPH'S AND TO SPECIFICALLY DISCUSS DAMAGES CALCULATION AND RESPONSE TO ST. JOSEPH'S LETTER.	.20	80.00

CURRENT FEES FOR THIS MATTER \$240.00

BILLING SUMMARY

CURRENT FEES	\$240.00
TOTAL CURRENT CHARGES THIS BILL	\$240.00
TOTAL AMOUNT DUE	\$240.00



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

**PARKS, RECREATION & FACILITIES  
MANAGEMENT**

**Dean R. Gazza, Director**

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

TO: Finance Committee

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

DATE: 10/6/2017

RE: Action Item: Approval of Guaranteed Maximum Price Amendment to Miron Construction for the Fox Cities Exhibition Center for a total contract not to exceed \$29,287,381.48.

The delivery method utilized for this project is Construction Manager at risk (CM) and varies from the traditional design-bid-build delivery method used when time is not a project constraint. In this method, the CM is hired as the Owner's agent and contracts directly with sub-contractor(s) in an "at-risk" position. All work is publicly bid to comply with state bidding laws. Once the lowest qualified bidder is determined, the sub-contractor(s) contracts with the CM to complete the work. The CM provides a guaranteed maximum price in which any costs above this are the risk of the CM. The City only pays for the actual costs of the work completed (up to the maximum guarantee) and any change orders if there is a scope change.

The Guaranteed Maximum Price includes all the previous contracts approved by the Common Council that totaled \$28,510,265.48. The additional funds covers contingency (2.7%), insurance and payment/performance bonds.

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



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

**PARKS, RECREATION & FACILITIES  
MANAGEMENT**

**Dean R. Gazza, Director**

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

TO: Finance Committee

FROM: Dean R. Gazza

DATE: 11/6/2017

RE: Action: Reject bid from Miron Construction, The Boldt Company and Radtke Contractors, Inc. for the Jones Park Renovation Phase I Project.

The 2017 Capital Improvement Plan includes \$1,550,000 to renovate Jones Park. Bids were opened on October 31, 2017 for the installation of utilities, excavation and the removal of trees, etc.

Three bids were received as follows:

Radtke Contractors, Inc. - \$141,000  
Miron Construction - \$555,887  
The Boldt Company - \$654,000

Radtke Contractors provided a bid lower than the other two, but it was determined that the low bidder did not interpret the bid form as intended. In addition, portions of the work were not included in their bid to the extent the bid documents indicated.

Our team was hopeful to begin this project late 2017, but after careful review of the bids, we have determined it is in the best interest of the City of Appleton to bid the park as one project versus phasing the project. In order to complete the Exhibition Center without interruption, it would be best to defer work in Jones Park until the work is completed at the Exhibition Center. We are hopeful we could obtain more competitive pricing by including the work as one project.

The Parks, Recreation and Facilities Management Department recommends rejecting this bid. Please contact me at 832-5572 or at [dean.gazza@appleton.org](mailto:dean.gazza@appleton.org) with any questions.



## MEMORANDUM

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

TO: Community and Economic Development Committee  
FROM: Nikki Gerhard, Community Development Specialist  
DATE: November 8, 2017  
RE: Substantial Amendment to 2017 CDBG Contract

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Per the City of Appleton's CDBG Policy and Citizen Participation Plan, if a subrecipient wishes to utilize funds for an activity not identified on their original application, they are required to submit a detailed letter to the Community and Economic Development Department explaining the reasoning for and amount of the proposed change. A 30-day public comment period must also be held prior to formal approval by the CEDC or Council.

On June 28, 2017, the CEDC approved the final 2017 CDBG award allocations for the Community Partner applicants. National Alliance on Mental Illness, or NAMI Fox Valley, originally applied for and was awarded funds for operating a peer specialist training course to prepare individuals to become certified peer specialists. Due to several interferences by the State of Wisconsin, NAMI no longer has the ability to offer the training curriculum at this time.

In light of that uncertainty, NAMI Fox Valley is requesting to modify the use of the \$10,000 CDBG award to support another program offered through the agency, Iris Place. Iris Place is a five-bedroom, peer operated, respite center that provides a safe and welcoming environment for individuals experiencing emotional distress or crisis, and allows them to grow and change through the support of others who have lived through those same or similar experiences. The respite is staffed with peer specialists 24 hours a day, year round, who provide emotional support to those staying at Iris Place and to those who make contact via the respite's warm line.

The majority of Iris Place expenses are funded through the State of Wisconsin's Department of Health Services; however, the full operating costs exceed the annual funding awarded. The CDBG allocation would minimize that gap and expand the peer specialist relief pool and volunteer program.

A 30-day public comment period was held from September 27, 2017 through October 26, 2017. No comments were received. As such, staff recommends the approval of the amendment to the NAMI Fox Valley 2017PY CDBG allocation.

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



# MEMORANDUM

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

TO: Community and Economic Development Committee  
FROM: Nikki Gerhard, Community Development Specialist  
DATE: November 8, 2017  
RE: Citizen Participation Plan Amendment

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A requirement of the CDBG Program is the adoption of a Citizen Participation Plan. The Plan provides citizens with information and knowledge of opportunities to become involved with and comment upon Appleton's CDBG Program.

In response to the Affirmatively Furthering Fair Housing (AFFH) mandate, the Citizen Participation Plan has been amended to reflect additional requirements necessary for implementation of the Assessment of Fair Housing (AFH).

The amendments incorporate the requirements under the AFFH into the following:

- Encouragement of citizen participation
- Development of the AFH and the Consolidated Plan
- Consolidated Plan amendments and AFH revisions
- Public Hearings
- Meetings
- Availability to the public
- Access to records
- Technical Assistance
- Complaints
- Jurisdiction responsibility

To make reading the draft and comparing it to the current plan easier, the current plan with markup and the draft without markup have been attached, along with the HUD memorandum mandating the incorporation of these amendments into the CPP.

A 14-day public comment period, as required under the current Citizen Participation Plan, was held October 18 through November 1. No comments were received.

If you have any questions, please feel free to contact me at [nikki.gerhard@appleton.org](mailto:nikki.gerhard@appleton.org)



# City of Appleton COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

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## **Citizen Participation Plan** **Amended 3/20/2013, 10/7/2015, 07/2017**

### **A) — PURPOSE**

#### **(A) Applicability & Adoption of the Citizen Participation Plan**

Pursuant to the requirements of 24 CFR 91.105 and 24 CFR Part 5.158, the City of Appleton issues the following Plan to provide for, and encourage, residents to participate in the development of the City of Appleton's AFH and any revisions to the AFH, the Consolidated Plan, any substantial amendments to the Consolidated Plan, and the performance reports (CAPER).

This Citizen Participation Plan amends and supersedes the City's previous Citizen Participation Plan, adopted in compliance with Section 104(a)(3) of the Housing and Community Development Act of 1974 and Title 24 of the CFR, Subtitle A, Part 91. This Plan includes the community participation requirements included in the Affirmatively Furthering Fair Housing (AFFH) Rule, per 24 CFR, Section 5.158.

In July 2015, HUD issued a Final Rule for entitlement communities that replaces the Analysis of Impediments to Fair Housing Choice (AI) with a new process called an Assessment of Fair Housing (AFH), which requires analysis of local fair housing landscape and establishment of fair housing priorities and goals. The Rule identifies four fair housing issues that grantees must assess:

1. Patterns of integration and segregation;
2. Racially or ethnically concentrated areas of poverty;
3. Disparities in access to opportunity; and
4. Disproportionate housing needs

The AFH process will begin with inclusive community participation and will result in the setting of fair housing goals to increase fair housing choice and provide equal access to opportunity for all community members. The City of Appleton will then use the fair housing goals and priorities established in the AFH to inform the investments and other decisions made in the Consolidated Planning processes. For that reason, the AFH will occur prior to the development of a new Consolidated Plan.

~~As a requirement of the U.S. Department of Housing and Urban Development's Community Development Block Grant (CDBG) Program, the City of Appleton has developed and adopted this Citizen Participation Plan (CPP) relating to the CDBG Program in compliance with section 104(a)(3) of the Housing and Community Development Act of 1974 and Title 24 of the Code of Federal Regulations, Subtitle A, Part 91. The CPP provides for and encourages citizen participation in the development of any consolidated plan, any substantial amendment to the consolidated plan and the performance report.~~

#### **(B) Encouragement of Citizen Participation**

The City of Appleton encourages all of its citizens to participate in the development of its Assessment of Fair Housing (AFH), revisions to the AFH, Consolidated Plan, substantial amendments to the Consolidated Plan, and the Consolidated Annual Performance Evaluation Report (CAPER). The City will especially encourage participation by low- and moderate-income persons, particularly those living in areas where CDBG funds are proposed to be used and those populations who have historically experience exclusion, including racial and ethnic minorities, limited English proficient individuals, and individuals with disabilities.

During the process of developing the AFH and the Consolidated Plan, the City will encourage the participation of local and regional institutions, the Fox Cities Continuum of Care, businesses, developers, nonprofit organizations, philanthropic organizations, and community-based and faith-based organizations.

The City will use the following general strategies to reach target populations:

- Promote citizen input opportunities through various sources, such as social media, web links, local public access channels, and postings.

## **City of Appleton**

# **COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

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- Conduct online or door-to-door surveys in English, Spanish, and Hmong, when feasible.
- Use the Internet to access those residents least likely or unable to participate in public hearings. The Internet will provide convenient access for all residents to participate in the development of the Consolidated Plan and AFH.
- Solicit views of nonprofit and service agencies.
- Hold public meetings at fully accessible locations.
- Encourage the Appleton Housing Authority (AHA) and its tenants to participate in the development and implementation of the Consolidated Plan and AFH. The City shall provide information to the AHA about relevant Consolidated Plan activities so that the AHA can make this information available at their annual public hearing.

Although the strategies to obtain resident input are similar for the AFH and the Consolidated Planning process, there are differences. The below describes methods specific to the development of the AFH:

- Hold at least one public hearing early in the development phase, at which preliminary data from HUD and the AFH assessment tool will be presented. The public hearing will be noticed at least 14 days (two weeks) in advance in the local newspaper and be geared toward a general audience of residents and other interested parties. When feasible, the public hearing will be held at a partner entity's facility.
- Conduct an online survey targeted toward individuals who may have experienced housing discrimination in the City of Appleton. The online survey will be promoted through various means that may include social media, email distribution, press releases, posting within a neighborhood, and on public transit vehicles.
- Hold two to three focus group sessions, targeting those populations most likely to experience housing discrimination; examples of target audiences include limited English-speaking persons, individuals with disabilities and the agencies that serve them, refugees, new Americans, and others.

### **(C) Citizen Comment on the Citizen Participation Plan and Amendments**

The City of Appleton will provide citizens with a reasonable opportunity to comment on the original Citizen Participation Plan and on substantial amendments to the Citizen Participation Plan, and will make the Citizen Participation Plan public. The comment period will be no less than 14 days following a public notice advertised in the Post Crescent, the City's newspaper of general circulation. The Citizen Participation Plan will be provided, upon request, in a format accessible to persons with disabilities.

### **(D) Assessing the City of Appleton's Language Needs**

In determining the need for translation notices and other vital documents, the Community and Economic Development Department will evaluate the impact of translation for the LEP persons in the City of Appleton.

Throughout the development of the Fair Housing Assessment and Consolidated Plan, particular attention will be paid to reaching LEP persons by conducting surveys and focus group meetings. Further, all public hearing notices will include the availability of an interpreter if notified at least five (5) days in advance of the hearing or if a significant number of non-English speaking persons are expected to participate at the hearing. Finally, certain outreach methods will target specific non-English speaking populations, such as recent immigrants, refugees and new Americans.

### **(E) Development of the Assessment of Fair Housing and the Consolidated Plan**

As soon as feasible after the start of the public participation process, the City of Appleton will make the HUD-provided data and any other supplemental information that the City plans to incorporate into its AFH available to its residents, public agencies, and other interested parties.

Before adopting a Consolidated Plan, the City will make available to citizens, public agencies, and other interested parties, information that includes the amount of assistance the jurisdiction expects to receive (including grant funds and program income) and the range of activities that may be undertaken, including the estimated amount that will benefit persons of low- and moderate-income. This information will be provided early in the planning process through public notices, posting to the City's website ([www.appleton.org](http://www.appleton.org)) and public hearings/meetings.

# City of Appleton

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A notice will be advertised in the Post Crescent to inform the public that a draft AFH or Consolidated Plan is available to review and is subject to public comment. The notification will provide a summary of the documents and will describe the contents and purpose of the particular plan. The notice will also be posted on the City's website ([www.appleton.org](http://www.appleton.org)) and emailed to a vast list of community agencies/groups. The public notice will state that copies of the proposed Plans, in their entirety, will be available for review on the City's website and at the following locations and that copies will be provided to citizens and groups, as requested:

Appleton City Center  
Community and Economic Development Department  
100 N Appleton St, 5<sup>th</sup> Floor  
Appleton, WI 54911

~~Citizens are encouraged to participate in both a formal public hearing before the CEDC and 30 day public comment period that occur as part of the development, and before the adoption, of each five year consolidated plan for CDBG funding, in addition to other opportunities for public participation related to identifying long-term housing and community development-related strategies. Information made available will include the amount of assistance the City expects to receive, the range of activities that may be undertaken and the estimated amount that will benefit persons of low- and moderate income. The five year consolidated plan draft will be available for review on the City of Appleton CDBG web page and at City Hall in the Community and Economic Development Department (100 N. Appleton Street). A summary describing the contents and purpose of the consolidated plan along with a list of where the consolidated plan draft may be viewed will be published to allow for reasonable opportunity to examine the contents of the proposed plan. All comments or views of citizens received in writing or at public hearings shall be considered in the preparation of the final AFH or eConsolidated pPlan. A summary of these comments or views, and a summary of any comments or views not accepted and the reasons therefor, shall be attached to the final AFGH or eConsolidated pPlan.~~

### (F) Consolidated Plan Amendments and AFH Revisions

~~*Criteria for Amendment to the Consolidated Plan.* The City of Appleton defines a substantial amendment to the Consolidated Plan/ Annual Action Plan as a change A public comment period will be held when substantial amendments to the five year consolidated plan, Citizen Participation Plan or changes in use or distribution of CDBG funds are proposed/requested. Substantial amendments may include those involving:~~

- (1). plans to utilize funds for a priority need or goal not specified in the current consolidated plan
- (2). plans to change the use of a subrecipient's entire allocation not included in the subrecipient's current agreement; i.e. change in eligible activity, purpose, scope, location or beneficiary
- (3). plans to change the method of distribution of funds to subrecipients

~~*Criteria for Amendment to AFH.* Significant revisions to an AFH previously accepted by HUD will follow the requirements listed at 24 CFR 5.164. The AFH must be revised and submitted to HUD for review under the following circumstances:~~

- A material change occurs. A material change is a change in circumstances in the jurisdiction of a program participant that affects the information on which the AFH is based to the extent that the analysis, the fair housing contributing factors, or the priorities and goals of the AFH no longer reflect actual circumstances. Examples include Presidentially-declared disasters in the area that are of such a nature as to significantly impact the steps a program may need to take to affirmatively further fair housing; significant demographic changes; new significant contributing factors in the jurisdiction; and civil rights findings, determinations, settlements, or court orders; or
- Upon HUD's written notification, specifying a material change that requires the revision.

~~Substantial amendments to the Plan and significant revisions to the AFH must be authorized by the Community and Economic Development Committee. A 30-day public comment period will be provided before any substantial amendment to the consolidated plan, Citizen Participation Plan or change in use or distribution of CDBG funds is approved by CEDC and Council or implemented. Notice of the public comment period will be published in the~~

## **City of Appleton**

# **COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

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local newspaper (the *Appleton Post Crescent*), on the City of Appleton CDBG web page and posted in a public area at City Hall two weeks prior to the start of the comment period. All comments or views of citizens received in writing shall be considered in the preparation of the substantial amendments ~~to the consolidated plan, Citizen Participation Plan or change in use or distribution of CDBG funds.~~ A summary of these comments or views, and a summary of any comments or views not accepted and the reasons therefor, shall be attached to the substantial amendment ~~for submission to the consolidated plan, Citizen Participation Plan or change in use or distribution of CDBG funds.~~

Following the comment period, the Mayor, as the certifying official, will submit a letter to HUD authorizing and implementing the substantial amendment and/or submit the significant AFH revision for HUD review, as applicable.

Minor amendments to the Consolidated Plan or minor revisions to the AFH (which do not require a comment period of public hearing) may be made, including a change in the goal, priority, or activity of the Consolidated Plan; carrying out an activity, using funds from any program covered by the Consolidated Plan not previously covered in the Action Plan; or changes to the purpose, or location of an activity included in the Annual Action Plan. Minor amendments/revisions must be authorized by the Community and Economic Development Committee. Minor changes will be made public by posting agendas and meetings online. The minor amendments/revisions may be implemented immediately after approval.

### **(G) COMPREHENSIVE ANNUAL PERFORMANCE and EVALUATION REPORT (CAPER)**

At the end of each program year, a Comprehensive Annual Performance and Evaluation Report (CAPER) must be submitted to HUD by June 29<sup>th</sup>. The CAPER gives an actual account of activities and details how the City of Appleton maintained and expended funds for that program year.

A 15-day public comment period will be held to receive comments on the CAPER draft before it is submitted to HUD. All comments or views of citizens received in writing or at public hearings shall be considered in the preparation of the CAPER. A summary of these comments or views shall be attached to the CAPER for submittal to HUD. ~~The City will provide notice in the Post Crescent and on the City's website of the availability of the draft CAPER.~~

### **(H) PUBLIC HEARINGS/COMMENT PERIOD**

Two public hearings will be held each year to provide opportunities for public participation at different stages of the CDBG program year. The hearings will be held in conjunction with regular meetings of the Community and Economic Development Committee (CEDC). Specifically, these hearings include:

(1) The *Community Development Needs Hearing* corresponds with the CDBG subrecipient application timeframe. Citizens are asked to identify housing and community development needs.

(2) The *Consolidated Annual Performance & Evaluation Report (CAPER) Hearing* corresponds with the publication of the CDBG CAPER draft, which summarizes the activities undertaken during the previous program year. Citizens are asked to view the CAPER draft on the City of Appleton CDBG web page or view a paper copy at City Hall in the Community and Economic Development Department (100 N. Appleton Street) before providing comments at this hearing.

The Community and Economic Development Department will hold a public hearing to obtain the views of the community on AFH-related data and affirmatively furthering fair housing in the City's housing and community development programs. This public hearing will be held during the development of the AFH and before the proposed AFH is published for comment.

All public hearings will be advertised in the Appleton Post Crescent and posted on the City's website two weeks prior to the public hearing. Each hearing will be held at City Hall and will include the availability of an interpreter when a significant number of non-English speaking persons are expected to participate at the hearing. If notified

# City of Appleton

## COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

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at least five (5) days in advance of the public hearing, the City will provide translation, vision or hearing impaired services as needed.

### ~~III. CONSOLIDATED PLAN PUBLIC HEARING/COMMENT PERIOD~~

### ~~IV. SUBSTANTIAL AMENDMENTS~~

#### **(I) PUBLICIZING OPPORTUNITIES FOR CITIZEN PARTICIPATION**

Notices announcing public hearings and comment periods are published both on the City of Appleton CDBG web page and in the local newspaper (the *Appleton Post Crescent*), and posted in a public area in City Hall approximately two weeks in advance of the hearing or start of the comment period. Meeting schedules are printed and posted in a public area at City Hall weekly.

#### **(J) ACCESSIBILITY**

All Appleton residents, especially persons of low- and moderate-income, residents of low- and moderate-income neighborhoods, persons with disabilities, persons with limited English-speaking ability and persons of racial minority, are encouraged to contribute input regarding CDBG-funded activities. No person shall be excluded from participation in the City of Appleton CDBG programs on the grounds of race, color, national origin, gender, sexual orientation, gender identity, gender expression, age, religious creed or disability. To encourage equal access in participation for persons with disabilities, all CDBG-related hearings and meetings are held at accessible sites. Furthermore, materials will be provided in accessible formats – including translation into other languages if necessary – at City Hall in the Community and Economic Development Department and on the City of Appleton CDBG web page. A translator may be requested if a significant number of non-English speaking residents are expected to participate. In addition, if a citizen is unable to attend a public hearing due to scheduling conflicts, the citizen will be asked to provide a written comment that will then be shared with the CEDC and Common Council. The adopted AFH, eConsolidated pPlan, Citizen Participation Plan, CAPER , and substantial amendments/ revisions and final approved, will be available on the City of Appleton CDBG web page at all times and the public will have access to a printed copy at City Hall in the Community and Economic Development Department. Reasonable and timely access to information and records relating to the consolidated plan and use of assistance under the CDBG Program during the preceding five years will be provided to citizens, public agencies and other interested parties.

#### **(K) OBJECTIONS TO CDBG DOCUMENTS**

Citizens may provide critical input regarding the City of Appleton's CAPER, five-year consolidated plan, proposed substantial amendments at any time. Critical input must include identification of unmet requirements and relevant supporting data and will be considered on the following grounds:

- (1) Stated needs and objectives are inconsistent with available and reliable data
- (2) Stated projects are inappropriate for meeting needs and approved objectives
- (3) Consolidated plan elements do not comply with federal regulations for the CDBG Program

This critical input must be submitted in written form to: CDBG Program, C/O Community and Economic Development Department, 100 N. Appleton Street, Appleton, WI 54911. Upon receipt, the Community and Economic Development Department will present the letter stating critical input to the CEDC and the Common Council. All said written forms of critical input shall receive a written response within 15 days after the Common Council meeting at which the matter was considered.

#### **(L) TECHNICAL ASSISTANCE**

Where appropriate, City staff shall provide technical assistance to organizations that serve low- and moderate-income persons in developing their CDBG subrecipient applications. Furthermore, all citizens and/or local agency representatives are encouraged to contact City CDBG staff with questions about both program guidelines and general community development needs in the City of Appleton.

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

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**(M) ANTI-DISPLACEMENT**

Due to the potential liability for long-term assistance and burdens placed on affected tenants, the City of Appleton will generally avoid funding CDBG projects that involve permanent residential or business displacement. In cases where displacement is absolutely necessary, relocation benefits will be paid in accord with the Uniform Relocation Act, other applicable federal regulations, and Chapter 32 of the Wisconsin State Statutes.

**(N) USE OF THE CITIZEN PARTICIPATION PLAN & JURISDICTION RESPONSIBILITY**

The City of Appleton must follow its Citizen Participation Plan. However, the requirements for citizen participation do not restrict the responsibility or authority of the City for the development and execution of the Consolidated Plan or AFH.

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

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## **Citizen Participation Plan Amended 3/20/2013, 10/7/2015, 10/2017**

### **(A) Applicability & Adoption of the Citizen Participation Plan**

Pursuant to the requirements of 24 CFR 91.105 and 24 CFR Part 5.158, the City of Appleton issues the following Plan to provide for, and encourage, residents to participate in the development of the City of Appleton's Assessment of Fair Housing (AFH) and any revisions to the AFH, the Consolidated Plan, any substantial amendments to the Consolidated Plan, and the Comprehensive Annual Performance and Evaluation Reports (CAPER).

This Citizen Participation Plan amends and supersedes the City's previous Citizen Participation Plan, adopted in compliance with Section 104(a)(3) of the Housing and Community Development Act of 1974 and Title 24 of the CFR, Subtitle A, Part 91. This Plan includes the community participation requirements included in the Affirmatively Furthering Fair Housing (AFFH) Rule, per 24 CFR, Section 5.158.

In July 2015, HUD issued a Final Rule for entitlement communities that replaces the Analysis of Impediments to Fair Housing Choice (AI) with a new process called an Assessment of Fair Housing (AFH), which requires analysis of local fair housing landscape and establishment of fair housing priorities and goals. The Rule identifies four fair housing issues that grantees must assess:

1. Patterns of integration and segregation;
2. Racially or ethnically concentrated areas of poverty;
3. Disparities in access to opportunity; and
4. Disproportionate housing needs

The AFH process will begin with inclusive community participation and will result in the setting of fair housing goals to increase fair housing choice and provide equal access to opportunity for all community members. The City of Appleton will then use the fair housing goals and priorities established in the AFH to inform the investments and other decisions made in the Consolidated Planning processes. For that reason, the AFH will occur prior to the development of a new Consolidated Plan.

### **(B) Encouragement of Citizen Participation**

The City of Appleton encourages all of its citizens to participate in the development of its Assessment of Fair Housing (AFH), revisions to the AFH, Consolidated Plan, substantial amendments to the Consolidated Plan, and the Comprehensive Annual Performance Evaluation Report (CAPER). The City will especially encourage participation by low- and moderate-income persons, particularly those living in areas where CDBG funds are proposed to be used and those populations who have historically experience exclusion, including racial and ethnic minorities, limited English proficient individuals, and individuals with disabilities.

During the process of developing the AFH and the Consolidated Plan, the City will encourage the participation of local and regional institutions, the Fox Cities Continuum of Care, businesses, developers, nonprofit organizations, philanthropic organizations, and community-based and faith-based organizations.

The City will use the following general strategies to reach target populations:

- Promote citizen input opportunities through various sources, such as social media, web links, local public access channels, and postings.
- Conduct online or door-to-door surveys in English, Spanish, and Hmong, when feasible.
- Use the Internet to access those residents least likely or unable to participate in public hearings. The Internet will provide convenient access for all residents to participate in the development of the Consolidated Plan and AFH.
- Solicit views of nonprofit and service agencies.
- Hold public meetings at fully accessible locations.
- Encourage the Appleton Housing Authority (AHA) and its tenants to participate in the development and implementation of the Consolidated Plan and AFH. The City shall provide information to the AHA about

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# **COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

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relevant Consolidated Plan activities so that the AHA can make this information available at their annual public hearing.

Although the strategies to obtain resident input are similar for the AFH and the Consolidated Planning process, there are differences. The below describes methods specific to the development of the AFH:

- Hold at least one public hearing early in the development phase, at which preliminary data from HUD and the AFH assessment tool will be presented. The public hearing will be noticed at least 14 days (two weeks) in advance in the local newspaper and be geared toward a general audience of residents and other interested parties. When feasible, the public hearing will be held at a partner entity's facility.
- Conduct an online survey targeted toward individuals who may have experienced housing discrimination in the City of Appleton. The online survey will be promoted through various means that may include social media, email distribution, press releases, posting within a neighborhood, and on public transit vehicles.
- Hold two to three focus group sessions, targeting those populations most likely to experience housing discrimination; examples of target audiences include limited English-speaking persons, individuals with disabilities and the agencies that serve them, refugees, new Americans, and others.

### **(C) Citizen Comment on the Citizen Participation Plan and Amendments**

The City of Appleton will provide citizens with a reasonable opportunity to comment on the original Citizen Participation Plan and on substantial amendments to the Citizen Participation Plan, and will make the Citizen Participation Plan public. The comment period will be no less than 14 days following a public notice advertised in the Post Crescent, the City's newspaper of general circulation. The Citizen Participation Plan will be provided, upon request, in a format accessible to persons with disabilities.

### **(D) Assessing the City of Appleton's Language Needs**

In determining the need for translation notices and other vital documents, the Community and Economic Development Department will evaluate the impact of translation for the LEP persons in the City of Appleton.

Throughout the development of the Fair Housing Assessment and Consolidated Plan, particular attention will be paid to reaching LEP persons by conducting surveys and focus group meetings. Further, all public hearing notices will include the availability of an interpreter if notified at least five (5) days in advance of the hearing or if a significant number of non-English speaking persons are expected to participate at the hearing. Finally, certain outreach methods will target specific non-English speaking populations, such as recent immigrants, refugees and new Americans.

### **(E) Development of the Assessment of Fair Housing and the Consolidated Plan**

As soon as feasible after the start of the public participation process, the City of Appleton will make the HUD-provided data and any other supplemental information that the City plans to incorporate into its AFH available to its residents, public agencies, and other interested parties.

Before adopting a Consolidated Plan, the City will make available to citizens, public agencies, and other interested parties, information that includes the amount of assistance the jurisdiction expects to receive (including grant funds and program income) and the range of activities that may be undertaken, including the estimated amount that will benefit persons of low- and moderate-income. This information will be provided early in the planning process through public notices, posting to the City's website ([www.appleton.org](http://www.appleton.org)) and public hearings/meetings. A notice will be advertised in the Post Crescent to inform the public that a draft AFH or Consolidated Plan is available to review and is subject to public comment. The notification will provide a summary of the documents and will describe the contents and purpose of the particular plan. The notice will also be posted on the City's website ([www.appleton.org](http://www.appleton.org)) and emailed to a vast list of community agencies/groups. The public notice will state that copies of the proposed Plans, in their entirety, will be available for review on the City's website and at the following locations and that copies will be provided to citizens and groups, as requested:

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Community and Economic Development Department  
100 N Appleton St, 5<sup>th</sup> Floor  
Appleton, WI 54911

All comments or views of citizens received in writing or at public hearings shall be considered in the preparation of the final AFH or Consolidated Plan. A summary of these comments or views, and a summary of any comments or views not accepted and the reasons therefor, shall be attached to the final AFH or Consolidated Plan.

### (F) Consolidated Plan Amendments and AFH Revisions

*Criteria for Amendment to the Consolidated Plan.* The City of Appleton defines a substantial amendment to the Consolidated Plan/Annual Action Plan as a change involving:

- (1). plans to utilize funds for a priority need or goal not specified in the current Consolidated Plan
- (2). plans to change the use of a subrecipient's entire allocation not included in the subrecipient's current agreement; i.e. change in eligible activity, purpose, scope, location or beneficiary
- (3). plans to change the method of distribution of funds to subrecipients

*Criteria for Amendment to AFH.* Significant revisions to an AFH previously accepted by HUD will follow the requirements listed at 24 CFR 5.164. The AFH must be revised and submitted to HUD for review under the following circumstances:

- A material change occurs. A material change is a change in circumstances in the jurisdiction of a program participant that affects the information on which the AFH is based to the extent that the analysis, the fair housing contributing factors, or the priorities and goals of the AFH no longer reflect actual circumstances. Examples include Presidentially-declared disasters in the area that are of such a nature as to significantly impact the steps a program may need to take to affirmatively further fair housing; significant demographic changes; new significant contributing factors in the jurisdiction; and civil rights findings, determinations, settlements, or court orders; or
- Upon HUD's written notification, specifying a material change that requires the revision.

Substantial amendments to the Plan and significant revisions to the AFH must be authorized by the Community and Economic Development Committee. A 30-day public comment period will be provided before any substantial amendment is approved by CEDC and Council or implemented. Notice of the public comment period will be published in the local newspaper (the *Post Crescent*), on the City of Appleton CDBG web page and posted in a public area at City Hall two weeks prior to the start of the comment period. All comments or views of citizens received in writing shall be considered in the preparation of the substantial amendments. A summary of these comments or views, and a summary of any comments or views not accepted and the reasons therefor, shall be attached to the substantial amendment for submission.

Following the comment period, the Mayor, as the certifying official, will submit a letter to HUD authorizing and implementing the substantial amendment and/or submit the significant AFH revision for HUD review, as applicable.

Minor amendments to the Consolidated Plan or minor revisions to the AFH (which do not require a comment period of public hearing) may be made, including a change in the goal, priority, or activity of the Consolidated Plan; carrying out an activity, using funds from any program covered by the Consolidated Plan not previously covered in the Action Plan; or changes to the purpose, or location of an activity included in the Annual Action Plan. Minor amendments/revisions must be authorized by the Community and Economic Development Committee. Minor changes will be made public by posting agendas and meetings online. The minor amendments/revisions may be implemented immediately after approval.

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**(G) COMPREHENSIVE ANNUAL PERFORMANCE and EVALUATION REPORT (CAPER)**

At the end of each program year, a Comprehensive Annual Performance and Evaluation Report (CAPER) must be submitted to HUD by June 29<sup>th</sup>. The CAPER gives an actual account of activities and details how the City of Appleton maintained and expended funds for that program year.

A 15-day public comment period will be held to receive comments on the CAPER draft before it is submitted to HUD. All comments or views of citizens received in writing or at public hearings shall be considered in the preparation of the CAPER. A summary of these comments or views shall be attached to the CAPER for submittal to HUD. The City will provide notice in the *Post Crescent* and on the City's website of the availability of the draft CAPER.

**(H) PUBLIC HEARINGS/COMMENT PERIOD**

Two public hearings will be held each year to provide opportunities for public participation at different stages of the CDBG program year. The hearings will be held in conjunction with regular meetings of the Community and Economic Development Committee (CEDC). Specifically, these hearings include:

(1) The *Community Development Needs Hearing* corresponds with the CDBG subrecipient application timeframe. Citizens are asked to identify housing and community development needs.

(2) The *Comprehensive Annual Performance & Evaluation Report (CAPER) Hearing* corresponds with the publication of the CDBG CAPER draft, which summarizes the activities undertaken during the previous program year. Citizens are asked to view the CAPER draft on the City of Appleton CDBG web page or view a paper copy at City Hall in the Community and Economic Development Department (100 N. Appleton Street) before providing comments at this hearing.

The Community and Economic Development Department will hold a public hearing to obtain the views of the community on AFH-related data and affirmatively furthering fair housing in the City's housing and community development programs. This public hearing will be held during the development of the AFH and before the proposed AFH is published for comment.

All public hearings will be advertised in the *Post Crescent* and posted on the City's website two weeks prior to the public hearing. Each hearing will be held at City Hall and will include the availability of an interpreter when a significant number of non-English speaking persons are expected to participate at the hearing. If notified at least five (5) days in advance of the public hearing, the City will provide translation, vision or hearing impaired services as needed.

**(I) PUBLICIZING OPPORTUNITIES FOR CITIZEN PARTICIPATION**

Notices announcing public hearings and comment periods are published both on the City of Appleton CDBG web page and in the local newspaper (the *Post Crescent*), and posted in a public area in City Hall approximately two weeks in advance of the hearing or start of the comment period. Meeting schedules are printed and posted in a public area at City Hall weekly.

**(J) ACCESSIBILITY**

All Appleton residents, especially persons of low- and moderate-income, residents of low- and moderate-income neighborhoods, persons with disabilities, persons with limited English-speaking ability and persons of racial minority, are encouraged to contribute input regarding CDBG-funded activities. No person shall be excluded from participation in the City of Appleton CDBG programs on the grounds of race, color, national origin, gender, sexual orientation, gender identity, gender expression, age, religious creed or disability. To encourage equal access in participation for persons with disabilities, all CDBG-related hearings and meetings are held at accessible sites. Furthermore, materials will be provided in accessible formats – including translation into other languages if necessary – at City Hall in the Community and Economic Development Department and on the City of Appleton CDBG web page. A translator may be requested if a significant number of non-English speaking residents are expected to participate. In addition, if a citizen is unable to attend a public hearing due to scheduling conflicts, the

## **City of Appleton**

### **COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

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citizen will be asked to provide a written comment that will then be shared with the CEDC and Common Council. The adopted AFH, Consolidated Plan, CAPER, and substantial amendments/revisions, will be available on the City of Appleton CDBG web page at all times and the public will have access to a printed copy at City Hall in the Community and Economic Development Department. Reasonable and timely access to information and records relating to the consolidated plan and use of assistance under the CDBG Program during the preceding five years will be provided to citizens, public agencies and other interested parties.

#### **(K) OBJECTIONS TO CDBG DOCUMENTS**

Citizens may provide critical input regarding the City of Appleton's CAPER, five-year Consolidated Plan, proposed substantial amendments at any time. Critical input must include identification of unmet requirements and relevant supporting data and will be considered on the following grounds:

- (1) Stated needs and objectives are inconsistent with available and reliable data
- (2) Stated projects are inappropriate for meeting needs and approved objectives
- (3) Consolidated plan elements do not comply with federal regulations for the CDBG Program

This critical input must be submitted in written form to: CDBG Program, C/O Community and Economic Development Department, 100 N. Appleton Street, Appleton, WI 54911. Upon receipt, the Community and Economic Development Department will present the letter stating critical input to the CEDC and the Common Council. All said written forms of critical input shall receive a written response within 15 days after the Common Council meeting at which the matter was considered.

#### **(L) TECHNICAL ASSISTANCE**

Where appropriate, City staff shall provide technical assistance to organizations that serve low- and moderate-income persons in developing their CDBG subrecipient applications. Furthermore, all citizens and/or local agency representatives are encouraged to contact City CDBG staff with questions about both program guidelines and general community development needs in the City of Appleton.

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Due to the potential liability for long-term assistance and burdens placed on affected tenants, the City of Appleton will generally avoid funding CDBG projects that involve permanent residential or business displacement. In cases where displacement is absolutely necessary, relocation benefits will be paid in accord with the Uniform Relocation Act, other applicable federal regulations, and Chapter 32 of the Wisconsin State Statutes.

#### **(N) USE OF THE CITIZEN PARTICIPATION PLAN & JURISDICTION RESPONSIBILITY**

The City of Appleton must follow its Citizen Participation Plan. However, the requirements for citizen participation do not restrict the responsibility or authority of the City for the development and execution of the Consolidated Plan or AFH.



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
WASHINGTON, DC 20410-7000

OFFICE OF THE ASSISTANT SECRETARY FOR  
COMMUNITY PLANNING AND DEVELOPMENT

MAR 14 2016

MEMORANDUM FOR: All CPD Formula Program Grantees  
All CPD Field Office Directors

FROM: Harriet Tregoning, Principal Deputy Assistant Secretary  
for Community Planning and Development, D

SUBJECT: Incorporating 24 CFR Part 5 Affirmatively Furthering Fair Housing  
into 24 CFR 91.10 Consolidated Program Year, 24 CFR 91.105  
Citizen participation plan for local governments and 24 CFR 91.115  
Citizen participation plan for States

The U.S. Department of Housing and Urban Development (HUD) recently published a Final Rule at 24 CFR Part 5 regarding a grantee's obligation to Affirmatively Further Fair Housing (AFFH). The new rule sets forth a meaningful and transparent process to identify and understand local and regional fair housing issues and to set goals for improving fair housing choice and access to opportunity. HUD is providing its consolidated plan grantees and public housing authorities with an Assessment Tool and a rich set of data within a mapping tool to support the development of the Assessment of Fair Housing (AFH), which is replacing the Analysis of Impediments to Fair Housing Choice (AI). The assessment of information on the current state of neighborhood demographics and assets within an open planning process can affect the nature of the conversations, and ultimately, community decisions. The AFH Tool, informed by the community participation process, will guide grantees through the identification of fair housing issues and related contributing factors, and result in prioritizing and setting of goals for its upcoming planning period.

Under the new rule, the citizen participation plan requirements at 24 CFR 91.105 for local governments and 24 CFR 91.115 for states have been revised to accommodate the new AFH, the analysis undertaken pursuant to § 5.154 requiring consultation and community participation in the analysis of fair housing data, an assessment of fair housing issues and contributing factors, and an identification of fair housing priorities and goals.

Section 107 of the Cranston-Gonzalez National Affordable Housing Act and its implementing regulations at 24 CFR Part 91 require jurisdictions to implement a citizen participation process as a prelude to the allocation and expenditure of formula funds for HUD's Community Planning and Development programs. These requirements are also contained in section 104(a)(2) of the Housing and Community Development Act of 1974 for CDBG grantees. A grantee's citizen participation plan and proposed allocation of funds to eligible activities are components of its consolidated plan required pursuant to 24 CFR 91. The specific statutory requirement is implemented through 24 CFR 91.105 and 24 CFR 91.115, which describe the standards for local government and state citizen participation plans applicable to the formula grant programs.

Under the new AFFH rule, a grantee's citizen participation plan will need to be amended prior to the initiation of the AFH process to comply with the new provisions at § 91.105 for local governments and § 91.115 for states. This memorandum outlines the revisions and additions to the consolidated plan process, the consultation process and the citizen participation plan requirements for both local government and states so they may incorporate the AFH into their citizen participation plan.

## **24 CFR 91.10 – Consolidated program year and collaborating on an AFH submission**

The AFFH rule at 24 CFR 5.152 and 5.156 encourages program participants to collaborate in undertaking a joint Assessment of Fair Housing (AFH) or a regional AFH. A joint AFH refers to two or more program participants conducting and submitting a single AFH. Joint participants may include local jurisdictions, states, Insular Areas, or PHAs. A regional AFH is a type of joint AFH in which at least two of the participants are consolidated plan program participants, conducting and submitting a single AFH. Collaborating program participants must, through a written agreement, designate one participant as the lead entity to oversee the joint or regional AFH on behalf of all collaborating program participants. Program participants that intend to collaborate must notify the appropriate FHEO Regional Director and provide a copy of their collaboration agreement. The new rule requests all collaborating program participants be on the same program year and consolidated plan submission cycle before submission of the joint AFH or regional AFH.

For the purposes of the AFFH Rule, HUD considers a consortium that acts as a single unit of general local government for the purposes of the HOME program to also be a single program participant for the purposes of completing an AFH. As such, a HOME consortium must submit a single AFH that covers the jurisdictions that make up the consortium. HUD does not consider such a submission to be a "joint" or "regional" submission. As such, HOME consortia are not subject to the requirements to notify HUD of the intent to submit jointly or to complete a separate written agreement. Consolidated Planning regulations require HOME consortium members to be on the same cycle for the 3-5 year consolidated plan (and to submit a single consolidated plan), so the AFH due date would be the same for the entire consortium.

Under 24 CFR 91.10, a jurisdiction may either shorten or lengthen its program year to align its program year with its collaborating partners. To change the beginning date of the following program year, the jurisdiction must notify their HUD field office in writing at least two months before the date the program year would have usually ended if it had not lengthened or at least two months before the end of a proposed shortened program year.

HUD recognizes that for the purpose of submitting a joint or regional AFH, some grantees may need to extend their consolidated plan beyond the normal three to five year time period in order to align their program with the other collaborating participants' consolidated plan cycles. Under 24 CFR 91.20, a jurisdiction may request an extension in writing to the field office of its intent to prepare a joint or regional AFH. The field office, at its discretion, will review and consider an extension of no more than two years for the specific purpose of aligning consolidated plan cycles for a joint or regional AFH. Jurisdictions requiring more than two years to become aligned with their designated AFH lead's program year start date should instead submit a new consolidated plan with a time period that would align the jurisdiction to its collaborating partners. Jurisdictions should

be aware that even when an extension is granted they must still continue to submit an annual action plan and required certifications.

The new rule does provide that if the alignment of a program year is not practicable, then the submission deadline for a joint AFH or regional AFH must be based on the designated lead entity's program year start date for its CPD formula grant programs. Within twelve months after the date of AFH acceptance, each collaborating program participant that has a program year start date earlier than the designated lead entity must make appropriate amendments to its consolidated plan to incorporate strategies and proposed actions consistent with the fair housing goals, issues, and other elements identified in the joint AFH or regional AFH.

## **24 CFR 91.100 and 24 CFR 91.110 - Consultation**

The AFFH Final Rule revised the consultation process at 24 CFR 91.100(a)(1) and (5) and (c) and paragraph 91.100(e) was added to reflect the following additional consultation requirements for local governments. For states, the equivalent provision at 24 CFR 91.110(a) was also revised. Details of these additions and revisions are discussed in this section.

Under § 91.100(a)(1), a jurisdiction shall consult with other public and private agencies that provide assisted housing, health services, and social services, including those focusing on services to children, elderly persons, persons with disabilities, persons with HIV/AIDS and their families, and homeless persons. A jurisdiction shall also consult with community-based and regionally-based organizations that represent protected class members and organizations that enforce fair housing laws when preparing both the AFH and the consolidated plan. The jurisdiction's consultation process, under § 91.100(a)(5), should include consultation with regional government agencies in addition to adjacent units of general local government and local government agencies. This includes local government agencies with metropolitan-wide planning and transportation responsibilities, particularly for problems and solutions that go beyond a single jurisdiction.

States, under § 91.110(a), must comply with the same requirements as local governments with the addition of also consulting with state-based and regionally-based organizations that represent protected class members and organizations that enforce fair housing laws during preparation of the AFH and consolidated plan.

### **Public housing agencies (PHAs):**

Under § 91.100(c)(1), the jurisdiction shall consult with public housing authorities (PHAs) operating in the jurisdiction. This consultation will continue to consider public housing needs, planned programs and activities under the consolidated plan. It will also now require consultation with PHAs operating in the jurisdiction on the AFH, on strategies for affirmatively furthering fair housing, and on proposed actions to affirmatively further fair housing in the consolidated plan. The intent is that this consultation will help provide a better basis for the certification by the authorized officials that the PHA Plan is consistent with the consolidated plan and the local government's description of its strategy for affirmatively furthering fair housing. The consultation process continues to require the jurisdiction to address the needs of public housing and, where necessary, the manner in which it will provide financial or other assistance to a troubled PHA to improve the

PHA's operations and remove the designation of troubled. The regulation, under § 91.100(c)(1), requires the jurisdiction to now obtain PHA input on addressing fair housing issues in the public housing and Housing Choice Voucher programs.

States must comply with the same requirements as local governments. Section 91.110(a)(1) is revised to address state-specific consultation requirements with respect to public housing or Housing Choice Voucher programs. The state shall consult with any housing agency administering public housing or the section 8 program on a statewide basis as well as all PHAs that certify consistency with the state's consolidated plan. A state's consultation with these entities may consider public housing needs, planned programs and activities, the AFH, strategies for affirmatively furthering fair housing, and proposed actions to affirmatively further fair housing. The state's consultation also helps ensure that activities with regard to affirmatively furthering fair housing, local drug elimination, neighborhood improvement programs, and resident programs and services, funded under a PHA's program are fully coordinated with those funded under a program covered by the consolidated plan to achieve comprehensive community development goals and affirmatively further fair housing.

Under § 91.100(c)(2) for local governments and § 91.110(a)(1) for states, the consultation process should work to ensure that activities with regard to affirmatively furthering fair housing are fully coordinated to achieve comprehensive community development goals and affirmatively further fair housing. If a PHA is required to implement remedies under a Voluntary Compliance Agreement, the grantee should now work with or consult with the PHAs, as appropriate, to identify actions the grantee may take, if any, to assist the PHA in implementing the required remedies.

#### Affirmatively Furthering Fair Housing:

Section 91.100(e)(1)-(3) for local governments and § 91.110(a)(2) for states are new additions to Part 91 and specifically address the consultation process with regard to affirmatively furthering fair housing organizations. The local jurisdiction shall consult with community-based and regionally-based organizations, and the state shall consult with state-based and regionally-based organizations. These organizations should represent protected class members, and organizations that enforce fair housing laws, such as state or local fair housing enforcement agencies, including participants in the:

- Fair Housing Assistance Program (FHAP);
- Fair housing organizations;
- Nonprofit organizations that receive funding under the Fair Housing Initiative Program (FHIP); and
- Other public and private fair housing service agencies, to the extent that such entities operate within the grantee's area.

This consultation will help provide a better basis for the grantee's AFH, its certification to affirmatively further fair housing, and other portions of the consolidated plan concerning affirmatively furthering fair housing.

- For local jurisdictions, this consultation must occur with any organizations that have relevant knowledge or data to inform the AFH.
- For states, this consultation should occur with organizations that have the capacity to engage with data informing the AFH.

The organizations involved in the consultations should be sufficiently independent and representative to provide meaningful feedback to a jurisdiction on the AFH, the consolidated plan, and their implementation. At a minimum, the grantee will consult with the above referenced organizations in the development of both the AFH and the consolidated plan. Consultation on the consolidated plan shall specifically seek input into how the goals identified in an accepted AFH inform the priorities and objectives of the consolidated plan.

## **24 CFR 91.105 and 91.115 - Citizen Participation Plan**

The AFFH Rule has revised the citizen participation process at 24 CFR 91.105(a)(1) and (a)(2)(i) through (iii). Paragraph 91.105(a)(4) is added and paragraphs § 91.105(b), (c), (e)(1), (f) through (j) and (l) are revised to reflect additional citizen participation plan requirements for local governments. For states, 24 CFR 91.115 is revised at § 91.115(a)(1) and (2). Paragraph § 91.115(a)(4) is added and paragraphs § 91.115(b), (c), (f), (g), and (h) are revised to reflect additional citizen participation plan requirements. In addition to these new provisions, the regulation now replaces “citizens” with “residents” at § 91.105(b), development of the AFH and the consolidated plan. Details of these additions and revisions are discussed in this section.

### Encouragement of citizen participation:

In addition to existing citizen participation plan requirements, under § 91.105(a)(2)(i) through (iii) for local governments and § 91.115(a)(2)(i) through (iii) for states, the plan must also encourage citizens to participate in the development of the AFH and any revisions to the AFH in the same manner one would encourage citizen participation in the consolidated plan, any substantial amendments to the plan and the performance report. This process shall include persons living in areas designated by the local jurisdiction as a revitalization area, areas designated by either a local jurisdiction or a state as a slum and blighted area and areas where CDBG funds are proposed to be used.

The citizen participation plan shall encourage the participation of local and regional institutions for jurisdictions and statewide and regional institutions for states. The plan shall also encourage the participation of Continuums of Care, businesses, developers, nonprofit organizations, philanthropic organizations, and community-based and faith-based organizations, in the process of developing and implementing the AFH and the consolidated plan.

States, under § 91.115(a)(2)(iii), should explore alternative public involvement techniques, such as focus groups and use of the internet. These techniques should encourage a shared vision of change for the community and the review of program performance.

For local jurisdictions, the citizen participation plan, under § 91.105(a)(2)(iii), shall also encourage, in conjunction with public housing agency consultations, participation of residents of

public and assisted housing developments, including any resident advisory boards, resident councils, and resident management corporations, in the process of developing and implementing the AFH and the consolidated plan, along with other low-income residents of targeted revitalization areas in which the developments are located. The jurisdictions shall make an effort to provide information to the PHA about the AFH, AFFH strategy, and consolidated plan activities related to the jurisdiction's developments and surrounding communities so that the PHA can make this information available at the annual public hearing(s) required for the PHA Plan.

Assistance provided to non-English speaking residents of the community, previously addressed under § 91.105(e), is now located at § 91.105(a)(4) for local governments and § 91.115(a)(4) for states. The citizen participation plan shall describe the grantee's procedures for assessing its language needs and identify any need for translation of notices and other vital documents. At a minimum, the citizen participation plan shall require that the grantee take reasonable steps to provide language assistance to ensure meaningful access to participation by non-English-speaking and limited English proficiency residents of the community.

#### Development of the AFH and the consolidated plan:

Under § 91.105(b) for local governments and § 91.115(b) for states, the citizen participation plan must include the following minimum requirements for the development of both the AFH and the consolidated plan.

- The citizen participation plan must require that the grantee make available to the public, residents, public agencies, and other interested parties any HUD-provided data and other supplemental information the grantee plans to incorporate into its AFH at the start of the public participation process (or as soon as feasible after).
- The grantee may make the HUD-provided data available to the public by cross-referencing to the data on HUD's website.
- The citizen participation plan must require the grantee to publish the proposed AFH and the proposed consolidated plan in a manner that affords its residents, units of general local government, public agencies, and other interested parties a reasonable opportunity to examine its content and to submit comments.
- The citizen participation plan must set forth how the grantee will make public the proposed AFH and the proposed consolidated plan and give reasonable opportunity to examine each document's content.
- The requirement for publishing may be met by publishing a summary of each document in one or more newspapers of general circulation, and by making copies of each document available on the Internet, on the grantee's official government web site, as well as at libraries, government offices, and public places.
- The summary must describe the content and purpose of the AFH or the consolidated plan, as applicable, and must include a list of locations where copies of the entire proposed document may be examined.
- In addition, a reasonable number of free copies of the plan or the AFH, as applicable, must be provided to residents and groups that request a copy of the plan or the AFH.
- The citizen participation plan must provide for at least one public hearing during both the development of the AFH and development of the consolidated plan and must provide a

period, not less than 30 calendar days, to receive comments from residents of the community on the consolidated plan or the AFH. The required public hearing must occur before the proposed consolidated plan is published for comment.

- The citizen participation plan shall require the grantee to consider the comments or views of residents, whether received in writing or orally at the public hearings, in preparing in the final AFH or the final consolidated plan. A summary of any comments or views, and a summary of any comments or views not accepted and the reasons why, shall be attached to the final AFH or the final consolidated plan.

States must comply with the same requirements as local governments; new language at § 91.115(b)(2) also addresses the need for states to ensure that the AFH, the consolidated plan and the PHA plan are informed by meaningful community participation by employing communications means designed to reach the broadest audience.

#### Consolidated plan amendments and AFH revisions:

Under § 91.105(c)(1) for jurisdictions and § 91.115(c)(1) for states, the criteria for amendments to the consolidated plan remain the same; the rule adds a section on criteria for revisions to the AFH. Grantees must specify the criteria they will use for determining when revisions to the AFH will be required. At a minimum, the specified criteria must address the situations described in 24 CFR 5.164, which include a material change in circumstances in the jurisdiction that affects the information on which the AFH is based, to the extent that the analysis, the fair housing contributing factors, or the priorities and goals of the AFH no longer reflect actual circumstances. Under § 91.105(c)(2) and § 91.115(c)(2), the citizen participation plan must provide community residents (and units of general local government for states) with reasonable notice and an opportunity to comment on substantial amendments to the consolidated plan and revisions to the AFH. The citizen participation plan must state how reasonable notice will be provided and the opportunity to comment will be given. The period of notification remains the same, not less than 30 calendar days, and now covers any revision to the AFH before the revised AFH is submitted to HUD for review. The grantee must still consider any comments or views of residents (and units of general local government for states) received in writing or orally at public hearings in regard to a substantial amendment to the consolidated plan or significant revision to the AFH, as applicable. A summary of these comments or views and a summary of any comments or views not accepted and the reasons why, shall be attached to the substantial amendment to the consolidated plan or the revision to the AFH.

#### Public hearings:

In addition to obtaining residents' views through the required public hearing addressing housing and community development needs, development of proposed activities, and review of program performance, § 91.105(e) for local governments and § 91.115(b)(3) for states, require that the grantee must also address the proposed strategies and actions for affirmatively furthering fair housing consistent with the AFH. At least one of the public hearings must be held before the proposed consolidated plan is published for comment. Under § 91.105(1)(iii) for local governments and § 91.115(b)(3) for states, the citizen participation plan must provide that at least one public hearing is held before the proposed AFH is published for comment, in order to obtain the views of

the community on AFH-related data and affirmatively furthering fair housing in the grantee's housing and community development programs.

#### Meetings:

Under § 91.105(f) for jurisdictions and § 91.115(b)(3)(ii) for states, the citizen participation plan must provide residents of the community with reasonable and timely access to local meetings, consistent with accessibility and reasonable accommodation requirements, in accordance with section 504 of the Rehabilitation Act of 1973 and implementing regulations at 24 CFR part 8 as well as the Americans with Disabilities Act and implementing regulations at 28 CFR part 35 and 36, as applicable.

#### Availability to the public:

Under § 91.105(g) for local governments and § 91.115(f) for states, the citizen participation plan must state how documents will be available to the public. In addition to the consolidated plan and any substantial amendments thereto, the HUD-accepted AFH and any subsequent revisions must be made available to the public. This includes making materials available in a form accessible to persons with disabilities or limited English proficiency upon request.

#### Access to records:

Under § 91.105(h) for local governments and § 91.115(g) for states, the citizen participation plan must state how the grantee will provide residents of the community, public agencies, and other interested parties with reasonable and timely access to information and records relating to the grantee's AFH, consolidated plan, and use of assistance under the programs covered by this part during the preceding 5 years.

#### Technical Assistance:

Under § 91.105(i), the citizen participation plan for local governments must provide for technical assistance to groups representative of persons of low-and-moderate income that request such assistance to comment on the AFH, or in developing proposals for funding assistance under any of the programs covered by the consolidated plan, with the level and type of assistance determined by the jurisdiction. The assistance need not include the provision of funds to the groups.

#### Complaints:

Under § 91.105(j) for local governments and § 91.115(h) for states, the citizen participation plan shall describe the grantee's appropriate and practicable procedures to handle complaints from its residents related to the consolidated plan, consolidated plan amendments, the AFH, any revisions to the AFH, and the performance report. At a minimum, the citizen participation plan shall require that the grantee must provide a timely, substantive written response to every written resident complaint, within an established period of time (normally within 15 working days, where practicable).

Jurisdiction responsibility:

The new AFFH rule adds an AFH reference at § 91.105(l) to ensure that citizen participation requirements do not restrict the responsibility or authority of the local governments for the development and execution of its consolidated plan or AFH.

The revised standards for local government and state citizen participation plans are applicable to formula grant programs administered by the Office of Community Planning and Development (CPD). It is important that both local governments and states incorporate the new provisions described in this memorandum into their consultation and citizen participation process in order to remain in compliance with regulatory requirements.

Grantees with questions concerning this Notice should direct their inquiries to their local HUD Field Office Community Planning and Development Division. Field Offices should direct their questions to the Office of Block Grant Assistance at (202) 708-1577 for the Entitlement CDBG program or (202) 708-1322 for the State CDBG program.



# MEMORANDUM

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

TO: Community and Economic Development Committee  
FROM: Nikki Gerhard, Community Development Specialist  
DATE: November 08, 2017  
RE: Recommendations for 2018 Community Development Block Grant Funding

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**Background.** The estimated 2018 CDBG award listed in the 2018 City budget was \$535,000. This amount was estimated based on past award amounts. Staff determined the allocations for the Homeowner Rehabilitation Loan Program, Neighborhood Services Program, Appleton Housing Authority and administrative costs. The remaining amount was designated for department projects and community partners through a competitive application process.

**Application Information.** CDBG applications from City Departments were due to the Community and Economic Development Department on August 31, 2017. Two applications were submitted; one was recently approved for the full request. CDBG applications from community partners for the 2018 program year were due to the Community and Economic Development Department on September 29, 2017. Ten applications were submitted. Upon receipt, the applications were thoroughly reviewed by the Community and Economic Development Specialist for eligibility under HUD program regulations and it was determined that all were eligible.

After awards were allocated for City programs, administration, and the City Department project, the amount available to allocate to the community partner applicants was \$193,152.29. Only 15% of a grantee's allocation may be used for public service activities, per HUD regulations. In this instance, only a maximum of \$80,250 could be allocated towards the public service applications. Because the funded City Department project fell under the public service category, the remaining balance allowable to community partner applicants was \$28,402.29. The total amount requested by applicants whose activities fell under the public service category was \$110,000; while the total amount requested by applicants whose activities did not fall under the public service category was \$234,157.

**Application Review.** The CDBG Advisory Board met on November 1, 2017. (See attachment for information regarding Board membership.) Members were asked to review the applications and decide upon allocation amounts prior to the meeting. The allocation amounts made by each board member were compiled and discussed at the meeting. Allocation recommendations were agreed upon pursuant to this discussion.

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

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

## AWARD RECOMMENDATIONS FOR 2018 CDBG PROGRAM YEAR

### City Programs/Appleton Housing Authority/Administration

City of Appleton Homeowner Rehabilitation Loan Program	\$	115,000.00
City of Appleton Neighborhood Services Program	\$	40,000.00
Fair Housing Services/Assessment of Fair Housing (AFH)	\$	65,471.24
Appleton Housing Authority	\$	60,000.00
CDBG Program Administration Costs	\$	24,322.00
Appleton Police Department	\$	51,847.71

### Non-Public Service

Housing Partnership of the Fox Cities	\$	15,000.00
Mooring Programs	\$	85,800.00
Rebuilding Together Fox Cities	\$	19,156.76
St. Bernadette/Thompson Center	\$	30,000.00

### Public Service

Harbor House	\$	15,000.00
LEAVEN	\$	13,402.29

TOTAL \$ 535,000.00

**Community Partner Application AWARD RECOMMENDATIONS  
for the 2018 CDBG Program Year**

CITY PROGRAMS/ADMINISTRATION	PROJECT ACTIVITY	PROJECTED OUTPUT	FUNDS WILL BE USED TO...	AMOUNT PREVIOUSLY APPROVED	CDBG ADVISORY BOARD \$ REC
Fair Housing Services/Assessment of Fair Housing	administration	submission of required AFH	generate required Assessment of Fair Housing (AFH) under new HUD requirements/regulations for the 2020-2025 Consolidated Plan	\$ 50,678.00	\$ 65,471.24
				<b>\$ 50,678</b>	<b>\$ 65,471.24</b>
NON-PUBLIC SERVICE	PROJECT ACTIVITY	PROJECTED OUTPUT	FUNDS WILL BE USED TO...	AMOUNT REQUESTED	CDBG ADVISORY BOARD \$ REC
Greater Fox Cities Area Habitat for Humanity	housing	4 properties rehabilitated and sold to qualified homebuyers	acquire 4 properties to do full house rehabilitation and then sell to qualified low or moderate income homebuyers	\$ 110,000.00	\$ -
Housing Partnership of the Fox Cities	housing	Roof repair/replacement on 2 agency-owned units	rehabilitate 2 agency-owned rental program units that serve extremely-low and low-income participants	\$ 15,000.00	\$ 15,000.00
The Mooring Programs, Inc	housing	6 housing units rehabilitated	rehabilitate 6 housing units that serve as primary residential treatment services to individuals with substance abuse disorders	\$ 60,000.00	\$ 85,800.00
Rebuilding Together Fox Valley	housing	Roof repair/replacement on 2 homes	rehabilitate 2 roofs for identified homeowners in community	\$ 19,156.76	\$ 19,156.76
St. Bernadette Parish/Thompson Center	public facility	electrical modifications	provide necessary electrical power from existing distribution panel located on first floor to the second floor (location of Thompson Center)	\$ 30,000.00	\$ 30,000.00
				<b>\$ 234,156.76</b>	<b>\$ 134,956.76</b>
PUBLIC SERVICE	PROJECT ACTIVITY	PROJECTED OUTPUT	FUNDS WILL BE USED TO...	AMOUNT REQUESTED	CDBG ADVISORY BOARD \$ REC
Fox Valley Warming Shelter	public service	554 persons served	support various staff positions	\$ 20,000.00	\$ -
Harbor House	public service	300 persons served	support counseling/advocacy staff persons that work with women and children affected by domestic violence	\$ 27,500.00	\$ 15,000.00
Homeless Connections	public service	200 persons served	support house supervisor staff position and assist with utility bills	\$ 20,000.00	\$ -
LEAVEN	public service	103 households served	provide rental assistance to those at risk of homelessness through the Emergency Assistance Program	\$ 25,000.00	\$ 13,402.29
STEP Industries	public service	350 participants served	support staff and participants in a program that provides vocational and support services to individuals in recovery from drug and alcohol addiction	\$ 37,300.00	\$ -
				<b>\$129,800.00</b>	<b>\$28,402.29</b>

**City Programs/Appleton Housing Authority/Administration  
(previously approved)**

**\$290,000.00**

**Appleton Police Department  
(previously approved)**

**\$51,847.71**

**CDBG Advisory Board Recommendations**

**\$193,152.29**

**\$535,000.00**

This amount cannot exceed \$28,402.29 due to 15% cap on Public Service Activities per HUD regulations.

City of Appleton  
COMMUNITY DEVELOPMENT BLOCK GRANT

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**2018 CDBG ADVISORY BOARD**

Name	Title	Organization	Contact
Tim Hanna	Mayor	City of Appleton	<a href="mailto:Tim.hanna@appleton.org">Tim.hanna@appleton.org</a>
Chris Croatt	President	Common Council	813 E Frances St, 54911 <a href="mailto:District14@appleton.org">District14@appleton.org</a>
Patti Coenen	Chair	CEDC Committee	419 W Prospect Ave, 54911 <a href="mailto:District11@appleton.org">District11@appleton.org</a>
Marissa Downs	Chair	ARA	6625 North Smoketree Pass, 54913 <a href="mailto:downs@commonwealthco.net">downs@commonwealthco.net</a>
Tanya Rabec	Commissioner	City Plan Commission	1800 Appleton Road, Menasha 54952 <a href="mailto:trabec@goodwillncw.org">trabec@goodwillncw.org</a>
Rhonda Hannemann	CD Program Officer	United Way	1455 Midway Rd, Menasha 54952 <a href="mailto:Rhonda.hannemann@unitedwayfoxcities.org">Rhonda.hannemann@unitedwayfoxcities.org</a>

## Department of Public Works – Engineering Division

### MEMO

**TO:** Utilities Committee

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

**DATE:** November 1, 2017

**RE:** Approve Memorandum of Agreement with Wisconsin Department of Transportation for WIS 441/Oneida Street Stormwater Pond

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The Department of Public Works is requesting approval of the Memorandum of Agreement with Wisconsin Department of Transportation for WIS 441/Oneida Street Stormwater Pond.

Because the pond provides water quality and peak flow control benefits to both WisDOT and the City of Appleton, DPW has negotiated an agreement with WisDOT that would cover the construction and long term maintenance of the pond. In summary, the agreement states that WisDOT is responsible for the initial construction cost of the pond, and the City of Appleton is responsible for routine maintenance of the pond. Furthermore, the agreement establishes that pond dredging would be cost-shared between the City and WisDOT, with the costs pro-rated based on contribution of Total Suspended Solids (TSS).

Benefits of the pond include peak flow control and stormwater runoff quality improvement, which will help the City meet its responsibilities under NR216.

A copy of the Memorandum of Agreement is attached.

**Memorandum of Agreement for Stormwater Detention Pond Construction and Maintenance**  
between  
**City of Appleton and Wisconsin DOT**  
10/16/2017

Project ID 1517-07-04 & 1517-75-73  
USH 10 – USH 10/STH 441  
USH 10  
Winnebago County

**Introduction**

This Memorandum of Agreement (MOA) documents decisions and responsibilities agreed to by the Wisconsin Department of Transportation (Department); and the City of Appleton (Municipality); through each agency undersigned duly authorized officers or officials.

The purpose of the MOA is to specify:

- Construction responsibilities of the Department
- Repair responsibilities of all parties
- Maintenance responsibilities of all parties
- Land ownership responsibilities of all parties
- Land use change responsibilities of all parties

**Project Concepts**

As part of the US 10/ WIS 441 Tri-County Expansion Project, under construction project ID 1517-75-73 (the “Project”), which is currently scheduled to be completed by October of 2019 the Department will construct a stormwater detention pond and related stormwater management facilities, as more fully described herein (the “Detention Pond”) near the northwest quadrant of the WIS 441 / US 10 (Oneida St) interchange in order to meet Wisconsin Department of Natural Resources (DNR) stormwater quality requirements.

The Municipality expressed interest in the Detention Pond and recognizes a cost savings would result from the additional stormwater quality improvement on the watershed within their boundaries that would be treated at the Detention Pond. This will reduce or eliminate their need to construct separate stormwater pond in the area or construct more costly measures such as biofilters or underground storage. Hence, the municipality is willing to perform routine maintenance of the Pond at no cost to the Department.

**WisDOT Detention Pond Construction Responsibilities**

The Department shall complete construction of the Detention Pond, with the exception of final planting, funded 100% by the Department to provide a greater than 80 % total suspended solids (TSS) reduction in accordance with the current WinSLAMM computer model and current Wisconsin Department of Natural Resource guidance documents. The Department shall be responsible for securing any additional right-of-way and other property owner approvals necessary to construct and maintain (for both the Department and Municipality) the Detention Pond covered by this MOA. The Department shall construct the herein described Detention Pond as part of the Project.

The Department will provide the Municipality with final design quantity and quality computer models and any associated maps/documentation for the Detention Pond

The Department shall provide as-built plans to the Municipality and demonstrate that it was constructed and performs as intended under the project plans and specifications, and the terms of this Agreement, following completion of the Detention Pond.

#### **Municipal Detention Pond Construction Responsibilities**

The Municipality shall be solely responsible for completing the final planting and management of the planting establishment period at the Detention Pond after completion of other construction by the Department.

#### **Detention Pond Repair Responsibilities**

The Department shall be responsible for the reconstruction or repair of the Detention Pond in the event of a catastrophic flood, failure, or substantial destruction of the Detention Pond at its sole cost and expense during and after the construction of the Project. This includes any necessary replacement of pipe, inlets, manholes, or endwalls and the repair and replacement of backflow preventers.

#### **Municipal Detention Pond Maintenance Responsibilities**

Once construction of the Project is complete, the Municipality agrees to provide future maintenance of the Detention Pond at their sole cost and expense to ensure that the Detention Pond operates properly. The Municipality agrees to provide for all regular operation and maintenance of the Detention Pond.

Operation and maintenance activities include, but are not limited to, the following:

1. Mowing and trimming of vegetation around the Detention Pond.
2. Regular inspection of the Detention Pond embankments, discharge pipe, and ditches for wear and damage. Copies of inspection reports will be provided to the Department if requested.
3. Perform any repairs that do not require replacement of pipes, inlets, manholes, endwalls, or check valves.
4. Confirm every five years that the Detention Pond is operating effectively and achieving the required stormwater quality and total suspended solids (TSS) reduction of greater than 80% in accordance with the current WinSLAMM computer model and current Wisconsin Department of Natural Resource guidance documents.
5. Vegetation & Noxious Weeds Management of the Detention Pond
6. Algae management of the Detention Pond
7. Erosion Control of the Detention Pond
8. Nuisance wildlife management of the Detention Pond
9. Mosquito Control of the Detention Pond
10. Work or maintenance that may be necessary to maintain reasonable ingress and egress to the Detention Pond site.

The Municipality will take over routine maintenance of the pond in September of 2019 after the Department's contractor completes construction.

#### **WisDOT Detention Pond Maintenance Responsibilities**

The Department will be responsible for ownership, operation, and maintenance of pipes, inlets, manholes, endwalls, or check valves that tie into the pond but are located outside of the pond berm.

The Department also agrees to provide for dredging of soil and debris accumulation from the pond and main sedimentation basin such that the pond continues to improve storm water quality of the area runoff. The Department agrees to take ownership of any dredged material and will dispose or manage the material as required under Chapter NR 528 of the Wisconsin Administrative Code. The cost share for this dredging shall be split between the Municipality and the Department based on estimated TSS loading generated as shown in the table below. The cost share between the Department and the Municipality shall be apportioned to the Department for 32% of the dredging costs and the Municipality for 68% of the dredging costs. The Department's participation in such costs is subject to the availability of funding.

Estimated Annual TSS Load Generated (LBS)			
Pond	City of Appleton	WisDOT	Total
5	24,569	11,453	36,022
	68%	32%	100%

#### **Detention Pond Underlying Land ownership**

Following construction of the detention pond, the Municipality agrees to give ownership of the portion of the Detention Pond built on the Municipality-owned parcel so that pond ownership is not split between Municipality and Department right-of-way. Attached as Exhibit A is the legal description of the Municipal Property upon which a portion of the Detention Pond will be built (herein the "Municipal Property"). Upon completion of the Detention Pond, the City of Appleton will draft a legal description providing for the transfer of sufficient real estate from the Municipal Property to accommodate the Detention Pond, access for maintenance and improvement of the Detention Pond as required under this Agreement, and for any other reasonable requirements the Department deems necessary. The transfer of the Detention Pond and underlying real estate shall occur 60 days after written notice by the Department that the Detention Pond is complete. This transfer will occur at no cost to the Department and is subject to applicable Wisconsin law.

#### **Terms Survive Transfer**

The terms of this Agreement shall survive the Detention Pond transfer of ownership from the Municipality to the Department. All terms and rights in this Agreement shall remain in full force and effect after such transfer for so long as the Detention Ponds are used.

#### **Department Rights**

In the event the Municipality fails to adhere to their obligations described in this Agreement, the Department may, but shall not be obligated to, complete any needed repairs or maintenance to the Detention Pond that the Department determines in its sole and reasonable discretion, are necessary for the proper operation of said Detention Ponds. The Municipality agrees that if the Department incurs costs because of the Municipality's failure to adhere to the obligations in this Agreement, the Department has the right to set off such amounts from any other amounts owed by the Department to the Municipality.

#### **Land Use Changes Affecting Stormwater Runoff**

The Department and the Municipality will re-evaluate land use within the Detention Pond drainage basin a minimum of every 5 years and if either the Department or the Municipality become aware of any proposed significant land use changes within the associated Detention Pond drainage basin, all parties agree to cooperate to try and minimize the potential for additional runoff that might cause the pond to

provide less than 80% TSS reduction. The Municipality agrees that any repair, construction, or maintenance of the Detention Pond required as a result of surrounding land use changes shall be undertaken at their sole cost and expense.

#### **Approval of Memorandum of Agreement**

This Agreement is made by the undersigned under proper authority to make such Agreement for the Municipality and upon acceptance by the State shall constitute agreement between the Municipality and the State.

#### **Additional Costs**

Nothing in this Agreement referencing costs that could be or will be incurred by the Municipality is intended to limit the Municipal's ability to pass said costs on to others as within their authority.

#### **Miscellaneous Provisions**

- a. This Addendum and Agreement supersedes any other previous agreement(s) between the Parties.
- b. The parties executing this Agreement represent and warrant that each have the authority for their respective parties to undertake the obligations contained in this Agreement. This Agreement is effective on the date the document is duly executed by all Parties hereto. This Agreement will be null and void if not duly executed by all signatories by \_\_\_\_\_, 2017.
- c. This Agreement may be executed in counterparts, and when taken together, shall be deemed one Agreement.
- d. This Agreement shall be construed according to the internal laws of the State of Wisconsin.
- e. The provisions of this Agreement are intended to be enforceable between the Parties and the Parties' respective successors and assigns. Nothing herein shall limit the statutory obligations and privileges of WisDOT, and nothing in this Agreement shall prevent WisDOT from revising or revoking any permitted access points should the terms of this Agreement be breached or as otherwise permitted by law.
- f. In the event of a dispute, the Parties shall meet and attempt to resolve the dispute informally. In the event any terms of this Agreement are violated, WisDOT may take action to enforce its rights under this Agreement through judicial proceeding or other method of dispute resolution.
- g. This Agreement shall be recorded in a manner agreed to by all parties, to ensure all affected parties have full and equal access to this Agreement.

Signed for and in behalf of the City of Appleton:

_____ Signature	_____ Title	_____ Date
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\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

Signed for and in behalf of the Wisconsin Department of Transportation:

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

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

**AN ORDINANCE CREATING ARTICLE V OF CHAPTER 7 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO HEALTH IN ALL POLICIES.**

(Name of Committee Generated From – XX-XX-XX (Date))

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

**Section 1:** That Article V of Chapter 7 of the Municipal Code of the City of Appleton, relating to health in all policies, is hereby created to read as follows:

**Art. V. HEALTH IN ALL POLICIES**

**Sec. 7-200. Findings.**

(a) Health starts where we live, learn, work and play, and everyday decisions within the City of Appleton can promote greater health and equity.

(b) All Appleton residents should have the opportunity to make the choices that allow them to live a long, healthy life, regardless of their job, neighborhood of residence, level of education, immigration status, sexual orientation, ethnic background or religion.

(c) Good health enhances quality of life, improves workforce productivity, increases the capacity for learning, strengthens families and communities, supports environmental sustainability and helps reduce overall economic and social insecurity.

(d) In the city of Appleton, those at greatest risk for poor health outcomes are low-income residents, who have a shorter life expectancy than other city residents.

(e) Appleton residents are primarily affected by heart disease, cancer and stroke.

(f) Recognizing the presence of critical health disparities in the community and the opportunity to intervene on health outcomes, the City has developed and defined public health broadly in the City Comprehensive Plan.

(g) Health in All Policies is fundamentally about creating systems-level change both within City departments and in the community.

(h) In developing strategies to address health disparities, it is important to recognize that at its heart, promoting equity is not just about providing more services.

(i) It is also about how services are developed, prioritized and delivered.

(j) The Health in All Policies strategy guides the City of Appleton on how to address the social determinants of health, or the root causes of current health disparities in the development, prioritization and delivery of these services and policies.

**Sec. 7-201. Definitions.**

The definitions in this section apply throughout this ordinance unless the context

clearly requires otherwise:

- (a) ***Health in All Policies (HiAP)*** is both a process and a goal.
  - (1) The goal of HiAP is to address inequities at the systems, policy and structural levels to eliminate the resulting health disparities.
  - (2) At the root of HiAP is an approach to improving health of all people by incorporating health considerations into collaborative decision-making across sectors, agencies, and departments. HiAP brings city departments and community groups together to identify ways in which all policies can take health outcomes into consideration. The HiAP process places health at the center of all work, and through discussion and compromise, gains stakeholder buy-in from all agencies, groups, and departments.
  - (3) Health in All Policies works to create a new policy and organizing framework within city government and beyond in the community. It emphasizes the consequences of public policies, plans, and programs on health determinants, and aims to improve health outcomes at all levels of government within the city and those agencies responsible for serving Appleton residents.
  - (4) Stakeholder engagement is essential for ensuring that Health in All Policies is responsive to community needs. Community-based knowledge provides important information about opportunities and barriers for health and insight into the ways in which policies may impede or promote health.
- (b) ***Health*** is not simply the absence of disease, but the state of complete physical, mental, cultural and social well-being. HiAP is based on the premise that good health is fundamental for a strong economy and vibrant society, and that health outcomes are largely dependent on the social determinants of health, which in turn are shaped by decisions made within the health sector and internally and externally outside of the health sector.
- (c) ***Health equity*** refers to efforts to ensure that all people have full and equal access to opportunities that enable them to lead healthy lives, while respecting differences that include but are not limited to culture, language, race, gender, sexuality, economic status, citizenship, ability, age and religion.
  - (1) Health equity entails focused societal efforts to address avoidable inequalities by equalizing the conditions for health for all groups, especially for those who have experienced socioeconomic disadvantage or historical injustices.
  - (2) These communities include, but are not limited to women, people of color, low-income individuals and families, individuals who have been incarcerated, individuals with disabilities, individuals with mental health conditions, youth and young adults, seniors, immigrants and refugees, individuals who are limited-English proficient (LEP), and lesbian, gay, bisexual, transgender, questioning, intersex and asexual (LGBTQIA)

communities, or combinations of these populations.

(d) **Health disparities** are differences of presence of disease, health outcomes, or access to care among distinct segments of the populations, including differences that occur by race or ethnicity, gender identity, sexual orientation, education or income, immigration status, age, disability or functional impairment, or geographic location, or the combination of any of these factors.

(e) **Health inequities** are health disparities resulting from factors that are systemic and avoidable and, therefore, considered unjust or unfair.

(f) **Determinants of health equity include** the social, economic, geographic, political, institutional and physical environmental conditions that lead to the creation of a fair and just society.

(g) **Social determinants of health** refer to everything outside of direct health care services, such as the condition in the environment in which people are born, live, learn, work, play, worship, and age that affect a wide range of health, functioning, and quality of life outcomes and risks. The social determinants of health include, but are not limited to:

- (1) The availability of resources to meet our daily needs (e.g., safe housing, access to healthy and affordable food).
- (2) Access to educational, economic, and job opportunities that lead to sustainable employment.
- (3) Neighborhood safety and communities free of crime, violence, and social disorder (e.g., presence of trash and other forms of blight); and
- (4) Accessible built environments that promote health and safety, including improved pedestrian, bicycle, and automobile safety, parks and green space, and healthy school siting.
- (5) Social norms and attitudes (e.g., discrimination and racism), socioeconomic conditions (e.g., concentrated poverty and the chronically stressful conditions that accompany it).

(h) **Toxic stress** refers to prolonged and repeated exposure to multiple negative factors, especially in early childhood. Contributing factors include, but are not limited to, racial profiling, poor air quality, residential segregation and economic insecurity. Toxic stress has known physical and mental health impacts and contributes to a host of chronic conditions such as heart disease and diabetes. Toxic stress has also been shown to have negative intergenerational health effects. Toxic stress does not refer to individual stressful events, but rather the unrelieved accumulation of these events over one's life.

#### **Sec. 7-203. Health in All Policies implementation.**

To effectively implement and maintain Health in All Policies, the City shall:

(a) Utilize health equity practices to City actions and endeavor to integrate these practices into the city's strategic, operational and business plans; management and reporting systems for accountability and performance; and budgets in order to eliminate inequities and create opportunities for all people and neighborhoods;

(b) Use the Health in All Policies Strategy Document as a guide for implementing Health in All Policies in the City. The strategy document will outline the vision, mission and goals, and identify a timeline as well as process to reach these goals. The strategy document will be a living plan that is designed to grow over time as progress is made and the needs of the community and city change;

(c) Establish the Interdepartmental Health in All Policies Team. The Interdepartmental Team will be comprised of representatives from departments within the City and are responsible for:

- (1) Selecting health and health equity indicators for each department to track as a way of prioritizing goals and measuring progress aligned with existing City guiding documents including, but not limited to the Comprehensive Plan and Green Tier Charter;
- (2) Attending regularly scheduled Interdepartmental Team meetings led by the Mayor's Office;
- (3) Reporting to the Interdepartmental Team on progress and challenges from his or her respective department;
- (4) Working with his or her respective department to integrate and track health equity indicators for his or her department;
- (5) Committing to attending ongoing health equity training, such as health equity impact assessments; and
- (6) Assisting with the writing of the Tri-Annual HiAP Report and provide a report to committees.

(d) Design and publish a tri-annual report on the status of health and health equity in the city of Appleton and progress of HiAP implementation for the Common Council, City staff, community organizations, residents, businesses, and other governmental agencies within the city.

- (1) Implementation will be measured based on health and health equity indicators selected by the Interdepartmental HiAP Team.
- (2) In addition to reporting on indicators, the Tri-Annual Report will include any updates to the HiAP strategy document.

(e) Develop and implement an ongoing community engagement plan to work directly with stakeholders throughout the process of the HiAP strategy development and implementation to ensure that perspectives are consistently understood, considered, and reflected in decisions.

The goal is to partner with stakeholders in each aspect of decision making in order to develop and implement collaborative solutions.

**Section 2:** Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such a decision shall not affect the validity of the remaining portions of this ordinance. The Common Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, subdivision, paragraph, sentence, clause or phrase.

**Section 3:** This ordinance becomes effective 30 days after its final passage and publication.

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

\_\_\_\_\_  
Timothy M. Hanna, Mayor  
City Law: A17-0793

\_\_\_\_\_  
Kami Lynch, City Clerk

**AN ORDINANCE CREATING ARTICLE V OF CHAPTER 7 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO HEALTH IN ALL POLICIES.**

(Name of Committee Generated From – XX-XX-XX (Date))

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

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**Art. V. HEALTH IN ALL POLICIES**

**Sec. 7-200. Findings.**

- (a) Health starts where we live, learn, work and play, and everyday decisions within the City of Appleton can promote greater health and equity.
- (b) All Appleton residents should have the opportunity to make the choices that allow them to live a long, healthy life, regardless of their job, neighborhood of residence, level of education, immigration status, sexual orientation, ethnic background or religion.
- (c) Good health enhances quality of life, improves workforce productivity, increases the capacity for learning, strengthens families and communities, supports environmental sustainability and helps reduce overall economic and social insecurity.
- (d) In the city of Appleton, those at greatest risk for poor health outcomes are low-income residents, who have a shorter life expectancy than other city residents.
- (e) Appleton residents are primarily affected by heart disease, cancer and stroke.
- (f) Recognizing the presence of critical health disparities in the community and the opportunity to intervene on health outcomes, the City has developed and defined public health broadly in the City Comprehensive Plan.
- (g) Health in All Policies is fundamentally about creating systems-level change both within City departments and in the community.
- (h) In developing strategies to address health disparities, it is important to recognize that at its heart, promoting equity is not just about providing more services.
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Dated: \_\_\_\_\_

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Timothy M. Hanna, Mayor  
City Law: A17-0793

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Kami Lynch, City Clerk

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- (5) Social norms and attitudes (e.g., discrimination and racism), socioeconomic conditions (e.g., concentrated poverty and the chronically stressful conditions that accompany it).

(h) ***Toxic stress*** refers to prolonged and repeated exposure to multiple negative factors, especially in early childhood. Contributing factors include, but are not limited to, racial profiling, poor air quality, residential segregation and economic insecurity. Toxic stress has known physical and mental health impacts and contributes to a host of chronic conditions such as heart disease and diabetes. Toxic stress has also been shown to have negative intergenerational health effects. Toxic stress does not refer to individual stressful events, but rather the unrelieved accumulation of these events over one's life.

#### **Sec. 7-203. Health in All Policies implementation.**

To effectively implement and maintain Health in All Policies, the City shall:

(a) Utilize health equity practices to City actions and endeavor to integrate these practices into the city's strategic, operational and business plans; management and reporting systems for accountability and performance; and budgets in order to eliminate inequities and create opportunities for all people and neighborhoods;

(b) Use the Health in All Policies Strategy Document as a guide for implementing Health in All Policies in the City. The strategy document will outline the vision, mission and goals, and identify a timeline as well as process to reach these goals. The strategy document will be a living plan that is designed to grow over time as progress is made and the needs of the community and city change;

(c) Establish the Interdepartmental Health in All Policies Team. The Interdepartmental Team will be comprised of representatives from departments within the City and are responsible for:

- (1) Selecting health and health equity indicators for each department to track as a way of prioritizing goals and measuring progress aligned with existing City guiding documents including, but not limited to the Comprehensive Plan and Green Tier Charter;
- (2) Attending regularly scheduled Interdepartmental Team meetings led by the Mayor's Office;
- (3) Reporting to the Interdepartmental Team on progress and challenges from his or her respective department;
- (4) Working with his or her respective department to integrate and track health equity indicators for his or her department;
- (5) Committing to attending ongoing health equity training, such as health equity impact assessments; and
- (6) Assisting with the writing of the Tri-Annual HiAP Report and provide a report to committees.

(d) Design and publish a tri-annual report on the status of health and health equity in the city of Appleton and progress of HiAP implementation for the Common Council, City staff, community organizations, residents, businesses, and other governmental agencies within the city.

- (1) Implementation will be measured based on health and health equity indicators selected by the Interdepartmental HiAP Team.
- (2) In addition to reporting on indicators, the Tri-Annual Report will include any updates to the HiAP strategy document.

(e) Develop and implement an ongoing community engagement plan to work directly with stakeholders throughout the process of the HiAP strategy development and implementation to ensure that perspectives are consistently understood, considered, and reflected in decisions.

The goal is to partner with stakeholders in each aspect of decision making in order to develop and implement collaborative solutions.

**Section 2:** Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such a decision shall not affect the validity of the remaining portions of this ordinance. The Common Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, subdivision, paragraph, sentence, clause or phrase.

**Section 3:** This ordinance becomes effective 30 days after its final passage and publication.

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

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Timothy M. Hanna, Mayor  
City Law: A17-0793

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Kami Lynch, City Clerk



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

**PARKS, RECREATION & FACILITIES  
MANAGEMENT**

**Dean R. Gazza, Director**

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

TO: Fox Cities Transit Commission

FROM: Dean R. Gazza

DATE: 11/6/2017

RE: Action: Award the City of Appleton Valley Transit "2017 Bus Garage HVAC Replacement Project" contract to Energy Control and Design, Inc. in the amount of \$63,540 with a contingency of \$8,020 for a contract total not to exceed \$71,560

Valley Transit has filed and received a 80/20 federal grant in the amount of \$110,305 for replacing the roof at the Transit Center and replacing the heaters in the bus garage. (\$88,244 Federal/\$22,061 local match). Of that amount, \$76,060 has been allocated to replace the HVAC system in the bus garage. Of the \$76,060 we have allocated \$4,500 for design and the remaining \$71,560 for construction. The existing heaters in the bus garage are at the end of their expected useful life and are in need of replacement.

The bids were received as follows:

<b>Energy Control and Design, Inc. (low bid)</b>	<b>\$63,540</b>
August Winter and Sons, Inc.	\$82,550

Our consulting engineer has written the City of Appleton a formal letter of recommendation to award the contract to Energy Control and Design, Inc. The Parks, Recreation, and Facilities Management Department has also reviewed the bids and is in agreement with the engineer's recommendation. Therefore, we recommend awarding the contract to Energy Control and Design, Inc. in the amount of \$63,540 plus a contingency of \$8,020 only to be utilized as needed.

Please contact me at 832-5572 or at [dean.gazza@appleton.org](mailto:dean.gazza@appleton.org) with any questions.