



City of Appleton

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

Meeting Agenda - Final-revised Common Council

Wednesday, October 3, 2018

7:00 PM

Council Chambers

- A. CALL TO ORDER
- B. INVOCATION
- C. PLEDGE OF ALLEGIANCE TO THE FLAG
- D. ROLL CALL OF ALDERPERSONS
- E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS
- F. PUBLIC PARTICIPATION
- G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES
 - [18-1413](#) Common Council Meeting Minutes of September 19, 2018
 - Attachments:** [CC Minutes 9-19-18.pdf](#)
- H. BUSINESS PRESENTED BY THE MAYOR
 - [18-1424](#) Breast Cancer Awareness Month Proclamation
 - [18-1426](#) Dysautonomia Awareness Month Proclamation
 - [18-1427](#) Mental Illness Awareness Week Proclamation
- I. PUBLIC HEARINGS
 - [18-1280](#) Public Hearing on Special Resolution 4-P-18; Sidewalk Construction
 - Douglas Street - Pine Street to Rogers Avenue
 - Herbert Street - Pine Street to Rogers Avenue
 - Kamps Avenue - Approximately 153.5' West of Douglas Street to Douglas Street
 - Lynndale Drive - Leonard Street to Everett Street

Attachments: [4-P-18 Public Hearing Notice.pdf](#)

J. SPECIAL RESOLUTIONS

[18-1425](#) Final Resolution 4-P-18 for Sidewalk Construction

Attachments: [4-P-18 Final Resolution.pdf](#)

K. ESTABLISH ORDER OF THE DAY**L. COMMITTEE REPORTS****1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE**

[18-1393](#) Approve request from Cafe-Atlas Coffee Mill for a Street Occupancy Permit to install a Little Free Library and bench near Jackman Street Parking Lot with the exact locations to be approved by the Department of Public Works.

Attachments: [Cafe-Atlas Coffee Mill to install a Little Free Library and bench.pdf](#)

Legislative History

9/24/18	Municipal Services Committee	recommended for approval
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[18-1395](#) Approve traffic-related ordinance changes for the Conkey Street/Northland Avenue Signalization Project.

Attachments: [Traffic-related changes-Conkey St-Northland Av.pdf](#)

Legislative History

9/24/18	Municipal Services Committee	recommended for approval
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[18-1396](#) Approve change to pro-rated parking permits to be the full rate prior to the 15th of the month and 0.5 after the 15th of the month.

Attachments: [Change to pro-rated parking permits.pdf](#)

Legislative History

9/24/18	Municipal Services Committee	recommended for approval
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2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[18-1370](#) Operator's Licenses

Legislative History

9/26/18	Safety and Licensing Committee	recommended for approval
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3. MINUTES OF THE CITY PLAN COMMISSION**4. MINUTES OF THE PARKS AND RECREATION COMMITTEE**[18-1377](#)

Action: Request Approval to Accept the Donation of \$100,000 from Principal for Jones Park Playground Equipment

Attachments: [Jones Park playground Document.pdf](#)

Legislative History

9/24/18	Parks and Recreation Committee	recommended for approval
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5. MINUTES OF THE FINANCE COMMITTEE[18-1401](#)

Request to write off \$22,691.53 of accounts receivable invoices and \$18,098.94 of personal property taxes (outstanding over one year)

Attachments: [Write-off List 2018 for Committee.pdf](#)

Legislative History

9/24/18	Finance Committee	recommended for approval
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[18-1403](#)

Request to approve \$193,000 for Phase V, Part II payment of outstanding legal fees related to the financing of the Fox Cities Exhibition Center and deny Phase V Out of Scope payment in amount of \$129,143

Attachments: [vonBriesen Final Bills.pdf](#)

Legislative History

9/24/18	Finance Committee	recommended for approval
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The item was amended (as reflected in the heading) to approve only the payment of \$193,000 for Phase V, Part II.

[18-1408](#)

Request to approve termination of contract with von Briesen and the City Attorney's office to assume any further activity regarding the Exhibition Center site.

Legislative History

9/24/18	Finance Committee	recommended for approval
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[18-1409](#)

Request to approve City quit claiming property to Atlas Mill, LLC

Attachments: [Quit Claim Deed.pdf](#)

Legislative History

9/24/18	Finance Committee	recommended for approval
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6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

[18-1369](#)

City Program Funding Approval and City Proposals for 2019 CDBG Funding

Attachments: [City proposals memo to CEDC 09-26-18.pdf](#)

[CDBG Policy Adopted July 2015.pdf](#)

[APD CDBG 2019 Application.pdf](#)

Legislative History

9/26/18	Community & Economic Development Committee	recommended for approval
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[18-1405](#)

Request approval of engineering services for the unplatted lands in Southpoint Commerce Park east of Eisenhower Drive and west of Coop Road by R.A. Smith for \$43,000.00

Attachments: [Memo on Southpoint Commerce Park Engineering East of Eisenhower_9-2018.](#)

[FINAL raSmith 2018 Southpoint Commerce Park Task Order.pdf](#)

[FINAL 1180364 Southpoint Commerce LOE.pdf](#)

[SouthpointWetlands.pdf](#)

Legislative History

9/26/18	Community & Economic Development Committee	recommended for approval
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7. MINUTES OF THE UTILITIES COMMITTEE

[18-1233](#)

Request from Ms. Rebecca Kent to have stormwater reimbursement for 303 S. Victoria Street back to January 2004 instead of 6-year timeframe that Utilities Committee and Council have previously authorized.

Attachments: [R Kent Victoria Street Stormwater Reimbursement.pdf](#)

Legislative History

8/21/18	Utilities Committee	recommended for approval
8/21/18	Utilities Committee	recommended for denial
9/5/18	Common Council	referred to the Utilities Committee
9/25/18	Utilities Committee	recommended for denial

[18-1376](#)

Submitted by: Edward S Baranowski, District 5

Date: September 5, 2018

Referred to: Utilities Committee

Whereas, the City of Appleton's recently re-evaluated the non-pervious areas for commercial properties and,

Whereas, said re-evaluation has resulted in some adjustments to which commercial properties are being charged for Stormwater and,

Whereas the Utility does not have a policy / code to follow for any adjustments to Stormwater rates, therefore,

Be it resolved, the Utility develop a policy / code for adjustments to bills.

Attachments: [11-R-18 Baranowski.pdf](#)

Legislative History

9/25/18

Utilities Committee

recommended for approval

Motion made by Meltzer, seconded by Raasch to amend the language in Sec. 20-239 Method of appeal (e) to: The period for determining a refund pursuant to this section shall be limited to up to the customer's prior twenty-four (24) quarters of stormwater billings. Motion failed 2-3.

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

N. ITEMS HELD

O. ORDINANCES

[18-1412](#)

Ordinances 92-18 to 93-18

Attachments: [Ordinances going to Council 10-3-18.pdf](#)

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

R. OTHER COUNCIL BUSINESS

S. ADJOURN

Kami Lynch, City Clerk

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



City of Appleton

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

Wednesday, September 19, 2018

7:00 PM

Council Chambers

A. CALL TO ORDER

The meeting was called to order by Mayor Hanna at 7:01 p.m.

B. INVOCATION

The invocation was offered by Alderperson Williams.

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

Present: 14 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Curt Konetzke, Alderperson Joe Martin, Alderperson Rachel Raasch, Alderperson Kathleen Plank, Alderperson Matt Reed, Alderperson Bob Baker, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner, Alderperson Keir Dvorachek and Mayor Timothy Hanna

Excused: 2 - Alderperson Ed Baranowski and Alderperson Chris Croatt

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

City Attorney Walsh, Deputy City Attorney Behrens, City Clerk Lynch, Deputy City Clerk Searvogel-Graikowski, Director of Community & Economic Development Harkness, Director of Finance Saucerman, Fire Chief Hansen, Health Officer Eggebrecht, Library Director Rortvedt, Police Chief Thomas, Director of Public Works Vandehey

The following departments were excused:

Information Technology

Utilities

Valley Transit

Human Resources

Parks, Recreation and Facilities

F. PUBLIC PARTICIPATION

Christopher Ray, 1500 E. Longview Drive, #30 spoke regarding item 18-1292 Special Event application for Focused Culture, LLC.

Jennifer Stephany, ADI spoke regarding item 18-1338 Street Occupancy Permit for a 'Duet' xylophone and LED message center.

G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[18-1342](#)

Common Council Meeting Minutes of September 5, 2018

Attachments: [CC Minutes 9-5-18.pdf](#)**Aldersperson Martin moved, seconded by Aldersperson Baker, that the Minutes be approved. Roll Call. Motion carried by the following vote:**

Aye: 13 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Curt Konetzke, Aldersperson Joe Martin, Aldersperson Rachel Raasch, Aldersperson Kathleen Plank, Aldersperson Matt Reed, Aldersperson Bob Baker, Aldersperson Christine Williams, Aldersperson Patti Coenen, Aldersperson Cathy Spears, Aldersperson Kyle Lobner and Aldersperson Keir Dvorachek

Excused: 2 - Aldersperson Ed Baranowski and Aldersperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

H. BUSINESS PRESENTED BY THE MAYOR

[18-1364](#)

Committee Reappointment to Board of Zoning Appeals

Attachments: [COMMITTEE REAPPTS 091918.pdf](#)**Aldersperson Spears moved, seconded by Aldersperson Reed, that the reappointment be approved. Roll Call. Motion carried by the following vote:**

Aye: 13 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Curt Konetzke, Aldersperson Joe Martin, Aldersperson Rachel Raasch, Aldersperson Kathleen Plank, Aldersperson Matt Reed, Aldersperson Bob Baker, Aldersperson Christine Williams, Aldersperson Patti Coenen, Aldersperson Cathy Spears, Aldersperson Kyle Lobner and Aldersperson Keir Dvorachek

Excused: 2 - Aldersperson Ed Baranowski and Aldersperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

[18-1365](#)

Appointment to Appleton Housing Authority

Attachments: [APPT TO AHA 091918.pdf](#)**Aldersperson Plank moved, seconded by Aldersperson Coenen, that the appointment be approved. Roll Call. Motion carried by the following vote:**

Aye: 13 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Curt Konetzke, Aldersperson Joe Martin, Aldersperson Rachel Raasch, Aldersperson Kathleen Plank, Aldersperson Matt Reed, Aldersperson Bob Baker, Aldersperson Christine Williams, Aldersperson Patti Coenen, Aldersperson Cathy Spears, Aldersperson Kyle Lobner and Aldersperson Keir Dvorachek

Excused: 2 - Alderperson Ed Baranowski and Alderperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

I. PUBLIC HEARINGS

[18-1279](#)

Public Hearing - Rezoning #9-18, Apple Ridge

Attachments: [Public Hearing Notice_RZ #9-18 .pdf](#)

The public hearing was held, no one spoke during the hearing.

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

Alderperson Williams moved, seconded by Alderperson Spears, that Item 18-1195 from the September 5, 2018 Common Council meeting; regarding the contract with Commercial Horizons for the Appleton Public Library be reconsidered. Roll Call. Motion failed by the following vote:

Aye: 4 - Alderperson Curt Konetzke, Alderperson Christine Williams, Alderperson Patti Coenen and Alderperson Cathy Spears

Nay: 9 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Joe Martin, Alderperson Rachel Raasch, Alderperson Kathleen Plank, Alderperson Matt Reed, Alderperson Bob Baker, Alderperson Kyle Lobner and Alderperson Keir Dvorachek

Excused: 2 - Alderperson Ed Baranowski and Alderperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

[18-1292](#)

Special Event application of Focused Culture LLC, Christopher F. Ray, for the Truth Music Jam, City Park, Saturday, September 29, 2018.

Attachments: [Focused Culture LLC Special Event Denial Letter.pdf](#)
[Focused Culture LLC Special Event Application.pdf](#)

Alderperson Plank moved, seconded by Alderperson Spears, that the Report Action Item be amended to refund the applicant all fees paid to the City. Roll Call. Motion carried by the following vote:

Aye: 12 - Alderperson Vered Meltzer, Alderperson Curt Konetzke, Alderperson Joe Martin, Alderperson Rachel Raasch, Alderperson Kathleen Plank, Alderperson Matt Reed, Alderperson Bob Baker, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner and Alderperson Keir Dvorachek

Nay: 1 - Alderperson William Siebers

Excused: 2 - Alderperson Ed Baranowski and Alderperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

Alderson Lobner moved, seconded by Alderson Plank, that the Special Event application of Focused Culture, LLC be denied. Roll Call. Motion carried by the following vote:

Aye: 12 - Alderson Vered Meltzer, Alderson Curt Konetzke, Alderson Joe Martin, Alderson Rachel Raasch, Alderson Kathleen Plank, Alderson Matt Reed, Alderson Bob Baker, Alderson Christine Williams, Alderson Patti Coenen, Alderson Cathy Spears, Alderson Kyle Lobner and Alderson Keir Dvorachek

Nay: 1 - Alderson William Siebers

Excused: 2 - Alderson Ed Baranowski and Alderson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

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

Aye: 13 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Curt Konetzke, Alderson Joe Martin, Alderson Rachel Raasch, Alderson Kathleen Plank, Alderson Matt Reed, Alderson Bob Baker, Alderson Christine Williams, Alderson Patti Coenen, Alderson Cathy Spears, Alderson Kyle Lobner and Alderson Keir Dvorachek

Excused: 2 - Alderson Ed Baranowski and Alderson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[18-1331](#)

Preliminary Resolution 4-P-18 for Sidewalk Construction be adopted and refer the matter to the Finance Committee to determine the assessment rate.

Attachments: [Sidewalk Construction Resolution 4-P-18.pdf](#)

This Report Action Item was approved.

[18-1333](#)

Award Contract for design services for the Pacific Street Bridge, Lawe Street Bridge over the Fox River, Lawe Street Bridge over the Navigation Canal and the Oneida Street Bridge over the Navigation Canal in an amount not to exceed \$49,160.

Attachments: [Design Services-Pacific Street & Lawe Street Bridge.pdf](#)

This Report Action Item was approved.

[18-1334](#)

Approve parking restriction change at 1111 E. South River Street.

Attachments: [Parking Restriction change-1111 E South River St.pdf](#)

This Report Action Item was approved.

[18-1335](#)

Approve installation of additional street light on the east side of 217 Pierce Avenue.

Attachments: [New Street Light Request-200 S. Pierce Ave.pdf](#)

This Report Action Item was approved.

[18-1336](#)

Approve Appleton Downtown Inc. request to purchase up to 24 parking stalls on September 21, 2018 for Park(ing) Day.

Attachments: [ADI-Park\(ing\) Day.pdf](#)

This Report Action Item was approved.

[18-1338](#)

Approve request from Appleton Downtown Inc. for a Street Occupancy Permit to install a 'Duet' xylophone in the College Avenue beautification strip near the corner of College and Morrison with the exact location to be approved by the Department of Public Works.

Attachments: [ADI-request for a Duet xylophone .pdf](#)

This Report Action Item was approved.

[18-1339](#)

Approve request from Appleton Downtown Inc. for a Street Occupancy Permit to install four (4) flower bell instruments with the exact locations to be approved by the Department of Public Works.

Attachments: [ADI-request to install four flowe bell instruments.pdf](#)

This Report Action Item was approved.

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[18-1277](#)

"Class B" Beer/Liquor License Premise Amendment application of Gregg Van Dinter Riverside Bar & Grill, 906 S. Olde Oneida St., contingent upon approval from all departments.

Attachments: [Riverside Bar & Grill amendment application 2.pdf](#)

This Report Action Item was approved.

[18-1272](#)

"Class B" Beer/Liquor License application of PJW, LLC d/b/a Chadwicks, Jennifer A. Thomas, Agent, 413 W. College Ave., contingent upon approval from all departments.

Attachments: [Chadwicks application.pdf](#)

This Report Action Item was approved.

[18-1287](#)

Operator's Licenses

Attachments: [Operator's Licenses for 09-12-2018 S&L.pdf](#)

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION

[18-1228](#)

Request to approve Rezoning #9-18 for the Apple Ridge Annexation, formerly part of the Town of Grand Chute, located at the southeast corner of N. Ballard Road and E. Apple Creek Road, including to the centerline of existing adjacent right-of-way, as shown on the attached maps, from Temporary AG Agricultural District to R-1B Single-Family District

Attachments: [StaffReport Rezoning AppleRidgeAnnexation 8-21-18.pdf](#)

This Report Action Item was approved.

[18-1229](#)

Request to approve the Apple Ridge Preliminary Plat as shown on the attached maps and subject to the attached conditions

Attachments: [StaffReport PrePlat AppleRidge 8-21-18.pdf](#)

This Report Action Item was approved.

[18-1297](#)

Request to approve Special Use Permit #6-18 for an indoor personal storage facility located at 2705 S. Lake Park Road (Tax Id #31-9-4105-00), 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_Lake Park Road_SUP_9-11-18.pdf](#)

This Report Action Item was approved.

[18-1300](#)

Request to approve the Cherryvale Meadows Final Plat as shown on the attached maps and subject to the attached conditions

Attachments: [StaffReport_CherryvaleMeadows_FinalPlat_For09-11-18.pdf](#)

This Report Action Item was approved.

[18-1301](#)

Request to approve the North Edgewood Estates Final Plat as shown on the attached maps and subject to the attached conditions

Attachments: [StaffReport_NorthEdgewoodEstates_FinalPlat_For09-11-18.pdf](#)

This Report Action Item was approved.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

[18-1320](#)

Action: Award the City of Appleton's "2018 Jones Park Playground Equipment Project" contract to Lee Recreation, LLC. in an amount not to exceed \$100,000

Attachments: [2018 Jones Playground Memo.docx](#)

This Report Action Item was approved.

5. MINUTES OF THE FINANCE COMMITTEE

[18-1242](#)

Request to approve the 2019 Special Assessment Policy.

Attachments: [2019 Special Assessment Policy.pdf](#)

This Report Action Item was approved.

[18-1308](#)

Request for City of Appleton to waive the sidewalk special assessment for 1233 W Cedar Street in exchange for dedication of 253 SF for property needed to construct the wide sidewalk/multi-purpose sidepath

Attachments: [Cedar Street sidewalk assessment.pdf](#)

This Report Action Item was approved.

[18-1309](#)

Request approval to create a tiered fee system for the annual Street Snow Removal Assessments and approve rates for the 2018/2019 winter season

Attachments: [Street Snow Removal Assessment.pdf](#)

This Report Action Item was approved.

[18-1314](#)

Request to award the Blue Parking Ramp Demolition contract to The Boldt Company in the amount of \$1,998,000 with a contingency of 15% for a project total not to exceed \$2,297,700

Attachments: [2018 Blue Ramp Demolition.pdf](#)

This Report Action Item was approved.

[18-1324](#)

Request to approve Finance Committee Report 4-P-18 for Sidewalk Construction.

Attachments: [Report 4-P-18.pdf](#)

This Report Action Item was approved.

[18-1325](#)

Request to award Concrete, Beam and Deck repairs in the Red Parking Ramp to The Boldt Company in the amount of \$36,443 with a 10% contingency of \$3,644 for a project total not to exceed \$40,087

Attachments: [Award of Contract - Red Ramp Concrete Beam and Column Repairs.pdf](#)

This Report Action Item was approved.

[18-1326](#)

Request to approve Contract Amendment / Change Order No. 1 to contract 68-17 for Red Parking Ramp Expansion Joint Replacement for the addition of a level 4 deck seal spot repair and 120 linear feet of EMSEAL expansion joint sealer in the amount of \$19,060.00 resulting in a decrease to contingency from \$4,000.00 to \$0.00. Overall contract increases from \$84,030.00 to \$99,090

Attachments: [Red Ramp Expansion Joint Replacement Change Order No.1.pdf](#)

This Report Action Item was approved.

[18-1328](#)

Request approval of the use of Exhibition Center bond proceeds originally intended for interest reimbursement to fund consulting fees related to providing private funding option

Attachments: [von Briesen Payment 2018.pdf](#)

This Report Action Item was approved.

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

7. MINUTES OF THE UTILITIES COMMITTEE

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

10. MINUTES OF THE BOARD OF HEALTH

M. CONSOLIDATED ACTION ITEMS

[18-1343](#)

Consolidated Action Items

18-1341 (Finance Committee)

18-1302 (Community & Economic Development Committee)

The Consolidated Action Items were approved.

[18-1341](#)

Request to approve the Development Agreement with McFleshmans Commons LLC for improvements and development of the property at 115 S. State Street in Tax Increment Financing District No. 12

Attachments: [Memo Recommend McFleshmans Commons Dev Agrmt.pdf](#)
[McFleshmans Commons LLC - Dev Agrmt 08-14-2018_2.pdf](#)

This Report Action Item was approved.

[18-1302](#)

Request to approve the Development Agreement with McFleshmans Commons LLC for improvements and development of the property at 115 S. State Street in Tax Increment Financing District No. 12

Attachments: [Memo Recommend McFleshmans Commons Dev Agrmt.pdf](#)
[McFleshmans Commons LLC - Dev Agrmt 08-14-2018_2.pdf](#)

This Report Action Item was approved.

N. ITEMS HELD

O. ORDINANCES

[18-1360](#)

Ordinance 91-18

Attachments: [Ordinance going to Council 9-19-18.pdf](#)

This Report Action Item was approved.

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

Resolution 12-R-18 Medical Marijuana

Submitted by Christine Williams, District 10; Patti Coenen, District 11

Date: September 19, 2018

Referred to: Board of Health

WHEREAS, medical marijuana can be used to ease chronic pain, reduce nausea and increase appetite in patients receiving chemotherapy, can help control epileptic seizures, improve symptoms in patients with multiple sclerosis, treat glaucoma, soothe tremors in those with Parkinson's, treat anxiety along with many other diseases, and

WHEREAS, 31 states, the District of Columbia, Guam and Puerto Rico allow comprehensive medical marijuana use, and

WHEREAS, 16 Wisconsin counties and two Wisconsin cities have advisory referendums on the November 6 ballot regarding the use of marijuana for medical or recreational uses, and

WHEREAS, Outagamie County is discussing the future of an advisory referendum on medical marijuana,

Now, therefore, be it resolved that the City of Appleton supports Wisconsin legislation allowing the use of medical marijuana in the State of Wisconsin.

R. OTHER COUNCIL BUSINESS

S. ADJOURN

Aldersperson Lobner moved, seconded by Aldersperson Baker, that the meeting be adjourned at 7:34 p.m. Roll Call. Motion carried by the following vote:

Aye: 14 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Curt Konetzke, Alderperson Joe Martin, Alderperson Rachel Raasch, Alderperson Kathleen Plank, Alderperson Matt Reed, Alderperson Bob Baker, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner, Alderperson Keir Dvorachek and Mayor Timothy Hanna

Excused: 2 - Alderperson Ed Baranowski and Alderperson Chris Croatt

Kami Lynch, City Clerk

NOTICE OF PUBLIC HEARING ON SPECIAL ASSESSMENTS

(Preliminary Resolution 4-P-18)

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.

SIDEWALK CONSTRUCTION

Douglas Street – Pine Street to Rogers Avenue
Herbert Street – Pine Street to Rogers Avenue
Kamps Avenue – Approximately 153.5' West of Douglas Street to Douglas Street
Lynndale Drive – Leonard Street to Everett 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 **October 3, 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.

September 19, 2018

RUN: September 21, 2018

KAMI LYNCH, City Clerk

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

RESOLUTION 4-P-18

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 3rd day of October, 2018, for the purpose of hearing all interested persons concerning the proposed improvements and construction in the following streets or portion of streets:

SIDEWALK CONSTRUCTION

Douglas Street – Pine Street to Rogers Avenue
Herbert Street – Pine Street to Rogers Avenue
Kamps Avenue – Approximately 153.5' West of Douglas Street to Douglas Street
Lynndale Drive – Leonard Street to Everett 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 7.5% 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: October 3, 2018

Published: October 8, 2018

Paula Vandehey

From: Cafe - Atlas Coffee Mill <cafe@atlascoffeemill.com>
Sent: Monday, September 10, 2018 1:04 PM
To: Paula Vandehey
Cc: 'Jean Long Manteufel'
Subject: Bench for Kiwanis Little Free Library
Attachments: KIWANIS Bench.jpg

Good Afternoon, Paula ...

Finally we have found the bench that we would like to install in the area designated for the Little Free Library. As you can see, it's made of stone rather than another material. The best news is that the sheer weight of the bench guarantees that we will not have to install a cement pad!

We hope this meets with your approval and hope to hear from you soon.

Warm regards,

Sue Bogenschutz, Proprietor
Atlas Waterfront Café & Gathering Room
"best kept secret on the historic fox"
425 W. Water Street
Appleton, WI 54911
920-734-6871

Visit us on the web at www.atlaswaterfrontcafe.com
Like us on facebook
Follow us on twitter







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

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

To: Municipal Services Committee
From: Eric S. Lom, City Traffic Engineer
Date: September 19, 2018
Re: Traffic-related ordinance changes for the Conkey St / Northland Av Signalization Project

The Conkey St / Northland Av Signalization Project will be completed this fall. This memo addresses the parking restrictions and intersection control ordinances that are necessary to implement the Council-approved roadway plans.

The following ordinance action is required:

1. **Create:** "Parking be prohibited on Conkey Street from Northland Avenue (CTH "OO") to a point 375 feet south of Northland Avenue."
2. **Create:** "Remove stop signs on Conkey Street at Northland Avenue (CTH "OO")."
3. **Create:** "Install a traffic signal at the intersection of Conkey Street at Northland Avenue (CTH "OO")."



MEMO

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

TO: Municipal Services Committee

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

DATE: September 20, 2018

SUBJECT: Pro-ration of monthly parking permits.

The current monthly permit renewal language states *"No pro-rated rates during the first 7 days of permit renewal period."* The Finance Department has requested that with the implementation of the Tyler Munis System we limit the options available for the renewal rates.

Therefore, we recommend the following language:

Monthly parking permit renewals be charged the full rate prior to the 15th of the month and 0.5 after the 15th of the month.



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

**PARKS, RECREATION & FACILITIES
MANAGEMENT**

Dean R. Gazza, Director

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

TO: Parks & Recreation Committee

FROM: Dean R. Gazza

DATE: 09-24-18

RE: Action: Request Approval to Accept the Donation of \$100,000 from Principal for Jones Park Playground Equipment

Principal has generously offered to donate \$100,000 towards the purchase and installation of playground equipment at Jones Park. The playground is incorporated in the park's Master Plan, thus an important part of Jones Park.

Per the Sponsorship Policy, donations with a value greater than \$25,000 are to be approved by the Common Council.

As part of the Sponsorship Agreement, Principal has agreed to donate \$100,000 for the purchase and installation of playground equipment. In exchange for that donation, Principal would be recognized by a marker at or near the playground acknowledging its financial contribution in support of the playground. The agreement would have a term of five years after which the City of Appleton has the option of maintaining or removing the marker and similar acknowledgements at our sole discretion.

The Parks, Recreation, and Facilities Management Department recommends approval of this sponsorship. The playground not only would be a great asset for special events in the downtown, but also for park patrons.

Please find the attached sponsorship agreement and donation marker. Please feel free to contact me at 832-5572 or at dean.gazza@appleton.org with any questions.

SPONSORSHIP AGREEMENT

This Sponsorship Agreement ("Agreement") is entered by and between the City of Appleton, a municipal corporation ("City") and Principal Foundation, Inc. ("Principal") as follows:

1. Purpose. Principal has agreed to make a financial donation to the City for the limited purpose of acquiring children's playground equipment for Jones Park in the City of Appleton. The City has determined that accepting this donation from Principal is in the public interest. In exchange for Principal's donation and other good and valuable consideration, the City has agreed to the placement of a marker at or near the playground acknowledging Principal's financial contribution in support of the playground.
2. Acknowledgment. Principal's donation will be acknowledged by a marker indicating the playground was made possible by a donation from Principal or something to that effect. Use of Principal's logo on the marker is governed by a separate Logo License Agreement entered into on April 23, 2018, the terms of which are incorporated herein by reference. A rendering of the marker is attached hereto as Exhibit A, however, the parties acknowledge that the actual marker may vary slightly from the rendering. The marker will be placed at a location within Jones Park, and near the playground, as determined by the City.
3. Term. This Agreement shall have a term of five (5) years that runs concurrently with the term set forth in the Logo License Agreement and subject to the terms of the City's Sponsorship – Parks, Recreation and Facilities Management Policy ("Policy") incorporated herein by reference. After that time, the City may keep the marker in place subject to the Policy.
4. Maintenance. The City agrees to routinely maintain the marker for the term of this Agreement. In the event the marker becomes damaged beyond repair for any reason, Principal shall be given the option to purchase a replacement marker for placement for the balance of this Agreement's term.
5. Indemnification. For good and valuable consideration, the City on behalf of its officials, officers, employees and agents does agree to indemnify and defend Principal from and against any liability arising out of this Agreement and the placement of the marker in particular.
6. Governing Law. This Agreement will be governed by the laws of the state of Wisconsin.

The undersigned have read this Agreement, understand the terms and conditions contained herein, and by signing below agree to be bound by its terms. Each party represents to the other that the individual signing this Agreement is authorized to sign on its behalf and bind such party. This Agreement shall not become effective until signed by both parties.

Dated this ____ day of _____, 2018.

PRINCIPAL FOUNDATION, INC.

By: _____
Printed Name: _____
Title: _____

By: _____
Printed Name: _____
Title: _____

CITY OF APPLETON

By: _____
Printed Name: _____
Title: _____

By: _____
Printed Name: _____
Title: _____

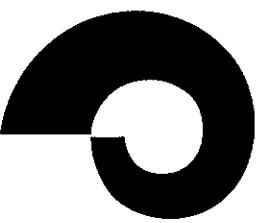
Approved as to form:

James P. Walsh, City Attorney

A18-0344

THIS PLAYGROUND MADE

POSSIBLE BY

 Principal[®] Foundation

2018

City of Appleton 2018 Write-Off List

The following accounts will be posted on the City's web site and published in the Post Crescent.

The addresses shown are the last known location of the individual or business.

Type	Invoice Date	Inv or Parcel Number	Name	Address	Amount Due	Description
A/R	1/26/16	229348	Sandra Lee Christiaansen	4400 N Providence Ave #3, Appleton WI 54913	\$ 114.48	Traffic sign damage
A/R	2/4/16	229539	Leslie R Wester	40174 N US 45, Lake Villa IL 60046	\$ 75.00	Garbage illegally dumped
A/R	2/4/16	229546	Russell Cross	132 Washington Ave, Neenah WI 54956	\$ 1.50	Police Records
A/R	2/12/16	229600	Brian P Jack	E9055 Cty Rd X, New London WI 54961-7817	\$ 122.68	Haz Mat Spill
A/R	2/12/16	229656	Lucio Mendez	3325 S Ashbrook St, Appleton WI 54915	\$ 24.12	2015 Mobile Home Taxes
A/R	2/12/16	229660	Patricia Stumpf	1245 Titan Ct #5, Oshkosh WI 54901-3785	\$ 42.96	2015 Mobile Home Taxes
A/R	2/12/16	229663	Victor Hugo Sanchez	317 E Juniper Ln, Appleton WI 54915	\$ 70.66	2015 Mobile Home Taxes
A/R	2/12/16	229664	Fabricio Lopez	310 E Juniper Ln, Appleton WI 54915	\$ 87.12	2015 Mobile Home Taxes
A/R	2/12/16	229666	Yolanda Mendoza-Briseno	218 E Juniper Ln, Appleton WI 54915	\$ 41.86	2015 Mobile Home Taxes
A/R	2/12/16	229667	Tiffany Voight	219 E Spring St, Appleton WI 54911	\$ 16.64	2015 Mobile Home Taxes
A/R	2/12/16	229669	Shawn Willems	232 Leavens Ave #A, Sheboygan Falls WI 53085-1117	\$ 64.42	2015 Mobile Home Taxes
A/R	2/19/16	229741	William R Maxwell	313 N Outagamie St, Appleton WI 54911	\$ 929.17	Traffic signal damage
A/R	3/10/16	230049	Theresa R Portugal	807 Coolidge St, Neenah WI 54956	\$ 5,135.87	Traffic signal damage
A/R	3/18/16	230094	Tina Kruse	844 Appleton St, Menasha WI 54952	\$ 8.75	Police Records
A/R	3/18/16	230108	Gary Bahr	4311 Jackson St, Oshkosh WI 54901	\$ 2.00	Police Records
A/R	3/25/16	230127	Kevin J Locke	N1838 Cty Rd CC, Kaukauna WI 54130	\$ 40.00	NSF Check Fee
A/R	3/25/16	230147	Penske Truck Leasing	4000 Cline Ave, East Chicago IN 46312-0534	\$ 699.37	Damaged Fire Hydrant
A/R	3/31/16	230214	Darren Townsend	3010 N Union St, Appleton WI 54911	\$ 383.64	City Vehicle Damage
A/R	4/8/16	230632	Andrea T Jackson	2920 S Kernan Ave Apt 212A, Appleton WI 54915	\$ 139.68	Haz Mat Spill
A/R	4/22/16	230736	Michelle Exworthy	237 Gale St Apt 11, Oconto WI 54153	\$ 500.00	Vehicle Fire Fee
A/R	4/22/16	230744	Sarah Q Greene	204 E Brewster St, Appleton WI 54911	\$ 1,501.14	Traffic signal damage
A/R	4/22/16	230751	Robyn L Waters	520 E Murray St, Appleton WI 54914	\$ 72.97	Haz Mat Spill
A/R	5/6/16	230975	Bradley J Noe	972 Easy St, Menasha WI 54952	\$ 173.68	Haz Mat Spill
A/R	5/16/16	231077	Justin M Wilkim	1216 S Lee St, Appleton WI 54915	\$ 273.10	Haz Mat Spill
A/R	5/20/16	231103	Edward R Hough	1704 Dublin Trl Apt 242, Neenah WI 54956	\$ 156.68	Haz Mat Spill
A/R	6/17/16	231498	Robert J Behm	708 E North St, Appleton WI 54911	\$ 50.00	Comm Dev Insurance Research
A/R	6/24/16	231564	John Peter Potvien	125 W Florida Ave, Appleton WI 54911	\$ 338.52	Haz Mat Spill
A/R	8/26/16	232691	Jennifer A Jessogne	3401 N Gillett St, Appleton WI 54914	\$ 223.39	Haz Mat Spill
A/R	9/2/16	232976	Ahrens, Vaternick & Norby LLP	PO Box 1615, Appleton WI 54912-1615	\$ 4.00	Police Records
A/R	9/2/16	232887	Natasha Williams	8538 S Green Bay Ave #1, Chicago IL 60617-2662	\$ 500.00	Vehicle Fire Fee
A/R	9/2/16	232896	Sarah Larson	1705 S Theodore St, Appleton WI 54915	\$ 432.21	City Vehicle Damage
A/R	9/9/16	232948	Cori J Hartzheim	1025 1/2 E North St, Appleton WI 54911	\$ 3,806.49	Traffic signal damage
A/R	9/9/16	232950	Armando Hernandez	801 W Browning St, Appleton WI 54914-2155	\$ 1,867.36	Traffic signal damage
A/R	9/16/16	232979	Daniel Kersten	514 Haylett St, Neenah WI 54956	\$ 500.00	Vehicle Fire Fee
A/R	9/16/16	233003	Justin J Schmidt	7540 Romberg Rd, Oshkosh WI 54904	\$ 89.97	Haz Mat Spill
A/R	9/23/16	233102	Richard G Williamson Jr	521 Kimberly Ave, Kimberly WI 54136	\$ 4.00	Vehicle Fire Fee
A/R	9/30/16	233145	Abraham R Kaufert	1519 Ashland Ave, Sheboygan WI 53081	\$ 742.58	Traffic signal damage
A/R	10/7/16	233527	Graham Jamie Davis	421 Third St, Menasha WI 54952	\$ 836.02	Hydrant/Traffic Sign Damage
A/R	10/28/16	233729	US Marine Corps	3436 W College Ave, Appleton WI 54914	\$ 9.00	Police Records
A/R	10/28/16	233751	Joseph W Kuusisto Jr	8733 Oakwood Ave, Neenah WI 54956	\$ 245.91	Traffic sign damage

A/R	10/28/16	233802	Maria Guadalupe Alvarado	159 Foster Ct, Appleton WI 54915	\$	372.51	Haz Mat Spill
A/R	11/23/16	234050	Maria Guadalupe Alvarado	159 Foster Ct, Appleton WI 54915	\$	220.73	Sweep after Accident
A/R	10/28/16	233803	Cameron Jenkins	1263 Manistowoc Rd Apt 3, Menasha WI 54952	\$	122.68	Haz Mat Spill
A/R	10/28/16	233809	Andrew J Dietze	330 W Wilson Ave #6, Appleton WI 54915	\$	89.97	Haz Mat Spill
A/R	10/28/16	233819	Andre McDaniel	PO Box 2201, Appleton WI 54912	\$	40.00	NSF Check Fee
A/R	11/14/16	233980	John M Prost	104 S Midpark Dr, Appleton WI 54915	\$	272.71	Traffic sign damage
A/R	11/14/16	233983	Lori J Stiltjes	2425 N Mason St #202 Appleton WI 54914	\$	303.19	Damaged Fire Hydrant
A/R	11/14/16	233984	Michael J Lawrenz	2225 S 12th St, Sheboygan WI 53081	\$	172.62	Traffic sign damage
A/R	11/14/16	234005	Joseph T Mayhew	1624 E Harding Dr Apt 2, Appleton WI 54915	\$	173.68	Haz Mat Spill
A/R	11/23/16	234048	Arellano & Phebus SC	1468 N High Point Rd #102, Middleton WI 53562	\$	13.75	Police Records
A/R	12/2/16	234242	Maxwell G Dieck	833 W 4th St, Appleton WI 54914	\$	213.42	Traffic sign damage
A/R	12/2/16	234252	Adrian J Batrez	708 Kinzie Ct, Menasha WI 54952	\$	223.39	Haz Mat Spill
A/R	12/2/16	234255	Hayden W Lafond	200 Chute St, Menasha WI 54952	\$	72.97	Haz Mat Spill
A/R	12/2/16	234272	John B Ceresero	1022 W Oklahoma St, Appleton WI 54914	\$	72.97	Haz Mat Spill
Accounts Receivable Total						<u>\$ 22,691.53</u>	

PP	2015	31-1-2508-20	Tanning on the Edge c/o Shalene Enz	822 Waugoo Ave, Oshkosh WI 54901-5459	\$	193.83	2015 Personal Property Tax
PP	2016	31-0-0510-45	Bobby Pins Inc	2828 Hood St Apt 1408, Dallas TX 75219-7811	\$	1,156.96	2016 Personal Property Tax
PP	2016	31-0-0566-93	Product Handling Concepts	4010 W Spencer St #200, Appleton WI 54914-4064	\$	1,210.15	2016 Personal Property Tax
PP	2016	31-1-1200-20	Bretts Cycle Repair LLC c/o Brett Broege	620 Fifth St, Menasha WI 54952	\$	48.78	2016 Personal Property Tax
PP	2016	31-1-1255-30	Chicago Grill c/o Israel Ramirez	517 Miami Cir, Little Chute WI 54140	\$	361.26	2016 Personal Property Tax
PP	2016	31-1-1790-05	Laurie Marie Photography LLC	2119 1/2 Laverna Ave, Eagle Rock CO 90041-2717	\$	115.25	2016 Personal Property Tax
PP	2016	31-1-1898-20	Mosquito Creek LLC	4209 E Ashbury Dr, Appleton WI 54913	\$	292.56	2016 Personal Property Tax
PP	2016	31-2-0010-20	Advanced Aesthetics	4321 W College Ave, Appleton WI 54914	\$	13.30	2016 Personal Property Tax
PP	2016	31-2-0880-20	CM PC LLC aka IT Evolution	212 E College Ave, Appleton WI 54911	\$	110.82	2016 Personal Property Tax
PP	2016	31-2-0935-20	Conopco Inc	PO Box 339, Iselin NJ 08830-0339	\$	4.70	2016 Personal Property Tax
PP	2016	31-2-1043-20	Day Property Mgmt	509 N Superior St, Appleton WI 54911	\$	272.62	2016 Personal Property Tax
PP	2016	31-2-1917-40	Hwa Rang Do Appleton Academy c/o Don Cone	110 E Orange St, Appleton WI 54915	\$	88.65	2016 Personal Property Tax
PP	2016	31-2-2765-00	Pavana LLC	133 E College Ave, Appleton WI 54911	\$	1,843.94	2016 Personal Property Tax
PP	2016	31-2-3229-70	Prism Marketing Services	222 W College Ave, Appleton WI 54911	\$	653.83	2016 Personal Property Tax
PP	2016	31-2-3700-00	KK Billiards	1044 Ernst Dr, Green Bay WI 54304-2206	\$	828.95	2016 Personal Property Tax
PP	2016	31-3-0870-20	Kings Barber Shop	745 W College Ave, Appleton WI 54911	\$	128.55	2016 Personal Property Tax
PP	2016	31-3-0908-00	Kustom Kitchen & Bath c/o Robert VanEgeren	1640 Sycamore St Apt 31, Sturgeon Bay WI 54235	\$	217.21	2016 Personal Property Tax
PP	2016	31-3-0940-30	L&J Autobody Shop	1510 W Civic St, Appleton WI 54914	\$	90.86	2016 Personal Property Tax
PP	2016	31-3-1380-20	She. Hair Boutique	601 N Morrison St, Appleton WI 54911	\$	157.37	2016 Personal Property Tax
PP	2016	31-3-1566-10	Val U Beauty Supply	609 W College Ave, Appleton WI 54911	\$	15.51	2016 Personal Property Tax
PP	2016	31-4-0018-00	Adagio Therapy LLC	611 N Lynndale Dr Ste H, Appleton WI 54914	\$	31.04	2016 Personal Property Tax
PP	2016	31-4-0018-20	Advance Movement Studio LLC	101 W Edison Ave #110, Appleton WI 54915	\$	277.06	2016 Personal Property Tax
PP	2016	31-4-0150-20	Birddog Outfitters LLC	1835 E Edgewood Dr Ste 105, #10515, Appleton WI 54913	\$	128.55	2016 Personal Property Tax
PP	2016	31-4-0243-00	Feather and Bone LLC c/o John Adams	800 S Lawe St, Appleton WI 54915	\$	110.82	2016 Personal Property Tax
PP	2016	31-4-0358-00	SpecialtyCare Cardiovascular	3100 W End Ave #800, Nashville TN 37203	\$	94.11	2016 Personal Property Tax
PP	2016	31-4-0515-20	Factotum USA LLC c/o Justin Kuehl	415 S Olde Oneida St #323, Appleton WI 54911-2510	\$	77.57	2016 Personal Property Tax
PP	2016	31-4-0619-00	It's a Small World Day Care	1606 S Memorial Dr, Appleton WI 54915	\$	150.71	2016 Personal Property Tax
PP	2016	31-4-0649-20	KI Nutrition	1435 Glenview Ln, Little Chute WI 54140-2632	\$	148.51	2016 Personal Property Tax
PP	2016	31-4-0712-00	The McMullen Group	3309 E Guyette Dr, Appleton WI 54915	\$	11.08	2016 Personal Property Tax

PP	2016	31-4-0716-50	Millard Music Studio/Breathing Room	500 E Eagle Flats Pkwy #312, Appleton WI 54915-9204	\$	104.18	2016 Personal Property Tax
PP	2016	31-4-0728-00	Mobile Helpdesk LLC	206 S Fidelis St, Appleton WI 54915	\$	13.30	2016 Personal Property Tax
PP	2016	31-4-0941-20	Rock Garden Studio	101 W Edison Ave #120, Appleton WI 54915	\$	429.98	2016 Personal Property Tax
PP	2016	31-4-1020-20	Soap Dance	4 Weimar Ct, Appleton WI 54915	\$	46.54	2016 Personal Property Tax
PP	2016	31-4-1099-70	Tri-Manor LTD	PO Box 615, Ripon WI 54971	\$	119.68	2016 Personal Property Tax
PP	2016	31-4-1130-30	Unique Weigh	970 Hickory Ln, Neenah WI 54956	\$	13.30	2016 Personal Property Tax
PP	2016	31-4-1198-20	The Yoga Loft	101 W Edison Ave #261, Appleton WI 54915	\$	110.82	2016 Personal Property Tax
PP	2016	31-4-1650-00	Amazing Quick-Clean Laundry	2200 E Newberry St, Appleton WI 54915	\$	379.00	2016 Personal Property Tax
PP	2016	31-5-0508-00	Coventry Glassworks	514 W College Ave, Appleton WI 54911	\$	239.00	2016 Personal Property Tax
PP	2016	31-5-0770-20	Inspirations Dance and Fitness	400 N Richmond St Ste E, Appleton WI 54911	\$	221.63	2016 Personal Property Tax
PP	2016	31-5-2538-00	Appleton Pet Spa LLC	400 N Richmond St Ste D, Appleton WI 54911	\$	128.55	2016 Personal Property Tax
PP	2016	31-5-2630-00	Badger Avenue Gas, HJR LLC	1344 Tuckaway Ct, Menasha WI 54952	\$	877.69	2016 Personal Property Tax
PP	2016	31-5-2975-25	EliteIT, CNR Enterprises Inc	4358 Brandon Ave, Broomfield CO 80020	\$	59.84	2016 Personal Property Tax
PP	2016	31-5-3552-40	Masaje/A Bodywork Studio	1731 W Washington St #C, Appleton WI 54914	\$	26.59	2016 Personal Property Tax
PP	2016	31-5-3744-30	Peerless Design Studio	311 E College Ave, Appleton WI 54911	\$	77.57	2016 Personal Property Tax
PP	2016	31-5-3750-20	Pep in Your Step Dance	W6409 Sonny Dr Apt 2, Menasha WI 54952-9033	\$	197.26	2016 Personal Property Tax
PP	2016	31-5-4081-40	Studio 45 Fashion & Beauty	1342 W Spencer St, Appleton 54914	\$	110.82	2016 Personal Property Tax
PP	2016	31-6-1545-20	Soul Reflection Photography	2909 N Union St #11, Appleton WI 54911	\$	152.92	2016 Personal Property Tax
PP	2016	31-6-2358-25	Go for John Photography	425 E Circle St, Appleton WI 54911	\$	57.63	2016 Personal Property Tax
PP	2016	31-6-2432-00	J&J Electronics	2518 N Richmond St, Appleton WI 54911	\$	323.60	2016 Personal Property Tax
PP	2016	31-6-2566-20	One World Martial Arts	324 W Wisconsin Ave, Appleton WI 54914	\$	95.31	2016 Personal Property Tax
PP	2016	31-6-2649-30	Sai Ram Coin Laundry	621 W Northland Ave, Appleton WI 54911-2016	\$	545.23	2016 Personal Property Tax
PP	2016	31-7-0000-00	Endless Treasures c/o Kathy Schumann	1930 W College Ave, Appleton WI 54914	\$	66.50	2016 Personal Property Tax
PP	2016	31-7-2702-00	Adriana's Beauty Salon	2436 W College Ave, Appleton WI 54914	\$	179.54	2016 Personal Property Tax
PP	2016	31-7-6240-00	UBreakIFix	2442 W College Ave, Appleton WI 54911	\$	22.17	2016 Personal Property Tax
PP	2016	31-9-0008-00	High Lites Hair Salon	1717 E Calumet St Ste B, Appleton WI 54915	\$	751.25	2016 Personal Property Tax
PP	2016	31-9-0116-35	Cherry Berry, JM Yogurt 23 Inc	PO Box 1124, Soix Falls SD 57101	\$	3,402.77	2016 Personal Property Tax
PP	2016	31-9-0174-20	Freddy's Auto Service	1045 Oneida St, Menasha WI 54952-2683	\$	129.68	2016 Personal Property Tax
PP	2016	31-9-0257-20	Leti Y Dayi Jewelry	2214 S Oneida St, Appleton WI 54915	\$	26.84	2016 Personal Property Tax
PP	2016	31-9-0550-00	Regal Nails	3701 E Calumet St, Appleton WI 54915	\$	337.31	2016 Personal Property Tax
PP	2016	31-9-0778-00	Venture Networking & Design	1231 E Sylvan Ave, Appleton WI 54915	\$	17.89	2016 Personal Property Tax

Personal Property Taxes Total \$ 18,098.94

INVOICE

****CONFIDENTIAL INFORMATION****
****ATTORNEY-CLIENT PRIVILEGE****

City of Appleton
Attn: Mayor Tim Hanna
Appleton Redevelopment Authority
Attn: Director Karen Harkness
100 N. Appleton Street
Appleton, WI 54911

Invoice Date: February 5, 2018
Matter No. 010953-00017

Re: Phase V Part II - Loan Arranging

Successful arranging of debt facility for the Fox Cities Exhibition Center with five banks desiring to lend all funds necessary for design, site work and construction of the FCEC.	\$209,126.39
Credit per Engagement Agreement.	<u>(\$16,126.39)</u>
BALANCE DUE	\$193,000.00

Please remit payment to:

von Briesen & Roper, s.c.
100 W. Lawrence Street
Suite 106
Appleton, WI 54911

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

INVOICE NO. 250072
INVOICE DATE FEBRUARY 5, 2018
TAX ID. 39-1576289
ATTY. BENJAMIN D. LAFROMBOIS

PHASE V OUT OF SCOPE

MATTER NO. 010953-00019

PROFESSIONAL SERVICES RENDERED THROUGH JANUARY 31, 2018

CURRENT FEES	\$15,023.50
TOTAL CURRENT CHARGES THIS BILL	\$15,023.50
BALANCE FORWARD	\$114,119.50
TOTAL AMOUNT DUE	\$129,143.00

* Type name below signatures.

REFERENCE MAP

PART OF FORMER 14 FOOT CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY RIGHT-OF-WAY; PART OF LOTS 5, 6 AND 8, BLOCK G, THIRD WARD PLAT, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, ACCORDING TO THE ASSESSORS PLAT OF SAID CITY, BEING LOCATED IN THE NORTHWEST 1/4 OF FRACTIONAL SECTION 35, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.

CURVE DATA

C1

R = 83.00'
 $\Delta = 031^{\circ}34'34''$
 L = 45.74'
 CH = $N33^{\circ}53'44.5''E$
 45.17'

C2

R = 968.28'
 $\Delta = 046^{\circ}54'41''$
 L = 793'±
 CH = $N70^{\circ}45'47.5''E$
 771'±

C3

R = 954.28'
 $\Delta = 031^{\circ}49'49''$
 L = 530.14'
 CH = $S62^{\circ}38'54.0''W$
 523.35

JACKMAN STREET
 RIGHT-OF-WAY WIDTH VARIES

NORTHWEST CORNER
 SECTION 35
 T21N-R17E

$N08^{\circ}26'14''W$
 17.00'

$N18^{\circ}06'28''E$
 46.93'

$N49^{\circ}41'01''E$
 32.02'

$N89^{\circ}54'35''E$
 849.38'

$S00^{\circ}05'27''E$
 2359.94'

$S00^{\circ}05'27''E$
 1361.81'

$S00^{\circ}05'27''E$
 2359.94'

$S00^{\circ}05'27''E$
 1361.81'

$S00^{\circ}05'27''E$
 2359.94'

$S00^{\circ}05'27''E$
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 2359.94'

$S00^{\circ}05'27''E$
 1361.81'

$S00^{\circ}05'27''E$
 2359.94'

MEANDER CORNER IN
 THE WEST LINE OF THE
 NW 1/4 OF SECTION 35
 T21N-R17E

WATER

STREET

ASSESSOR'S LOT

LOT 7

LOT 8

LOT 9

LOT 10

LOT 11

LOT 12

LOT 13

LOT 14

LOT 15

LOT 16

LOT 17

LOT 18

LOT 19

LOT 20

LOT 21

LOT 22

LOT 23

LOT 24

LOT 25

LOT 26

LOT 27

LOT 28

LOT 29

LOT 30

LOT 31

LOT 32

LOT 33

LOT 34

LOT 35

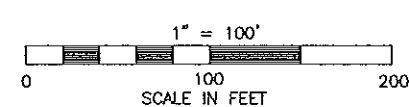
LOT 36

AREA
 22,600 SQ.FT.±
 0.52 ACRES±

APPROX.
 ORDINARY HIGH
 WATER MARK FOR
 REFERENCE ONLY

SOUTHERLY
 LINE
 OF LOT 2
 C.S.M. NO.4636

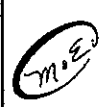
BEARINGS ARE REFERENCED TO THE
 OUTAGAMIE COUNTY COORDINATE SYSTEM IN
 WHICH THE WEST LINE OF THE NORTHWEST 1/4
 OF SECTION 35 BEARS $S00^{\circ}05'27''E$



LEGEND

AREA OF INTEREST

Martenson & Eisele, Inc.



1377 Midway Road
 Menasha, WI 54952
 www.martenson-eisele.com
 info@martenson-eisele.com
 920.731.0381 1.800.236.0381

Planning
 Environmental
 Surveying
 Engineering
 Architecture

PROJECT NO. 1-1067-001
 FILE 1-1067-001RefMap.dwg
 THIS INSTRUMENT WAS DRAFTED BY: A.Sedlar



MEMORANDUM

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

TO: Community and Economic Development Committee
FROM: Nikki Gerhard, Community Development Specialist
DATE: September 26, 2018
RE: City Program funding approval and City Proposals for 2019 Community Development Block Grant (CDBG) Funding

Per City of Appleton CDBG Policy (attached), the process of allocating 2019 CDBG funds has begun. An award estimate of \$559,772 was budgeted for the 2019 Program Year. \$559,772 is only an estimate and is subject to change upon adoption of the Federal budget. Also, according to City CDBG Policy, the CEDC must approve allocations for City Programs. Those proposed amounts total \$226,023, and are listed in the 2019 Budget as follows:

Housing Rehabilitation Loan Program - **\$75,851**

Neighborhood Program - **\$40,000**

*CDBG Administrative Costs for the Community and Economic Development Department - **\$50,172**

Appleton Housing Authority - **\$60,000**

*includes funding for provision of HUD required Fair Housing Services

The balance of funds, \$333,749, is made available first to City departments and then community partners.

Proposals from City Departments were due August 31, 2018. One application was submitted. Upon receipt, the application was thoroughly reviewed by the Community and Economic Development Specialist for eligibility under HUD program regulations and it was determined that the proposed project was eligible.

The proposal from the Appleton Police Department is for a collaborative program with the Boys and Girls Club known as the Summer of Service. The Summer of Service initiative seeks to engage youth in meaningful, team-based community service projects in order to instill positive attitudes towards education and empower youth to acquire valuable life skills. By teaching teens to work on teams, develop a work ethic, and improve their engagement with others, Summer of Service provides students at risk of not graduating high school an opportunity to stay on track or get back on track to graduating high school. The request is for \$63,995.48 and would primarily fund staff salaries and fringes, but would also finance supplies and materials. The entire proposal is attached.

Per HUD regulations, to be eligible for CDBG assistance, a public service must be either a new service or a quantifiable increase in the level of an existing service above that which has been provided by or on behalf of the unit of general local government. Because APD received CDBG funding during the 2018-2019PY, a quantifiable increase needed to be demonstrated by either serving more persons, expanding the geographic service area, increasing staff, or improving the quality of service. The project satisfied this

requirement through the addition of two more teachers who work directly with the Summer of Service participants during and after the program.

CEDC is asked to make a recommendation to Common Council for the proposed allocations for City programs and funding for the proposal from the Appleton Police Department.

Following CEDC and Council approval of City program funding and City Department application, the next step in the CDBG allocation process are applications from community partners. Per the Community Development Block Grant Policy, after all community partner applications have been received (due September 28, 2018) and determined eligible, CEDD staff will supply the CDBG Advisory Board with the applications and all appropriate guidelines along with a summary of each proposal, and an explanation of the proposal score sheet. These packets of information are expected to be distributed to the Advisory Board members on Friday, October 5, 2018. Board members are asked to allocate funding among the applicants and return their allocations to CEDD staff who will compile all results and will present allocation recommendations at an Advisory Board meeting on October 30, 2018, during which allocation amounts will be finalized based on the anticipated projected award. Funding recommendations from this Board will be presented as an Action Item to the CEDC on November 14, 2018. CEDC's recommendation will then be presented to the Common Council for final approval.

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



City of Appleton COMMUNITY DEVELOPMENT BLOCK GRANT



Community Development Block Grant (CDBG) Policy Adopted 9/8/2008, Amended 5/24/2010, 10/3/2012, 12/19/2012, 7/15/2015

I. PURPOSE

To outline the following aspects of the local Community Development Block Grant (CDBG) Program: a) elements to which the City of Appleton must adhere in order to comply with federal regulations; b) locally-established guidelines; and c) priorities for subrecipient and City Program activity.

II. POLICY

The federal CDBG program was established with the passage of the Housing and Community Development Act of 1974. CDBG funds are distributed to eligible governmental units in two forms:

- (1). Entitlement grants directly to cities and counties, and;
- (2). State grants, which involve annual competitions for non-entitlement communities.

Since 1975, the City of Appleton has received CDBG funds as an entitlement community. The amount of CDBG funds received each year varies based on the appropriation approved by the U.S. Congress and the number of governmental units eligible to participate. While the federal fiscal year operates from October 1 to September 30, the City selected April 1 to March 31 as its CDBG fiscal year. This selection was made as the federal government generally does not release the aforementioned funds until springtime. Federal oversight lies within the U.S. Department of Housing & Urban Development (HUD).

III. FEDERAL REGULATIONS

The citation reference from Title 24 Part 570 – Community Development Block Grants can be found in parentheses next to each heading below. Please view that section for more information on the respective item.

A. Federal Eligibility (24 CFR 570.201)

CDBG funds may be used for the following basic eligible activities:

- | | |
|-------------------------------------|--|
| (1). Acquisition | (11). Housing Services |
| (2). Disposition | (12). Privately-Owned Utilities |
| (3). Public Facilities/Improvements | (13). Homeownership Assistance |
| (4). Clearance/Remediation | (14). Economic Development Assistance |
| (5). Public Services | (15). Technical Assistance |
| (6). Interim Assistance | (16). Institutions of Higher Education |
| (7). Payment of Non-Federal Share | (17). Rehabilitation/Preservation (24 CFR 570.202) |
| (8). Urban Renewal Completion | (18). Planning (24 CFR 570.205) |
| (9). Relocation | (19). Administration (24 CFR 570.206) |
| (10). Loss of Rental Income | |

B. Ineligible Activities (24 CFR 570.207)

The following activities may not be assisted with CDBG funds:

- (1). Buildings (or portions thereof) for the General Conduct of Government
- (2). General Government Expenses
- (3). Political Activities

The following activities are not eligible for CDBG funding, but may be allowed under certain circumstances:

- | | |
|-------------------------------------|-------------------------------|
| (1). Purchase of Equipment | (3). New Housing Construction |
| (2). Operating/Maintenance Expenses | (4). Income Payments |



City of Appleton COMMUNITY DEVELOPMENT BLOCK GRANT



C. Special Economic Development Projects (24 CFR 570.203)

CDBG funds may be used for special economic development activities in addition to other activities. Special economic development activities include:

- (1). Acquisition, construction, reconstruction, rehabilitation or installation of commercial or industrial buildings, structures, and other real property equipment and improvements
- (2). Assistance to a private for-profit business, including, but not limited to, grants, loans, loan guarantees, interest supplements, technical assistance, and other forms of support, for any activity where the assistance is appropriate to carry out an economic development project
- (3). Economic development services, including, but not limited to, outreach efforts; screening of applicants; reviewing/underwriting applications; preparation of all necessary agreements; management of activities; and the screening, referral, and placement of applicants for employment

D. National Objectives (24 CFR 570.208)

In order to qualify for funding, activities must meet one of three CDBG national objectives:

- (1). Low & Moderate Income (LMI) Benefit
 - a. Area Benefit: activities available for the benefit of all the residents in a particular area, where at least 51 percent of those residents are LMI persons.
 - b. Limited Clientele: activities benefiting a specific group (i.e. abused children, elderly persons, battered spouses), at least 51 percent of whom are LMI persons.
 - c. Housing: activities carried out for the purpose of providing or improving permanent residential structures that, upon completion, will be occupied by LMI households.
 - d. Job Creation/Retention: activities designed to create or retain permanent jobs where at least 51 percent of the jobs involve the employment of LMI persons.
- (2). Slum & Blight Removal
 - a. Area Basis: activities undertaken to eliminate specific conditions of blight, physical decay, or environmental contamination that are located in a designated area of distress, including acquisition, clearance, relocation, historic preservation, remediation of environmentally contaminated properties, or rehabilitation. Rehabilitation must eliminate conditions that are detrimental to public health/safety; acquisition and relocation must be precursors to other activities that eliminate blight.
 - b. Spot Basis: activities undertaken to eliminate specific conditions of blight, physical decay, or environmental contamination at specific sites not located in designated blighted areas, including acquisition, clearance, relocation, historic preservation, remediation of environmentally contaminated properties, or rehabilitation. Rehabilitation must eliminate conditions that are detrimental to public health/safety; acquisition and relocation must be precursors to other activities that eliminate blight.
- (3). Urgent Need
 - a. Activities designed to alleviate existing conditions of recent origin (18 months) that pose serious threats to the health and welfare of the community; this objective may only be used if the community cannot finance necessary activities with other sources.



City of Appleton COMMUNITY DEVELOPMENT BLOCK GRANT



E. Categorical Limits

- (1). At least 70 percent of CDBG funds utilized during three consecutive program years, as specified by the grantee, must be expended for LMI benefit; the costs of planning and program administration are excluded from this calculation. (24 CFR 570.200(a)(3))
- (2). The amount of CDBG funds obligated for public service activities in each program year may not exceed 15 percent of the total entitlement grant for that program year, plus 15 percent of the program income received during the preceding program year. (24 CFR 570.201(e)(1))
- (3). The amount of CDBG funds obligated for planning and administration activities in each program year may not exceed 20 percent of the total entitlement grant for that program year plus the program income received during that program year. (24 CFR 570.200(g))

F. Program Income (24 CFR 570.426)

The City may reuse any revenue generated from projects undertaken with CDBG funding towards other eligible activities within the entitlement community. Furthermore, any program income earned by a subrecipient or City Program may be retained by the subrecipient or City Program provided the income is treated as additional CDBG funds and thus subject to all applicable federal and local requirements.

G. Fair Housing (24 CFR 570.601)

The Secretary of HUD requires that:

- (1). Grantees must administer all activities related to housing and community development in a manner to affirmatively further the policies of the Fair Housing Act. (Public Law 90-284)
- (2). Entitlement communities shall conduct an Analysis of Impediments to Fair Housing Choice every five years, take action to overcome the effects of the identified impediments and maintain records reflecting the analysis and related actions taken.

H. Environmental Review Procedures (24 CFR 570.604)

The environmental review procedures outlined in 24 CFR part 58 must be completed for each CDBG subrecipient and City Program activity, as applicable.

I. Faith-Based Activities (24 CFR 570.200)

Religious or faith-based organizations are eligible to participate in the CDBG program. Local government representatives and CDBG program administrators shall not discriminate against an organization on the basis of its religious affiliation.

J. Submission Requirements (24 CFR 570.302)

CDBG entitlement communities must submit the following documents:

- (1). Action Plan → annually
- (2). Consolidated Annual Performance and Evaluation Report (CAPER) → annually
- (3). Consolidated Plan → every three to five years, as chosen by the entitlement community

Creation of these documents must follow HUD requirements for content and citizen participation (see the City of Appleton CDBG Citizen Participation Plan).

K. Location of Activities (24 CFR 570.309)

CDBG funds may be awarded to an activity outside the jurisdiction of the entitlement community only if it can be determined that the activity directly benefits the entitlement community's residents. Documentation of these benefits must be provided before CDBG funds are awarded for the activity.



City of Appleton COMMUNITY DEVELOPMENT BLOCK GRANT



L. Conflict of Interest (24 CFR 570.611)

No persons affiliated with the entitlement community (including subrecipients and City Programs) who exercise or have exercised any responsibilities with respect to CDBG programming, or who are in a position to participate in a decision-making process, may obtain a financial interest or benefit from a CDBG-assisted activity (including subcontracts), either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter.

IV. LOCAL PROGRAM GUIDELINES

A. Program Oversight

The Community and Economic Development Committee (CEDC) – composed of five aldermen appointed by the Mayor – serves as the jurisdiction for Common Council oversight of the CDBG Program. Local financial oversight lies with the City of Appleton Finance Department. Local administrative/programmatic oversight lies with the City of Appleton Community and Economic Development Department (CEDD).

B. Consolidated Plan Submission

The City of Appleton has elected to submit a Consolidated Plan to HUD every five years. The Citizen Participation Plan provides for and encourages citizens to participate in the development of the Consolidated Plan, which will begin approximately one year before the required submittal date.

C. Definitions

- Subrecipient – an entity charged with implementation of one or more activities funded with Appleton CDBG dollars
 - community partner subrecipient – local agencies awarded CDBG-funding to implement an eligible activity via a competitive application process
 - public services subrecipient – local agencies awarded CDBG-funding to implement an eligible public service activity via a competitive application process
- Adjusted award – the amount of CDBG funds available to City Programs and subrecipients after administration, fair housing, and audit allocations are deducted

D. Local Categorical Limits

The following limits expand upon federal categorical limits associated with the CDBG program:

- (1). At least 70 percent of CDBG funds utilized over three program years must be expended for LMI benefit; this excludes planning/CDBG administration activities.
- (2). The amount of CDBG funds obligated for public service activities in each program year may not exceed 15 percent of the adjusted award for that year.
- (3). The amount of CDBG funds obligated for planning/CDBG administration activities in each program year may not exceed 20 percent of the total entitlement grant for that year.
- (4). Any single award will not be less than \$10,000.

E. Audit Requirements

Section 2 Part 200 of the Code of Federal Regulations and the State Single Audit Guidelines require major state programs and federal programs to complete a single audit. The necessary amount for fulfilling these requirements will be identified by the Finance Department and the City's independent auditors. This amount will be deducted from the estimated amount available for the program year and not included in the estimates of the adjusted award.



City of Appleton COMMUNITY DEVELOPMENT BLOCK GRANT



F. Fair Housing Services

In keeping with the spirit of federal fair housing requirements, an annual allocation for fair housing services will be approved. This activity will be reported as an administrative expense, which claims no benefit. The City of Appleton will utilize the award to contract with an independent entity qualified to provide residents with a variety of fair housing services. This amount will be deducted from the estimated amount available for the program year and not included in the estimates of the adjusted award.

G. Program Administration

HUD requires entitlement communities to provide for efficient and adequate administration of CDBG programming. Administration costs may only include: salary/fringe, necessary training/travel, supplies and telephone/postage, in addition to fair housing services and audit costs. The necessary amount for fulfilling this requirement will be identified by the Community and Economic Development and Finance Departments. This amount will be deducted from the estimated amount available for the program year and not included in the estimates of the adjusted award.

H. Annual Allocation of CDBG Funding

The City of Appleton's Program Year begins April 1 and concludes March 31 of the following year. Each program year, administration, audit and fair housing costs, along with adequate funding for the Homeowner Rehabilitation Loan Program, the Neighborhood Program and Appleton Housing Authority will be subtracted from the annual entitlement award amount to determine the adjusted award. The adjusted award will first be available to City of Appleton Departments/Programs/component units that wish to undertake projects. After the City allocation process is complete, any remaining funds may be allocated to community partner applicants.

I. City Allocation Process

Each year adequate funding will be allocated through the City Budget process to the following: Homeowner Rehabilitation Loan Program, Neighborhood Program, Administration Costs and Appleton Housing Authority. Then, other City of Appleton Departments will have the opportunity to submit an application for CDBG funding. The application will include information relating to goals, outputs, budget/financing, detailed activity descriptions, capacity and performance. CEDD staff, per HUD rules and regulations, will perform an administrative review of each plan to ensure that:

1. Proposed activities are included within the listing of eligible activities (24 CFR 570.201)
2. Proposed activities do not fall within a category of explicitly ineligible activities (24 CFR 570.207)
3. Proposed activities will meet one of the national objectives of the program (24 CFR 570.200)
4. Proposed activities will address priority needs as identified in the Consolidated Plan

Upon completion of the administrative review, the plans will be presented to the CEDC. CEDC will also review the submitted plans to ensure the proposed activities meet the four standards listed above and allocate adequate funds for each plan. CEDC's recommendation will then be presented to the Common Council for approval.

J. Community Partner Subrecipient Allocation Process

The community partner application process will begin after allocations for City applications have been approved, and end with recommended allocations being announced after Council approval. Applications will be made available for approximately one month and should be submitted to the CEDD. All applications must be received by the announced deadline; no exceptions will be made. CEDD staff will perform an administrative review of each proposal, per HUD rules and regulations, to ensure the four



City of Appleton COMMUNITY DEVELOPMENT BLOCK GRANT



standards listed under letter E. above, will be met if proposed activities are funded.

Upon completion of the administrative review, the proposals will be presented to the CDBG Advisory Board which will review and make funding recommendations for each proposal. This Board will consist of the following members:

1. Mayor
2. Common Council President
3. Chairperson of the Community and Economic Development Committee or committee designee
4. Chairperson of the Appleton Redevelopment Authority or committee designee
5. Representative from an Experienced Outside Funding Agency – on a rotating basis (i.e. United Way, Community Foundation, JJ Keller Foundation, U.S. Oil Basic Needs Partnership)
6. Citizen member from the City Plan Commission

CEDD staff will supply the Board with applications and all appropriate guidelines along with a summary of each proposal, and an explanation of the proposal score sheet. Board members are asked to allocate funding among the applicants and return their allocations to CEDD staff who will compile all results and present allocation recommendations at a Board meeting during which allocation amounts will be finalized. In completing their funding recommendation, the Board will utilize an estimated CDBG entitlement award dollar amount, which will be calculated based on past awards and any available information on HUD's future funding strategies. Funding recommendations from this Board will be presented as an Action Item to the CEDC. CEDC's recommendation will then be presented to the Common Council for final approval.

K. Estimated vs. Actual Entitlement Award

If there is a differential between the estimated award and the actual award, the CDBG Advisory Board will be consulted and their recommendations will be presented to CEDC and Council for approval.

L. Subrecipient Agreement/Letter of Understanding/Training Session

Community partner subrecipients of CDBG funds must enter into a subrecipient agreement with the City of Appleton. This subrecipient agreement serves as a formal contract addressing the various policies outlined in this document, in addition to contract amount/term, reimbursement requests, accomplishment reporting, monitoring, financial management guidelines, conflict of interest, and additional federal standards, including lead-based paint regulations and the Davis Bacon Act. Furthermore, each City Program receiving CDBG funds must sign a Letter of Understanding (LOU) indicating an understanding of the items above. To ensure all parties understand the requirements of their agreement or LOU, a mandatory training session will be held with new subrecipients before funds are released. Technical assistance from staff will be available to all subrecipients throughout the program year.

M. Statement of Work

All subrecipients and City Programs shall submit a concise Statement of Work that illustrates an implementation plan for their CDBG activity. This Statement, which will be attached to the subrecipient agreement/LOU includes: national objective claimed, activity descriptions, intended beneficiaries (number and type), detailed budget and location(s) of program-related activity.

N. Report Submissions

All subrecipients and City Programs are required to submit a report of their accomplishments with each payment request during the program year when applicable, as well as an Annual Report by April 15th, which is a comprehensive report covering the agreed upon objectives, activities and expenditures for the entire



City of Appleton COMMUNITY DEVELOPMENT BLOCK GRANT



contract period. If said reports are not attached to payment requests when required, payments will be withheld until the report is submitted.

O. Change of Use

If a subrecipient or City Program wishes to utilize funds for an activity not identified on their original application, they are required to submit a detailed letter to the CEDD explaining the reasoning for and amount of the proposed change and a public comment period may be held per the Citizen Participation Plan.

P. Displacement/Relocation

Due to the potential liability for long-term assistance and burdens placed on affected tenants, the City of Appleton will avoid funding CDBG projects that involve permanent residential displacement or business relocation unless displacement/relocation prove to be the only means available to correct a public health/safety hazard or other critical condition.

Q. Procurement

The City of Appleton Procurement Policy applies to all CDBG activities, including both City Programs and subrecipients that involve the purchase of equipment, materials, supplies and/or services. A copy of this policy will be distributed to all subrecipients.

R. Audits

All subrecipients are required to submit one copy of their audited financial statement immediately following the end of their fiscal year during which CDBG funds are received, unless an alternate arrangement has been made with the City of Appleton Finance Department. CDBG applications may include audit costs as a reimbursable expense.

S. Disputes

Any dispute concerning a question of fact arising under a subrecipient program or City Program shall be resolved by CEDD staff, who shall relay his/her decision in writing to the subrecipient or City Program, in addition to furnishing a copy to the Mayor and the CEDC. The decision of CEDD staff shall be final and conclusive unless the subrecipient or City Program furnishes a written appeal to the CEDC within ten days of the date of receipt of such copy. The decision of the CEDC in such appeals shall be final and conclusive unless appealed to a court of competent jurisdiction within 30 days of receipt of the CEDC's decision.

T. Unspent Grant Funds

Any uncommitted CDBG funds remaining at the end of the program year will be reprogrammed for use in the subsequent program year. The subrecipient shall submit a carryover request, including both documentation of plans for expending funds and a timeline for the expenditure, to CEDD staff by April 15. If any unspent grant funds remain after September 30, CEDD staff will meet with the subrecipient to determine if further action needs to be taken to expedite the expenditure of funds.

U. Termination

If the subrecipient or City Program fails to fulfill, in timely and proper manner, its obligations under the Statement of Work, or if they violate any stipulations contained within the subrecipient agreement/LOU, the City has the right to terminate funding of their program. Written notice will be delivered at least 30 days before the termination.



City of Appleton COMMUNITY DEVELOPMENT BLOCK GRANT



V. Examination of Records/Monitoring

The subrecipient and City Program shall maintain records (including books, documentation and other evidence) pertaining to the costs of carrying out their activity to the extent of detail that will adequately reflect net costs, direct and indirect labor, materials, equipment, supplies/services, and other expenses. Authorized representatives of the City or HUD shall have access to subrecipient and City Program records at reasonable times of the business day for inspection, audit or reproduction. Subrecipients and City Programs must make these records available throughout the program year and four years after it expires. Furthermore, CEDD staff may schedule monitoring visits with the subrecipient to evaluate the progress/performance of the program and provide technical assistance.

W. Financial Management Systems

Subrecipients and City Programs must employ financial management systems that are capable of generating regular financial status reports indicating the dollar amount allocated (including budget revisions), amount obligated, and amount expended for each activity. The system must permit the comparison of actual expenditures and revenues against budgeted amounts. The City must be able to isolate/trace every CDBG dollar received.

X. Payment Requests

Community partner subrecipients and City Programs will submit requests for payment with attached supporting documentation to the CEDD. Payment requests shall be allowed on a reimbursement basis (i.e. only after expenditures have been incurred) and shall be reviewed to ensure the expenditures are in conformity with the use of funds as described in the Statement of Work. If source documentation is deemed inadequate by Staff, all payments will be withheld until all required documents have been submitted. Payment requests received and approved will be processed and a check issued in accordance with the City of Appleton Finance Department weekly pay cycle. All payment requests must contain an original signature.

Y. Program Income

Any program income (as defined under applicable federal regulations) gained from any activity of the subrecipient may be retained by the subrecipient or City Program provided the income is treated as additional CDBG funds subject to all applicable requirements governing the use of CDBG funds. Anticipated program income must be documented and described in the subrecipient or City Program proposal/application. Furthermore, any and all program income received must be reported to the City of Appleton's Community and Economic Development and Finance Departments, unless otherwise specified in this contract.

Z. CDBG Activity Promotion

All subrecipients and City Programs are required to participate in promotion of the City of Appleton CDBG Program. Expectations will be outlined by staff at the beginning of the program year and may include, but are not limited to:

- Inclusion of the Appleton/CDBG logo in materials/at project sites
- Mentorship of a subrecipient new to the CDBG Program
- Participation in a CDBG Open House to showcase grant activities

V. APPLICATION/PROPOSAL EVALUATION CRITERIA

A. General

In order to receive CDBG funding, subrecipient and City Programs must meet a priority need, as identified



City of Appleton COMMUNITY DEVELOPMENT BLOCK GRANT



in the Five-Year Consolidated Plan. Additional preference, however, will be given to CDBG applicant activities that meet one or more of the following criteria:

- (1). Seek a one-time use of CDBG funding
- (2). Benefit residents of LMI census tracts (population at least 46.7 percent LMI)
- (3). Will result in additional housing units being placed on the tax roll
- (4). Demonstrate secured complementary sources of funding (i.e. leverage) and/or strong efforts to solicit and secure complementary funding.
- (5). Serve special needs populations, including, but not limited to:
 - a. Elderly/frail elderly
 - b. Persons with disabilities (developmental and physical)
 - c. Persons with HIV/AIDS and their families
 - d. Persons seeking solutions to alcohol and drug addiction

B. Public Services (subject to 15 percent cap)

Preference will be given to Public Service CDBG applicants whose activities meet one or more of the following criteria:

- (1). Program service costs – one time use
- (2). Administrative expenses – one time use
- (3). Program service costs – continual use
- (4). Administrative expenses – continual use



Community Development Block Grant (CDBG) 2019 CITY PROPOSAL FORM

PART A – CONTACT INFORMATION

1. **Program/Project Name:** Summer of Service
2. **Contact Person Name/Title:** Sean Kuether/Community Liaison Officer
3. **City Department:** Police Department
4. **Supervisor Name/Title (if applicable):** Todd Freeman/Captain
5. **Telephone Number:** (920) 832-5501
6. **Fax Number:** (920) 832-5587
7. **Email Address:** sean.kuether@appleton.org

PART B – INDICATORS

1. **To be eligible for funding, the program/project for which you are requesting funding must address one national objective.**

☒ The project meets the needs of low- and moderate-income persons. At least 51 percent of the participants or beneficiaries of the project will meet the low- and moderate-income guidelines listed in Exhibit A.

☐ The project is located in a low- and moderate-income area. In this case, the project must be available to all the residents of one of the areas identified on the map in Exhibit B and primarily residential. Typical activities funded are area street improvements, water and sewer lines, parks and other public facilities.

☐ The project meets the needs of one of the following specific groups of people (low-mod limited clientele): abused children, elderly persons, battered spouses, homeless persons, severely disabled persons, illiterate adults, persons living with AIDS and migrant farm workers.

☐ The project provides housing assistance to low- and moderate-income households. Fundable activities include housing rehabilitation, acquisition of property for housing and homeownership assistance.

☐ The project creates or retains jobs for low- and moderate-income persons.

☐ The project eliminates specific instances of blight or physical decay. The only activities to be funded under this category are acquisition, demolition or rehabilitation of buildings.

Community Development Block Grant (CDBG) 2019 CITY PROPOSAL FORM

2. Program category:

- | | |
|--|---|
| <input type="checkbox"/> Acquisition | <input type="checkbox"/> Housing |
| <input type="checkbox"/> Administration/Planning | <input type="checkbox"/> Public Facilities |
| <input type="checkbox"/> Economic Development | <input checked="" type="checkbox"/> Public Services |

3. Priority need(s) met (use list provided in Exhibit C):

- a) Public Services
b) _____
c) _____

4. Proposed output type and number (select more than one if necessary):

- | | |
|--|---|
| <input checked="" type="checkbox"/> 30 persons directly served | <input type="checkbox"/> _____ housing units rehabilitated/acquired |
| <input type="checkbox"/> _____ households directly served | <input type="checkbox"/> _____ jobs created/retained |
| <input type="checkbox"/> _____ businesses rehabilitated | <input type="checkbox"/> _____ other (<i>specify</i> : _____) |

5. Check one HUD-defined objective that best relates to your potential CDBG-funded program:

- ☒ Create Suitable Living Environments → address issues in daily life (social barriers, physical barriers, etc.)
☐ Provide Decent Affordable Housing → address individual, family, or neighborhood housing needs
☐ Expand Economic Opportunity → address economic development (job creation, commercial rehab, etc.)

6. Check one HUD-defined outcome that best relates to your potential CDBG-funded program:

- ☐ Availability/Accessibility → make basic services more readily available/accessible to low-income persons
☐ Affordability → make basic services more affordable for low-income persons in a variety of ways
☒ Sustainability → improve the overall viability of communities (blight elimination, LMI benefits, etc.)

PART C – FUNDING INFORMATION

(limit narrative responses to the space provided)

1. CDBG funds requested (minimum of \$10,000): \$63,995.48

2. Percent of total program/project budget that will be covered by this CDBG award: 48%

3. Is it anticipated that CDBG funding will be needed for this activity in the future?

If so, describe the reason and plan for future funds.

Yes, future funding will be needed to continue running the Summer of Service program. The Appleton Police Department and the Boys and Girls Clubs of the Fox Valley will continue to try to find funding through multiple sources. Many community grants do not fund multiple years of a program so the pool of opportunities is always changing. CBDG funding could be a foundational funding source as we continue to work with LMI students and their families. In 2019, Summer of Service plans to add two more teachers to the Summer of Service Staff to work directly with the participants, not only during SoS, but to provide additional support as needed during the school year.

Community Development Block Grant (CDBG) 2019 CITY PROPOSAL FORM

4. Amounts of prior year CDBG awards received by your department:

2018-2019 = \$51,847.51

2017-2018 = \$0

2016-2017 = \$0

5. Detailed program/project budget for CDBG funds (Please be as detailed and specific as possible)

Program/Project Activity	CDBG Award Allotment
Salaries	\$43,377.38
Fringe	\$7,968.10
Office space (program only)	\$
Utilities	\$
Communications	\$
Copies/Printing	\$
Supplies and Materials	\$4,950
Mileage	\$300
Audit	\$
Indirect costs (specify)	\$
Other (Transportation – Bus passes, Lamers)	\$2,700
Other (Public Art Mural)	\$2,500
Other (Unexpected cost increase)	\$500
Other (NCCC Housing)	\$1,700
Other (specify)	\$
TOTAL:	\$63,995.48

6. If using the funds for wages/salaries, please list the titles of the positions and the percentage of the total wages/salary for each that will be funded by this CDBG award.

APD Lead: 12% of yearly wage

APD SRO: 5.8% of yearly wage

BGC Program Director: 9.6% of overall salary

BGC Asst Director: 19.3% of overall wage

BGC Staff: 12.5% of yearly wage

BGC Staff: 12.5% of yearly wage

7. If the entire amount of your request is not allocated, will the activity still be possible?

And if so, how will the activity be altered to allow for the smaller award?

The Summer of Service program would still be possible. Without funding, the number of staff involved would likely be cut as would our resources for purchasing uniforms and equipment. The stipends would also be reduced or eliminated altogether. Reduced resources would require limiting the number of students served. A reduced stipend would likely impact the number of students who apply as it is a major motivator.

Community Development Block Grant (CDBG) 2019 CITY PROPOSAL FORM

8. SPECIFIC major sources that will/may also fund this program/project in 2019:

Leverage Source (i.e. general funds, capital funds, etc.)	Amount	Status
a) APD In-Kind	\$18,260.64	(select one)
b) Boys and Girls Club In-Kind	\$9000	(select one)
c) BGC Lunch Program	\$2662	(select one)
d) AASD In-Kind	\$3510	(select one)
e) AmeriCorps NCCC	\$35000	(select one)

9. Describe your efforts to secure additional/complementary funding for your program/project. If this program/project will generate program income, please note the amount and how it will be spent.

This program will not generate any income for the Police Department. The Boys and Girls Clubs of the Fox Valley also attempts to fundraise on behalf of Summer of Service but recent attempts have been insufficient to fully fund Summer of Service. For the past three years, we have also applied for an AmeriCorps NCCC team to assist in leading the program. Each year we must reapply with no guarantee of a team being awarded. The Appleton Area School District also pays for one teacher to be involved for the duration of Summer of Service.

PART D – PROJECT DESCRIPTION

(limit narrative responses to the space provided)

1. Describe the activities to be carried out through this grant request and how this activity relates to the mission of your department and the City.

Summer of Service will be held Monday through Friday during the first three weeks of August. Participants and guardians are expected to attend the informational session on the Friday before the program begins. Participants will be placed on supervised teams and assigned to work with different community non-profit partners throughout the City of Appleton. Participants will meet Team Leaders each morning outside of the Transit Center at 8 am and travel to their assigned worksite with their teams. Transit fare, uniform t-shirt, lunch, and snacks are provided for participants. The work day will conclude at 4 pm. T-shirts are provided and must be worn during participation. All safety equipment and tools will be provided at work sites. Appleton Police Department High School Resource Officers are assigned to assist in leading the program which offers officers the opportunity to build relationships with students who are at risk of not graduating high school. By connecting with students, the officers can offer the chance of improved high school attendance, behavior, and build positive relationships that can extend further into the community. Students who complete the program are eligible for ½ credit elective work /study credit towards high school graduation which will help them stay on track or get back on track to graduate.

2. Describe how the project meets the national objective and how it fits into the program category, both chosen above (Part B).

Summer of Service seeks to engage youth in meaningful, team-based community service projects in order to instill positive attitudes towards education and empower youth to acquire valuable life skills. By teaching teens to work on teams, develop a work ethic, and improving their engagement with others, Summer of Service provides students at risk of not graduating high school an opportunity to stay on track or get back on track to graduating high school. Failing to graduate high school increases an individual's risk of living in poverty, substance abuse and addiction, and reduces future employment prospects.

Community Development Block Grant (CDBG) 2019 CITY PROPOSAL FORM

The Summer of Service initiative also recognizes the potential of all youth to contribute in meaningful ways to the communities in which they live through volunteer service. According to recent research, youth who are involved in their communities through service do better in school, engage in fewer risky behaviors, have a better sense of self, and feel more empowered to make a difference in their own lives than youth who do not participate in service activities.

3. Identify the projected target population the proposed CDBG-funded program/project will serve (i.e. age, race, residency, disability, income level, other unique characteristics/information).

Participants must be students of the Appleton Area School District and enrolled in 9th, 10th, 11th, or 12th grade for the school year following the completion of Summer of Service. Preference is given to those students who are in Truancy Court, at risk of not graduating, or those who were recommended as being good candidates for Summer of Service. Participants were contacted and recruited by school resource officers, teachers, school administrators, and Boys and Girls Club staff.

While the Summer of Service program does not target any specific demographic aside from students who are credit deficient in high school, the program has historically been very diverse both culturally and economically. 20% of participants identified as African American, 11% as Hispanic, 4% as American Indian, 15% as multiple races, 4% as Asian/Pacific Islander, and 46% as Caucasian. When it comes to household income, 71% of participants come from a household that makes less than \$34,999. 42% come from a home that makes less than \$25,000. 77% come from a home that makes less than \$49,999. In terms of education levels of parents, 37% of students have parents with no high school diploma. 15% have parents with only a high school diploma. A total of 75% have parents with no college degree.

4. Describe how this program/project is unique and/or coordinates with others to avoid duplication of services and meets the high priority needs of the community as chosen in Part B.

The Summer of Service program is a truly unique program due to its wide ranging collaboration with key stakeholders in the community. The program is led by the Appleton Police Department and the Boys and Girls Clubs of the Fox Valley. We partner with numerous organizations to provide the best possible experience and educational opportunity for at risk students. Partners in 2018 included: Appleton Area School District, Riverview Gardens, Appleton Parks and Recreation, Bubolz Nature Preserve, Bethesda Thrift Shop, Esprit Counseling, Grand Meridian (mural site), local artist Irenio Medina, Outagamie County Youth and Family Services, and the Appleton Public Library. Students are provided with a safe environment to build work ethic, learn how to work on a team, and improve social engagement with peers and positive role model adults. In 2019, Summer of Service plans to add two more teachers to the Summer of Service Staff to work directly with the participants, not only during SoS, but to provide additional support as needed during the school year.

PART E – OUTCOMES

(limit narrative responses to the space provided)

Community Development Block Grant (CDBG) 2019 CITY PROPOSAL FORM

1. **Describe how the potential CDBG-funded program relates to the outcome chosen above (Part B).**
Summer of Service is a program that serves a very diverse population of students who are credit deficient within the Appleton Area School District. The vast majority of students who enter the program come from low income households with limited education backgrounds. By engaging with students through team-based community service, we give them the opportunity to earn high school credit while serving the community and building important life skills that are difficult to truly quantify. A large number of students return to school and exhibit fewer behavioral issues and increased attendance which improves the likelihood that they will graduate on time and become productive and contributing members of the community. Graduating also decreases the incidence of substance abuse, incarceration, poverty, and homelessness.

2. **Briefly describe data that will be collected and/or analysis used to measure success in achieving the objective and outcome identified above (Part B) for the target population.**
One of our major goals is to get the students a half credit for work/study towards their high school graduation. Summer of Service is entering its 4th year and we plan to begin tracking the graduation of past participants now that we have students who are reaching that benchmark. Furthermore, we are looking to track student attendance and the number of behavior reports that the students receive upon their return to school to gauge the program's lasting impact on their behavior.

PART F – ATTACHMENTS

1. **Please attach the following information relating to your program/project:**

- ☒ Detailed Budget Breakdown (most current)
- ☒ Department Structure Chart
- ☒ Descriptive Material (brochures, flyers, fact sheets, etc.)

PART G – AUTHORIZATION

Todd Thomas

Name of Department Head

Signature of Department Head

Chief of Police

Title of Department Head

Date

08-30-18

Summer of Service 2019 Budget

Expenses	Budget	Description
----------	--------	-------------

Wages

BGC Program Director	\$ 5,175.00	7hrs/wk x 2mo, 12hrs/wk x 3mo
BGC Asst. Director	\$ 8,204.29	10hrs/wk x1mo, 20 hrs/wk x1mo, 35hrs/wk x 2mo
BGC Staff #1	\$ 4,375.00	20hrs/wk x 3 month
BGC Staff #2	\$ 4,375.00	20hrs/wk x 3 month
APD Lead	\$ 7,936.00	40hrs/wk x 5 weeks
APD SRO	\$ 4,880.00	40hrs/wk x 3 weeks
BGC Total Fringe Benefits	\$ 3,098.10	14% of total BGC staffing
BGC Payroll Taxes	\$ 1,692.89	
APD SRO Fringe Benefits	\$ 4,870.00	
AASD Staff	\$ 3,369.60	144 hr/23.40 hr
AASD Staff	\$ 3,369.60	144 hr/23.40 hr
Payroll Total	\$ 51,345.48	
Supplies	\$ 3,150.00	Tshirt/uniforms, water bottle, hats, backpack, PPE
Public Art Mural Project	\$ 2,500.00	Artist fee, painting supplies, permits
NCCC Supplies	\$ 600.00	Food and house supplies
Food	\$ 850.00	am/pm snacks, treats, graduation, lunches
Bus Passes	\$ 1,200.00	30@\$22, 9@\$60
Thank you gifts	\$ 350.00	for collaborating agencies
Lamers Busing	\$ 1,500.00	Buboltz transportation
Housing cost	\$ 1,700.00	rent/utilities for Habitat house
Unexpected cost increase	\$ 500.00	Unknown 2019 cost increase
Mileage	\$ 300.00	
	\$ 12,650.00	
Expenses Total	\$ 63,995.48	

Service In-kind

BGC- Stipend	\$9,000.00	
Administrative Costs	\$ 5,119.64	8% of expenses
APD SRO	\$ 4,762.00	40hrs/wk x 3 weeks
APD SRO	\$ 4,761.00	40hrs/wk x 3 weeks
AASD Staff	\$ 3,300.00	
APD SRO Fringe Benefits	\$ 3,618.00	
AmeriCorps NCCC	\$ 35,000.00	1 team x 6 weeks
BGC Lunches	\$ 2,662.00	30meals/day x 15 day @ \$2.145 and \$3.77
	\$68,222.64	
Program Total	\$ 132,218.12	

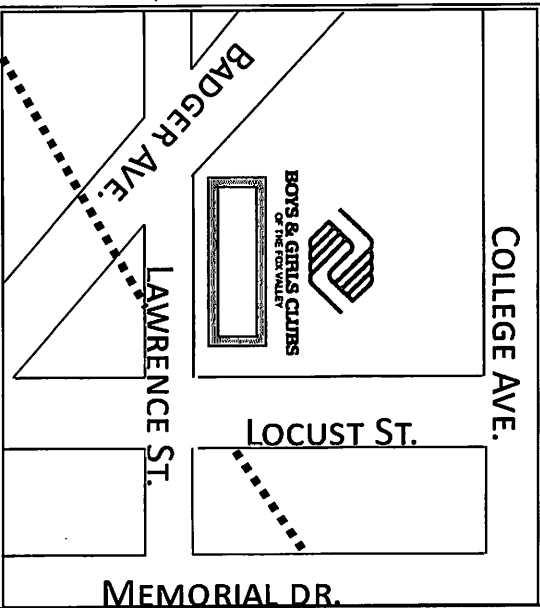


Summer of Service

The Summer of Service initiative recognizes the potential of all youth to contribute in meaningful ways to the communities in which they live through volunteer service. According to recent research, youth who are involved in their communities through service do better in school, engage in fewer risky behaviors, have a better sense of self, and feel more empowered to make a difference in their own lives than youth who do not participate in service activities.

Summer of Service Mission:

Summer of Service seeks to engage youth in meaningful, team-based community service projects to instill positive attitudes towards education and empower youth to acquire valuable life skills.



160 S. Badger Ave.
Appleton, WI 54914
www.bgclubfoxvalley.org
TRAC Center: (920) 731-8255
Club: (920) 731-0555

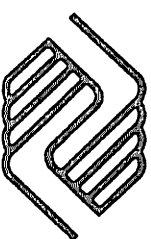
CONTACT INFORMATION:

PHIL CLAYTON
ASSISTANT TRAC DIRECTOR
(920) 750-5827
PCLAYTON@BGCLUBFOXVALLEY.ORG

SEAN KUETHER
COMMUNITY LIAISON OFFICER
APPLETON POLICE DEPARTMENT
(920) 832-5500
SEAN.KUETHER@APPLETON.ORG

Summer of Service

A partnership between



BOYS & GIRLS CLUBS
OF THE FOX VALLEY



Personal Growth Opportunities

Summer of Service (SoS) will provide participants with opportunities to gain knowledge and skills that will be helpful throughout their lives.

In addition to partnering with local agencies to complete service projects in the community, participants will engage in team-building activities, service learning opportunities, and take part in a curriculum designed to improve social accountability.

The sessions will be facilitated by licensed, certified counselors from Esprit Counseling. The five core components of the curriculum are:

Responsibility

Compassion

Being Humane

Self-Control

Integrity



Program Structure

Summer of Service will be held Monday through Friday during the first three weeks of August. Participants and guardians are expected to attend the informational session on the Friday before the program begins.

Participants will be placed on supervised teams and assigned to work with different community non-profit partners throughout the City of Appleton.

Participants will meet Team Leaders each morning outside of the Transit Center at 8 a.m. and travel to their assigned worksite with their teams. Transit fare, uniform t-shirt, lunch, and snacks are provided for participants. The work day will conclude at 4 p.m. T-shirts are provided and must be worn during participation. All safety equipment and tools will be provided at work sites.

Benefits for participants who complete Summer of Service

- \$300 Stipend upon graduation from program
- Elective 1/2 credit for those who are eligible through AASD
- FREE bicycle through Riverview Gardens' Earn-a-Bike Program
- Service hours earned satisfy Truancy Court assigned community service and may satisfy other court community service requirements
- Consideration for early release from Truancy Court, if involved

Eligibility

Participants must be students of the Appleton Area School District and enrolled in 10th, 11th, or 12th grade for the 2018-19 school year.

Preference will be given to those students who are in Truancy Court, at risk of not graduating, or those who are recommended as being good candidates for Summer of Service.

Space is limited to 30 participants and all applications will be reviewed by the advisory board for selection purposes.

How to Apply

1. Complete Summer of Service application
2. Submit application to one of the following individuals:

East:

Ofc. Taschner or Mr. Slowinski

West:

Ofc. Nagel or Mrs. Klinger

North:

Ofc. Danoski or Mr. Lee

Central:

Mr. Heitl

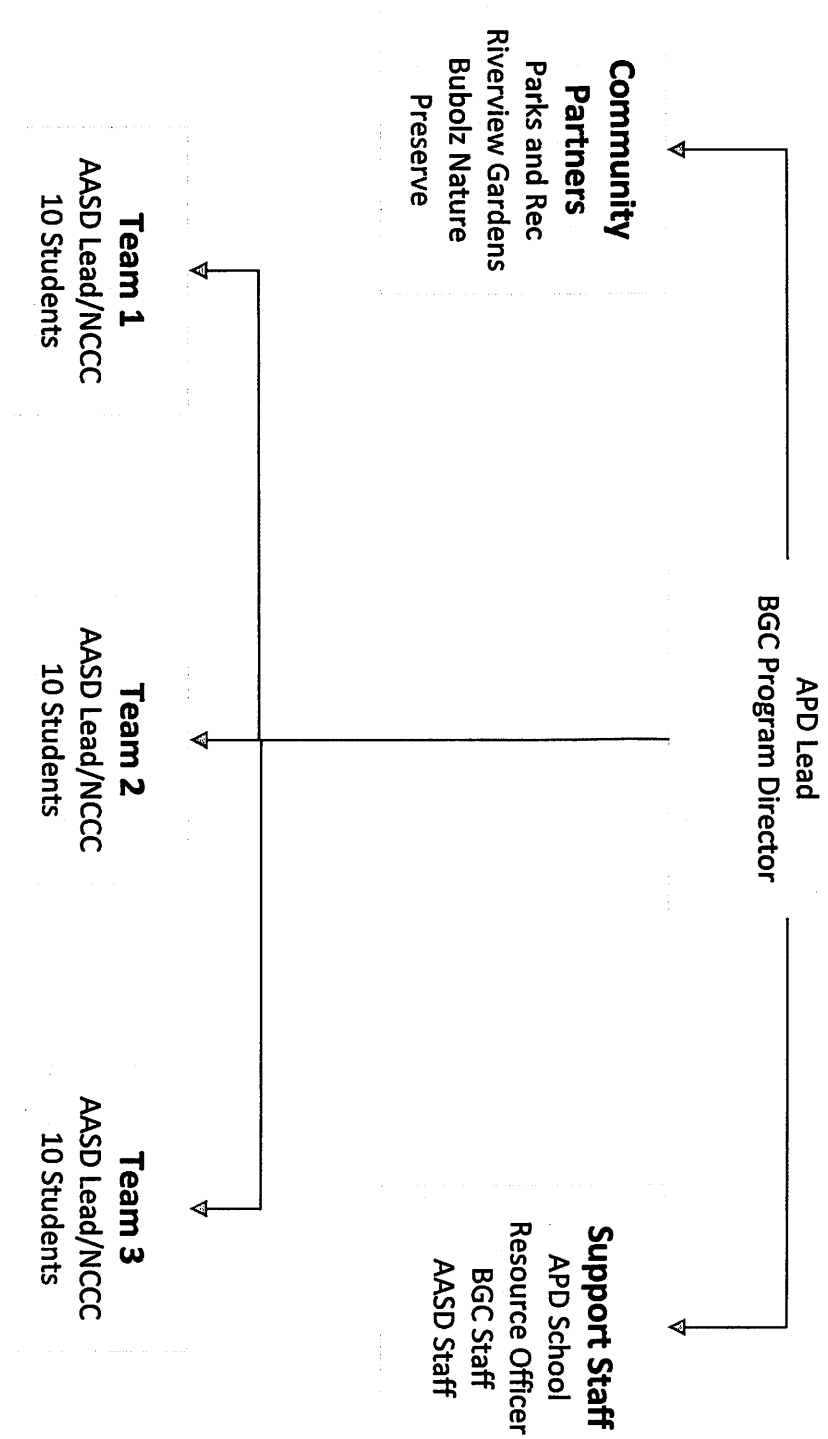
Boys & Girls Club:

Phil Clayton

(contact info on back)

3. Applicants will be contacted for a phone interview if his/her application is selected.
4. Applicants will be notified with a decision on whether they have been selected to participate in SoS 2018.

Summer of Service Organizational Chart





MEMORANDUM

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

TO: Community & Economic Development Committee (CEDC)
FROM: Monica Stage, Deputy Director
DATE: September 20, 2018
RE: Approval of engineering services for uplatted land in Southpoint Commerce Park east of Eisenhower Drive and west of Coop Road

Southpoint Commerce Park is located on the southeast side of the City and is bound by Plank Road, Coop Road and Midway Road. It provides continued growth opportunities for Appleton's business and industrial markets, especially with the Northeast Business Park having only four acres of City-owned land available for sale. In total, Southpoint Commerce Park (Southpoint) offers up to 359 acres among lots of varying sizes to support growth of industry for many years to come.

Over the last two years, staff has worked on alternative options for the uplatted land east of Eisenhower Drive and west of Coop Road (north of Midway Road). This area is home to a large, high-quality wooded wetland and adjacent low-quality meadow wetlands. The City worked with Stantec Consulting over the course of 2017 and into early 2018 to pursue the potential of creating a wetland mitigation bank for this property. The purpose of the wetland mitigation bank would have been to serve Appleton's needs as wetlands would be impacted on a variety of projects.

After submission of a draft prospectus for the creation the wetland mitigation bank to the Interagency Review Team (comprised of the Army Corp of Engineers, EPA and WDNR), we received feedback on our plan that was not encouraging. Staff and Stantec followed-up by hosting members of the Interagency Review Team for a site visit at Southpoint this summer, and their views of our proposed bank did not change. Concerns over adjacent development, the need for us to re-create a wooded wetland, and overall hydrology to serve the bank were some key concerns. This essentially ended our efforts to use this area for a wetland mitigation bank.

As we evaluate options to create benefit for the City, provide opportunities for growth of business and industry, and protect the high-quality wetlands, we reached out to R.A. Smith for technical expertise to provide conceptual engineering plans for this area.

R.A. Smith has a Master Agreement for engineering services with the City of Appleton; however, this task addition exceeds \$25,000 and, per City Policy, requires Committee and Common Council approval. The task order scope of work and itemization of time and cost are attached for your reference. The proposed maximum engineering fees are \$43,000; of that amount, \$30,312 are funded by Community & Economic Development budget and \$12,688 are funded by DPW Stormwater budget.

Staff Recommendation:

The engineering services for the uplatted lands in Southpoint Commerce Park east of Eisenhower Drive and west of Coop Road by R.A. Smith for \$43,000 **BE APPROVED**.

Task Order 2018: Southpoint Commerce Park Expansion

In accordance with paragraph 1.01 of the **Master Agreement for Professional Services between the City of Appleton, WI ("City") and R.A. Smith, Inc., ("Consultant")**, dated January 5, 2015 ("**Agreement**") and as amended effective January 2, 2018, **Consultant** and **City** agree as follows:

I. Specific Project Information

- A. **Task Order 2018:** Southpoint Commerce Park Expansion
- B. **Description of Services to be Performed:** Consultant will provide 30% engineering plans and infrastructure budget for Southpoint Commerce Park Expansion. Services conducted under this contract will be provided on a time and materials basis with a maximum total budget of \$43,000.00.

II. Scope of Services

- A. **Project Administration and Meetings:** Task will include coordination and consultation with client during the project and attending two meeting during the development of the 30% conceptual engineering plans.
- B. **Compile Existing Information and Prepare Base:** Task will include collecting information from the City including GIS data, existing Coop Road Pond information, typical roadway sections, wetland delineations, and other information required to prepare the 30% conceptual engineering plans. Consultant will use the information to prepare base drawings of the Southpoint Commerce Park site.
- C. **Define Overall Stormwater Management/ Drainage:** Task will include an analysis of the Coop Road pond to determine if the pond can be used to satisfy the City peak flow reduction and water quality requirements for development of the entire property. If the analysis determines the pond can be used to satisfy the peak flow reduction and water quality requirements, the analysis will define the maximum development parameters allowed for the Southpoint Commerce Park Expansion.

If the analysis determines the pond is undersized, Consultant will provide further analysis to determine options to satisfy the peak flow reduction and water quality requirements of the entire property including expansion of the existing pond or design of other facilities throughout the property to meet requirements. Additional analysis will be performed to design stormwater runoff conveyance from the southernmost portion of the site to the pond.

This task will also include discussion with WDNR about maintaining wetland hydrology on the site. Additionally, a desktop review of the infiltration/soils will be conducted and an exhibit will be provided to indicate the location of required infiltration test pits throughout the site. We will review the results of the test pits (provided by others) to verify the viability of the soils for infiltration.

- D. **Define Stormwater Management for Future Coop Road Urbanization:** Task will include the development of alternatives to provide conveyance and post-construction stormwater management for the future urbanization of Coop Road from CTH KK to Midway Road. The task will include an analysis of Coop Pond to determine if the pond can be used for the future Coop Road Urbanization.
- E. **Determine Access, Roadways and Trails:** Task will include site plan development of Southpoint Commerce Park, including location and width for proposed street right-of-way and driveway access throughout the site. Proposed trails and trailheads will be included in the site plan development.
- F. **Designate Prospective Parcels and Access:** Using the site plan development in the previous task, Consultant will define prospective parcels within the site, including parcels primarily larger than 10 acres with potential uses indicated on the site plan.

- G. **Utility Services:** Task will include layout of watermain extension and sanitary sewer extension to provide service to the Southpoint Commerce Park. Utility extension will be based on the existing water and sanitary sewer in Eisenhower Boulevard.
- H. **Wooded Preserve:** Consultant will define the limits of the wooded preserve at the southwest area of the site and determine the feasibility of various uses within the preserve. We will also identify possible grant funding and partnership opportunities to develop recreational uses within the preserve.

III. Deliverables

All deliverables shall be provided to the City, and shall be the sole and exclusive property of the City and shall not be used, distributed, shared, sold, exchanged or published by Consultant without the City's consent. Consultant will return to the City, at no cost to the City, any plans, files, maps or other documents that City provides to Consultant during the term of this project. Deliverables shall further include any drawing files, computer models, electronic or printed documents, data, and work products developed for this project. All drawings will be in Outagamie County Coordinate System. All electronic files will be provided in the following formats or a compatible version: pdf, ArcGIS, AutoCAD 2016 and Microsoft Office programs.

Deliverables will include 30% conceptual engineering plans and infrastructure budget. 30% conceptual engineering plans will include horizontal roadway alignment, lot configuration, grading, and drainage. Plans will also include typical cross sections of the roadways, driveways and trails. A final concept plan memorandum will be prepared listing any assumptions which were made during the design, answering questions which the design raised, and discussing the next steps in the overall design of Southpoint Commerce Park. The engineering plans will be provided as one set of large plans and one set of small hard copies, as well as PDF document format.

IV. Additional Services

This project specifically authorizes Consultant to provide additional services in response to specific requests from the City as defined above.

V. City's Responsibilities

City shall have the responsibilities set forth in the Agreement and shall provide access to proposed project sites as needed to complete the required services and any other existing data pertinent to the proposed project.

VI. Times for Rendering Services

Consultant will work with City staff to refine the schedule to meet project schedule requirements as necessary, and will also submit project status and invoicing reports to the City on a monthly basis.

VII. Payments to Consultant

A. Consultant will provide the above-described services on a time and expense basis with time charged in no less than fifteen (15) minute increments. Fees will be invoiced monthly.

B. **Key Project Personnel Fee Schedule:** The following hourly rates will be applied to services provided under this task order through completion of the services authorized herein:

1. Jeff Mazanec, PE (Project Principal)	\$ 145.00
2. Gary Raasch, PE, CFM (Project Manager)	\$ 155.00
3. Brad Hartjes, PE (Senior Project Engineer)	\$ 130.00
4. Kyle Belott, GISP (Geospatial Project Manager)	\$ 130.00
5. Ryan Mann (Staff Engineer)	\$ 84.00
6. Theran Stautz, PWS (Ecologist)	\$ 115.00

Hourly billing rates for other Consultant personnel providing support for additional services will be offered in accordance with the Consultant Standard Hourly Rate Schedule in effect at the time the services are authorized.

Task Order 2018 : Southpoint Commerce Park Expansion

- C. **Direct Expenses:** Direct expenses related to the services provided under this task order will be applied in accordance with the following rates. Other items or supplies provided with these services will be charged at cost, without any markup.
1. Travel – mileage: \$ 0.535/ mile (will adjust to match the IRS mileage rate at the time of travel)
 2. Copies: 8.5 x 11 @ \$0.15/ black-white copy; \$0.75/ color copy
11 x 17 @ \$0.20/ black-white copy; \$1.00/ color copy
- D. **Additional Service Authorization:** As the project progresses, the scope of this task order may be amended by written authorization(s).

VIII. Consultants

No other consultants have been identified or are contemplated to assist with the professional services authorized by this task order.

IX. Other Modifications to Agreement - None.

X. Attachments/Exhibits - None.

XI. Documents Incorporated By Reference - None.

XII. Terms and Conditions

Execution of this task order by Consultant and City shall make it subject to the terms and conditions of the Agreement (as modified above), which Agreement is incorporated by this reference. Consultant is authorized to begin performance upon the earlier of its receipt of a copy of this task order signed by City or the authorized Effective Date. The Effective Date of this task order is **October 4, 2018**.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement.

R.A. Smith, Inc. (Consultant):

By: _____

Jeff Mazanec, PE
Project Principal

Brad Hartjes, PE
Project Manager

City of Appleton (City)

By: _____

Timothy M. Hanna, Mayor

Attest: _____

Kami Lynch, City Clerk

Approved as to form:

Countersigned pursuant to §62.09(10), Wis. Stats.:

James P. Walsh, City Attorney

Anthony D. Saucerman, Finance Director



Appleton Southpoint Commerce Park Expansion

RASN No. 1180364

RASN No. 1180364		Project Manager	Stormwater	Designer	GIS	Eng Tech	Environmental	Estimated Labor	Total Fee
Task Descriptions	Assignee:	Mazanec	Raasch	HartjesB	Belott	Mann	Stautz	Hours	
A. Project Administration and Meetings (Totals = 16 hrs, \$2260)									
Project Administration		4	-	-	-	-	-	4	\$ 580
Project Meetings		8	-	4	-	-	-	12	\$ 1,680
B. Compile Existing Information and Prepare Base (Totals = 34 hrs, \$3500)									
Collect City GIS and Pond Information		-	-	-	12	-	-	12	\$ 1,560
Collect Standard Road Sections		-	-	-	2	-	-	2	\$ 260
Overlay Delineated Wetlands		-	-	-	-	4	-	4	\$ 336
Prepare Base Drawing File		-	-	-	-	16	-	16	\$ 1,344
C. Define Overall Stormwater Management/ Drainage (Totals = 62 hrs, \$8268)									
Define Overall Stormwater Management Plan		-	8	20	-	-	-	28	\$ 3,840
Define Stormwater Management for Parcels		-	4	16	-	-	-	20	\$ 2,700
Determine Permit Requirements and Wetland Hydrology		-	-	8	-	-	-	8	\$ 1,040
Refine Infiltration Capacity/ Show Test Pit Locations		-	-	4	-	2	-	6	\$ 688
D. Define Stormwater Management for Future Coop Road Urbanization (Totals = 34 hrs, \$4420)									
Define Stormwater Management Requirements		-	-	6	-	-	-	6	\$ 780
Analyze Coop Road Pond		-	-	8	-	-	-	8	\$ 1,040
Define Alternatives for Stormwater Management		-	-	20	-	-	-	20	\$ 2,600
E. Determine Access, Roadways and Trails (Totals = 48 hrs, \$5140)									
Determine Fixed and Proposed Street Rights-of-Way		2	-	8	-	16	-	26	\$ 2,674
Define Proposed Trails/ Trailhead Facility		2	-	-	-	4	16	22	\$ 2,466
F. Designate Prospective Parcels and Access (Totals = 52 hrs, \$4920)									
Determine Desired Parcel Sizes		-	-	8	-	24	-	32	\$ 3,056
Define Prospective Parcels		-	-	4	-	16	-	20	\$ 1,864
G. Utility Services (Totals = 40 hrs, \$4096)									
Water System Extension		-	-	8	-	12	-	20	\$ 2,048
Sewer System Extension		-	-	8	-	12	-	20	\$ 2,048
H. Wood Preserve (Totals = 32 hrs, \$3976)									
Define Limits of Preserve Area		-	-	-	-	4	4	8	\$ 796
Determine Feasibility of Various Uses		-	-	4	-	-	4	8	\$ 980
Discuss Options with Various Stakeholders		4	-	4	-	-	-	8	\$ 1,100
Address Grant Funding/ Partnership Opportunities		4	-	4	-	-	-	8	\$ 1,100
I. Deliverables (Totals = 52 hrs, \$5716)									
Prepare Concept Plan Drawings		2	-	12	-	24	-	38	\$ 3,866
Determine Infrastructure Budget		2	-	8	-	-	-	10	\$ 1,330
Final Concept Plan Memorandum		-	-	4	-	-	-	4	\$ 520
Total Hours:		28	12	158	14	134	24	370	hrs
Labor Fee and Expenses:		\$ 4,060	\$ 1,860	\$ 20,540	\$ 1,820	\$ 11,256	\$ 2,760		\$ 42,296

Southpoint Commerce Park Appleton, Wisconsin

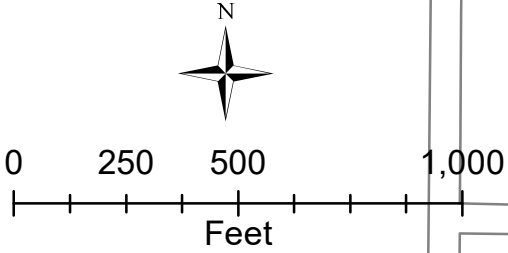


Legend

- For Sale (City Owned)
- Privately Owned Parcels
- City Limits
- Park Boundary

Wetland Type

- Approximate Wetland for Delineation
- Delineated Wetlands under 10,000 Sq Ft
- Delineated Wetlands over 10,000 Sq Ft



Paula Vandehey

From: Kent, Rebecca <rkent@McCarty-Law.com>
Sent: Monday, August 13, 2018 4:20 PM
To: Paula Vandehey
Cc: jim@contourinc.com
Subject: 303 S. Victoria Street Appleton WI

Ms. Vandehey,

Please put us on the agenda for the Utilities Commission's August 21st hearing. Please confirm your receipt of this email. Thank you.

Rebecca Kent
Attorney

McCarty | Law LLP

2401 E. Enterprise Ave. | Appleton WI | 54913
P: 920.257.2213 | F: 920.882.7986

[Website](#) | [LinkedIn](#) | [Facebook](#) | [Blog](#)

This message is subject to McCarty Law LLP's email communication policy, available [here](#).



DEPARTMENT OF PUBLIC WORKS

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

August 7, 2018

Ms. Rebecca L. Kent
303 S. Victoria Street
Appleton, WI 54914

Dear Ms. Rebecca L. Kent:

This letter is in response to your letter dated August 3, 2018 regarding the reimbursement for a billing error for the property at 303 S. Victoria Street. As stated in my letter dated June 26, 2018, the Utilities Committee and City Council recently acted upon a similar situation and approved reimbursement for a 6 year period based on the Stormwater Utility Rate in place each year and the updated impervious area for the property. The 6 year period adopted by the Utilities Committee and City Council is consistent with the maximum lookback period permitted by the Public Service Commission for correcting Water Utility billing errors.

City staff does not have the authority to administratively reimburse any amount beyond what Utilities Committee and Council have previously authorized through their legislative action. Therefore, if you wish to appeal the amount of reimbursement issued to you for the 303 S. Victoria Street property you may appeal to the Utilities Committee. Their next meeting is Tuesday, August 21, 2018 at 5:00 pm. Please notify me no later than August 15, 2018 at 832-6482 if you wish to be placed on the agenda.

Sincerely,

Paula Vandehey, P.E.
Director of Public Works

James J. Abendroth & Rebecca L. Kent
303 S. Victoria Street
Appleton, WI 54914

August 3, 2018

VIA EMAIL AND U.S. MAIL
(Paula.vandehey@appleton.org)

Paula Vandehey, P.E.
Director of Public Works
City of Appleton
100 N. Appleton Street
Appleton, WI 54911

Dear Ms. Vandehey:

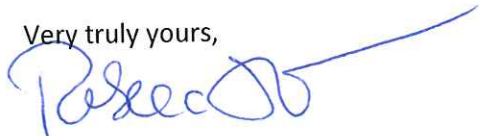
RE: Notice of Circumstances and Notice of Claim
303 S. Victoria Street
Tax Key 31-3-0004-00
Utility Account Number: 303-492-200

We are in receipt of the City of Appleton's ("City") partial reimbursement for the gross error made in calculating the impervious surface square footage over a period of 14 years with regard to our property located at 303 S. Victoria Street, Appleton, Wisconsin. The reimbursement made to date covers the time period of 6/1/12 through 5/24/18. However, as you know, our demand for repayment dates back to January 2004, as we have been overcharged since that time.

The legal authority on which the Utilities Committee and the City Council are relying to limit the City's liability for reimbursement to a 6-year period is not clear. Please provide us with the legal citation supporting such a limitation. Both the City's gross error and our overpayment are without question. The City's charges were based on a grossly inaccurate impervious surface square footage which we very recently discovered in connection with the City's project to update commercial accounts. We are not responsible for the City's error and were grossly overcharged for the storm water utility services on this property.

Therefore, please remit payment of the remaining \$1,906.85 of our repayment demand within the next seven (7) days. We truly hope that litigation is not necessary to rectify this situation. If you have questions, please call me. Thank you very much.

Very truly yours,



Rebecca L. Kent
Attorney at Law



DEPARTMENT OF PUBLIC WORKS

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

June 26, 2018

Mr. James J. Abendroth & Ms. Rebecca L. Kent
303 S. Victoria Street
Appleton, WI 54914

Dear Mr. James J. Abendroth & Ms. Rebecca L. Kent:

This letter is in response to your letter dated June 7, 2018 requesting reimbursement for a billing error for the property at 303 S. Victoria Street. The Utilities Committee and City Council recently acted upon a similar situation and approved reimbursement for a 6 year period based on the Stormwater Utility Rate in place each year and the updated impervious area for the property. The 6 year period is consistent with what the Public Service Commission allows for reimbursements for Water Utility billing errors. Therefore, enclosed is the reimbursement check for \$1,883.02 (back to June 1, 2012).

Sincerely,

Paula Vandehey, P.E.
Director of Public Works

Enclosure

**James J. Abendroth & Rebecca L. Kent
303 S. Victoria Street
Appleton, WI 54914**

June 7, 2018

**VIA EMAIL AND U.S. MAIL
(Paula.vandehey@appleton.org)**

Paula Vandehey
Director of Public Works
100 N. Appleton Street
Appleton, WI 54911

Dear Ms. Vandehey:

RE: Notice of Circumstances and Notice of Claim
303 S. Victoria Street
Tax Key 31-3-0004-00
Utility Account Number: 303-492-200

The undersigned own the commercial building located at 303 S. Victoria Street, Appleton, WI 54914. The building is leased to Contour, Inc., which is the business operated by Jim Abendroth. We acquired ownership of the property on January 15, 2004.

We recently received correspondence from the City of Appleton indicating that the storm water utility bills for 303 S. Victoria have been based on an impervious surface square footage of 8,300 for the roof and 2,890 for the concrete, asphalt and gravel, for a total of 11,190 square feet. Through the City's updating of its commercial storm water database, it was discovered that the impervious surface square footage for the property was greatly miscalculated. Effective on June 1, 2018, the impervious surface square footage total was corrected to reflect 3,596 square feet for the roof and 2,507 square feet for the concrete, asphalt and gravel, for a total of 6,103 square feet. This is a difference of 5,087 square feet.

The building at 303 S. Victoria Street is 3,500 square feet in size. The square footage of the impervious surfaces has not changed since we have owned the property. From January 15, 2004 to May 31, 2018, the City has based the storm water billing for this property on 5,087 more square feet of impervious surface than has ever existed on this property.

Until receiving the City's Storm Water Billing Notification, we had no notice or knowledge that the storm water utility billing was based on this gross error in impervious surface square footage. This is a gross error on the part of the City or its agents, which has resulted in us being overcharged for storm water utility services on this property for 14 years. It was a shock to see that even after discovering this gross error, the City continued to base the storm water utility billing for the property on the same incorrect number (11,190 square feet) that it has been using since 2004. It is unclear why the City would not have taken action to correct this error

immediately upon discovering it instead of knowingly overcharging us yet again for storm water utility services.

By this letter, the undersigned demand a cash refund in the amount of **\$3,789.87**, as set forth in the attached Claim. If full refund is approved, we will waive our right to interest on the amount of our overpayment which dates back to 2004. If we are forced to proceed in court to recover the amount that is owed to us, we will seek interest on the amount of the overpayment, plus our legal costs of suit.

The overage in square footage and the resulting miscalculation are clear and it should not be necessary for us to have to take time to appear before the Utilities Committee on this matter. However, if that is necessary in order to receive the refund we are due, we ask for this matter to be placed the Utilities Committee agenda for the meeting scheduled for July 10, 2018.

Thank you.



James J. Abendroth, Owner



Rebecca L. Kent, Owner

cc: Sue Olson, Project Engineer, City of Appleton Finance Department (via email and U.S.Mail)
Edward Baranowski, Utilities Committee Chair (via U.S. Mail only)

CLAIM FOR REFUND OF OVERPAYMENT FROM CITY OF APPLETON					
Incorrect ERU used by City 2004 - May 31, 2018: 11,990 sq. ft./2368 =			4.73		
Correct ERU: 6,103 sq. ft./2368 =			2.58		
YEAR	SERVICE MONTHS	RATE PER ERU	AMOUNT PAID	CORRECT AMOUNT DUE	OVERPAYMENT
2004	January - December	71.00	335.83	183.18	152.65
2005	January - December	71.00	335.83	183.18	152.65
2006	January & February	71.00	55.97	30.53	25.44
2006	March - December	108.88	429.17	234.09	195.08
2007	January - December	108.88	515.00	280.91	234.09
2008	January - December	108.88	515.00	280.91	234.09
2009	January - December	108.88	515.00	280.91	234.09
2010	January - June	108.88	257.50	140.46	117.05
2010	July - December	125.00	295.63	161.25	134.38
2011	January - December	125.00	591.25	322.50	268.75
2012	January - December	125.00	591.25	322.50	268.75
2013	January - June	125.00	295.63	161.25	134.38
2013	July - December	155.00	366.58	199.95	166.63
2014	January - December	155.00	733.15	399.90	333.25
2015	January - December	155.00	733.15	399.90	333.25
2016	January - December	155.00	733.15	399.90	333.25
2017	January - December	155.00	733.15	399.90	333.25
2018	January - May 31, 2018	155.00	305.48	166.63	138.85
TOTALS			\$8,337.71	\$4,547.84	\$3,789.87

APPLETON CODE

ERUs imposed		
Classification	Public Road	Private Road
Mobile Homes	.5/unit	1/unit
Bed & Breakfast (fewer than 5 units)	1	1
Bed & Breakfast (5 units or more)	.5/unit	1/unit
Multifamily rental	Actual impervious area of the property using aerial photography	
Non-Residential and Multi-Use	One (1) ERU, multiplied by the numerical factor obtained by dividing the total impervious area of a non-residential property by the square footage of one (1) ERU, rounded down to the nearest one-tenth (0.1), i.e.: ERU rate x <u>impervious area</u> ERU	One (1) ERU, multiplied by the numerical factor obtained by dividing the total impervious area of a non-residential property by the square footage of one (1) ERU, rounded down to the nearest one-tenth (0.1), i.e.: ERU rate x <u>impervious area</u> ERU
Undeveloped	One (1) ERU multiplied by a factor established by resolution then divided by the square footage for one (1) ERU established by resolution	One (1) ERU multiplied by a factor established by resolution then divided by the square footage for one (1) ERU established by resolution

(b) The Director shall prepare a list of lots and parcels within the City of Appleton and assign a classification to each lot or parcel.

(c) The average square footage of impervious area of ERU is established to be equivalent to 2,368 square feet.

(d) The Director shall be responsible for determining the impervious area based on the best available information, including, but not limited to, data supplied by the City Assessor, aerial photography, the property owner, tenant or developer. The Director may require additional information as necessary to make the determination. The billing amount shall be updated by the Director based on the building permit process and/or best available information.

(e) All unoccupied developed lots and parcels shall be subject to the stormwater utility charges.

(f) The minimum charges for any parcel shall be equal to the rate of four-tenths (0.4) of one (1) ERU. (Ord 123-07, §1, 8-7-07; Ord 136-08, §1, 10-7-08; Ord 23-

11, §1, 1-11-11, Ord 100-13, §1, 1-1-15, Ord 51-15, §1, 6-9-15; Ord 43-16, §1, 5-1-16)

Sec. 20-238. New construction.

(a) The property owner shall be responsible for completing the stormwater utility service application form any time a building permit is issued, exclusive of those issued to existing single family residences, or a site plan review is conducted. The form shall be provided by the Division of Inspections with each application for a building permit (exclusive of building permits for single family residences) or application for site plan review. Failure to submit a completed stormwater utility service application form or providing false information on said form, shall result in the penalty as provided in §1-18 of the Municipal Code. (Ord 129-95, §1, 12-9-95; Ord 132-96, §1, 12-18-96)

(b) The owner shall also be liable for stormwater charges, under this ordinance, for the improvement from the date construction of the improvement began.

Sec. 20-239. Method of appeal.

(a) The Stormwater Utility charge may be appealed as follows:

- (1) A written appeal shall be filed with the City Clerk prior to the utility charge due date; or
- (2) Within thirty (30) days of payment, a written challenge to the stormwater charge must be filed with the City Clerk on behalf of the customer, specifying all bases for the challenge and the amount of the stormwater charge the customer asserts is appropriate. Failure to file a challenge within thirty (30) days of payment waives all rights to later challenge the charge.

(b) The committee of jurisdiction will determine whether the stormwater charge is fair and reasonable, or whether a refund is due the customer. The committee may act with or without a hearing, and will inform the customer in writing of its decision.

(c) The customer has thirty (30) days from the decision of the committee to file a written appeal to the Common Council.

(d) If the Council or the committee determine that a refund is due the customer, the refund will be applied as a credit on the customer's next quarterly stormwater billing, if the refund will not exceed the customer's next quarterly stormwater billing, or will be refunded at the discretion of the Director of Finance.



MEMO

TO: Utilities Committee

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

DATE: September 20, 2018

SUBJECT: Resolution #11-R-18/Baranowski, "Whereas, the City of Appleton's recently re-evaluated the non-pervious areas for commercial properties and, Whereas, said re-evaluation has resulted in some adjustments to which commercial properties are being charged for Stormwater and, Whereas the Utility does not have a policy / code to follow for any adjustments to Stormwater rates, therefore, Be it resolved, the Utility develop a policy/code for adjustments to bills."

In response to Alderperson Baranowski's Resolution #11-R-18, our consultant shared how several of their other clients handle Stormwater Utility bill adjustments.

- City of Racine - No specific language identified in their ordinance or resolutions regarding timing for adjustments and repayment period, but the City's Storm Water Utility Manual does address it and only goes back to the prior year's fees.
- City of Kenosha - ordinance language seems to suggest that all adjustments are only forward looking "prospective basis."
- City of Pewaukee – like Kenosha their ordinance seems to identify adjustments will only impact future billings.

The Department of Public Works and the Attorney's Office recommend the following language be added to the City of Appleton's Municipal Code:

Sec. 20-239. Method of appeal.

- (a) The Stormwater Utility charge may be appealed as follows:
- (1) A written appeal shall be filed with the City Clerk prior to the utility charge due date; or
 - (2) Within thirty (30) days of payment, a written challenge to the

stormwater charge must be filed with the City Clerk on behalf of the customer, specifying all bases for the challenge and the amount of the stormwater charge the customer asserts is appropriate. Failure to file a challenge within thirty (30) days of payment waives all rights to later challenge the charge.

(b) The committee of jurisdiction will determine whether the stormwater charge is fair and reasonable, or whether a refund is due the customer. The committee may act with or without a hearing, and will inform the customer in writing of its decision.

(c) The customer has thirty (30) days from the decision of the committee to file a written appeal to the Common Council.

(d) If the Council or the committee determine that a refund is due the customer, the refund will be applied as a credit on the customer's next quarterly stormwater billing, if the refund will not exceed the customer's next quarterly stormwater billing, or will be refunded at the discretion of the Director of Finance.

(e) The period for determining a refund pursuant to this section shall be limited to up to the customer's prior four (4) quarters of stormwater billings.

92-18

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.

(Municipal Services Committee 09/19/2018)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby repealed:

Ord. 02-151: “Parking be limited to two hours on the south side of East South River Street from a point 420' east of West Avenue to a point 520' east of West Avenue.”

Section 2: This ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

93-18

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.

(Municipal Services Committee 09/19/2018)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Parking be restricted to two hours, from 7 a.m. to 5 p.m. Monday through Friday, on the south side of South River Street from a point 420 feet northeast of West Avenue to a point 700 feet northeast of West Avenue, as measured along the centerline of

South River Street.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.