



City of Appleton

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

Meeting Agenda - Final-revised Common Council

Wednesday, February 3, 2021

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. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[21-0125](#) Common Council Meeting Minutes of January 20, 2021

Attachments: [CC Minutes 1-20-21.pdf](#)

- G. BUSINESS PRESENTED BY THE MAYOR

[21-0129](#) Appointment to the Board of Zoning Appeals

Attachments: [Appointment Memo - Board of Zoning Appeals 2-3-21.pdf](#)

[21-0128](#) Proclamations:

- Black History Month
- Career & Technical Education Month
- Burn Awareness Week
- Gun Violence Survivor Week

Attachments: [Black History Month Proclamation.pdf](#)

[Career and Technical Education Month Proclamation.pdf](#)

[Burn Awareness Week Proclamation.pdf](#)

[Gun Violence Survivor Week Proclamation.pdf](#)

[21-0126](#) COVID-19 Update

Attachments: [COVID -19 Cases 2-3-21.pdf](#)

H. PUBLIC PARTICIPATION

I. PUBLIC HEARINGS

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

L. COMMITTEE REPORTS

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[21-0078](#) Approve Resolution for Outagamie Landfill Siting Negotiation Process

Attachments: [Resolution for Outagamie Landfill.pdf](#)

Legislative History

1/25/21	Municipal Services Committee	recommended for approval
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[21-0104](#) Request from Appleton Downtown Inc. for a Street Occupancy Permit to place ice carvings throughout the downtown for the weekend of February 19, 2021 for "Avenue of Ice."

Attachments: [ADI-Avenue of Ice.pdf](#)

Legislative History

1/25/21	Municipal Services Committee	recommended for approval
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[21-0106](#) Approve proposed Pedestrian Crossing License with Wisconsin Central Ltd Railroad for the Locust/Lawrence Grade Crossing.

Attachments: [Pedestrian Crossing License with WCL Railroad.pdf](#)

Legislative History

1/25/21	Municipal Services Committee	recommended for approval
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[21-0107](#) Approve proposed 1-year extension of the Bicycle and Pedestrian Engineering On-Call Consulting Services Contract with Alta Planning & Design in an amount not to exceed \$12,000.

Attachments: [Bicycle-Pedestrian Consulting Service.pdf](#)

Legislative History

1/25/21	Municipal Services Committee	recommended for approval
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- [21-0111](#) Request to negotiate a sole source professional services contract with Desman Design Management for planning, design and administrative services related to the structural maintenance of the City's public parking ramps.

Attachments: [Desman Design Management.pdf](#)

Legislative History

1/25/21	Municipal Services Committee	recommended for approval
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2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

- [21-0116](#) Recommendation to deny the Operator License for Robert Budrick.

Attachments: [RobertBudrickApplication.pdf](#)
[RobertBudrickDenialLetter.pdf](#)

Legislative History

1/27/21	Safety and Licensing Committee	recommended for approval
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- [21-0122](#) Request to Temporarily Modify the Special Event Policy related to Extending Application Fee Carryover due to COVID-19

Attachments: [Memo- Special Event Fee Carryover Extension.pdf](#)

Legislative History

1/27/21	Safety and Licensing Committee	recommended for approval
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- [21-0123](#) Reserve "Class B" Liquor and Class "B" Beer License Change of Agent application for Fox River Boat Holding Co. LLC d/b/a River Tyme Bistro, Candice Mortara, New Agent, located at 425 W Water St Unit 100, contingent upon approval from Appleton Police Department.

Attachments: [Candice Mortara S&L.pdf](#)

Legislative History

1/27/21	Safety and Licensing Committee	recommended for approval
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3. MINUTES OF THE CITY PLAN COMMISSION

- [21-0070](#) Request to approve the Extraterritorial Final Plat for Marsden Park located in the Town of Grand Chute as shown on the attached maps and subject to the condition in the attached staff report

Attachments: [StaffReport MarsdenPark FinalPlat For01-26-21.pdf](#)

Legislative History

1/26/21	City Plan Commission	recommended for approval
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4. MINUTES OF THE PARKS AND RECREATION COMMITTEE**5. MINUTES OF THE FINANCE COMMITTEE**

[21-0098](#) Request to approve the following 2021 Budget amendments:

ELC (Epidemiology & Laboratory Capacity) COVID Grant Fund

Health Grants and Aids	+\$ 22,900
Salaries	+\$ 4,200
Fringe Benefits	+\$ 700
Purchased Services	+\$ 18,000

to record grant agreement modification from the State Department of Health Services for 2020-2021 COVID-19 pandemic response costs (2/3 vote of Council required)

ELC (Epidemiology & Laboratory Capacity) COVID Grant Fund

Health Grants and Aids	+\$390,100
Salaries	+\$224,000
Fringe Benefits	+\$ 39,500
Supplies	+\$ 5,500
Purchased Services	+\$121,100

to record grant agreement modification from the State Department of Health Services for 2020-2022 COVID-19 pandemic response costs (2/3 vote of Council required)

Attachments: [2020-2021 ELC Funding.pdf](#)
[2020-2022 ELC Funding.pdf](#)

Legislative History

1/25/21 Finance Committee recommended for approval

[21-0099](#) Request to approve the Relocation Orders for the Richmond at Glendale, Lightning Drive, Spartan Drive, and Newberry at Kensington projects

Attachments: [RO - Richmond and Glendale.pdf](#)
[RO - Lightning Drive.pdf](#)
[RO - Spartan Drive.pdf](#)
[RO - Newberry and Kensington.pdf](#)

Legislative History

1/25/21 Finance Committee recommended for approval

[21-0100](#) Request to approve Resolution for Worker's Compensation self-insurance

Attachments: [0008 - WC Resolution to Reauthorize Self Insurance.pdf](#)

Legislative History

1/25/21 Finance Committee recommended for approval

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

[21-0063](#) Request to approve Third Substantial Amendment to the Community Development Block Grant (CDBG) 2020 Annual Action Plan (AAP) awarding an additional \$343,268 of CDBG Coronavirus Aid, Relief, and Economic Security (CARES Act) funding to community partner organizations as specified in the attached documents

Attachments: [2020 AAP Third Substantial Amendment Memo to CEDC.pdf](#)

[Appleton 2020 CDBG CV3 Award Letter.pdf](#)

[2020 AAP Third Substantial Amendment Draft.pdf](#)

[Final MOU - ADVOCAP 1-21-2021.pdf](#)

[PublicCommentReceived_1-26-21_2020AAPThirdSubstantialAmendment.pdf](#)

Legislative History

1/27/21 Community & Economic Development Committee recommended for approval

[21-0076](#) Request to contract with and expend Wisconsin Department of Administration Community Development Block Grant (CDBG) Coronavirus Aid, Relief, and Economic Security Act (CARES Act) Round 2 funding (CDBG-CV2) and enter into a Memorandum of Understanding with the Boys & Girls Club as specified in the attached documents

Attachments: [2020 DOA CDBG-CV2 Funding Memo to CEDC_1-27-2021.pdf](#)

[State of WI DOA CV2 Entitlement Memo-FINAL.pdf](#)

[Final MOU - CoA Boys+Girls Club.pdf](#)

Legislative History

1/27/21 Community & Economic Development Committee recommended for approval

[21-0096](#) Request to enter into a Memorandum of Understanding with ADVOCAP as specified in the attached documents (Associated with Action Item #21-0063)

Attachments: [2020 AAP Third Substantial Amendment Memo to CEDC.pdf](#)

[Appleton 2020 CDBG CV3 Award Letter.pdf](#)

[2020 AAP Third Substantial Amendment Draft.pdf](#)

[Final MOU - ADVOCAP 1-21-2021.pdf](#)

Legislative History

- 1/27/21 Community & Economic amended
Development Committee
Amendment to Change "L" under #2 "Objectives" that currently states, "The Street Outreach Case Manager position will report to management at ADVOCAP and the City of Appleton," to read, "The Street Outreach Case Manager position will report to management at ADVOCAP. ADVOCAP and the City of Appleton management will serve as an advisory board for this project."
- 1/27/21 Community & Economic recommended for approval
Development Committee

7. MINUTES OF THE UTILITIES COMMITTEE

- [21-0114](#) Award the Engineering contract for 2021 Sludge Storage Addition Project to Applied Technologies, Inc. in the amount of \$499,301 with a 15% contingency of \$74,895 for a Project Total not to exceed \$574,196.

Attachments: [2021 SSB Addition UC Memo Engineering Award ATI_rev.pdf](#)

Legislative History

- 1/26/21 Utilities Committee recommended for approval

- [21-0115](#) Award the Engineering contract for 2021 Solids Dewatering Equipment Upgrades Project to McMahon in the amount of \$325,872 with a 10% contingency of \$32,587 for a Project Total not to exceed \$358,459.

Attachments: [2021 Solids Dewatering Equip Upgrades UC Memo Engineering Award McMaha](#)

Legislative History

- 1/26/21 Utilities Committee recommended for approval

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

- [21-0118](#) Request to change reporting structure of the Account Clerk II from the
Finance Department to the Parks, Recreation and Facilities
Management Department.

Attachments: [Account Clerk II TO change.pdf](#)

[PRFM TO draft 1-22-21.pdf](#)

[Finance TO draft 1-22-21.pdf](#)

Legislative History

- 1/27/21 Human Resources & recommended for approval
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

[21-0127](#) Ordinance #3-21 Revising the Ward Designation for Sequoia Drive Annexation

Attachments: [Ord #3-21 Revising Wards - Sequoia Drive Annex.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.



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Meeting Minutes - Final-revised Common Council

Wednesday, January 20, 2021

7:00 PM

Council Chambers

A. CALL TO ORDER

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

B. INVOCATION

The Invocation was offered by Alderperson Fenton

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

Present: 16 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matthew Reed, Alderperson Alex Schultz, Alderperson Mike Smith, Alderperson Patti Coenen, Alderperson Nate Wolff, Alderperson Kyle Lobner, Alderperson Joe Prohaska, Alderperson Corey Otis and Mayor Jake Woodford

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

All Departments were represented.

F. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[21-0053](#)

Common Council Meeting Minutes of January 6, 2021

Attachments: [CC Minutes 1-6-21.pdf](#)

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

Aye: 15 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matthew Reed, Alderperson Alex Schultz, Alderperson Mike Smith, Alderperson Patti Coenen, Alderperson Nate Wolff, Alderperson Kyle Lobner, Alderperson Joe Prohaska and Alderperson Corey Otis

Abstained: 1 - Mayor Jake Woodford

G. BUSINESS PRESENTED BY THE MAYOR

[21-0054](#)

Proclamations

- Human Trafficking Proclamation
- Kiwanis Week Proclamation
- Martin Luther King Jr. Proclamation

Attachments: [Human Trafficking Awareness Day Proclamation.pdf](#)
[Human Trafficking Attachment.pdf](#)
[Kiwanis Week Proclamation.pdf](#)
[Martin Luther King Jr Day Proclamation.pdf](#)

The Proclamations were presented.

[21-0058](#)

Board & Committee Appointments

Attachments: [BID Board Appt Memo 1-20-21.pdf](#)
[Committee Appts 1-20-21 REV.pdf](#)

Aldersperson Otis moved, seconded by Aldersperson Siebers, that the Board/Committee Appointments be approved. Roll Call. Motion carried by the following vote:

Aye: 15 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Joe Martin, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Matthew Reed, Aldersperson Alex Schultz, Aldersperson Mike Smith, Aldersperson Patti Coenen, Aldersperson Nate Wolff, Aldersperson Kyle Lobner, Aldersperson Joe Prohaska and Aldersperson Corey Otis

Abstained: 1 - Mayor Jake Woodford

[21-0055](#)

COVID-19 Update

Attachments: [COVID -19 Cases 1-20-21.pdf](#)

H. PUBLIC PARTICIPATION

I. PUBLIC HEARINGS

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

Aldersperson Martin moved, Aldersperson Meltzer seconded, to approve the balance of the agenda. The motion carried by the following vote:

Aye: 15 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Joe Martin, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Matthew Reed, Aldersperson Alex Schultz, Aldersperson Mike Smith, Aldersperson Patti Coenen, Aldersperson Nate Wolff, Aldersperson Kyle Lobner, Aldersperson Joe Prohaska and Aldersperson Corey Otis

Abstained: 1 - Mayor Jake Woodford

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[20-1569](#)

Owaissa Street, from Opechee Street to Pacific Street, be reconstructed with concrete pavement and curb & gutter to a width of 24' 20' from back of curb to back of curb, ~~which is approximately 1' 4' wider than the existing street. New concrete sidewalk to be constructed along the east side of Owaissa Street from approximately 160' south of Pacific Street to approximately 500' south of Pacific Street. Existing parking provisions within the project limits will remain unchanged.~~ Parking be prohibited on both sides of the street.

Attachments: [Comments-Owaissa Street.pdf](#)
 [Comments -Owaissa St Project.pdf](#)
 [Owaissa St Design Approval Process.pdf](#)
 [Email-Owaissa St.pdf](#)

This Report Action Item was approved.

[21-0022](#)

Appleton Street, from College Avenue to Pacific Street, and Oneida Street, from Pacific Street to Atlantic Street, be reconstructed with concrete pavement and curb and gutter. The dimensions of the Appleton Street/Oneida Street reconstruction project are as follows:

College Avenue - Washington Street: New concrete pavement to be constructed to a width of 41' from back of curb to back of curb, which is the same width as the existing street within this portion of the project.

Washington Street - 150' north of Packard Street: New concrete pavement to be constructed to a width of 45' from back of curb to back of curb, which is the same width as the existing street within this portion of the project.

150' north of Packard Street - Pacific Street (End of Appleton St/Beginning of Oneida St): New concrete pavement to be constructed to a width of 35' from back of curb to back of curb, which is 2' wider than the existing street within this portion of the project.

Pacific Street (End of Appleton St/Beginning of Oneida St) - Atlantic Street: New concrete pavement to be constructed to a width of 44' from back of curb to back of curb, which is 7' wider than the existing street within this portion of the project.

Appleton Street/Oneida Street will consist of 1 travel lane in each direction, bike lanes along both sides of the street, and a two-way left turn lane and/or exclusive left turn lanes at each intersection within the project limits.

On-street parking will be prohibited along the entire project length.

The 1-way westbound portion of Pacific Street between Appleton Street and Oneida Street will be vacated as part of this reconstruction project.

The intersections of Appleton Street and Pacific Street and Oneida Street and Pacific Street will be reconstructed and geometrically modified to provide a more standard T-intersection configuration. A dedicated left turn lane along southbound Oneida Street, at Pacific Street, will also be incorporated at this intersection as part of this reconstruction project.

This Report Action Item was approved

[21-0033](#)

Request to allow driveway access off Haymeadow for Lot 91, Clearwater Creek Subdivision.

Attachments: [Memo for Lot 91.pdf](#)
 [Jill Hendricks-formal request.pdf](#)
 [Clearwater Creek 1st Addition.pdf](#)

This Report Action Item was approved.

[21-0061](#)

Request to allow free parking in the Red Parking Ramp for a 30 day period, during vaccination clinic hours, as part of the community vaccination program at the Fox Cities Exhibition Center.

Attachments: [Free parking-Red Ramp.pdf](#)

This Report Action Item was approved.

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[20-1639](#)

Cigarette License application for Driftwood Special Servicing LLC d/b/a Appleton Red Lion Paper Valley Hotel, Linda Garvey, Agent, located at 333 W College Ave.

Attachments: [Driftwood - Red Lion S&L.pdf](#)

This Report Action Item was approved.

[20-1641](#)

Class "B" Beer and "Class B" Liquor License application for Zeusinator LLC d/b/a Ambassador, Corbin Schiedermayer, Agent, located at 117 S Appleton St, contingent upon approval from all departments.

Attachments: [Ambassador.pdf](#)

This Report Action Item was approved.

[20-1642](#)

Class "A" Beer License application for Auto Stop LLC d/b/a Oneida St BP, Shahezad S Noorani, Agent, located at 1306 S Oneida St, contingent upon approval from all departments.

Attachments: [Oneida St BP.pdf](#)

This Report Action Item was approved.

[21-0007](#)

Class "A" Beer and "Class A" Liquor License application for Nepal LLC d/b/a Memorial Liquor, Puspa Subedi, Agent, located at 415 S. Memorial Dr, contingent upon approval from all departments.

Attachments: [Memorial Liquor.pdf](#)

This Report Action Item was approved.

[21-0016](#)

Cigarette License application for Nepal LLC d/b/a Memorial Liquor, Puspa Subedi, Applicant, located at 415 S Memorial Dr.

Attachments: [Memorial Liquor S&L.pdf](#)

This Report Action Item was approved.

[21-0018](#)

Cigarette License application for Auto Stop LLC d/b/a Oneida Street BP, Shahezad Noorani, Applicant, located at 1306 S. Oneida St.

Attachments: [Oneida St BP S&L.pdf](#)

This Report Action Item was approved.

[21-0039](#)

Class "B" Beer and "Class B" Liquor License Change of Agent application for McGregors LLC d/b/a The Durty Leprechaun, Jonathon E Kuehn, New Agent, located at 343 W College Ave, contingent upon approval from Appleton Police Department.

Attachments: [Jonathon E Kuehn S&L.pdf](#)

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION

[21-0009](#)

Request to approve Special Use Permit #7-20 for a parking ramp located at 120 South Oneida Street (Tax Id #31-2-0052-00), 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 of Common Council required for approval)

Attachments: [StaffReport_YMCAParkingRamp_SUP_For01-12-21.pdf](#)

This Report Action Item was approved.

[21-0010](#)

Request to approve the Cain Annexation consisting of approximately 0.77 acre located at 675 East Edgewood Drive, currently in the Town of Grand Chute, as shown on the attached maps subject to the stipulation in the attached staff report

Attachments: [StaffReport_Cain Annexation_For01-12-21.pdf](#)
 [DOA Annexation Review Letter_Cain_1-11-21.pdf](#)

This Report Action Item was approved.

[21-0034](#)

Request to approve the access restriction release for Lot 91 of First Addition to Clearwater Creek (Tax Id #31-6-6200-91), as shown on the attached map, pending approval by the Municipal Services Committee, and subject to the owner/agent completing and recording an appropriate correction instrument with the Outagamie County Register of Deeds

Attachments: [StaffMemo_FirstAddnToClearwaterCreek_RestrictionRelease_For01-12-21.pdf](#)
 [RequestEmail_FirstAddnToClearwaterCreek_RestrictionRelease.pdf](#)
 [RecordedPlat_FirstAddnToClearwaterCreek_RestrictionRelease.pdf](#)

This Report Action Item was approved.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

[21-0015](#)

Action Item-Select Winning Photos Received From The "Images of Hope" Photo Contest To Be Placed In The Welcome Tower In Houdini Plaza

Attachments: [Action Item-Images of Hope.pdf](#)

This Report Action Item was approved.

[21-0017](#)

Action Item-Request a Sole Source Contract To KCI Conservation For The Recondition And Repair Of The Soldier's Square Monument For \$47,135 With A Contingency Of 10% For A Contract Not To Exceed \$51,849

Attachments: [2021 Soldier's Monument.docx](#)

This Report Action Item was approved.

[21-0023](#)

Action Item-Award Design, Engineering, And Permitting Services For The Edison Street Pedestrian Bridge And Trail To EXP For A Contract Amount Of \$495,000

Attachments: [Edison Street Ped Bridge and Trail Comm Memo.doc](#)

This Report Action Item was approved.

5. MINUTES OF THE FINANCE COMMITTEE

[21-0030](#)

Request to award the City of Appleton's MSB Garage HVAC Upgrades project contract to Great Lakes Mechanical, Inc in the amount of \$819,780 with a contingency of 10% for a project total not to exceed \$901,758

Attachments: [2021 MSB Garage HVAC Upgrades.pdf](#)

This Report Action Item was approved.

[21-0040](#)

Request to approve the following 2020 Budget amendments:

PHEP (Public Health Emergency Preparedness) COVID Grant

Fund

Health Grants & Aids	+\$53,243
Salaries	+\$45,300
Fringe Benefits	+\$ 7,943

to record grant agreement modification from the State Department of Health Services for COVID-19 pandemic response costs (2/3 vote of Council required)

Attachments: [DPH PHEP COVID 2020 Grant.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**[21-0056](#)

Consolidated Action Items Re: Access Restriction Release for Lot 91 of First Addition to Clearwater Creek

21-0033 Municipal Services Committee

21-0034 Community & Economic Development Committee

Alderson Otis moved, seconded by Alderson Smith, that the Consolidated Action Items be approved. Roll Call. Motion carried by the following vote:

Aye: 15 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Brad Firkus, Alderson Joe Martin, Alderson Katie Van Zeeland, Alderson Denise Fenton, Alderson Maiyoua Thao, Alderson Matthew Reed, Alderson Alex Schultz, Alderson Mike Smith, Alderson Patti Coenen, Alderson Nate Wolff, Alderson Kyle Lobner, Alderson Joe Prohaska and Alderson Corey Otis

Abstained: 1 - Mayor Jake Woodford

N. ITEMS HELD**O. ORDINANCES**[21-0057](#)

Ordinance #2-21, Cain Annexation

Attachments: [Ord #2-21 Cain Annexation.pdf](#)

Alderson Reed moved, seconded by Alderson Otis, that the Annexation Ordinance be approved. Roll Call. Motion carried by the following vote:

Aye: 15 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Brad Firkus, Alderson Joe Martin, Alderson Katie Van Zeeland, Alderson Denise Fenton, Alderson Maiyoua Thao, Alderson Matthew Reed, Alderson Alex Schultz, Alderson Mike Smith, Alderson Patti Coenen, Alderson Nate Wolff, Alderson Kyle Lobner, Alderson Joe Prohaska and Alderson Corey Otis

Abstained: 1 - Mayor Jake Woodford

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

[21-0059](#) Resolution #1-R-21 Accessory Dwelling Units

Attachments: [#1-R-21 Accessory Dwelling Units.pdf](#)

This Report Action Item was referred to the Community & Economic Development Committee due back on 1/27/2021.

[21-0079](#) Suspend the Council Rules, Rule 19 regarding referral of resolutions so the Council may immediately take up the Resolution.

Alderson Fenton moved, seconded by Alderson Schultz, that the Council Rules be suspended to take up the Resolution immediately. Roll Call. Motion carried by the following vote:

Aye: 14 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Brad Firkus, Alderson Joe Martin, Alderson Katie Van Zeeland, Alderson Denise Fenton, Alderson Maiyoua Thao, Alderson Alex Schultz, Alderson Mike Smith, Alderson Patti Coenen, Alderson Nate Wolff, Alderson Kyle Lobner, Alderson Joe Prohaska and Alderson Corey Otis

Nay: 1 - Alderson Matthew Reed

Abstained: 1 - Mayor Jake Woodford

[21-0060](#) Resolution #2-R-21 Redistricting Advisory Referendum

Attachments: [#2-R-21 Fair Maps Referendum.pdf](#)

Alderson Fenton moved, seconded by Alderson Schultz, that the Resolution for an advisory referendum be approved. Roll Call. Motion carried by the following vote:

Aye: 15 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Brad Firkus, Alderson Joe Martin, Alderson Katie Van Zeeland, Alderson Denise Fenton, Alderson Maiyoua Thao, Alderson Matthew Reed, Alderson Alex Schultz, Alderson Mike Smith, Alderson Patti Coenen, Alderson Nate Wolff, Alderson Kyle Lobner, Alderson Joe Prohaska and Alderson Corey Otis

Abstained: 1 - Mayor Jake Woodford

R. OTHER COUNCIL BUSINESS

S. ADJOURN

Alderson Siebers moved, seconded by Alderson Martin, that the meeting be adjourned at 7:58 p.m. Roll Call. Motion carried by the following vote:

Aye: 15 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matthew Reed, Alderperson Alex Schultz, Alderperson Mike Smith, Alderperson Patti Coenen, Alderperson Nate Wolff, Alderperson Kyle Lobner, Alderperson Joe Prohaska and Alderperson Corey Otis

Abstained: 1 - Mayor Jake Woodford


Kami Lynch, City Clerk



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

OFFICE OF THE MAYOR

Jacob A. Woodford
100 North Appleton Street
Appleton, Wisconsin 54911-4799
Phone: (920) 832-6400
Email: Mayor@Appleton.org

TO: Members of the Common Council
FROM: Mayor Jacob A. Woodford 
DATE: January 29, 2021
RE: Appointment to Board of Zoning Appeals

It is with pleasure that I present the following appointment for your confirmation at the February 3, 2021 Common Council meeting.

BOARD OF ZONING APPEALS

Christopher Croatt

3 Year Term

Term to Expire October 2023

Chris served as an Alderperson for the City of Appleton from 2008 through 2020 with experience in reviewing appeals for property variances.

PROCLAMATION



Office of the Mayor

WHEREAS, Black History Month grew out of the 1926 establishment of Negro History Week by Carter G. Woodson and the Association for the Study of African American Life and History; and

WHEREAS, during Black History Month, we celebrate the many achievements and contributions made by Black Americans to our economic, cultural, spiritual, and political development; and

WHEREAS, the observance of Black History Month calls our attention to the continued need to dismantle racism and build a society that lives up to our nation's democratic ideals; and

WHEREAS, *A Stone of Hope: Black Experiences in the Fox Cities*, an exhibit on local Black history from the 1700s to the present produced by the History Museum at the Castle, reminds us that Appleton's past includes examples of racism and discrimination, and that the road to becoming a more inclusive community has been long and difficult for BIPOC Appletonians; and

WHEREAS, the City of Appleton continues to work toward being a welcoming community where all people are respected and recognized for their contributions to our community and is proud to honor the history and contributions of Black community members.

NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD, Mayor of the City of Appleton, Wisconsin, do hereby proclaim February 2021 as

Black History Month

in Appleton and encourage all residents to celebrate our diverse heritage and culture, learn about our history, and continue efforts to create a community that is more just, peaceful, and prosperous for all.

Signed and sealed this 1st day of February 2021.

JACOB A. WOODFORD
MAYOR OF APPLETON



PROCLAMATION



Office of the Mayor

WHEREAS, economic and technological advances necessitate a capable, educated workforce with career-ready skills, thereby placing new and additional demands on our educational system; and

WHEREAS, career and technical education connects individuals with potential careers and is the backbone of a strong, well-educated workforce, which fosters productivity in business and industry, contributes to greater leadership in the international marketplace, and fills the growing skills gap; and

WHEREAS, career and technical education gives high school students experience in practical, meaningful applications of academic, employability, and technical skills, thus improving the quality of education and increasing student engagement; and

WHEREAS, career and technical education offers individuals lifelong opportunities to learn new skills, which provide them with more career choices; and

WHEREAS, the ever-increasing collaborative efforts of career and technical educators, business, and industry stimulate the growth and vitality of our local economy and that of the entire nation by preparing graduates for career fields forecast to experience the largest demand in the next decade.

NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD, Mayor of the City of Appleton, Wisconsin, do hereby proclaim February 2021 as

Career and Technical Education Month

in Appleton and urge all residents to become familiar with the services and benefits offered by the career and technical education programs in our community and to support and participate in these programs to enhance individual work skills and productivity.



Signed and sealed this 1st day of February 2021.

JACOB A. WOODFORD
MAYOR OF APPLETON

PROCLAMATION



Office of the Mayor

WHEREAS, across the nation, approximately 400,000 people receive medical care for treatment of burn injuries annually; and

WHEREAS, children under 5 are twice as likely to be seen for burn injuries at a hospital emergency department, young adults 20-29 have 1.4 times the risk, and those 30-39 have 1.3 times the risk of the general population; and

WHEREAS, the primary causes of injury include fire-flame, scalds, contact with hot objects, electrical, and chemicals, and most of the injuries occur in the home. Most of those who suffer burn injuries will survive. However, many survivors will sustain serious scarring, life-long physical disabilities, and adjustment difficulties; and

WHEREAS, the American Burn Association's initiative, National Burn Awareness Week, is a collaboration of burn, fire, and life safety educators working to bring awareness to the frequency, devastation, and causes of burn injuries as well as prevention and how best to care for those that are injured; and

WHEREAS, significant research and medical advances have dramatically improved burn care and treatment, aided rehabilitation, shortened hospital stays, and increased burn survival rates. Aftercare support for the physical and emotional effects of burns has also played a key role in the successful reintegration of burn survivors into our communities. Furthermore, burn safety education and prevention efforts continue to reduce the number of people who suffer burns each year; and

WHEREAS, many people devote their lives and careers to treating, caring for, supporting and rehabilitating burn injury survivors, including those performing vital work in burn research and development. There are dedicated fire fighters who risk their own lives every day to protect others, as well as burn foundations and other life safety professionals who promote burn injury awareness and prevention.

NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD, Mayor of the City of Appleton, Wisconsin, does hereby proclaim February 1-7, 2021 as

Burn Awareness Week

in Appleton and encourage all resident to become familiar with burn prevention and take appropriate steps to protect their families from burn injuries.

Signed and sealed this 1st day of February 2021.



JACOB A. WOODFORD, MAYOR OF APPLETON

PROCLAMATION



Office of the Mayor

WHEREAS, every year over 36,000 people in the U.S. are killed in acts of gun violence, and 73,000 more are shot and wounded; and

WHEREAS, by early February more people across the nation are killed with guns than are killed in our peer countries in an entire calendar year; and

WHEREAS, forms of gun violence can include gun suicides, gun homicides, domestic violence involving a gun, law enforcement-involved shootings, and intentional and unintentional shootings; and

WHEREAS, 58 percent of adults or someone they care for has experienced gun violence, demonstrating the reach and impact gun violence has in communities across the nation; and

WHEREAS, firearms are the second leading cause of death for children and teens and the first leading cause of death for Black children and teens; and

WHEREAS, people in cities across the nation are working to end senseless violence by advocating for common-sense gun safety legislation.

NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD, Mayor of the City of Appleton, Wisconsin, do hereby proclaim February 1-7, 2021 as

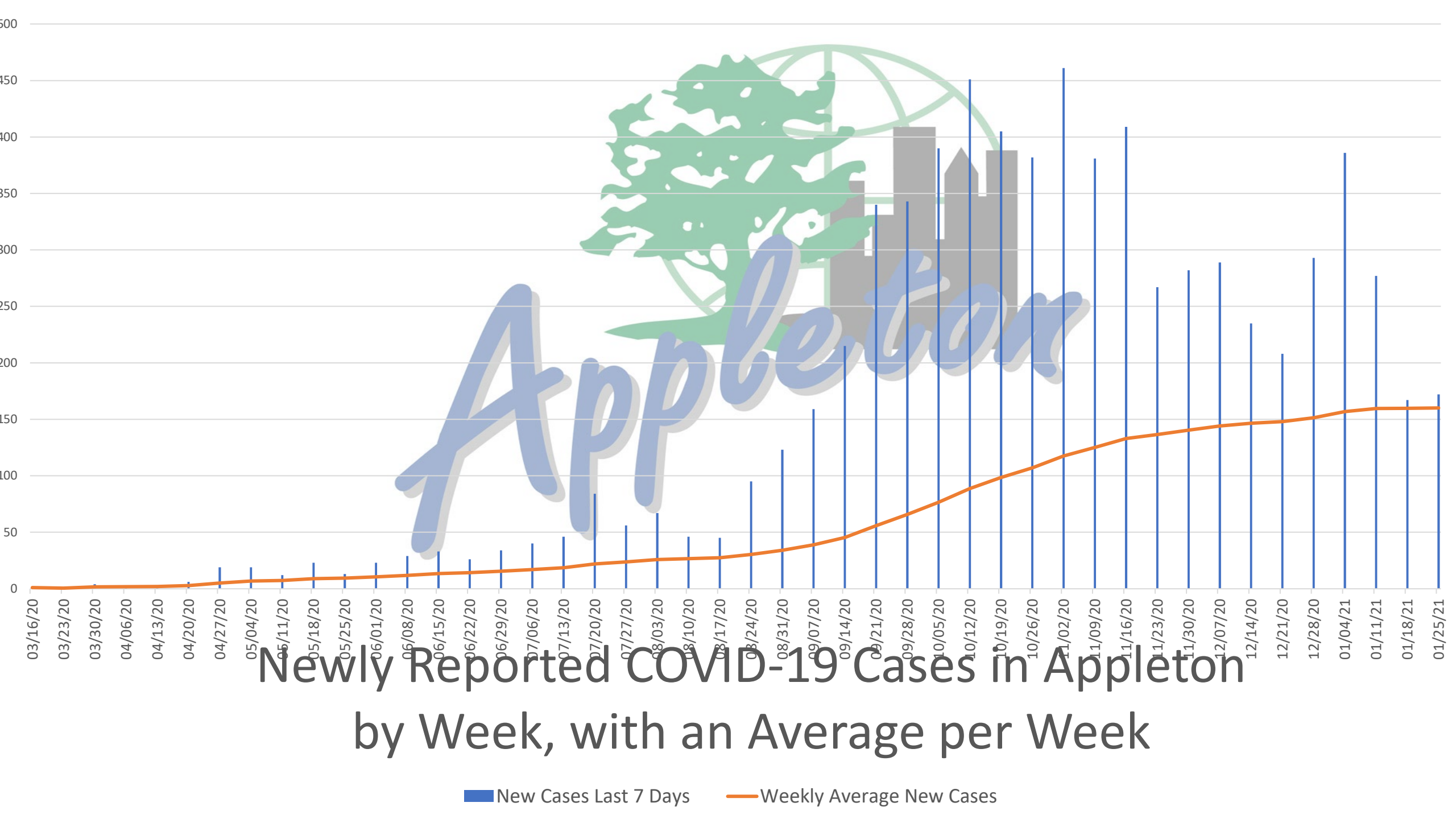
Gun Violence Survivor Week

in Appleton and encourage all residents to raise awareness about gun violence, renew our commitment to reduce gun violence and keep firearms out of the wrong hands, and encourage responsible gun ownership.

Signed and sealed this 29th day of January 2021.



JACOB A. WOODFORD
MAYOR OF APPLETON



$167 + 172 = 339$ (2 week case counts)

$339 / 75,000 = .00452$ (Appleton population 75,000)

$.00592 \times 100,000 = 452$ (equals burden)

Low less than or equal to 10 per 100,000 people

Moderate greater than 10 but less than 50 per 100,000 people

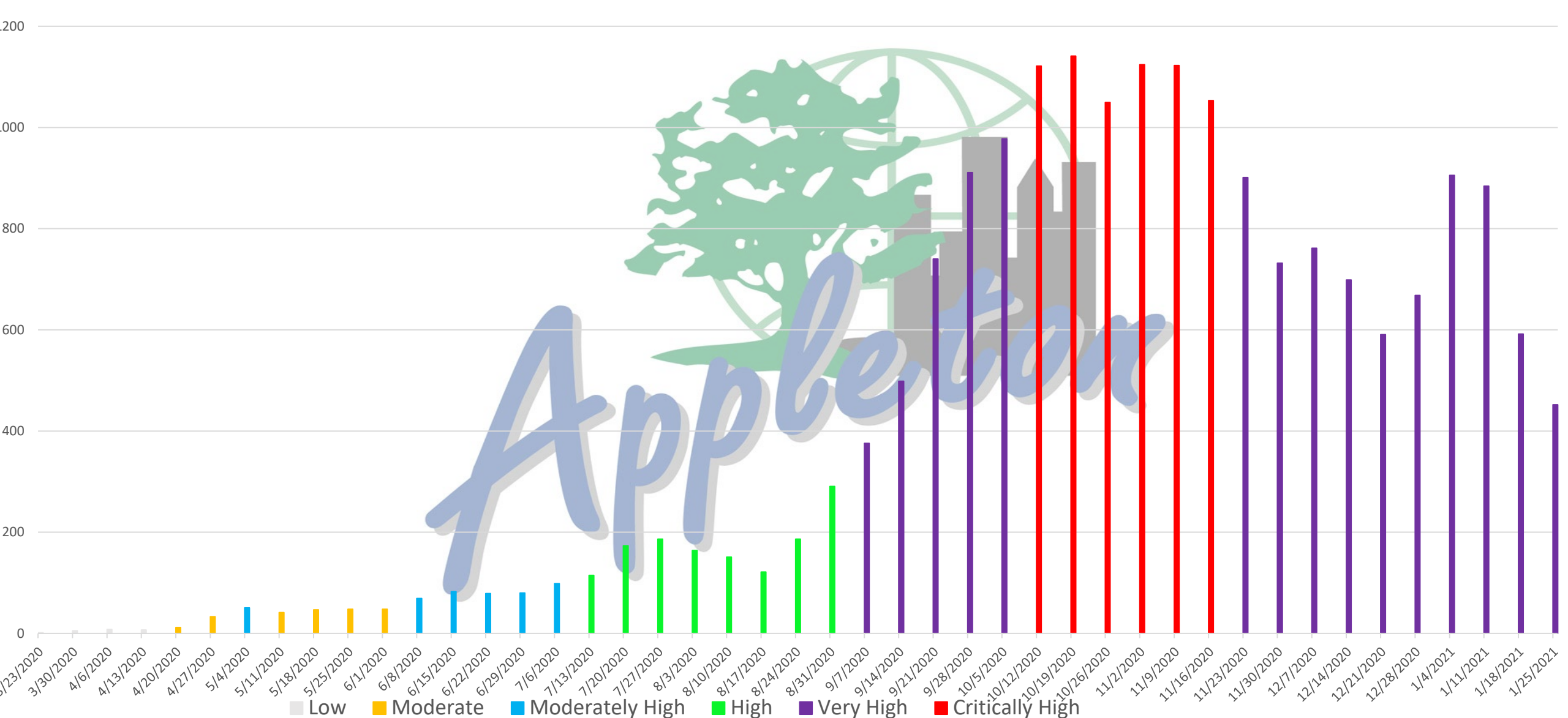
Moderately High greater than 50 but less than 100 per 100,000 people

High is greater than 100 per 100,000 people

Very High is greater than 350 per 100,000 people

Critically High is greater than 1,000 per 100,000 people

Table 1. Two indicators being based on confirmed cases: Burden and Trajectory. A third indicator maps Burden and Trajectory indicators into one composite indicator.					
Indicator	Definition	Classes			
Burden	Total number of cases per 100,000 in the last two weeks (B)	Low	$B \leq 10$		
		Moderate	$10 < B \leq 50$		
		Moderately High	$50 < B \leq 100$		
		High	$100 < B \leq 350$		
		Very High	$350 < B \leq 1000$		
		Critcally High	$1000 < B$		
Trajectory	Percent change in the last two weeks (T), p-value from a test against $T = 0$ (p)	Shrinking	$T \leq -10\%$ and $p < 0.025$		
		Growing	$10\% \leq T$ and $p < 0.025$		
		Not changing (No Call)	Otherwise		
Case status indicator(Composite of burden and trajectory)	Summary concern based on Burden and Trajectory classifications		Shrinking	No Call	Growing
		Low	Low	Low	Medium
		Moderate	Medium	Medium	High
		Moderately High	Medium	High	High
		High	High	High	High
		Very High	Very High	Very High	Very High
		Critcally High	Critcally High	Critcally High	Critcally High



Two Week Total New COVID-19 Cases in Appleton,
Rate per 100,000 Population, Risk Level Assessments per WDHS

RESOLUTION

Common Council Approval for Landfill Siting Negotiation Process

WHEREAS, Outagamie County through application is planning to acquire a permit from the Wisconsin Department of Natural Resource (WDNR) to operate a solid waste landfill within Outagamie County and with its address 1419 Holland Road, Appleton WI 54911, and

WHEREAS the City of Appleton is a municipal jurisdiction within Outagamie County, Wisconsin, and

WHEREAS the City of Appleton is an affected municipality with its boundary within 1,500 feet of the proposed landfill, and

WHEREAS the Outagamie County proposed landfill is located on a parcel of land approximately 100 acres in size, in the western half of Section 17, T21N, R18E, Village of Little Chute, Outagamie County, Wisconsin.

NOW, THEREFORE, BE IT RESOLVED by the Common Council for the City of Appleton, Outagamie County, Wisconsin, that the City of Appleton requests to negotiate and, if necessary, arbitrate with Outagamie County for the proposed landfill development and operational use, and

BE IT FURTHER RESOLVED by the Common Council for the City of Appleton, Outagamie County, Wisconsin, that the City of Appleton appoints the following representative to negotiate for the City of Appleton: City Attorney Christopher R. Behrens.

Adopted: January 20, 2021

Jacob A. Woodford, Mayor

Kami Lynch, City Clerk

City Law: A21-0007



January 8, 2021

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

Re: Avenue of Ice Friday, February 19

Dear Ms. VandeHey:

Please accept this request for a Sidewalk Occupancy permit for our upcoming "Avenue of Ice", featuring ice carvings throughout downtown. The carvings would need to be placed on Friday, February 19, for a weekend opportunity for the community to be able to view. Spacing the carvings throughout downtown, will eliminate a chance of congregating in one area.

As in previous years, we would like to work with your Department to place planters withing the amenity strip, (colored concrete), of College Avenue; to place the ice carvings on. A list of participating businesses and locations will be sent to you, as we near the date, thus giving your staff time to prepare.

Ice carvings are being ordered through Paul Salmon of Krystal Kleer Ice Carvings, as in previous years. If you have any questions or concerns, please do not hesitate to call or email me.

Thank you for your time and consideration.

A handwritten signature in blue ink that reads "Djuanna Hugdahl".

Djuanna Hugdahl
Event Coordinator
Appleton DOWNTOWN Inc.
djuanna@appleondowntown.org



"... 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 Lom, City Traffic Engineer
Date: January 18, 2021
Re: Proposed Pedestrian Crossing License at Locust/Lawrence Grade Crossing

The City recently closed the Locust Street railroad grade crossing and vacated the Locust Street right-of-way between Lawrence Street and the alley south of College Avenue.

As a part of that design process, and in an effort to improve safety, we worked with stakeholders to construct a “bulb-out” design that allows bicyclists and pedestrians to cross the tracks at a 90-degree angle.

In order to accommodate this design, and as a result of the vacation of the Locust Street grade crossing, the City needs a private crossing license from Wisconsin Central Ltd. railroad (WCL). WCL has agreed to grant this license to the City at no charge. The proposed/attached license agreement has been reviewed by the Attorney’s office.

We recommend approval of this agreement.

EXHIBIT A

EASEMENT DESCRIPTION

A part of the right-of-way of the Wisconsin Central LTD. Railroad, located in the Southeast 1/4 of the Southeast 1/4 of Section 27, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin containing 772 square feet (0.018 acres) of land described as follows:

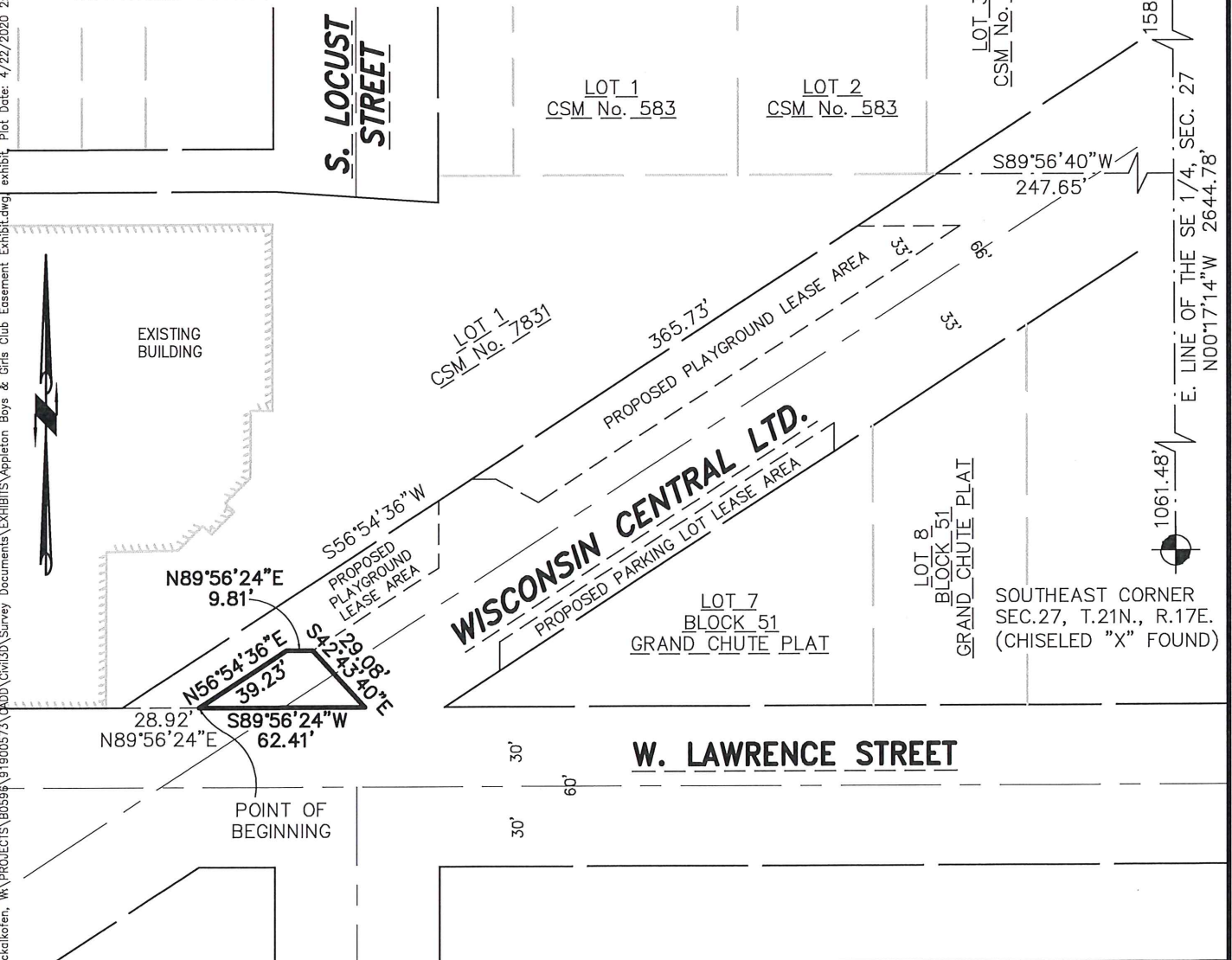
Commencing at the Southeast Corner of said Section 27; thence N00°17'14"W, 1061.48 feet along the East line of said Southeast 1/4; thence S89°56'40"W, 247.65 feet to the Northeast corner of Lot 1 of Certified Survey Map No. 7831 as recorded in Document No. 2177224; thence S56°54'36"W, 365.73 feet along the Northwesterly right-of-way line of the Wisconsin Central LTD. Railroad; thence N89°56'24"E, 28.92 feet along the Easterly extension of the North right-of-way line of W. Lawrence Street to the Point of Beginning; thence N56°54'36"E, 39.23 feet; thence N89°56'24"E, 9.81 feet; thence S42°43'40"E, 29.08 feet to said extended North right-of-way line of W. Lawrence Street; thence S89°56'24"W, 62.41 feet along said extended North right-of-way line of W. Lawrence Street to the Point of Beginning.

BEARINGS ARE REFERENCED TO THE EAST LINE OF THE SOUTHEAST 1/4, SECTION 27, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN WHICH BEARS N00°17'14"W PER OUTAGAMIE COUNTY COORDINATES

60 30 0 60

SCALE - FEET

EAST 1/4 CORNER
SEC.27, T.21N., R.17E.
(CHISELED "X" FOUND)



McMAHON
ENGINEERS ARCHITECTS

Project No. B0596 91900573.20 Date APR. 2020 Scale 1"=60'

Drawn By CWK Field Book Page

1445 McMAHON DRIVE NEENAH, WI 54956
Mailing: P.O. BOX 1025 NEENAH, WI 54957-1025
Tel: (920) 751-4200 Fax: (920) 751-4284

File No.



"... 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 Lom, City Traffic Engineer
Date: January 18, 2021
Re: Proposed 1-year extension of the *Bicycle and Pedestrian Eng'g On-Call Consulting Services contract*

In late 2016, the Department of Public Works solicited proposals for *Bicycle and Pedestrian Engineering On-Call Consulting Services*, and subsequently entered into a one-year contract (extendable to two years) with *Alta Planning + Design*. Based on the consultant's excellent performance, the contract was later extended through the end of the 2020 calendar year.

As a result of the consultant's continued excellent performance, the Department is proposing to extend this contract through the end of 2021.

Based on budgeted funds, we propose a not-to-exceed contract amount of \$12,000.



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

DEPARTMENT OF PUBLIC WORKS

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

MEMO

TO: Municipal Services Committee

FROM: Ross Buetow, Deputy Director of Public Works

SUBJECT: Parking Ramp Maintenance – Professional Services for Planning and Design

DATE: January 21, 2021

The Department of Public Works hereby requests permission to negotiate a sole source professional services contract with Desman Design Management ("Desman") for planning, design and administrative services related to the structural maintenance of the City's public parking ramps.

Desman is an industry leader in both the design of new parking structures and the maintenance and rehabilitation of existing parking structures. In 2019, Desman completed a comprehensive structural condition analysis of all three of the City's parking ramps, which included detailed descriptions of the structural condition of each ramp as well as general recommendations for short and long-term maintenance and repairs. Desman was selected to provide these services through a competitive RFP process and the quality of their final report was outstanding.

It is our opinion that Desman has the most current and in-depth knowledge of the condition of our ramps and is best suited to develop the most cost-effective program to maximize the life our parking facilities.

There is currently \$44,500 allocated in the approved 2021 Parking budget for the services described above. If approved, we would negotiate an appropriate scope of services with Desman to best utilize available funds. Any such agreement would be subsequently routed through the Municipal Services Committee and Common Council for formal approval.

It would be our preference to extend this professional services arrangement with Desman for up to a five year period subject to future funding availability and continued exemplary performance by Desman.

Thank you for your consideration.



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

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

Return application to: City Clerk, 100 N. Appleton Street, Appleton, WI 54911-4799

FEES ARE NON-REFUNDABLE

- ☐ Operator License \$67.00
☒ Operator License \$82.00
plus a provisional

Date Recv'd 10/21/20

Acct Code **CLCOPS**

Acct Code **CLCOPP**

Total fee paid \$ 82

Receipt # : 14800-12

☒ Original Application

☐ Renewal - License # _____

SECTION 1 - APPLICANT INFORMATION

Applicant Name (Last, First, MI) - FULL NAME - NOT NICK NAME OR SHORTENED VERSION OF NAME

Maiden or Previous

Budrick Robert Paul

Street Address

621 N Center St

City

Appleton

State

WI

Zip

54911

Driver's License Number/State Identification Number

[REDACTED]

State License Issued In:

WI

Date of Birth

[REDACTED]

Sex

M

Home Phone Number

[REDACTED]

Cell phone Number

[REDACTED]

Name and Address of Establishment you will be selling alcohol

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

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

If Yes; where? _____

Have you EVER been convicted of a felony? YES NO

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

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

If Yes; when, where and what type of violation? (Example: speeding, OWI) DWI 12 years ago DCX4

poss THC poss cocaine, damage to property, speeding traffic, theft of business

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

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

If Yes; where? _____

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

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

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

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

SECTION 3 - PENALTY NOTICE

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

Signature: Robert Budrick

FOR OFFICE USE ONLY

Department

Approve

Deny

By

Reason

POLICE

Date sent to APD

11/11/20

Class Completion Date

10/21/20

Current other license:

Muni _____ # _____

Date Issued

Expiration Date

License Number



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

TO: Safety and Licensing Committee

FROM: Lt. Adam Nagel

DATE: 12/12/20

RE: Denial of Robert Budrick

Committee Members:

I am requesting that the Safety and Licensing Committee recommend to the Common Council to deny Robert Budrick's application for a bartender's license. In addition to his most recent criminal charges being substantially related to the ability to responsibly sell alcohol, I find Robert Budrick to be a habitual law offender.

The most recent arrest of Robert Budrick occurred on 06/10/2020. During this incident Robert was involved in a disturbance at Rookie's bar in Appleton and arrested. Robert currently has three open cases through the Outagamie District Attorney's office (2020CF00048, 2020CF000367 and 2020CF000517. These offenses range from Strangulation/Suffocation, Disorderly Conduct and Bail jumping. The common issue in these incidents is Robert's consumption of alcohol.

Reviewing Robert's prior history of police contacts, I find the following are substantially related to the sale of alcohol and demonstrate that Robert Budrick is a habitual law offender.

He was found guilty of Possession of Drug Paraphernalia in Outagamie County case number 2004CM00295.

He was found guilty of OWI 2nd in Outagamie County case number 2011CT000179.

He was found guilty of two counts of Theft from a Business setting in Outagamie County case 2017CM000016.

The service of alcohol includes encountering individuals in a vulnerable state and the Police Department feels Robert Budrick has not demonstrated the necessary maturity and decision-making capacity to be allowed a bartender's license in the City of Appleton. His violations of court orders and recent issues in license premises show his on-going criminal behavior. His arrest and conviction record go back many years that further corroborates the decision to

recommend denial of his license request and demonstrates that he is a habitual law offender.

Respectfully:

Lt. Adam Nagel #9191
Appleton Police Department



LEGAL SERVICES DEPARTMENT

Office of the City Clerk

Kami Lynch, Clerk

100 North Appleton Street

Appleton, WI 54911

Phone: 920/832-6443

Fax: 920/832-5823

To: William Siebers, Safety & Licensing Committee Chair, Safety & Licensing Committee Members

From: Kami Lynch, City Clerk

Date: January, 22, 2021

Re: Temporarily Extending Special Event Fee Carry-over due to COVID-19

The Special Events Policy currently allows for fees of cancelled events to be carried over and used within one calendar year of the event date. The majority of 2020 special events were cancelled due to the COVID-19 pandemic.

Special Events Policy-

D. Fees

(6.) Non-Refundable. All fees are non-refundable with the exception of fees for events that are cancelled by the applicant and/or the City due to weather conditions or by the City for the unforeseen or unexpected unavailability of the event venue that is not caused by an act or inaction of the applicant, in which case the fees will revert to a credit the applicant can use for rescheduling the event or for a similar event. The credit must be used within one (1) calendar year from the date of the cancelled event. No cash refunds will be given if the full value of the credit is not used by the applicant. If the event is cancelled by the applicant due to weather conditions, notification to the City Clerk must be made as soon as reasonably possible.

The Special Events Committee has met to discuss options for event holders in 2021, as the COVID-19 pandemic continues and would like to offer the opportunity to extend the fee carry-over of unused 2020 fees into 2022 if requested by applicants. The request is for a temporary extension of carry-over fees into 2022, due to the COVID-19 pandemic.

Respectfully,

Kami Lynch, City Clerk

pd 1/26/21
1727-2

Schedule for Appointment of Agent by Corporation / Nonprofit Organization or Limited Liability Company

Submit to municipal clerk.

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent. The following questions must be answered by the agent. The appointment must be signed by an officer of the corporation/organization or one member/manager of a limited liability company and the recommendation made by the proper local official.

To the governing body of: ☐ Town
☐ Village of APPLETON County of OUTAGAMIE
☒ City

The undersigned duly authorized officer/member/manager of FOX RIVER BOAT HOLDING CO LLC
(Registered Name of Corporation / Organization or Limited Liability Company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as

RIVER TUNE BISTRO
(Trade Name)

located at 425 W WATER ST APPLETON

appoints CANDICE MORTARA
(Name of Appointed Agent)

1301 N. BRIARCLIFF DR APPLETON, WI 54915
(Home Address of Appointed Agent)

to act for the corporation/organization/limited liability company with full authority and control of the premises and of all business relative to alcohol beverages conducted therein. Is applicant agent presently acting in that capacity or requesting approval for any corporation/organization/limited liability company having or applying for a beer and/or liquor license for any other location in Wisconsin?

☐ Yes ☒ No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).

Is applicant agent subject to completion of the responsible beverage server training course? ☒ Yes ☐ No

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 0 YEARS

Place of residence last year _____

For: FOX RIVER BOAT HOLDING CO LLC
(Name of Corporation / Organization / Limited Liability Company)

By: CMortara
(Signature of Officer / Member / Manager)

Any person who knowingly provides materially false information in an application for a license may be required to forfeit not more than \$1,000.

ACCEPTANCE BY AGENT

I, CANDICE MORTARA, hereby accept this appointment as agent for the
(Print / Type Agent's Name)

corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises for the corporation/organization/limited liability company.

CMortara 1/26/21
(Signature of Agent) (Date)

Agent's age 00

1301 N BRIARCLIFF DR APPLETON, WI 54915
(Home Address of Agent)

Date of birth 00/00/00

APPROVAL OF AGENT BY MUNICIPAL AUTHORITY (Clerk cannot sign on behalf of Municipal Official)

I hereby certify that I have checked municipal and state criminal records. To the best of my knowledge, with the available information, the character, record and reputation are satisfactory and I have no objection to the agent appointed.

Approved on _____ by _____ Title _____
(Date) (Signature of Proper Local Official) (Town Chair, Village President, Police Chief)

Auxiliary Questionnaire Alcohol Beverage License Application

Submit to municipal clerk.

Individual's Full Name (please print) (last name)		(first name)		(middle name)	
CANDICE L. MORTARA					
Home Address (street/route)	Post Office	City	State	Zip Code	
1301 N. BRIARCLIFF DR		APPLETON	WI	54915	
Home Phone Number	Age	Date of Birth	Place of Birth		
●●●●-●●●●	●	●●/●●/●●	WANPACA, WI		

The above named individual provides the following information as a person who is (check one):

☐ Applying for an alcohol beverage license as an **individual**.

☐ A member of a **partnership** which is making application for an alcohol beverage license.

☒ **MEMBER** of **FOX RIVER BOAT HOLDING CO, LLC**
(Officer / Director / Member / Manager / Agent) (Name of Corporation, Limited Liability Company or Nonprofit Organization)

which is making application for an alcohol beverage license.

The above named individual provides the following information to the licensing authority:

- How long have you continuously resided in Wisconsin prior to this date? **4 YEARS**
- Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? ☐ Yes ☒ No
If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)
- Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? ☐ Yes ☒ No
If yes, describe status of charges pending.
- Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? ☐ Yes ☒ No
If yes, identify. (Name, Location and Type of License/Permit)
- Do you hold and/or are you an officer, director, stockholder, agent or employee of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? ☐ Yes ☒ No
If yes, identify. (Name of Wholesale Licensee or Permittee) (Address By City and County)
- Named individual must list in chronological order last two employers.

Employer's Name	Employer's Address	Employed From	To
SELF EMPLOYED			
Employer's Name	Employer's Address	Employed From	To

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the undersigned states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. The signer agrees that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.

C. Mortara
(Signature of Named Individual)



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: January 26, 2021

Common Council Meeting Date: February 3, 2021

Item: Extraterritorial Final Plat – Marsden Park – Town of Grand Chute

Case Manager: David Kress, Principal Planner

GENERAL INFORMATION

Owner/Applicant: Rubble Development, LLC c/o Glen Scherwinski

Address/Parcel #: Generally located west of Gillett Street and south of Starview Drive in the Town of Grand Chute – Tax Id #101036111

Petitioner's Request: The applicant is proposing to subdivide property under the Town's RSF Single-Family Residential District. The area is 5.12 acres in size and would be divided into two lots.

BACKGROUND

The subject area is within the City's extraterritorial plat approval jurisdiction, which includes the unincorporated area within three miles of the City, as described in the Subdivision Ordinance. The Preliminary Plat was approved by Common Council on December 16, 2020. The Final Plat must also be reviewed and approved by the Town of Grand Chute and Outagamie County. This item is on track to go to the Town Board on February 18, 2021, and it has not yet appeared before the County Zoning Committee.

STAFF ANALYSIS

Existing Conditions: This is undeveloped land located in the Town of Grand Chute, west of Gillett Street. Delineated wetlands and a stormwater pond exist on the property. Access to the development would be obtained from Starview Drive.

Comparison between Final Plat and Preliminary Plat: The Final Plat is consistent with the Preliminary Plat layout in terms of the shape, size, and location of the lots.

Surrounding Zoning and Land Uses: The surrounding area is under the jurisdiction of the Town of Grand Chute, and the nearby uses are generally residential in nature. The surrounding zoning is the Town's RSF Single-Family Residential District and AGD General Agricultural District.

Comprehensive Plan 2010-2030: Community and Economic Development staff has reviewed the City of Appleton's *Comprehensive Plan 2010-2030* and determined this proposed subdivision is outside the City's future growth area.

Review Criteria: Community and Economic Development staff has reviewed the Extraterritorial Final Plat in accordance with the City of Appleton Subdivision Ordinance, as well as Zoning Ordinance requirements for single-family residential developments. Proposed Lot 1 is 3.25 acres and proposed Lot 2

Extraterritorial Final Plat – Marsden Park – Town of Grand Chute

January 26, 2021

Page 2

is 1.87 acres in size. The lot sizes and lot widths for the proposed lots in this Town of Grand Chute subdivision exceed minimum City of Appleton Zoning Ordinance requirements.

Additional Comments: Several issues do not impact the City, but may warrant consideration from the Town of Grand Chute and/or Outagamie County:

- The “recorded as” dimension shown along the western plat boundary (509.45’) does not match recorded CSM 6026.
- Rubble Development, LLC is listed twice under the Town Board Approval Certificate.

Technical Review Group (TRG) Report: This item appeared on the January 5, 2021 TRG agenda. No negative comments were received from participating departments.

RECOMMENDATION

Based on the above, staff recommends that the Extraterritorial Final Plat – Marsden Park located in the Town of Grand Chute, as shown on the attached maps, **BE APPROVED** subject to the following condition:

1. For the City of Appleton Approval (Extraterritorial) signature block, list the Mayor’s name as Jacob A. Woodford.

Extraterritorial Final Plat
Marsden Park
Town of Grand Chute

Subject Area

CITY LIMITS

CITY LIMITS

TOWNE LAKES CIR

LITTLE RANCH RD

RACHEL LA

KAYLEE LA

W STARVIEW DR

STARVIEW DR

SKYWAY LA

STARVIEW DR

WEDGEWOOD DR

N DAVID ST

W MONTANA AV

SERVICE RD
N RICHMOND ST

W ELSNER RD

W POLARIS CT

N ORION LA

W HUBBLE LA

N STAR POINT LA

N STAR RIDGE LA

W EVERGREEN DR

HWY 41

HWY 41

HWY 41 ON RAMP

HWY 41 OFF RAMP

W HIAWATHA DR

GREENLAWN LA

N OUTAGAMIE ST

N ERIN DR

N MASON ST

N SPRUCE ST

N SUMMIT ST

N STORY ST

W BRICKSTONE CT

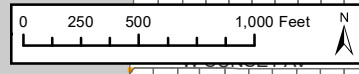
N MASON ST

SHOSHONE DR

W SENECA DR

W CAPITOL DR

APACHE CT



Extraterritorial Final Plat
Marsden Park
Town of Grand Chute
Aerial Map

W STARVIEW DR

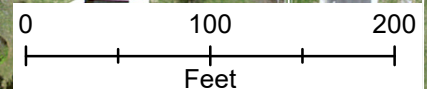
Subject Area

N GILLET ST

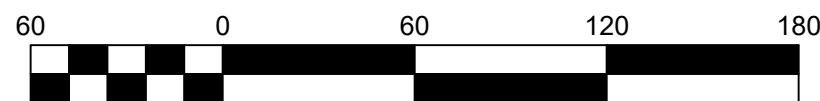
WHISPERING PINE CT



Plan Commission
1-26-2021

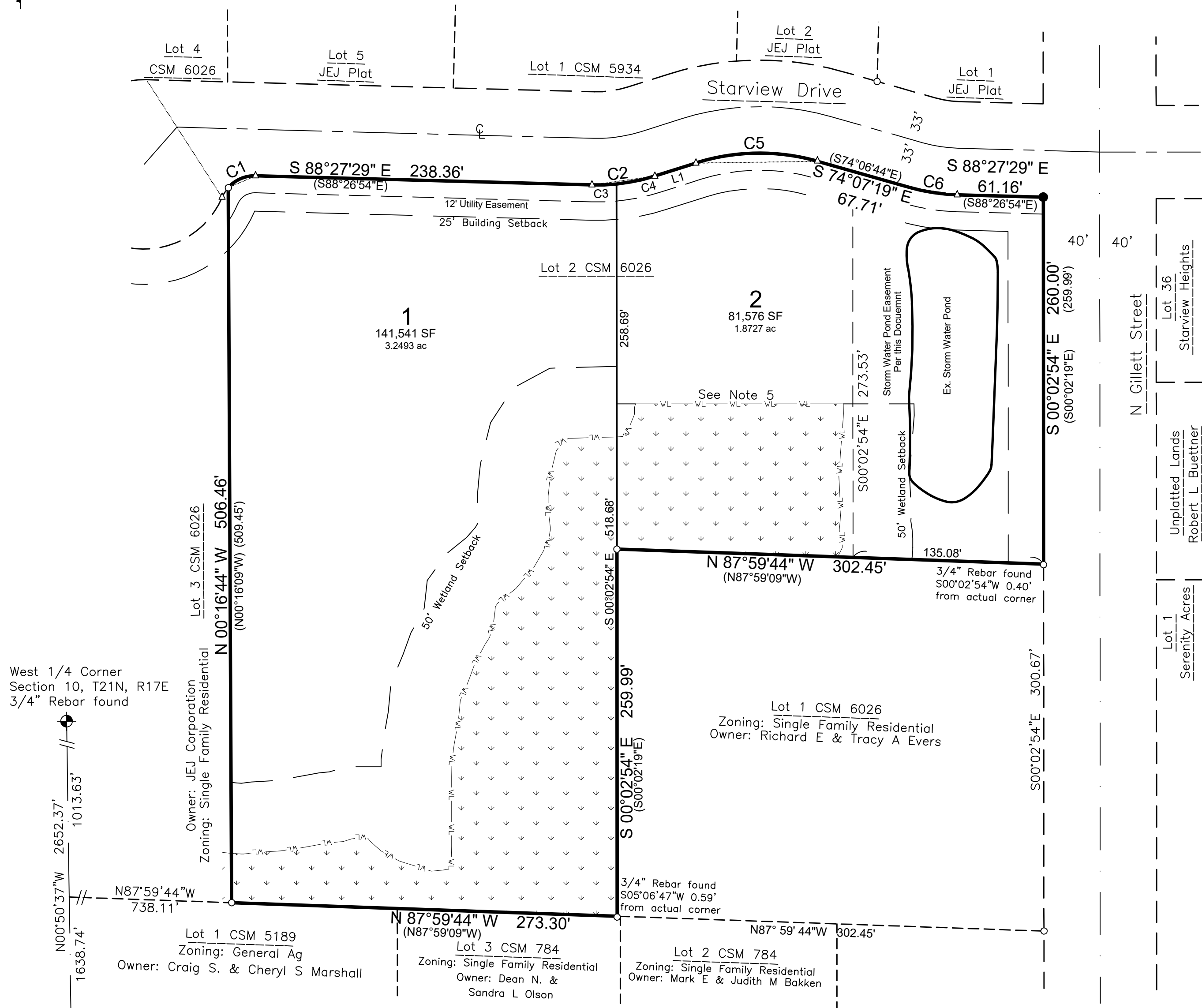


Marsden Park



Bearings are referenced to the West line of the Southwest 1/4, Section 10, T21N, R17E, assumed to bear N00°50'37"W, base on the Outagamie County Coordinate System.

All of Lot 2, Certified Survey Map 6026, being part of the Northwest 1/4 of the Southwest 1/4 of Section 10, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin



West 1/4 Corner
Section 10, T21N, R17E
3/4" Rebar found

Southwest Corner
Section 10, T21N, R17E
Berntsen Monument Found

Owner's Certificate of Dedication

Rubble Development, LLC, a limited liability company duly organized and existing under and by virtue of the laws of the State of Wisconsin, as the property owner, does hereby certify that said limited liability company caused the land described on this plat to be surveyed, divided, mapped and dedicated as represented on this plat.

Rubble Development, LLC, does further certify this plat is required by s.236.10 or s.236.12 to be submitted to the following for approval or objection:

Outagamie County Planning and Zoning Committee
Town of Grand Chute
City of Appleton
Department of Administration

Dated this _____ day of _____, 20____.

In the presence of: Rubble Development, LLC

Glen Scherwinski, Managing Member

State of Wisconsin)

_____) County) ss

Personally came before me this _____ day of _____, 20____, the above the property owner(s) to me known to be the persons who executed the foregoing instrument and acknowledge the same.

My Commission Expires _____
Notary Public, Wisconsin

Special Town of Grand Chute Restriction

This subdivision Final Plat is subject to all of the requirements of Section 6.16 (E) Municipal Code of the Town of Grand Chute. The subdivider, for himself / itself, and his / its assigns, shall be responsible for all municipal improvements, including graveled and blacktopped streets, graveled road shoulders, sewer and water, curb and gutter if determined necessary by the Town of Grand Chute Board of Supervisors, sewer lift stations when determined necessary by the Town of Grand Chute Board of Supervisors, dedicated and open clear water drainage easements and street lighting. Pursuant to Section 6.16 (E) Municipal Code of the Town of Grand Chute, the Town of Grand Chute reserves the right to withhold building permits for this subdivision if the above stated municipal improvements have not been completed in a timely and orderly fashion by the subdivider / owner, according to the terms and conditions of 6.16 (E). That, in addition, all subdividers and property owners are put on notice that a three hundred dollar (\$300.00) hookup contribution charge for sewer services may be payable by each lot within the platted subdivision to the Town of Grand Chute Board of Supervisors, storm sewers when determined necessary by the Town of Grand Chute Board of Supervisors, where decorative street lighting is requested by the owner / subdivider, the difference in cost between regular street lighting and decorative street lighting will be assessed annually to property owners within the subdivided areas, on an annual cost basis as incurred by the Town of Grand Chute, plus the Town of Grand Chute's annual interest charge; the Town of Grand Chute shall be responsible only for base and regular street lighting costs at intersections and cul-de-sacs, with any excess lighting costs as requested by the subdivider or property owners being assessed directly to the abutting property owners.

Surface Water Drainage Covenant

Maintenance of all drainage ways, including easements as indicated on the plat and along side and rear lot lines which convey storm water runoff as indicated on the Drainage Plan, and associated structures within the subdivision or serving the subdivision is the sole responsibility of the property owners of the subdivision, unless noted on the plan.

Upon failure of the property owners to perform maintenance of the drainage ways and associated structures, the county and/or township retains the right to perform maintenance and/or repairs and shall be equally assessed among the property owners of the subdivision with a drainage covenant.

LEGEND

- △ 1 1/4" Rebar Found
- 3/4" Rebar Found
- 1 1/4" x 18" Steel Rebar @ 4.30lbs/LF SET
- All Other Corners
- 3/8" x 18" Steel Rebar @ 1.50lbs/LF SET
- SF Lot Areas In Square Feet
- () Recorded As

Town Board Approval Certificate

Resolved, that the plat of Marsden Park in the Town of Grand Chute, Outagamie County, Rubble Development, LLC, owners, is hereby approved by the Town Board of the Town of Grand Chute.

Chairman _____ Date _____

I hereby certify that the foregoing is a copy of a resolution adopted by the Town Board of the Town of Grand Chute.

Clerk _____ Date _____

Treasurer's Certificate

We, being the duly elected, qualified and acting Treasurer's of the Town of Grand Chute and Outagamie County, do hereby certify that in accordance with the records in our office, there are no unredeemed tax sales and unpaid taxes, or special assessments on and of the land included in this plat.

Town Treasurer _____ Date _____

County Treasurer _____ Date _____

City of Appleton Approval (Extraterritorial)

Resolved, that the plat of Marsden Park in the Town of Grand Chute, Outagamie County, Rubble Development, LLC, owners, is hereby approved by the Common Council of the City of Appleton.

Jake Woodford, Mayor _____ Date _____

I hereby certify that the foregoing is a copy of a resolution adopted by the the Common Council of the City of Appleton.

Kami Lynch, Clerk _____ Date _____

Development And Land Services Approval Certificate

Resolved, that the plat of Marsden Park in the Town of Grand Chute, Outagamie County, Rubble Development, LLC, owners, is hereby approved by Outagamie County.

Authorized Representative _____ Date _____

This Final Plat is contained wholly within the property described in the following recorded instruments:

The property owner of record: Rubble Development, LLC
Recording Information: Doc No. 2219063
Parcel Number(s): 101036111

CURVE TABLE								
Curve	Radius	Chord Direction	Recorded As	Chord Length	Arc Length	Central Angle	Tangent Bearing-in	Tangent Bearing-out
C1	25.00'	N 66°31'44" E	(N66°31'57"E)	21.14'	21.83'	50°01'33"	N 41°30'58" E	S 88°27'29" E
C2	136.00'	N 82°00'22" E	(N88°00'57"E)	45.06'	45.27'	19°04'18"	S 88°27'29" E	N 72°28'13" E
C3	136.00'	N 87°51'05" E		17.51'	17.52'	7°22'51"	S 88°27'29" E	N 84°09'39" E
C4	136.00'	N 78°18'56" E		27.70'	27.75'	11°41'27"	N 84°09'39" E	N 72°28'13" E
C5	150.00'	N 89°10'27" E	(N89°11'02"E)	86.23'	87.46'	33°24'28"	N 72°28'13" E	S 74°07'19" E
C6	136.00'	S 81°17'24" E	(S81°16'49"E)	33.94'	34.03'	14°20'10"	S 74°07'19" E	S 88°27'29" E

LINE TABLE		
Line	Bearing	Length
L1	N 72°28'13" E	30.52'
	(N72°28'48"E)	

There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats.

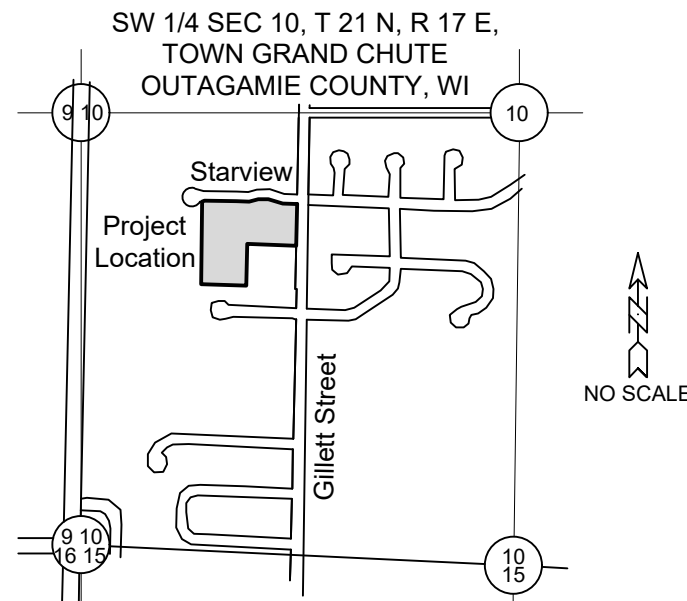
Certified _____, 20____

Department of Administration



File: 6057Final.dwg
Date: 01/08/2021
Drafted By: jim
Sheet: 1 of 1
Revision Date: Jan 08, 2021

LOCATION MAP



Surveyor's Certificate

I, James R. Sehloff, Professional land surveyor, hereby certify: That in full compliance with the provisions of Chapter 236 of the Wisconsin Statutes and the subdivision regulations of the Town of Grand Chute and Outagamie County, and under the direction of Rubble Development, LLC, owner of said land, I have surveyed divided and mapped Marsden Park; that such plat correctly represents all exterior boundaries and the subdivision of the land surveyed; and that this land is All of Lot 2, Certified Survey Map 6026, being part of the Northwest 1/4 of the Southwest 1/4 of Section 10, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 223,117 Sq Ft (5.1221 Ac) of land, subject to all easement and restrictions of record.

Given under my hand this _____ day of _____, 20____.

James R. Sehloff, Wisconsin Professional Land Surveyor No. S-2692

Utility Easement Provisions

An easement for electric, natural gas, and communications service is hereby granted by

Rubble Development, LLC, to:

Wisconsin Electric Power Company and Wisconsin Gas, LLC, Wisconsin corporations doing business as We Energies, Grantee, SBC, Grantee, and Time Warner Cable, Grantee

their respective successors and assigns, to construct, install, operate, repair, maintain and replace from time to time, facilities used in connection with overhead and underground transmission and distribution of electricity and electric energy, natural gas, telephone and cable TV facilities for such purposes as the same is now or may hereafter be used, all in, over, under, across, along and upon the property shown within those areas on the plat designated as "Utility Easement Areas" and the property designated on the plat for streets and alleys, whether public or private, together with the right to install service connections upon, across within and beneath the surface of each lot to serve improvements, thereon, or on adjacent lots; also the right to trim or cut down trees, brush and roots as may be reasonably required incident to the rights herein given, and the right to enter upon the subdivided property for all such purposes. The Grantees agree to restore or cause to have restored, the property, as nearly as is reasonably possible, to the condition existing prior to such entry by the Grantees or their agents. This restoration, however, does not apply to the initial installation of said underground and/or above ground electric facilities, natural gas facilities, or telephone and cable TV facilities or to any trees, brush or roots which may be removed at any time pursuant to the rights herein granted. Structures shall not be placed over Grantees' facilities or in, upon or over the property within the lines marked "Utility Easement Areas" without the prior written consent of Grantees. After installation of any such facilities, the grade of the subdivided property shall not be altered by more than four inches without written consent of grantees.

The grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.

Rubble Development, LLC

Glen Scherwinski, Managing Member _____ Date _____

Notes:

- All linear measurements have been made to the nearest one hundredth of a foot.
- All bearings are computed and measured to the nearest second.
- Lot 1 of CSM 4538 shows a drainage easement for the benefit of JEJ Plat. There is no record, in the register of deeds office, of this easement being granted to the to the Town of Grand Chute or owners of the JEJ Plat. Also there is no maintenance agreement on file, for the existing pond located within said easement.
- Per this document the Town agrees to release any right either implied and/or written to Drainage Easement listed in Note 1. In return the Developer, Rubble Development, LLC, agree to A Storm Water Pond Easement, located on Lot 2, is being granted to the Town of Grand Chute as shown on this map. The Storm Water Pond Easement is subject to any restrictions noted on the Final Plat of JEJ Plat and this document.
- Lot 2 contains wetland that were filled per EXE-NE-2020-45-02948 dated October 12, 2020. At the time of platting the Town does not enforce a setback on portions of wetlands that have been legally filled.



DAVEL ENGINEERING & ENVIRONMENTAL, INC.
CIVIL ENGINEERING CONSULTANTS
1811 Racine Street, Menasha, WI 54952
Ph: 920-991-1866 Fax: 920-830-9595
www.davel.pro

DHS CARS STAFF INTERNAL USE ONLY**CARS PAYMENT INFORMATION**

The information below is used by the DHS Bureau of Fiscal Services, CARS Unit, to facilitate the processing and recording of payments made under this Agreement.

Agency #: Agency Name: Agency Type: CARS Contract Start Date CARS Contract End Date Program Total Contract:

449983 APPLETON 160 2/1/2020 9/30/2021 \$798,421

Profile ID#	Profile Name	Profile Note	Profile Current Amount	Profile Change Amount	Profile Total Amount	Funding Controls
155802	ELC CARS - COVID19		-	\$22,900	\$22,900	N/A

FEDERAL AWARD INFORMATION

DHS Profile Number	155802	155803	155804	155805
FAIN	NU50CK000534	Not available	Not available	Not available
Federal Award Date	4/23/2020	Not available	Not available	Not available
Sub-award period of Performance Start Date	2/1/2020	3/1/2020	3/1/2020	3/1/2020
Sub-award period of Performance End Date	9/30/2021	12/31/2020	12/31/2020	12/31/2020
Amount of Federal Funds obligated (committed) by this action	\$22,900	\$118,900	\$30,000	\$626,621
Total Amount of Federal Funds obligated (committed)	\$22,900	\$118,900	\$30,000	\$626,621
Federal Award Project Description	Wisconsin's Application for the 2019 Epidemiology and Laboratory Capacity for Prevention and Control of Emerging Infectious Diseases (ELC) Cooperative Agreement	Coronavirus Relief Fund	Coronavirus Relief Fund	Coronavirus Relief Fund
Federal Awarding Agency Name (Department)	DEPARTMENT OF HEALTH AND HUMAN SERVICES	Department of the Treasury	Department of the Treasury	Department of the Treasury
DHS Awarding Official Name	Julie A. Willems Van Dijk	Julie A. Willems Van Dijk	Julie A. Willems Van Dijk	Julie A. Willems Van Dijk
DHS Awarding Official Contact Information	608-266-9622	608-266-9622	608-266-9622	608-266-9622
CFDA Number	93.323	21.019	21.019	21.019
CFDA Name	Epidemiology and Laboratory Capacity for Infectious Diseases (ELC)	Coronavirus Relief Fund	Coronavirus Relief Fund	Coronavirus Relief Fund
Total made available under each Federal award at the time of disbursement	\$11,333,547	Not available	Not available	Not available
R&D?	No	No	No	No
Indirect Cost Rate	0.065	0.065	0.065	0.065

38. FEDERAL AWARD INFORMATION

DHS Profile Number	155020	159320	155806
FAIN	NH23IP922611	B04MC38876	NU50CK000534
Federal Award Date	9/23/2020	7/8/2020	5/18/2020
Subaward period of Performance Start Date	1/1/2021	1/1/2021	10/1/2020
Subaward period of Performance End Date	12/31/2021	12/31/2021	10/31/2022
Amount of Federal Funds obligated (committed) by this action	\$21,443	\$28,146	\$390,100
Total Amount of Federal Funds obligated (committed)	\$21,443	\$28,146	\$390,100
Federal Award Project Description	Immunization and Vaccines for Children	Maternal and Child Health Services	Wisconsin's Application for the 2019 Epidemiology and Laboratory Capacity for Prevention and Control of Emerging Infectious Diseases (ELC) Cooperative Agreement
Federal Awarding Agency Name (Department)	Department of Health and Human Services	Department of Health and Human Services	Department of Health and Human Services
DHS Awarding Official Name	Julie A. Willems Van Dijk	Julie A. Willems Van Dijk	Julie A. Willems Van Dijk
DHS Awarding Official Contact Information	608-266-9622	608-266-9622	608-266-9622
CFDA Number	93.268	93.994	93.323
CFDA Name	Immunization Cooperative Agreements	Maternal and Child Health Services Block Grant to the States	Epidemiology and Laboratory Capacity for Infectious Diseases (ELC)
Total made available under each Federal award at the time of disbursement	\$17,138,756	\$10,750,089	\$137,077,934
R&D?	No	No	No
Indirect Cost Rate	0.065	0.065	0.065

RELOCATION ORDER

The City of Appleton, Outagamie/Calumet/Winnebago Counties, Wisconsin, by its Common Council and for its Relocation Order hereby resolves as follows:

1. That this Resolution is a Relocation Order in accordance with subsection 32.05(1), Wisconsin Statutes, for the purpose of the within-described public improvement project and it is also a determination of necessity for that project in accordance with subsection 32.07(2), Wisconsin Statutes;
2. That the City of Appleton hereby determines that it is necessary and of public purpose to widen the pavement to accommodate turning movements and sidewalk at Glendale Avenue at Richmond Street, in or near the City of Appleton, Wisconsin.
3. That said project will be built within the areas marked on the scale drawing, which is attached to this Relocation Order as Exhibit "A" and is incorporated herein;
4. That said construction work will be done within the areas marked on the scale drawing, which is attached to this Relocation Order as Exhibit "A" and is incorporated herein;
5. That the legal descriptions for the acquisition areas necessary for this project are contained in Exhibits "B", "C", and "D" which are also incorporated herein;
6. That the City of Appleton will acquire a fee simple interest in the areas described in the "Legal Description for Acquisition" contained in Exhibits "B", "C", and "D" from the present owners.

Passed and approved this _____ day of _____, 2021.

I hereby certify that on this _____ day of _____, 2021, that the within Relocation Order was adopted by a vote of _____ ayes and _____ nays by the Common Council for the City of Appleton, Wisconsin.

Record and return to:

City of Appleton – City Attorney's Office
100 North Appleton Street
Appleton, WI 54911-4799

Tax Key Nos. 315 232600, 315 237900, 316 244001

SIGNATURES APPEAR ON THE FOLLOWING PAGE

City of Appleton

ATTEST:

APPROVED:

Kami Lynch, City Clerk

Jacob A. Woodford, Mayor

Subscribed and sworn to before me
this _____ day of _____, 2021.

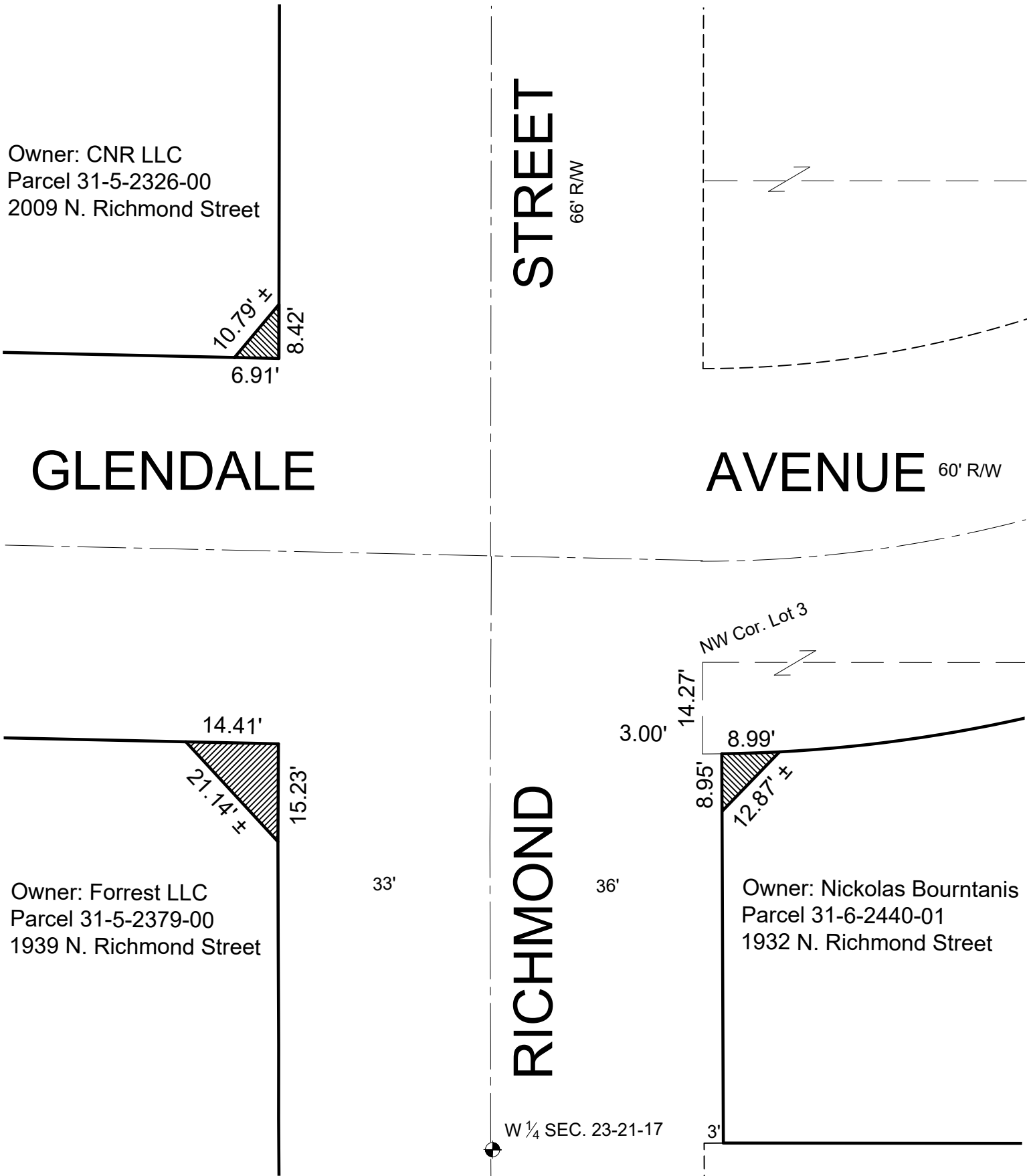
Jamie L. Griesbach
Notary Public, State of Wisconsin
My commission expires: 11/11/2021

This instrument was drafted by:
Christopher R. Behrens,
Appleton City Attorney
City Law: A21-0032 – A21-0034

EXHIBIT "A"

GLENDALE AVENUE AND RICHMOND STREET

A portion of land for street right way, being a part of Lot 5, Block 9 and a part of Lot 6, Block 4, KRAUS ADDITION and a part of Lot 3, Block 4, KEARN PLAT, located in the Southeast ¼ of the Northeast ¼ of Section 22 and the Southwest ¼ of the Northwest ¼ , all in Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin.



CITY OF APPLETON

DEPT. OF PUBLIC WORKS
ENGINEERING DIVISION
100 NORTH APPLETON STREET
APPLETON, WI 54911
920-832-6474
DRAFTED BY: T. KROMM
H:\Acad\row acq\2020\Glendale_Richmond_0512_2020

EXHIBIT B

Legal Description for Acquisition CNR LLC

PARCEL: 31-5-2326-00

Owner: CNR LLC

Fee Simple Interest:

A portion of land for street right way, being a part of Lot Six (6), in Block Four (4), **KRAUS ADDITION**, located in the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 22, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 29 Square Feet (0.0007 Acres) of land and described as follows:

Commencing at the Southeast corner of said Lot 6 and being the point of beginning;

Thence West 6.91 feet along the South line of said Lot 6 and being coincident with the North line of Glendale Avenue;

Thence Northeasterly 10.79 feet m/l to a point on the East line of said Lot 6, said point being 8.42 feet North of the point of beginning;

Thence South 8.42 feet along the East line of said Lot 6 and being coincident with the West line of Richmond Street to the point of beginning.

SEE ALSO ATTACHED EXHIBIT "A"

EXHIBIT C

Legal Description for Acquisition FORREST INC.

PARCEL: 31-5-2379-00

Owner: Forrest Inc.

Fee Simple Interest:

A portion of land for street right way, being a part of Lot Five (5), in Block Nine (9), **KRAUS ADDITION**, located in the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 22, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 110 Square Feet (0.0025 Acres) of land and described as follows:

Commencing at the Northeast corner of said Lot 5 and being the point of beginning;

Thence South 15.23 feet along the East line of said Lot 5 and being coincident with the West line of Richmond Street;

Thence Northwesterly 21.14 feet m/l to a point on the North line of said Lot 5, said point being 14.41 feet West of the point of beginning;

Thence East 14.41 feet along the North line of said Lot 5 and being coincident with the South line of Glendale Avenue to the point of beginning.

SEE ALSO ATTACHED EXHIBIT "A"

EXHIBIT D

Legal Description for Acquisition NICKOLAS BOURNATANIS

PARCEL: 31-6-2440-01

Owner: Nickolas Bourntanis

Fee Simple Interest:

A portion of land for street right way, being a part of Lot Three (3), in Block Four (4), **KEARN PLAT**, located in the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 23, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 40 Square Feet (0.0009 Acres) of land and described as follows:

Commencing at the Northwest corner of said Lot 3;

Thence South 14.27 feet along the West line of said Lot 3 and being coincident with the original East line of Richmond Street;

Thence Easterly 3.00 feet along the arc of a curve to the left having a radius of 230.00 feet and being coincident with the relocated South line of said Glendale Avenue to the point of beginning;

Thence continue Easterly 8.99 feet along the arc of a curve to the left having a radius of 230.00 feet and being coincident with the relocated South line of said Glendale Avenue;

Thence Southwesterly 12.87 feet m/l to the current East line of Richmond Street and said point being 8.95 feet South of the point of beginning;

Thence North 8.95 feet along the current East line of Richmond Street to the point of beginning.

SEE ALSO ATTACHED EXHIBIT "A"

RELOCATION ORDER

The City of Appleton, Outagamie/Calumet/Winnebago Counties, Wisconsin, by its Common Council and for its Relocation Order hereby resolves as follows:

1. That this Resolution is a Relocation Order in accordance with subsection 32.05(1), Wisconsin Statutes, for the purpose of the within-described public improvement project and it is also a determination of necessity for that project in accordance with subsection 32.07(2), Wisconsin Statutes;
2. That the City of Appleton hereby determines that it is necessary and of public purpose to construct a new roadway (Lightning Drive), in or near the City of Appleton, Wisconsin.
3. That said project will be built within the areas marked on the scale drawing, which is attached to this Relocation Order as Exhibit "A" and is incorporated herein;
4. That said construction work will be done within the areas marked on the scale drawing, which is attached to this Relocation Order as Exhibit "A" and is incorporated herein;
5. That the legal descriptions for the acquisition areas necessary for this project are contained in Exhibits "B" and "C" which are also incorporated herein;
6. That the City of Appleton will acquire a fee simple interest in the areas described in the "Legal Description for Acquisition" contained in Exhibits "B" and "C" from the present owners.

Record and return to:

City of Appleton – City Attorney's Office
100 North Appleton Street
Appleton, WI 54911-4799

Tax Key Nos. 101 158200, 101 157000

Passed and approved this _____ day of _____, 2021.

I hereby certify that on this _____ day of _____, 2021, that the within Relocation Order was adopted by a vote of _____ ayes and _____ nays by the Common Council for the City of Appleton, Wisconsin.

SIGNATURES APPEAR ON THE FOLLOWING PAGE

City of Appleton

ATTEST:

APPROVED:

Kami Lynch, City Clerk

Jacob A. Woodford, Mayor

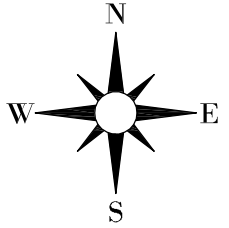
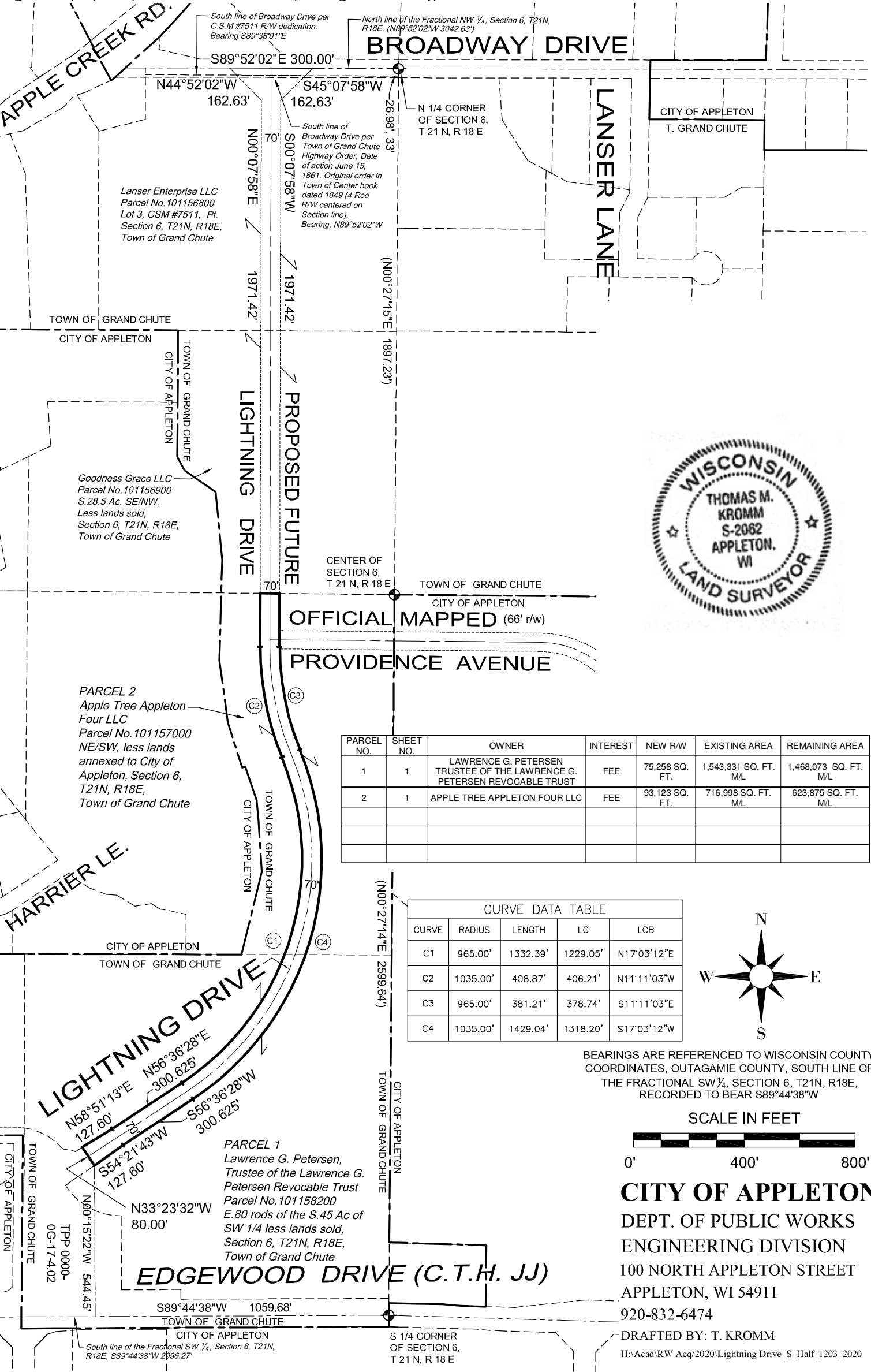
Subscribed and sworn to before me
this ____ day of _____, 2021.

Jamie L. Griesbach
Notary Public, State of Wisconsin
My commission expires: 11/11/2021

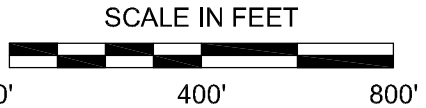
This instrument was drafted by:
Christopher R. Behrens,
Appleton City Attorney
City Law: A21-0035 – A21-0036

EXHIBIT "A"

RELOCATION ORDER for Lightning Drive right of way acquisition: A part of Lot Three (3) of Certified Survey Map No. 7511 and located in and being a part of the E 1/2 of the Fractional W 1/2 of Section Six (6), Township Twenty-One (21) North, Range Eighteen (18) East, Town of Grand Chute, Outagamie County, Wisconsin.



BEARINGS ARE REFERENCED TO WISCONSIN COUNTY COORDINATES, OUTAGAMIE COUNTY, SOUTH LINE OF THE FRACTIONAL SW 1/4, SECTION 6, T21N, R18E, RECORDED TO BEAR S89°44'38"W



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

DRAFTED BY: T. KROMM
H:\Acad\RW Acq\2020\Lightning Drive_S_Half_1203_2020

EXHIBIT B

Legal Description for Acquisition LAWRENCE G. PETERSEN, TRUSTEE OF THE LAWRENCE G. PETERSEN REVOCABLE TRUST

PARCEL: 101158200

Owner: Lawrence G. Petersen, Trustee of the Lawrence G. Petersen Revocable Trust

Fee Simple Interest:

All those lands of the owner within the following described traverse: A part of the East 80 Rods of the South 45 Acres of the Fractional Southwest $\frac{1}{4}$ of Section 6, Township 21 North, Range 18 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 75,258 Square Feet (1.728 Acres) of land and being further described as follows:

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

Thence South $89^{\circ}44'38''$ West 1059.68 feet along the South line of the Fractional SW $\frac{1}{4}$ of said Section 6;

Thence North $00^{\circ}15'22''$ West 544.45 feet to point number 185 of Transportation Project Plat No: 0000-OG-17-4.02 recorded as document number 2070341 of the Outagamie County Register of Deeds Office and being the point of beginning;

Thence North $33^{\circ}23'32''$ West 80.00 feet coincident with a Northeast line of said Transportation Project Plat No: 0000-OG-17-4.02;

Thence North $58^{\circ}51'13''$ East 127.60 feet;

Thence North $56^{\circ}36'28''$ East 300.625 feet;

Thence Northerly 1332.39 feet along the arc of a curve to the left having a radius of 965.00 feet and the chord of which bears North $17^{\circ}03'12''$ East 1229.05 feet;

Thence Northerly 408.87 feet along the arc of a curve to the right having a radius of 1035.00 feet and the chord of which bears North $11^{\circ}11'03''$ West 406.21 feet;

Thence North $00^{\circ}07'58''$ East 1971.42 feet;

Thence North $44^{\circ}52'02''$ West 162.63 feet to the North line of the Fractional NW $\frac{1}{4}$ of said Section 6;

Thence South $89^{\circ}52'02''$ East 300.00 feet along the North line of the Fractional NW $\frac{1}{4}$ of said Section 6;

Thence South $45^{\circ}07'58''$ West 162.63 feet;

Thence South $00^{\circ}07'58''$ West 1971.42 feet;

Thence Southerly 381.21 feet along the arc of a curve to the left having a radius of 965.00 feet and the chord of which bears South $11^{\circ}11'03''$ East 378.74 feet;

Thence Southerly 1429.04 feet along the arc of a curve to the right having a radius of 1035.00 feet and the chord of which bears South $17^{\circ}03'12''$ West 1318.20 feet;

Thence South $56^{\circ}36'28''$ West 300.625 feet;

Thence South $54^{\circ}21'43''$ West 127.60 feet to the point of beginning.

SEE ALSO ATTACHED EXHIBIT "A"

EXHIBIT C

Legal Description for Acquisition APPLE TREE APPLETON FOUR LLC

PARCEL: 101157000

Owner: Apple Tree Appleton Four LLC

Fee Simple Interest:

All those lands of the owner within the following described traverse: A part of the Northeast $\frac{1}{4}$ of the Fractional Southwest $\frac{1}{4}$ of Section 6, Township 21 North, Range 18 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 93,123 Square Feet (2.138 Acres) of land and being further described as follows:

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

Thence South $89^{\circ}44'38''$ West 1059.68 feet along the South line of the Fractional SW $\frac{1}{4}$ of said Section 6;

Thence North $00^{\circ}15'22''$ West 544.45 feet to point number 185 of Transportation Project Plat No: 0000-OG-17-4.02 recorded as document number 2070341 of the Outagamie County Register of Deeds Office and being the point of beginning;

Thence North $33^{\circ}23'32''$ West 80.00 feet coincident with a Northeast line of said Transportation Project Plat No: 0000-OG-17-4.02;

Thence North $58^{\circ}51'13''$ East 127.60 feet;

Thence North $56^{\circ}36'28''$ East 300.625 feet;

Thence Northerly 1332.39 feet along the arc of a curve to the left having a radius of 965.00 feet and the chord of which bears North $17^{\circ}03'12''$ East 1229.05 feet;

Thence Northerly 408.87 feet along the arc of a curve to the right having a radius of 1035.00 feet and the chord of which bears North $11^{\circ}11'03''$ West 406.21 feet;

Thence North $00^{\circ}07'58''$ East 1971.42 feet;

Thence North $44^{\circ}52'02''$ West 162.63 feet to the North line of the Fractional NW $\frac{1}{4}$ of said Section 6;

Thence South $89^{\circ}52'02''$ East 300.00 feet along the North line of the Fractional NW $\frac{1}{4}$ of said Section 6;

Thence South $45^{\circ}07'58''$ West 162.63 feet;

Thence South $00^{\circ}07'58''$ West 1971.42 feet;

Thence Southerly 381.21 feet along the arc of a curve to the left having a radius of 965.00 feet and the chord of which bears South $11^{\circ}11'03''$ East 378.74 feet;

Thence Southerly 1429.04 feet along the arc of a curve to the right having a radius of 1035.00 feet and the chord of which bears South $17^{\circ}03'12''$ West 1318.20 feet;

Thence South $56^{\circ}36'28''$ West 300.625 feet;

Thence South $54^{\circ}21'43''$ West 127.60 feet to the point of beginning.

SEE ALSO ATTACHED EXHIBIT "A"

RELOCATION ORDER

The City of Appleton, Outagamie/Calumet/Winnebago Counties, Wisconsin, by its Common Council and for its Relocation Order hereby resolves as follows:

1. That this Resolution is a Relocation Order in accordance with subsection 32.05(1), Wisconsin Statutes, for the purpose of the within-described public improvement project and it is also a determination of necessity for that project in accordance with subsection 32.07(2), Wisconsin Statutes;

2. That the City of Appleton hereby determines that it is necessary and of public purpose to construct a new roadway (Spartan Drive) and to construct a storm water pond, in or near the City of Appleton, Wisconsin.

3. That said project will be built within the areas marked on the scale drawing, which is attached to this Relocation Order as Exhibit "A" and is incorporated herein;

4. That said construction work will be done within the areas marked on the scale drawing, which is attached to this Relocation Order as Exhibit "A" and is incorporated herein;

5. That the legal description for the acquisition area necessary for this project is contained in Exhibit "B" which is also incorporated herein;

6. That the City of Appleton will acquire a fee simple interest in the area described in the "Legal Description for Acquisition" contained in Exhibit "B" from the present owners.

Passed and approved this _____ day of _____, 2021.

I hereby certify that on this _____ day of _____, 2021, that the within Relocation Order was adopted by a vote of _____ ayes and _____ nays by the Common Council for the City of Appleton, Wisconsin.

Record and return to:

City of Appleton – City Attorney's Office
100 North Appleton Street
Appleton, WI 54911-4799

Tax Key No. 101 0069001

SIGNATURES APPEAR ON THE FOLLOWING PAGE

City of Appleton

ATTEST:

APPROVED:

Kami Lynch, City Clerk

Jacob A. Woodford, Mayor

Subscribed and sworn to before me
this ____ day of _____, 2021.

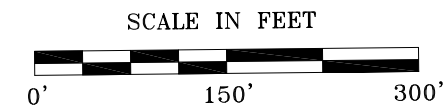
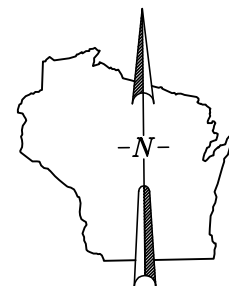
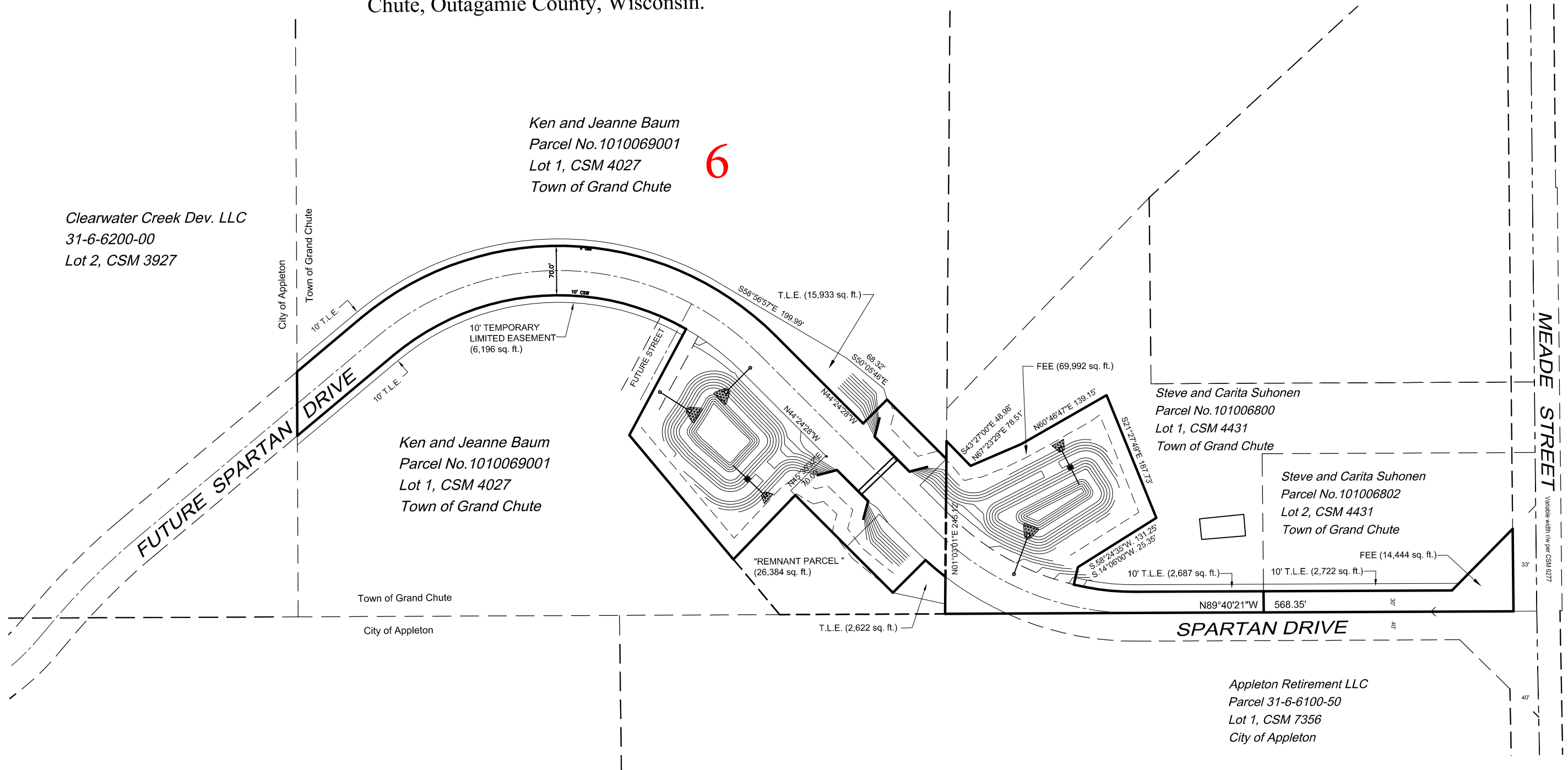
Jamie L. Griesbach
Notary Public, State of Wisconsin
My commission expires: 11/11/2021

This instrument was drafted by:
Christopher R. Behrens,
Appleton City Attorney
City Law: A21-0037

EXHIBIT "A"

Part of Lot 1 and 2 of Certified Survey Map No.4431 and Part of Lot 1 of Certified Survey Map 4027,
located in the Fractional Northeast ¼ of Section 2, Township 21 North, Range 17 East, Town of Grand
Chute, Outagamie County, Wisconsin.

6



BEARINGS ARE REFERENCED TO THE WISCONSIN
COUNTY COORDINATE SYSTEM, OUTAGAMIE COUNTY,
WEST LINE OF HAYMEADOW AVENUE;
RECORDED AS N.00°15'15"E.
H:\Acad\PropAcq\2018\Spartan_WO_Meade_0209_2018

CITY OF APPLETON

DEPT. OF PUBLIC WORKS
ENGINEERING DIVISION
100 NORTH APPLETON STREET
APPLETON, WI 54911

920-832-6474 DRAFTED BY: T. KROMM

EXHIBIT B

Legal Description for Acquisition KEN AND JEANNE BAUM

PARCEL: 1010069001

Owner: Ken and Jeanne Baum

Fee Simple Interest:

Part of Lot 1 and Lot 2 of Certified Survey Map No. 4431 and Part of Lot 1 of Certified Survey Map 4027, located in the Fractional Northeast $\frac{1}{4}$ of Section 2, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin.

SEE ALSO ATTACHED EXHIBIT "A"

RELOCATION ORDER

The City of Appleton, Outagamie/Calumet/Winnebago Counties, Wisconsin, by its Common Council and for its Relocation Order hereby resolves as follows:

1. That this Resolution is a Relocation Order in accordance with subsection 32.05(1), Wisconsin Statutes, for the purpose of the within-described public improvement project and it is also a determination of necessity for that project in accordance with subsection 32.07(2), Wisconsin Statutes;
2. That the City of Appleton hereby determines that it is necessary and of public purpose to widen the pavement to accommodate turning movements at Newberry Street at Kensington Drive, in or near the City of Appleton, Wisconsin.
3. That said project will be built within the areas marked on the scale drawing, which is attached to this Relocation Order as Exhibit "A" and is incorporated herein;
4. That said construction work will be done within the areas marked on the scale drawing, which is attached to this Relocation Order as Exhibit "A" and is incorporated herein;
5. That the legal descriptions for the acquisition areas necessary for this project are contained in Exhibits "B" and "C" which are also incorporated herein;
6. That the City of Appleton will acquire a fee simple interest in the areas described in the "Legal Description for Acquisition" contained in Exhibits "B" and "C" from the present owners.

Record and return to:

City of Appleton – City Attorney's Office
100 North Appleton Street
Appleton, WI 54911-4799

Tax Key Nos. 030046102, 030045700

Passed and approved this _____ day of _____, 2021.

I hereby certify that on this _____ day of _____, 2021, that the within Relocation Order was adopted by a vote of _____ ayes and _____ nays by the Common Council for the City of Appleton, Wisconsin.

SIGNATURES APPEAR ON THE FOLLOWING PAGE

City of Appleton

ATTEST:

APPROVED:

Kami Lynch, City Clerk

Jacob A. Woodford, Mayor

Subscribed and sworn to before me
this ____ day of _____, 2021.

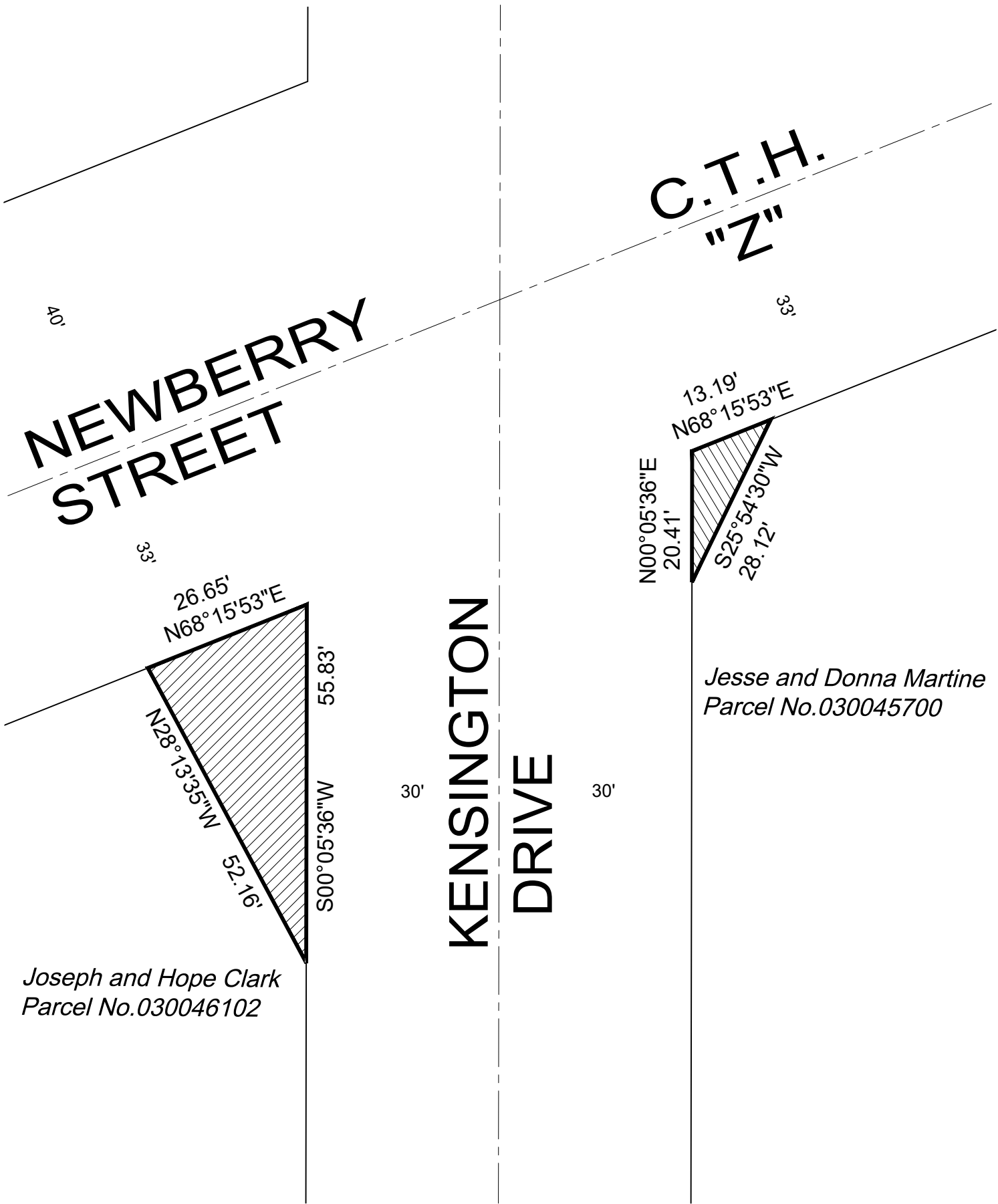
Jamie L. Griesbach
Notary Public, State of Wisconsin
My commission expires: 11/11/2021

This instrument was drafted by:
Christopher R. Behrens,
Appleton City Attorney
City Law: A21-0038 – A21-0039

EXHIBIT "A"

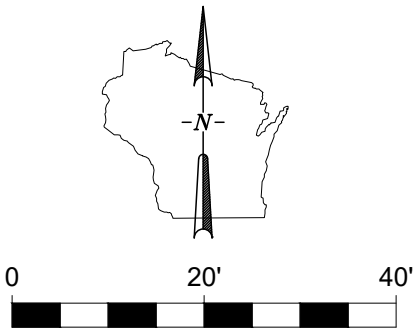
NEWBERRY STREET AND KENSINGTON DRIVE

A portion of land for street right way, being a part of Government Lot 4 and 5, of Section 29, Township 21 North, Range 18 East, Town of Buchanan, Outagamie County, Wisconsin.



Joseph and Hope Clark
Parcel No.030046102

Jesse and Donna Martine
Parcel No.030045700



CITY OF APPLETON
DEPT. OF PUBLIC WORKS
ENGINEERING DIVISION
100 NORTH APPLETON STREET
APPLETON, WI 54911
920-832-6474
DRAFTED BY: T. KROMM
H:\Acad\row acq\2020\Newberry SS Kensington_1210_2020

EXHIBIT B

Legal Description for Acquisition JOSEPH L. AND HOPE CLARK

PARCEL: 030046102

Owner: JOSEPH L. AND HOPE CLARK

Fee Simple Interest:

A portion of land for street right way, being a part of Government Lot Five (5), of Section Twenty-nine (29), Township Twenty-one (21) North, Range Eighteen (18) East, Town of Buchanan, Outagamie County, Wisconsin, containing 691 Square Feet (0.0159 Acres) of land and described as follows:

Commencing at the Southeast corner of Lot Ten (10), Block Two (2), Colony Oaks West;
Thence South 00°05'36" West 78.65 feet (recorded as South 78.65 feet) to the Southwesterly corner of Newberry Street (C.T.H. "Z") and Kensington Drive and the Northeast corner of lands described in Jacket 11750, Image 56 and the point of beginning;
Thence continue South 00°05'36" West 55.83 feet (recorded as South) along the West line of Kensington Drive;
Thence North 28°13'35" West 52.16 feet to the Southeasterly line of Newberry Street (C.T.H. "Z");
Thence North 68°15'53" East 26.65 feet (recorded as North 68°09'14" East) along the Southeasterly line of Newberry Street (C.T.H. "Z") to the point of beginning.

SEE ALSO ATTACHED EXHIBIT "A"

EXHIBIT C

Legal Description for Acquisition JESSE AND DONNA MARTINE

PARCEL: 030045700

Owner: JESSE AND DONNA MARTINE

Fee Simple Interest:

A portion of land for street right way, being a part of Government Lot Four (4), of Section Twenty-nine (29), Township Twenty-one (21) North, Range Eighteen (18) East, Town of Buchanan, Outagamie County, Wisconsin, containing 125 Square Feet (0.0029 Acres) of land and described as follows:

Commencing at the intersection of the West line of Government Lot 4 and the centerline of Newberry Street (C.T.H. "Z");

Thence North 68°15'53" East 32.3 feet along the centerline of Newberry Street (C.T.H. "Z");

Thence South 00°05'36" West 35.6 feet parallel to the West line Government Lot 4 to the Southeasterly corner of Newberry Street (C.T.H. "Z") and Kensington Drive and being the point of beginning;

Thence North 68°15'53" East 13.19 feet along the Southeasterly line of Newberry Street (C.T.H. "Z");

Thence South 25°54'30" West 28.12 feet to the East line of Kensington Drive;

Thence North 00°05'36" East 20.41 feet parallel to the West line Government Lot 4 to the point of beginning.

SEE ALSO ATTACHED EXHIBIT "A"



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

LEGAL SERVICES DEPARTMENT

Office of the City Attorney


100 North Appleton Street

Appleton, WI 54911

Phone: 920/832-6423

Fax: 920/832-5962

TO: Members of the Finance Committee

FROM: Christopher R. Behrens, City Attorney 

DATE: January 25, 2021

RE: Resolution for Reauthorization of Self-Insurance

In January 1990, the City opted to self-insure its Worker's Compensation exposures pursuant to the requirements of Wisconsin Administrative Code, Section DWD 80.60(3). The City has remained self-insured since that time. However, the requirements of DWD 80.60(3)(b)1. state,

"Any political subdivision or taxing authority of the State electing to self-insure shall notify the Department in writing of the election before undertaking self insurance, every three (3) years after the initial notice, and thirty (30) days before withdrawing from the self-insurance program."

Therefore, the attached Resolution needs to be approved in order to comply with state law regarding self-insurance for our Worker's Compensation exposures.

Attachment

CRB:jljg
CityLaw A21-0008

Christopher R. Behrens
City Attorney

Amanda K. Abshire
Deputy City Attorney

Darrin M. Glad
Assistant City Attorney

Nicholas J. Vande Castle
Assistant City Attorney

RESOLUTION
For Reauthorization of Self-Insurance

WHEREAS, the City of Appleton is a qualified political subdivision of the State of Wisconsin; and

WHEREAS, the Wisconsin Worker's Compensation Act (Act) provides that employers covered by the Act either insure their liability with worker's compensation insurance carriers authorized to do business in Wisconsin, or to be exempted (self-insured) from insuring liabilities with a carrier and thereby assuming the responsibility for its own worker's compensation risk and payment; and

WHEREAS, the State and its political subdivisions may self-insure worker's compensation without a special order from the Department of Workforce Development (Department) if they agree to report faithfully all compensable injuries and agree to comply with the Act and rules of the Department; and

WHEREAS, the Finance Committee at its January 25, 2021 meeting approved the continuation of the self-insured worker's compensation program, in compliance with Wisconsin Administrative Code DWD 80.60(3); and

NOW THEREFORE, BE IT RESOLVED, that the Common Council of the City of Appleton does ordain as follows:

1. Provide for the continuation of the self-insured worker's compensation program that is currently in effect.
2. Authorize the City Clerk to certify, and the Human Resources Director to forward said certified copies of this Resolution to the Worker's Compensation Division, Wisconsin Department of Workforce Development.

Adopted this 3rd day of February, 2021.

CITY OF APPLETON

By: _____
Jacob A. Woodford, Mayor

Attest: _____
Kami Lynch, City Clerk



MEMORANDUM

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

TO: Community and Economic Development Committee
FROM: Nikki Gerhard, Community Development Specialist
DATE: January 27, 2021
RE: 2020 Community Development Block Grant CARES Act Funding (CDBG-CV3)

Recently, the City of Appleton sought approval of allocations to community partners interested in administering the first round of CDBG-CV funding. The City of Appleton was awarded a second special allocation of \$343,268 in Community Development Block Grant funding to be used to prevent, prepare for, and respond to COVID-19. Similar to the last allocation, the CDBG-CV3 funds were authorized by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) to respond to the growing effects of the public health crisis.

To address instability in our community as a result of the COVID-19 health emergency, staff makes the following recommendations [with the support of the philanthropic entities and community partners], as they manage the short and long-term needs as a result of this public health crisis. These recommendations will be considered by CEDC on January 27th and Common Council on February 3rd, and will be incorporated into the CDBG 2020 Annual Action Plan as a substantial amendment.

1. ADVOCAP, Inc: Street Outreach/Case Management (\$278,909)

Through an executed two-year MOU, ADVOCAP will provide street outreach, information and referrals, completed assessments, intakes, short-term case management, and services to people living in unsheltered locations, such as cars, parks, abandoned buildings, and on the streets and that are not already working with a Fox Cities Housing Coalition members for services. The Street Outreach and Case Management role will reach people who might not otherwise seek assistance or come to the attention of the homelessness service system and ensure that people's basic needs are met while supporting them along pathways toward housing stability.

2. City of Appleton: Community & Economic Development Department's Motel Voucher Program (\$64,359)

The City of Appleton's Motel Voucher Program, approved by CEDC on July 22, 2020 and Council on July 29, 2020, is designed to ensure that individuals and families experiencing homelessness have a safe, temporary place to stay until a more permanent housing solution is identified. With colder weather upon us, City staff is working collaboratively with local agencies to ensure additional access to shelter options. The Motel Voucher Program also includes a case management component, food, transportation, and connection to housing solutions.

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

Attached Documents:

- 1.) September 16, 2020 CARES Act CDBG-CV3 award letter
- 2.) 2020PY Annual Action Plan Substantial Amendment request
- 3.) MOU between the City of Appleton and ADVOCAP, Inc.

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



ASSISTANT SECRETARY FOR
COMMUNITY PLANNING AND DEVELOPMENT

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

September 11, 2020

The Honorable Jake Woodford
Mayor of Appleton
100 N Appleton Street
City Hall
Appleton, WI 54911-4799

Dear Mayor Woodford:

I am pleased to inform you of a special allocation to your jurisdiction of Community Development Block Grant funds to be used to prevent, prepare for, and respond to the coronavirus (COVID-19). This allocation was authorized by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136, which was signed by President Trump on March 27, 2020, to respond to the growing effects of this historic public health crisis.

The CARES Act made available \$5 billion in Community Development Block Grant Coronavirus (CDBG-CV) funds. Of this amount, the Department immediately allocated \$2 billion on March 27, 2020, the same day President Trump signed the Act, based on the fiscal year 2020 CDBG formula; this constituted the first round of CDBG-CV funds. Next, \$1 billion was required by the Act to be allocated to States and insular areas within 45 days of enactment of the Act; HUD accomplished this on May 11, 2020, and this constituted the second round of CDBG-CV funds. Finally, the remaining \$2 billion in CDBG-CV funds was required by the Act to be allocated to states and local governments at the discretion of the Secretary on a rolling basis; HUD accomplished this on September 11, 2020, and this constituted the third round of CDBG-CV funds. Additionally, up to \$10 million will be set aside for technical assistance.

Accordingly, this letter informs you that your jurisdiction's allocation for the third round is \$343,268. Your cumulative amount for all allocation rounds is \$691,523.

The CARES Act adds additional flexibility for both the CDBG-CV grant and, in some cases, for the annual FY2019 and FY2020 CDBG grants in these unprecedented times. The public comment period is reduced to not less than 5 days, grantees may use virtual public hearings when necessary for public health reasons, the public services cap is suspended during the emergency, and States and local governments may reimburse costs of eligible activities incurred for pandemic response regardless of the date.

In addition, the CARES Act authorizes the HUD Secretary to grant waivers and alternative requirements of statutes and regulations the HUD Secretary administers in connection with the use of CDBG-CV funds and fiscal year 2019 and 2020 CDBG funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment). Waivers and alternative

requirements can be granted when necessary to expedite and facilitate the use of funds to prevent, prepare for, and respond to coronavirus.

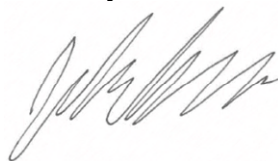
The CDBG CARES Act Federal Register Notice (FR-6218-N-01) was released on August 10, 2020. The notice describes the allocations and grant procedures applicable to the CDBG-CV grants. It also describes the program flexibilities, waivers, and alternative requirements that apply to the CDBG-CV grants as well as the fiscal year 2019 and 2020 CDBG grants. As further such flexibilities become available, they will be posted on HUD's website and distributed to grantees. The Department will also support grantees with technical assistance.

As you develop your plan for the use of these grant funds, we encourage you to consider approaches that prioritize the unique needs of low- and moderate-income persons and the development of partnerships between all levels of government and the private for-profit and non-profit sectors. You should coordinate with state and local health authorities before undertaking any activity to support state or local pandemic response. CDBG-CV grants will be subject to oversight, reporting, and the requirement that each grantee have adequate procedures to prevent the duplication of benefits (DOB). HUD will provide guidance and technical assistance on DOB, the prevention of fraud, waste, and abuse, and on documenting the impact of this program for beneficiaries.

Reminder, all CPD Grantees must ensure they maintain active Dun and Bradstreet Numbering System (DUNS) numbers in the System for Award Management (SAM) system. Entities must have an active and unexpired DUNS before execution of grant agreements to avoid delays in the obligation of funds- which will delay your ability to drawdown funds in the Integrated Disbursement & Information System (IDIS). Grantees are required to maintain an active SAMs registration by re-activating their DUNS number annually in the SAM system for the entire drawdown period of their grants. DUNS numbers can be registered and renewed each year at the following website: <https://www.sam.gov/SAM/>.

The Office of Community Planning and Development (CPD) is looking forward to working with you to successfully meet the urgent and complex challenges faced by our communities. If you or any member of your staff has questions, please contact your local CPD Field Office Director or CPDQuestionsAnswered@hud.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Gibbs', with a stylized, cursive script.

John Gibbs
Acting Assistant Secretary
for Community Planning and Development
U.S. Department of Housing and Urban Development



THIRD SUBSTANTIAL AMENDMENT TO THE CITY OF APPLETON'S 2020 ANNUAL ACTION PLAN

A. EXECUTIVE SUMMARY

The U.S. Department of Housing and Urban Development (HUD) requires all entitlement communities receiving Community Development Block Grant (CDBG) funds, such as the City of Appleton, to prepare and submit a Consolidated Plan every five years to establish a unified, strategic vision for economic development, housing and community development actions. The Consolidated Plan encompasses the analysis of local community needs and coordinates appropriate responses to those needs and priorities. The City of Appleton City Council adopted the 2020-2024 Five Year Consolidated Plan ("Consolidated Plan") on December 18, 2019.

The Consolidated Plan is carried out through Annual Action Plans, which provide a concise summary of the actions, activities, and the specific federal and non-federal resources that will be used each year to address the priority needs and specific goals identified in the Consolidated Plan. The City must submit an Annual Action Plan to HUD by no later than February 15 of each year during the five-year period (unless otherwise specified by HUD). The City of Appleton Council adopted the 2020 Annual Action Plan on March 18, 2020, and it was submitted to HUD on March 19, 2020.

Per the City's Citizen Participation Plan (CPP), a substantial amendment to a Consolidated Plan and Annual Action Plan is required when a "substantial" change is proposed as it relates to funding priorities, proposed activities, goals and objectives.

The first substantial amendment to the 2020-2024 Consolidated Plan, and subsequently the 2020 Annual Action Plan, was approved by City Council on October 21, 2020, incorporating the use of the CARES Act CDBG-CV1 funding of \$348,255. The second substantial amendment to the 2020-2024 Consolidated Plan, and the 2020 Annual Action Plan, was approved by City Council on December 16, 2020, updated the use of \$78,386 of the CDBG-CV1 award.

B. CITIZEN PARTICIPATION

A Notice of Public Hearing was published in the Appleton Post Crescent on January 21, 2021, and a 5-day public review period was published on January 21, 2021, informing the public of the proposed Substantial Amendment and inviting comments at the public hearing, during a regularly scheduled Community & Economic Development Committee meeting. The public review period began on January 21, 2021 and ended on January 27, 2021. Citizens are able to review copies of the Substantial Amendment at the City's CDBG website and the Customer Service desk on the first floor of City Hall.

C. PROPOSED THIRD SUBSTANTIAL AMENDMENT TO THE 2020 ANNUAL ACTION PLAN

The City is proposing to allocate \$278,909 to street outreach and case management efforts. The remaining \$64,359 will be allocated to the City of Appleton's Motel Voucher Program. The following table outlines the proposed activities described in this Substantial Amendment:

Table 1: Proposed Activity Budget

Agency/Program	CDBG-CV Allocation
ADVOCAP, Inc- Street Outreach/Case Management	\$278,909
City of Appleton Motel Voucher Program	\$64,359
TOTAL	\$343,268

D. 2020 PROPOSED ACTIVITY DETAIL

The following narrative provides activity descriptions, national objectives, and other required information for the proposed activity.

ADVOCAP, Inc: Street Outreach/Case Management (\$278,909)

Through an executed two-year MOU, ADVOCAP will provide street outreach, information and referrals, completed assessments, intakes, short-term case management, and services to people living in unsheltered locations, such as cars, parks, abandoned buildings, and on the streets and that are not already working with a Fox Cities Housing Coalition members for services. The Street Outreach and Case Management role will reach people who might not otherwise seek assistance or come to the attention of the homelessness service system and ensure that people's basic needs are met while supporting them along pathways toward housing stability.

City of Appleton: Community & Economic Development Department's Motel Voucher Program (\$64,359)

The City of Appleton's Motel Voucher Program, approved by CEDC on July 22, 2020 and Council on July 29, 2020, is designed to ensure that individuals and families experiencing homelessness have a safe, temporary place to stay until a more permanent housing solution is identified. With colder weather upon us, City staff is working collaboratively with local agencies to ensure additional access to shelter options. The Motel Voucher Program also includes a case management component, food, transportation, and connection to housing solutions.

E. PUBLIC COMMENTS

All public comments received during the 5-day public review period or at the public hearing will be incorporated into the overall Substantial Amendment submitted to HUD.



**MEMORANDUM OF UNDERSTANDING
BETWEEN
CITY OF APPLETON
AND
ADVOCAP, INC.**



This Memorandum of Understanding (the “MOU”) is entered into February 4, 2021 (the “Effective Date”), by and between the City of Appleton with an address of 100 North Appleton Street, Appleton, WI 54911 (“COA”) and ADVOCAP, Inc with an address of P.O. Box 1108, Fond du Lac, WI 54936 (“ADVOCAP”), collectively “the Parties.”

WHEREAS, the Parties desire to enter into an MOU to administer a Street Outreach and Case Management program, (“project”), in conjunction with the COA’s Motel Voucher program; and

WHEREAS, the Parties desire to memorialize certain terms and conditions of their anticipated collaboration;

WHEREAS, the COA will financially support ADVOCAP in an amount not to exceed \$278,909 for eligible activities herein described (“Objectives”).

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein, the Parties agree as follows:

1. **Purpose and Scope.** The Parties intend for this MOU to provide the foundation and structure for any future agreement related, but not limited to conducting street outreach, providing information and referrals, completing assessments, intakes, performing short-term case management, and providing services.

The Program will provide street outreach, case management, and referral services to people living in unsheltered locations, such as cars, parks, abandoned buildings, and on the streets and that are not already working with a Fox Cities Housing Coalition members for services. The Street Outreach Case Manager will reach people who might not otherwise seek assistance or come to the attention of the homelessness service system and ensures that people’s basic needs are met while supporting them along pathways toward housing stability. Community Outreach will be conducted by vehicle and on foot. The Street Outreach Case Manager will work with several City of Appleton departments, including but not limited to Community and Economic Development, Health Department, Public Works, the Police Department, and the Library as well as referrals from local community partners, including but not limited to the Fox Cities Housing Coalition members.

2. **Objectives.** The Parties agree as follows:
 - a. Provide targeted street outreach to identify unsheltered homeless households living on the streets or other places not meant for human habitation.
 - b. Determine the participant’s immediate safety needs using trauma-informed approaches, crisis intervention, LGBTQ-engagement techniques, and other strategies needed for engagement.
 - c. Perform assessments and refer participants to the Coordinated Entry Specialist.

- d. Complete WIBOSCOC pre-screen forms and necessary housing assessments.
 - e. Implement Housing First philosophy, and hereby not imposing barriers to access street outreach services or the motel voucher program.
 - f. Establish working relationships with community stakeholders- law enforcement, libraries, first responders, hospitals and other healthcare providers, and faith-based organizations.
 - g. Communicate and cooperate with staff from other Fox Cities Housing Coalition programs as needed to ensure delivery of service and appropriate referrals to support homeless households obtaining stable housing and services.
 - h. Provide outreach and training to organizations regarding the services offered as requested.
 - i. Complete appropriate Homeless Management Information System (HMIS) licensing and training, and maintain throughout terms of this Agreement.
 - j. Document contacts, services, and motel voucher entries/exits into the Homeless Management Information System (HMIS) on at least a weekly basis.
 - k. Regularly attend Coordinated Entry case conferencing meetings.
 - l. The Street Outreach Case Manager position will report to management at ADVOCAP and the City of Appleton.
 - m. Work together in a cooperative and coordinated effort to bring about the achievement and fulfillment of the purpose of the MOU.
 - n. Mutually contribute and take part in any and all phases of the planning and development of the Street Outreach Program to the fullest extent possible.
 - o. Comply with State and Federal regulations.
3. **Term.** This MOU shall commence upon the Effective Date, as stated above, and will continue until January 31, 2023.
4. **Termination.** This MOU may be terminated at any time by either Party upon 45 days written notice to the other Party.
5. **Representations and Warranties.** Both Parties represent that they are fully authorized to enter into this Agreement. The performance and obligations of either Party will not violate or infringe upon the rights of any third-party or violate any other agreement between the Parties, individually, or any other person, organization, or business or any law or governmental regulation.
6. **Indemnity.** The Parties each agree to indemnify and hold harmless the other Party, its respective affiliates, officers, agents, employees, and permitted successors and assigns against any and all claims, losses, damages, liabilities, penalties, punitive damages, expenses, reasonable legal fees and costs of any kind or amount whatsoever, which result from the negligence of or breach of this MOU by the indemnifying Party, its respective successors and assigns that occurs in connection with this MOU. This section remains in full force and effect even after termination of the MOU by its natural termination or the early termination by either Party.
7. **Limitation of Liability.** Under no circumstances shall either Party be liable to the other Party or any third party for any damages resulting from any part of this agreement such as, but not

limited to, loss of revenue or anticipated profit or lost business, costs of delay or failure of delivery, which are not related to or the direct result of a Party's negligence or breach.

8. **Severability.** In the event any provision of this MOU is deemed invalid or unenforceable, in whole or in part, that part shall be severed from the remainder of the MOU and all other provisions should continue in full force and effect as valid and enforceable.
9. **Waiver.** The failure by either Party to exercise any right, power or privilege under the terms of this MOU will not be construed as a waiver of any subsequent or further exercise of that right, power or privilege or the exercise of any other right, power or privilege.
10. **Legal and Binding Agreement.** This MOU is legal and binding between the Parties as state above. The Parties each represent that they have the authority to enter into this Agreement.
11. **Entire Agreement.** The Parties acknowledge and agree that this MOU represents the entire agreement between the Parties. In the event that the Parties desire to change, add, or otherwise modify any terms, they shall do so in writing to be signed by both Parties.

The Parties agree to the terms and conditions set forth above as demonstrated by their signatures as follows:

ADVOCAP, Inc

By: _____
Michael Bonertz, Executive Officer
Date: _____

City of Appleton

By: _____
Jacob A. Woodford, Mayor
Date: _____

By: _____
Kami Lynch, City Clerk
Date: _____

Approved as to form:

Christopher R. Behrens, City Attorney
Date: _____

Anthony D. Saucerman, Finance Director
Date: _____

CityLaw A21-0066

Brenda Broeske

Subject: FW: Public Comment on CDBG Agreement Amendment

From: Nikki A. Gerhard <Nikki.Gerhard@Appleton.org>
Sent: Tuesday, January 26, 2021 5:15 PM
To: Jessica Menn <jessica@jessicamenn.com>
Subject: RE: Public Comment on CDBG Agreement Amendment

Good Evening Jessica,

Thank you for your comments regarding the City's proposed Third Substantial Amendment as it relates to CDBG CARES Act funding.

Your below email will be provided to the Community and Economic Development Committee for discussion tomorrow evening (Wednesday, January 27, 2021), and included with the minutes from the meeting.

Best,

Nikki

Nikki A. Gerhard

Community Development Specialist
City of Appleton
100 N Appleton Street
Appleton, WI 54911
(920) 832-6469
nikki.gerhard@appleton.org



From: Jessica Menn <jessica@jessicamenn.com>
Sent: Tuesday, January 26, 2021 4:02 PM
To: Nikki A. Gerhard <Nikki.Gerhard@Appleton.org>
Subject: Public Comment on CDBG Agreement Amendment

Hi Nikki,

I'm writing to provide public comment regarding the "Request to approve Third Substantial Amendment to the Community Development Block Grant (CDBG) 2020 Annual Action Plan (AAP) awarding an additional \$343,268 of CDBG Coronavirus Aid, Relief, and Economic Security (CARES Act) funding to community partner organizations" that will be voted on by the Community and Economic Development Committee on 01/27/2021.

I looked through the entire agenda packet and I didn't see anything that indicated that the specific group of homeless people the proposed partnership with ADVOCAP would target have ended up in their situation due to coronavirus or have been thrown into specific hardship due to coronavirus. The grant money is supposed to go

“to be used to prevent, prepare for, and respond to the coronavirus”. Using it for this specific group seems like a bit of a stretch.

It seems like it would be more in keeping with the spirit of the grant to use it to target newly homeless families and individuals who became homeless due to the economic impact of our society’s coronavirus response, or to target individuals and families who are at risk of losing their homes due to economic loss caused by coronavirus.

I’m also a little concerned that, as stated in the Memorandum of Understanding, Appleton and ADVOCAP “intend for this MOU to provide the foundation and structure for any future agreement”. The city will be paying ADVOCAP almost \$300,000. That may not be a big deal right now when the money is coming from federal grant money, but once that runs out, city taxpayers will be the ones having to pay for it. I would like to see a little more robust discussion surrounding that before the city starts an entire new program.

Thanks,

Jessica Anderson
Appleton, WI

Sent from [TypeApp](#)

Attention: This message was sent from a source external to the City of Appleton. Please use caution when opening attachments or clicking links.



MEMORANDUM

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

TO: Community and Economic Development Committee
FROM: Nikki Gerhard, Community Development Specialist
DATE: January 27, 2021
RE: 2020 Community Development Block Grant CARES Act Funding (CDBG-CV2)

The Wisconsin Department of Administration (DOA) has made available a special allocation of \$148,007.08 in Community Development Block Grant funding to the City of Appleton. Similar to the City's direct CDBG allocations, the DOA's CDBG-CV2 funds were authorized by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) to respond to the growing effects of the public health crisis and must be used to prevent, prepare for, and respond to COVID-19.

Staff proposes the following recommendations [with the support of the philanthropic entities and community partners], in response to the short and long-term needs as a result of this public health crisis. These recommendations will be considered by CEDC on January 27th and Common Council on February 3rd. If approved, staff will submit a cover letter providing the synopsis of these recommendations to the DOA seeking a contract to use and administer the funds as outlined.

1. Boys & Girls Club of Appleton: Street Outreach/Case Management (\$148,007.08)

Through an executed two-year Memorandum of Understanding (MOU), the Boys & Girls Club of Appleton will provide street outreach, information and referrals, completed assessments, intakes, short-term case management, and services to people living in unsheltered locations, such as cars, parks, abandoned buildings, and on the streets and that are not already working with a Fox Cities Housing Coalition members for services. The Street Outreach and Case Management role will reach people who might not otherwise seek assistance or come to the attention of the homelessness service system and ensure that people's basic needs are met while supporting them along pathways toward housing stability.

This role will work intricately with the City's Motel Voucher Program. The City of Appleton's Motel Voucher Program is designed to ensure that individuals and families experiencing homelessness have a safe, temporary place to stay until a more permanent housing solution is identified. Staff will work collaboratively with local agencies to ensure additional access to shelter options. The Motel Voucher Program also includes a case management component, food, transportation, and connection to housing solutions.

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

Attached Documents:

- 1.) October 19, 2020 CARES Act CDBG-CV2 entitlement letter
- 2.) MOU between the City of Appleton and Boys & Girls Club of Appleton

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



STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION

Tony Evers, Governor
Joel Brennan, Secretary
Susan Brown, Division Administrator

**STATE OF WISCONSIN
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) CORONAVIRUS (CV) ROUND 2
CDBG CV2
ENTITLEMENT COMMUNITY APPLICATION PROCESS**

The following outline establishes the procedure Wisconsin entitlement communities may use to apply for CDBG CV Round 2 (CV2) funding from the State of Wisconsin. The outline includes a description of application procedures and documentation as well as a timeline for application intake and project completion. As administrator of the CDBG CV2 funds the Division of Energy, Housing and Community Resources has established two options within which entitlement communities may apply for CDBG CV2 funding.

Option 1: Utilize CDBG CV2 for Activities approved within a Substantial Amendment to a 2019 Consolidated Plan or within an Approved 2020 Annual Action Plan

- No later than July 1, 2021: Submit a cover letter providing the synopsis of use of funds and description of projects/programs being funded. Submit your HUD approved 2019 Consolidated Plan Substantial Amendment or HUD approved 2020 Annual Action Plan which outlines the use of CDBG CV funding. DEHCR is looking for the information provided to HUD outlining the use of CDBG-CV funding for your agency's Round 1 CDBG-CV funding. If an entitlement community does not submit their Plan by July 1, 2021 those funds will be redistributed to other grantees.
- DEHCR will review your agency's submittal and issue an intent to award letter which contains a list of documents/activities to complete prior to the issuance of a grant agreement. Each entitlement community must return all pre-agreement documents within 45 days.
- DEHCR will issue a grant agreement and execute the agreement upon return of the signed document by the entitlement community. Grant agreements will be written with a two-year performance period.
- Project Implementation Begins. Grantees must demonstrate to the satisfaction of the State they have expended or fully obligated their CV1 funding prior to drawing CDBG CV2 funds from the State.

Option 2: Utilize CDBG-CV2 for New Activities not included in a HUD approved Plan.

- Entitlement communities may propose to use CDBG-CV2 funding for new activities not identified in their Substantial Amendment or 2020 Annual Action Plan. The Entitlement must schedule a conference call with DEHCR staff to review the proposed activity(s). DEHCR will issue a custom application to the entitlement designed for the type of project activity being proposed. The application process will be similar to the State's CDBG CLOSE program. Applications must be submitted no later than July 1, 2021. If an

entitlement community does not submit their Plan by July 1, 2021 those funds will be redistributed to other grantees.

- Entitlement applicants will submit the completed application to DEHCR for review. DEHCR will contact the applicant if modifications or corrections are needed.
- DEHCR will issue an award letter and the grantee will have 45 days in which to return pre-agreement documents.
- DEHCR will issue a grant agreement and will execute the agreement upon return of signed document by the entitlement community. Grant agreements will be written with a two-year performance period.
- Project Implementation Begins. Grantees must demonstrate to the satisfaction of the State they have expended or fully obligated their CV1 funding prior to drawing CDBG CV2 funds from the State.

Funding available to each entitlement is as follows:

Dane County	\$310,573.26	Milwaukee City	\$4,069,176.26
Milwaukee County	\$421,697.04	Neenah City	\$54,538.92
Waukesha County	\$366,022.10	Oshkosh City	\$210,269.89
Appleton City	\$148,007.08	Racine City	\$471,171.71
Beloit City	\$163,320.97	Sheboygan City	\$229,479.30
Eau Claire City	\$134,550.00	Superior City	\$177,501.82
Fond du Lac City	\$142,584.55	Wausau City	\$157,932.02
Green Bay City	\$253,062.34	Wauwatosa City	\$252,560.42
Janesville City	\$121,727.86	West Allis City	\$323,847.17
Kenosha City	\$278,759.32		
La Crosse City	\$220,567.97		
Madison City	\$493,376.92		



**MEMORANDUM OF UNDERSTANDING
BETWEEN
CITY OF APPLETON
AND
BOYS & GIRLS CLUB OF THE FOX VALLEY**



This Memorandum of Understanding (the “MOU”) is entered into February 4, 2021 (the “Effective Date”), by and between City of Appleton, with an address of 100 North Appleton Street, Appleton, WI 54911 (“COA”) and Boys & Girls Club of the Fox Valley with an address of 160 South Badger Avenue, Appleton, WI 54911 (“BG Club”), collectively “the Parties.”

WHEREAS, the Parties desire to enter into an MOU to administer a Street Outreach and Case Management program, (“Program”), in conjunction with the COA’s Motel Voucher program; and

WHEREAS, the Parties desire to memorialize certain terms and conditions of their anticipated collaboration;

WHEREAS, the COA will financially support BG Club in an amount not to exceed \$148,007.80 for eligible activities herein described (“Objectives”).

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein, the Parties agree as follows:

1. **Purpose and Scope.** The Parties intend for this MOU to provide the foundation and structure for any future agreement related, but not limited to conducting street outreach, providing information and referrals, completing assessments, intakes, performing short-term case management, and providing services including but not limited to motel vouchers, transportation, food, employment, mental health, and physical health.

The project will provide street outreach, case management and referral services to people living in unsheltered locations, such as cars, parks, abandoned buildings, and on the streets and that are not already working with a Fox Cities Housing Coalition members for services. The Home Base Community Outreach Coordinator will reach people who might not otherwise seek assistance or come to the attention of the homelessness service system and ensures that people’s basic needs are met while supporting them along pathways toward housing stability. Community Outreach will be conducted by vehicle and on foot. The Community Outreach Coordinator will work with several City of Appleton departments, including Community and Economic Development, Health Department, Public Works, the Police Department, and the Library as well as referrals from local community partners, including but not limited to the Fox Cities Housing Coalition members.

2. **Objectives.** The Parties agree as follows:
 - a. Provide targeted street outreach to identify unsheltered homeless households with youth living on the streets or other places not meant for human habitation.
 - b. Determine the participant’s immediate safety needs using trauma-informed approaches, crisis intervention, LGBTQ-engagement techniques, and other strategies needed for engagement.

- c. Perform assessments and refer participants to the Coordinated Entry Specialist.
 - d. Complete WIBOSCOC pre-screen forms and necessary housing assessments.
 - e. Implement Housing First philosophy, and hereby not impose barriers to access street outreach services or the motel voucher program.
 - f. Establish working relationships with community stakeholders- law enforcement, libraries, first responders, hospitals and other healthcare providers, and faith-based organizations.
 - g. Communicate and cooperate with staff from other Fox Cities Housing Coalition programs as needed to ensure delivery of service and appropriate referrals to support homeless households obtaining stable housing and services.
 - h. Provide outreach and training to organizations regarding the services offered as requested.
 - i. Complete appropriate Homeless Management Information System (HMIS) licensing and training, and maintain throughout terms of this Agreement.
 - j. Document contacts, services, and motel voucher entries/exits into the Homeless Management Information System (HMIS) on at least a weekly basis.
 - k. Regularly attend Coordinated Entry case conferencing meetings, and other similar collaborative efforts.
 - l. Work together in a cooperative and coordinated effort to bring about the achievement and fulfillment of the purpose of the MOU.
 - m. Mutually contribute and take part in any and all phases of the planning and development of the Street Outreach Program to the fullest extent possible.
 - n. Comply with State and Federal regulations.
3. **Term.** This MOU shall commence upon the Effective Date, as stated above, and will continue until January 31, 2023.
4. **Termination.** This MOU may be terminated at any time by either Party upon 45 days written notice to the other Party.
5. **Representations and Warranties.** Both Parties represent that they are fully authorized to enter into this MOU. The performance and obligations of either Party will not violate or infringe upon the rights of any third-party or violate any other agreement between the Parties, individually, or any other person, organization, or business or any law or governmental regulation.
6. **Indemnity.** The Parties each agree to indemnify and hold harmless the other Party, its respective affiliates, officers, agents, employees, and permitted successors and assigns against any and all claims, losses, damages, liabilities, penalties, punitive damages, expenses, reasonable legal fees and costs of any kind or amount whatsoever, which result from the negligence of or breach of this MOU by the indemnifying Party, its respective successors and assigns that occurs in connection with this MOU. This section remains in full force and effect even after termination of the MOU by its natural termination or the early termination by either Party.
7. **Limitation of Liability.** Under no circumstances shall either Party be liable to the other Party or any third party for any damages resulting from any part of this MOU such as, but not limited to,

loss of revenue or anticipated profit or lost business, costs of delay or failure of delivery, which are not related to or the direct result of a Party's negligence or breach.

8. **Severability.** In the event any provision of this MOU is deemed invalid or unenforceable, in whole or in part, that part shall be severed from the remainder of the MOU and all other provisions should continue in full force and effect as valid and enforceable.
9. **Waiver.** The failure by either Party to exercise any right, power or privilege under the terms of this MOU will not be construed as a waiver of any subsequent or further exercise of that right, power or privilege or the exercise of any other right, power or privilege.
10. **Legal and Binding Agreement.** This MOU is legal and binding between the Parties as state above. The Parties each represent that they have the authority to enter into this MOU.
11. **Entire Agreement.** The Parties acknowledge and agree that this MOU represents the entire agreement between the Parties. In the event that the Parties desire to change, add, or otherwise modify any terms, they shall do so in writing to be signed by both Parties.

The Parties agree to the terms and conditions set forth above as demonstrated by their signatures as follows:

Boys & Girls Club of the Fox Valley

By: _____
Greg Lemke-Rochon, Chief Executive Officer
Date: _____

By: _____
Dan Flaherty, President, Board of Directors
Date: _____

City of Appleton

By: _____
Jacob A. Woodford, Mayor
Date: _____

By: _____
Kami Lynch, City Clerk
Date: _____

Approved as to form:

Christopher R. Behrens, City Attorney
Date: _____

Anthony D. Saucerman, Finance Director
Date: _____

CityLaw A21-0060



MEMORANDUM

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

TO: Community and Economic Development Committee
FROM: Nikki Gerhard, Community Development Specialist
DATE: January 27, 2021
RE: 2020 Community Development Block Grant CARES Act Funding (CDBG-CV3)

Recently, the City of Appleton sought approval of allocations to community partners interested in administering the first round of CDBG-CV funding. The City of Appleton was awarded a second special allocation of \$343,268 in Community Development Block Grant funding to be used to prevent, prepare for, and respond to COVID-19. Similar to the last allocation, the CDBG-CV3 funds were authorized by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) to respond to the growing effects of the public health crisis.

To address instability in our community as a result of the COVID-19 health emergency, staff makes the following recommendations [with the support of the philanthropic entities and community partners], as they manage the short and long-term needs as a result of this public health crisis. These recommendations will be considered by CEDC on January 27th and Common Council on February 3rd, and will be incorporated into the CDBG 2020 Annual Action Plan as a substantial amendment.

1. ADVOCAP, Inc: Street Outreach/Case Management (\$278,909)

Through an executed two-year MOU, ADVOCAP will provide street outreach, information and referrals, completed assessments, intakes, short-term case management, and services to people living in unsheltered locations, such as cars, parks, abandoned buildings, and on the streets and that are not already working with a Fox Cities Housing Coalition members for services. The Street Outreach and Case Management role will reach people who might not otherwise seek assistance or come to the attention of the homelessness service system and ensure that people's basic needs are met while supporting them along pathways toward housing stability.

2. City of Appleton: Community & Economic Development Department's Motel Voucher Program (\$64,359)

The City of Appleton's Motel Voucher Program, approved by CEDC on July 22, 2020 and Council on July 29, 2020, is designed to ensure that individuals and families experiencing homelessness have a safe, temporary place to stay until a more permanent housing solution is identified. With colder weather upon us, City staff is working collaboratively with local agencies to ensure additional access to shelter options. The Motel Voucher Program also includes a case management component, food, transportation, and connection to housing solutions.

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

Attached Documents:

- 1.) September 16, 2020 CARES Act CDBG-CV3 award letter
- 2.) 2020PY Annual Action Plan Substantial Amendment request
- 3.) MOU between the City of Appleton and ADVOCAP, Inc.

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



ASSISTANT SECRETARY FOR
COMMUNITY PLANNING AND DEVELOPMENT

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

September 11, 2020

The Honorable Jake Woodford
Mayor of Appleton
100 N Appleton Street
City Hall
Appleton, WI 54911-4799

Dear Mayor Woodford:

I am pleased to inform you of a special allocation to your jurisdiction of Community Development Block Grant funds to be used to prevent, prepare for, and respond to the coronavirus (COVID-19). This allocation was authorized by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136, which was signed by President Trump on March 27, 2020, to respond to the growing effects of this historic public health crisis.

The CARES Act made available \$5 billion in Community Development Block Grant Coronavirus (CDBG-CV) funds. Of this amount, the Department immediately allocated \$2 billion on March 27, 2020, the same day President Trump signed the Act, based on the fiscal year 2020 CDBG formula; this constituted the first round of CDBG-CV funds. Next, \$1 billion was required by the Act to be allocated to States and insular areas within 45 days of enactment of the Act; HUD accomplished this on May 11, 2020, and this constituted the second round of CDBG-CV funds. Finally, the remaining \$2 billion in CDBG-CV funds was required by the Act to be allocated to states and local governments at the discretion of the Secretary on a rolling basis; HUD accomplished this on September 11, 2020, and this constituted the third round of CDBG-CV funds. Additionally, up to \$10 million will be set aside for technical assistance.

Accordingly, this letter informs you that your jurisdiction's allocation for the third round is \$343,268. Your cumulative amount for all allocation rounds is \$691,523.

The CARES Act adds additional flexibility for both the CDBG-CV grant and, in some cases, for the annual FY2019 and FY2020 CDBG grants in these unprecedented times. The public comment period is reduced to not less than 5 days, grantees may use virtual public hearings when necessary for public health reasons, the public services cap is suspended during the emergency, and States and local governments may reimburse costs of eligible activities incurred for pandemic response regardless of the date.

In addition, the CARES Act authorizes the HUD Secretary to grant waivers and alternative requirements of statutes and regulations the HUD Secretary administers in connection with the use of CDBG-CV funds and fiscal year 2019 and 2020 CDBG funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment). Waivers and alternative

requirements can be granted when necessary to expedite and facilitate the use of funds to prevent, prepare for, and respond to coronavirus.

The CDBG CARES Act Federal Register Notice (FR-6218-N-01) was released on August 10, 2020. The notice describes the allocations and grant procedures applicable to the CDBG-CV grants. It also describes the program flexibilities, waivers, and alternative requirements that apply to the CDBG-CV grants as well as the fiscal year 2019 and 2020 CDBG grants. As further such flexibilities become available, they will be posted on HUD's website and distributed to grantees. The Department will also support grantees with technical assistance.

As you develop your plan for the use of these grant funds, we encourage you to consider approaches that prioritize the unique needs of low- and moderate-income persons and the development of partnerships between all levels of government and the private for-profit and non-profit sectors. You should coordinate with state and local health authorities before undertaking any activity to support state or local pandemic response. CDBG-CV grants will be subject to oversight, reporting, and the requirement that each grantee have adequate procedures to prevent the duplication of benefits (DOB). HUD will provide guidance and technical assistance on DOB, the prevention of fraud, waste, and abuse, and on documenting the impact of this program for beneficiaries.

Reminder, all CPD Grantees must ensure they maintain active Dun and Bradstreet Numbering System (DUNS) numbers in the System for Award Management (SAM) system. Entities must have an active and unexpired DUNS before execution of grant agreements to avoid delays in the obligation of funds- which will delay your ability to drawdown funds in the Integrated Disbursement & Information System (IDIS). Grantees are required to maintain an active SAMs registration by re-activating their DUNS number annually in the SAM system for the entire drawdown period of their grants. DUNS numbers can be registered and renewed each year at the following website: <https://www.sam.gov/SAM/>.

The Office of Community Planning and Development (CPD) is looking forward to working with you to successfully meet the urgent and complex challenges faced by our communities. If you or any member of your staff has questions, please contact your local CPD Field Office Director or CPDQuestionsAnswered@hud.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Gibbs', with a stylized, cursive script.

John Gibbs
Acting Assistant Secretary
for Community Planning and Development
U.S. Department of Housing and Urban Development



THIRD SUBSTANTIAL AMENDMENT TO THE CITY OF APPLETON'S 2020 ANNUAL ACTION PLAN

A. EXECUTIVE SUMMARY

The U.S. Department of Housing and Urban Development (HUD) requires all entitlement communities receiving Community Development Block Grant (CDBG) funds, such as the City of Appleton, to prepare and submit a Consolidated Plan every five years to establish a unified, strategic vision for economic development, housing and community development actions. The Consolidated Plan encompasses the analysis of local community needs and coordinates appropriate responses to those needs and priorities. The City of Appleton City Council adopted the 2020-2024 Five Year Consolidated Plan ("Consolidated Plan") on December 18, 2019.

The Consolidated Plan is carried out through Annual Action Plans, which provide a concise summary of the actions, activities, and the specific federal and non-federal resources that will be used each year to address the priority needs and specific goals identified in the Consolidated Plan. The City must submit an Annual Action Plan to HUD by no later than February 15 of each year during the five-year period (unless otherwise specified by HUD). The City of Appleton Council adopted the 2020 Annual Action Plan on March 18, 2020, and it was submitted to HUD on March 19, 2020.

Per the City's Citizen Participation Plan (CPP), a substantial amendment to a Consolidated Plan and Annual Action Plan is required when a "substantial" change is proposed as it relates to funding priorities, proposed activities, goals and objectives.

The first substantial amendment to the 2020-2024 Consolidated Plan, and subsequently the 2020 Annual Action Plan, was approved by City Council on October 21, 2020, incorporating the use of the CARES Act CDBG-CV1 funding of \$348,255. The second substantial amendment to the 2020-2024 Consolidated Plan, and the 2020 Annual Action Plan, was approved by City Council on December 16, 2020, updated the use of \$78,386 of the CDBG-CV1 award.

B. CITIZEN PARTICIPATION

A Notice of Public Hearing was published in the Appleton Post Crescent on January 21, 2021, and a 5-day public review period was published on January 21, 2021, informing the public of the proposed Substantial Amendment and inviting comments at the public hearing, during a regularly scheduled Community & Economic Development Committee meeting. The public review period began on January 21, 2021 and ended on January 27, 2021. Citizens are able to review copies of the Substantial Amendment at the City's CDBG website and the Customer Service desk on the first floor of City Hall.

C. PROPOSED THIRD SUBSTANTIAL AMENDMENT TO THE 2020 ANNUAL ACTION PLAN

The City is proposing to allocate \$278,909 to street outreach and case management efforts. The remaining \$64,359 will be allocated to the City of Appleton's Motel Voucher Program. The following table outlines the proposed activities described in this Substantial Amendment:

Table 1: Proposed Activity Budget

Agency/Program	CDBG-CV Allocation
ADVOCAP, Inc- Street Outreach/Case Management	\$278,909
City of Appleton Motel Voucher Program	\$64,359
TOTAL	\$343,268

D. 2020 PROPOSED ACTIVITY DETAIL

The following narrative provides activity descriptions, national objectives, and other required information for the proposed activity.

ADVOCAP, Inc: Street Outreach/Case Management (\$278,909)

Through an executed two-year MOU, ADVOCAP will provide street outreach, information and referrals, completed assessments, intakes, short-term case management, and services to people living in unsheltered locations, such as cars, parks, abandoned buildings, and on the streets and that are not already working with a Fox Cities Housing Coalition members for services. The Street Outreach and Case Management role will reach people who might not otherwise seek assistance or come to the attention of the homelessness service system and ensure that people's basic needs are met while supporting them along pathways toward housing stability.

City of Appleton: Community & Economic Development Department's Motel Voucher Program (\$64,359)

The City of Appleton's Motel Voucher Program, approved by CEDC on July 22, 2020 and Council on July 29, 2020, is designed to ensure that individuals and families experiencing homelessness have a safe, temporary place to stay until a more permanent housing solution is identified. With colder weather upon us, City staff is working collaboratively with local agencies to ensure additional access to shelter options. The Motel Voucher Program also includes a case management component, food, transportation, and connection to housing solutions.

E. PUBLIC COMMENTS

All public comments received during the 5-day public review period or at the public hearing will be incorporated into the overall Substantial Amendment submitted to HUD.



**MEMORANDUM OF UNDERSTANDING
BETWEEN
CITY OF APPLETON
AND
ADVOCAP, INC.**



This Memorandum of Understanding (the “MOU”) is entered into February 4, 2021 (the “Effective Date”), by and between the City of Appleton with an address of 100 North Appleton Street, Appleton, WI 54911 (“COA”) and ADVOCAP, Inc with an address of P.O. Box 1108, Fond du Lac, WI 54936 (“ADVOCAP”), collectively “the Parties.”

WHEREAS, the Parties desire to enter into an MOU to administer a Street Outreach and Case Management program, (“project”), in conjunction with the COA’s Motel Voucher program; and

WHEREAS, the Parties desire to memorialize certain terms and conditions of their anticipated collaboration;

WHEREAS, the COA will financially support ADVOCAP in an amount not to exceed \$278,909 for eligible activities herein described (“Objectives”).

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein, the Parties agree as follows:

1. **Purpose and Scope.** The Parties intend for this MOU to provide the foundation and structure for any future agreement related, but not limited to conducting street outreach, providing information and referrals, completing assessments, intakes, performing short-term case management, and providing services.

The Program will provide street outreach, case management, and referral services to people living in unsheltered locations, such as cars, parks, abandoned buildings, and on the streets and that are not already working with a Fox Cities Housing Coalition members for services. The Street Outreach Case Manager will reach people who might not otherwise seek assistance or come to the attention of the homelessness service system and ensures that people’s basic needs are met while supporting them along pathways toward housing stability. Community Outreach will be conducted by vehicle and on foot. The Street Outreach Case Manager will work with several City of Appleton departments, including but not limited to Community and Economic Development, Health Department, Public Works, the Police Department, and the Library as well as referrals from local community partners, including but not limited to the Fox Cities Housing Coalition members.

2. **Objectives.** The Parties agree as follows:
 - a. Provide targeted street outreach to identify unsheltered homeless households living on the streets or other places not meant for human habitation.
 - b. Determine the participant’s immediate safety needs using trauma-informed approaches, crisis intervention, LGBTQ-engagement techniques, and other strategies needed for engagement.
 - c. Perform assessments and refer participants to the Coordinated Entry Specialist.

- d. Complete WIBOSCOC pre-screen forms and necessary housing assessments.
 - e. Implement Housing First philosophy, and hereby not imposing barriers to access street outreach services or the motel voucher program.
 - f. Establish working relationships with community stakeholders- law enforcement, libraries, first responders, hospitals and other healthcare providers, and faith-based organizations.
 - g. Communicate and cooperate with staff from other Fox Cities Housing Coalition programs as needed to ensure delivery of service and appropriate referrals to support homeless households obtaining stable housing and services.
 - h. Provide outreach and training to organizations regarding the services offered as requested.
 - i. Complete appropriate Homeless Management Information System (HMIS) licensing and training, and maintain throughout terms of this Agreement.
 - j. Document contacts, services, and motel voucher entries/exits into the Homeless Management Information System (HMIS) on at least a weekly basis.
 - k. Regularly attend Coordinated Entry case conferencing meetings.
 - l. The Street Outreach Case Manager position will report to management at ADVOCAP and the City of Appleton.
 - m. Work together in a cooperative and coordinated effort to bring about the achievement and fulfillment of the purpose of the MOU.
 - n. Mutually contribute and take part in any and all phases of the planning and development of the Street Outreach Program to the fullest extent possible.
 - o. Comply with State and Federal regulations.
3. **Term.** This MOU shall commence upon the Effective Date, as stated above, and will continue until January 31, 2023.
4. **Termination.** This MOU may be terminated at any time by either Party upon 45 days written notice to the other Party.
5. **Representations and Warranties.** Both Parties represent that they are fully authorized to enter into this Agreement. The performance and obligations of either Party will not violate or infringe upon the rights of any third-party or violate any other agreement between the Parties, individually, or any other person, organization, or business or any law or governmental regulation.
6. **Indemnity.** The Parties each agree to indemnify and hold harmless the other Party, its respective affiliates, officers, agents, employees, and permitted successors and assigns against any and all claims, losses, damages, liabilities, penalties, punitive damages, expenses, reasonable legal fees and costs of any kind or amount whatsoever, which result from the negligence of or breach of this MOU by the indemnifying Party, its respective successors and assigns that occurs in connection with this MOU. This section remains in full force and effect even after termination of the MOU by its natural termination or the early termination by either Party.
7. **Limitation of Liability.** Under no circumstances shall either Party be liable to the other Party or any third party for any damages resulting from any part of this agreement such as, but not

limited to, loss of revenue or anticipated profit or lost business, costs of delay or failure of delivery, which are not related to or the direct result of a Party's negligence or breach.

8. **Severability.** In the event any provision of this MOU is deemed invalid or unenforceable, in whole or in part, that part shall be severed from the remainder of the MOU and all other provisions should continue in full force and effect as valid and enforceable.
9. **Waiver.** The failure by either Party to exercise any right, power or privilege under the terms of this MOU will not be construed as a waiver of any subsequent or further exercise of that right, power or privilege or the exercise of any other right, power or privilege.
10. **Legal and Binding Agreement.** This MOU is legal and binding between the Parties as state above. The Parties each represent that they have the authority to enter into this Agreement.
11. **Entire Agreement.** The Parties acknowledge and agree that this MOU represents the entire agreement between the Parties. In the event that the Parties desire to change, add, or otherwise modify any terms, they shall do so in writing to be signed by both Parties.

The Parties agree to the terms and conditions set forth above as demonstrated by their signatures as follows:

ADVOCAP, Inc

By: _____
Michael Bonertz, Executive Officer
Date: _____

City of Appleton

By: _____
Jacob A. Woodford, Mayor
Date: _____

By: _____
Kami Lynch, City Clerk
Date: _____

Approved as to form:

Christopher R. Behrens, City Attorney
Date: _____

Anthony D. Saucerman, Finance Director
Date: _____

CityLaw A21-0066



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

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

TO: Chairperson Vered Meltzer and Members of the Utilities Committee

FROM: Chris Shaw, Utilities Director

DATE: January 21, 2021

RE: *Award the Engineering contract for 2021 Sludge Storage Addition Project to Applied Technologies, Inc. in the amount of \$499,301 with a 15% contingency of \$74,895 for a Project Total not to exceed \$574,196*

BACKGROUND:

The total biosolids storage capacity at the Appleton Wastewater Treatment Plant (AWWTP) is equivalent to approximately 9,000 wet tons. Since 2010 (economic recession), the annual biosolids production rates have exceeded the 180-day storage requirement specified within Wisconsin Administrative Code NR 204. This deficiency has triggered the need for Appleton City Council resolutions to investigate options to address the deficiency and comply with the requirement.

In recent years, more stringent agricultural nutrient management standards, changing land use patterns, increases in biosolids production, and above normal precipitation has complicated the land application of biosolids on agricultural fields and further strained already limited on site storage. In 2010, the city of Appleton constructed a biosolids compost facility at the Outagamie County landfill to diversify beneficial reuse options and expand off-site biosolids storage. Since that time, 5%-10% the AWWTP annual biosolids production has been diverted to the permitted composting facility. This alternative has provided regulatory recognized off-site storage sufficient to satisfy the NR 204 180-day storage requirements. However, the Outagamie County Recycling and Solid Waste (OCRSW) is in an ongoing process to construct a new landfill expansion. As part of that construction, the OCRSW will require the area that is occupied by the biosolids compost facility by 2023. The city of Appleton made the decision during 2020 to pursue an expansion of the sludge storage building (SSB).

RFP PROCESS

Request for Proposals (RFPs) were submitted to four engineering firms for professional services. The services sought will guide the Utilities Department throughout the sludge storage expansion process from planning and design phases, through active construction. Each of the firms invited as part of the RFP process were selected based on an extensive resume of wastewater industry work and past successful project work at the AWWTP.

The Utilities Department organized an evaluation team to critically review each firm's written proposal based on established weighted criteria described in the RFP. Each proposal was given a score by team members based on content and independent of costs. Sealed fees were revealed following the tally of each team member scores. The table below summarizes the proposal review team's tallied scores, engineering firm's proposed fee, and the calculated value score which incorporates the proposed fee to determine the best overall proposal. The higher the final value score, the greater the value of the proposal.

RFP Evaluation Results

COMPANY	SCORE	QUOTE	VALUE
Applied Technologies	466	\$499,301	93.3
Donohue	287	\$366,135	78.4
McMahon	432	\$487,510	88.6
Strand	315	\$912,700	34.5

Notes

1. "Total Score" represents the combined total from each of the three evaluation team members.
2. Point Value Factor Method = (Qualitative Proposal Score/ Quote Price) x 100,000. The highest point value factor derived is considered the best value proposal.

The Applied Technologies, Inc. (ATI) proposal received the highest overall evaluation score by the review team and provided the greatest overall value using the point value calculation. ATI demonstrated a comprehensive understanding of project needs and an approach to deliver a successful project. ATI has a history of being part of successful projects at the AWWTP including the 1997 Sludge Storage Building Addition project. ATI received an innovative design award for that work and brings some of the same lead team members for this project.

RECOMMENDATION:

Approval of an Engineering contract for 2021 Sludge Storage Addition Project to Applied Technologies, Inc. in the amount of \$499,301 with a 15% contingency of \$74,895 for a Project Total not to exceed \$574,196.

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



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

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

TO: Chairperson Vered Meltzer and Members of the Utilities Committee

FROM: Chris Shaw, Utilities Director

DATE: January 21, 2021

RE: *Award the Engineering contract for 2021 Solids Dewatering Equipment Upgrades Project to McMahon in the amount of \$325,872 with a 10% contingency of \$32,587 for a Project Total not to exceed \$358,459.*

BACKGROUND:

For approximately 25 years the Appleton Wastewater Treatment Plant (AWWTP) has successfully utilized Ashbrook Simon Hartley Winkle presses or belt filter presses (BFPs) to dewater anaerobically digested sludge. Each of the three BFP have run times in excess of 4,000 hours per year and producing on, average, (5-year) 25,500 wet tons per year. Although reliable and efficient, these BFPs have reached their useful life.

There has been reconditioning work during the late 2000's but that effort was not intended to go beyond the priority repairs identified at that time. The original functioning electrical hard wire relays remained untouched and are still in use today. These existing relays do not provide the diverse functional capabilities offered by present-day technologies. This includes the ability to fully integrate BFP unit processes with the existing supervisory control and data acquisition (SCADA) computer operating system. To accomplish this, the existing hard wire relay system will require replacement by a programmable logic controller (PLC) and new relay modules. Since the original installation of the BFPs, there have been unit processes that have become obsolete (e.g. lime pasteurization process phased out by anaerobic digestion as part of 1994 plant upgrades), including improvements to the solids dewatering polymer batch system. These former treatment processes and ancillary chemical feed systems continue to share common space within existing electrical control panels. This CIP is intended to address unused electrical wiring and components from past improvements and upgrades which remain within the existing BFP control cabinets. Preliminary engineering services in 2021 will provide observations, data, alternatives, costs, conclusions, and recommendations that will be utilized to shape subsequent project construction phasing involving additional dewatering equipment and/or upgrades to the three existing BFPs. It is anticipated that following the installation and successful startup of new equipment that the project work would transition to rebuilding the three existing BFPs and address remnant hard wiring associated from obsolete equipment and processes. This work would also involve upgrades to outdated hard wire relays with PLC technology and the replacement of antiquated and/or degraded components outside the electrical hardwire systems

RFP PROCESS

Request for Proposals (RFPs) were submitted to four engineering firms for professional services. The services sought will guide the Utilities Department throughout the solids equipment upgrade process from planning and design phases, through active construction. Each of the firms invited as part of the RFP process were selected based on an extensive resume of wastewater industry work and past successful project work at the AWWTP.

The Utilities Department organized an evaluation team to critically review each firm's written proposal based on established weighted criteria described in the RFP. Each proposal was given a score by team members based on content and independent of costs. Sealed fees were revealed following the tally of each team member scores. The table below summarizes the proposal review team's tallied scores, engineering firm's proposed fee, and the calculated value score which incorporates the proposed fee to determine the best overall proposal. The higher the final value score, the greater the value of the proposal.

RFP Evaluation Results

COMPANY	SCORE	QUOTE	VALUE
Applied Technologies, Inc.	224	\$412,273	54.3
Donohue and Associates	338	\$353,650	95.6
McMahon Associates, Inc.	512	\$325,872	157.1
Strand Associates	426	\$694,900	61.3

Notes

1. "Total Score" represents the combined total from each of the three evaluation team members.
2. Point Value Factor Method = (Qualitative Proposal Score/ Quote Price) x 100,000. The highest point value factor derived is considered the best value proposal.

The McMahon Associates, Inc. (McMahon) proposal received the highest overall evaluation score by the review team and provided the greatest overall value using the point value calculation. The McMahon project team proposal demonstrated a comprehensive understanding of project needs and an approach to deliver a successful project.

RECOMMENDATION:

Approval of an Engineering contract for 2021 Solids Dewatering Equipment Upgrades Project to McMahon in the amount of \$325,872 with a 10% contingency of \$32,587 for a Project Total not to exceed \$358,459.

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



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**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: Human Resources Committee

From: Dean R. Gazza, Director of Parks, Recreation and Facilities Management
Tony Saucerman, Director of Finance

Date: January 27, 2020

Re: Action: Change reporting structure of the Account Clerk II from the Finance Department to the Parks, Recreation and Facilities Management Department.

Background

As part of a cost-saving measure during the 2012 Budget process, certain administrative positions were physically moved from their home departments to central customer service areas on the first and fifth floors of City Hall. This included positions in the Health, Community and Economic Development, and Parks and Recreation Departments. Additionally, the Recreation Programmer positions from the Parks and Recreation Department were moved from the Witzke Blvd. facility to the sixth floor of City Hall. Since that time, for various reasons, most of these positions have moved back to their respective home departments. The Parks and Recreation customer service position currently resides in the Finance Department within the first-floor customer service area and is overseen by the Finance Department.

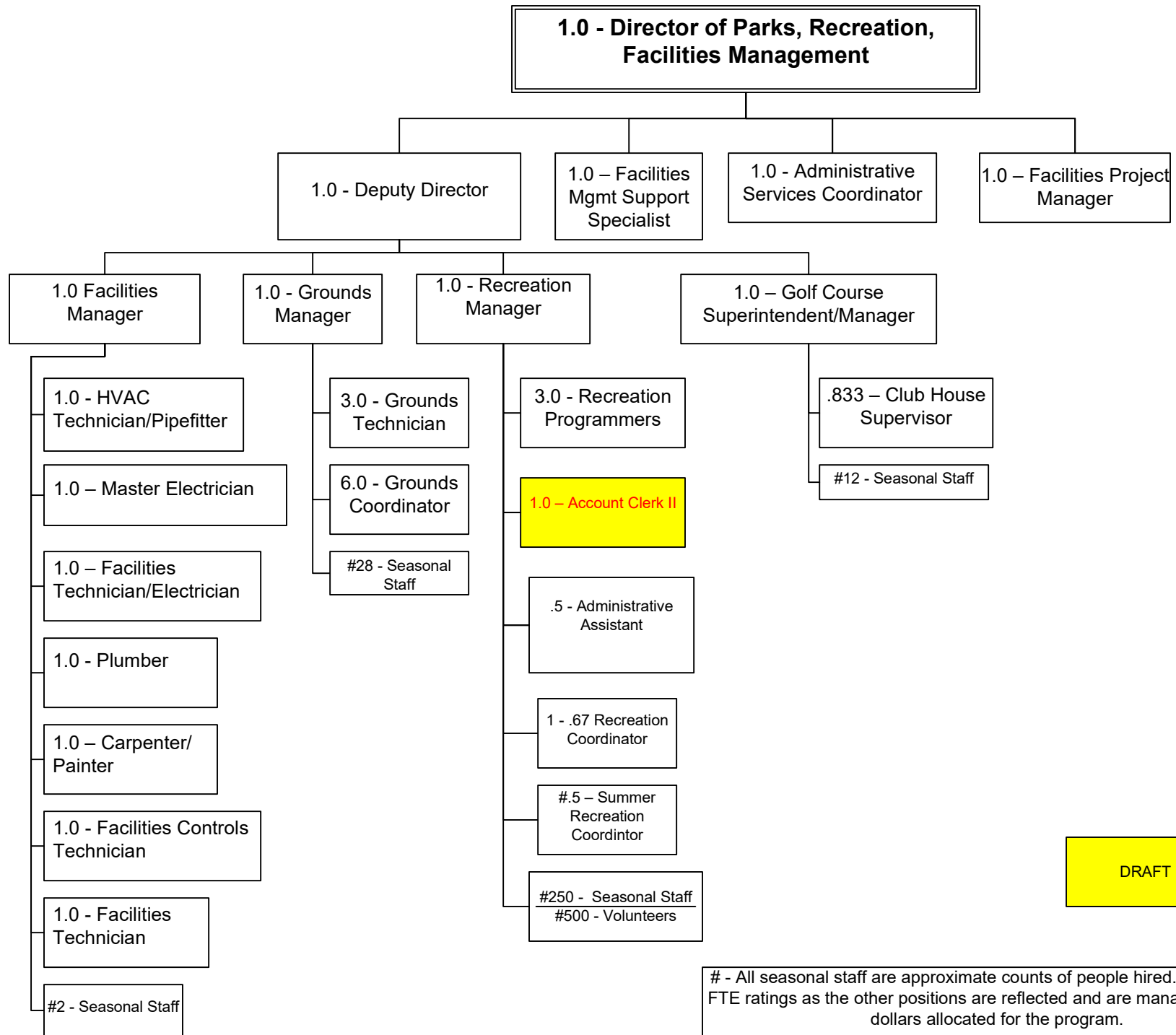
Current Date

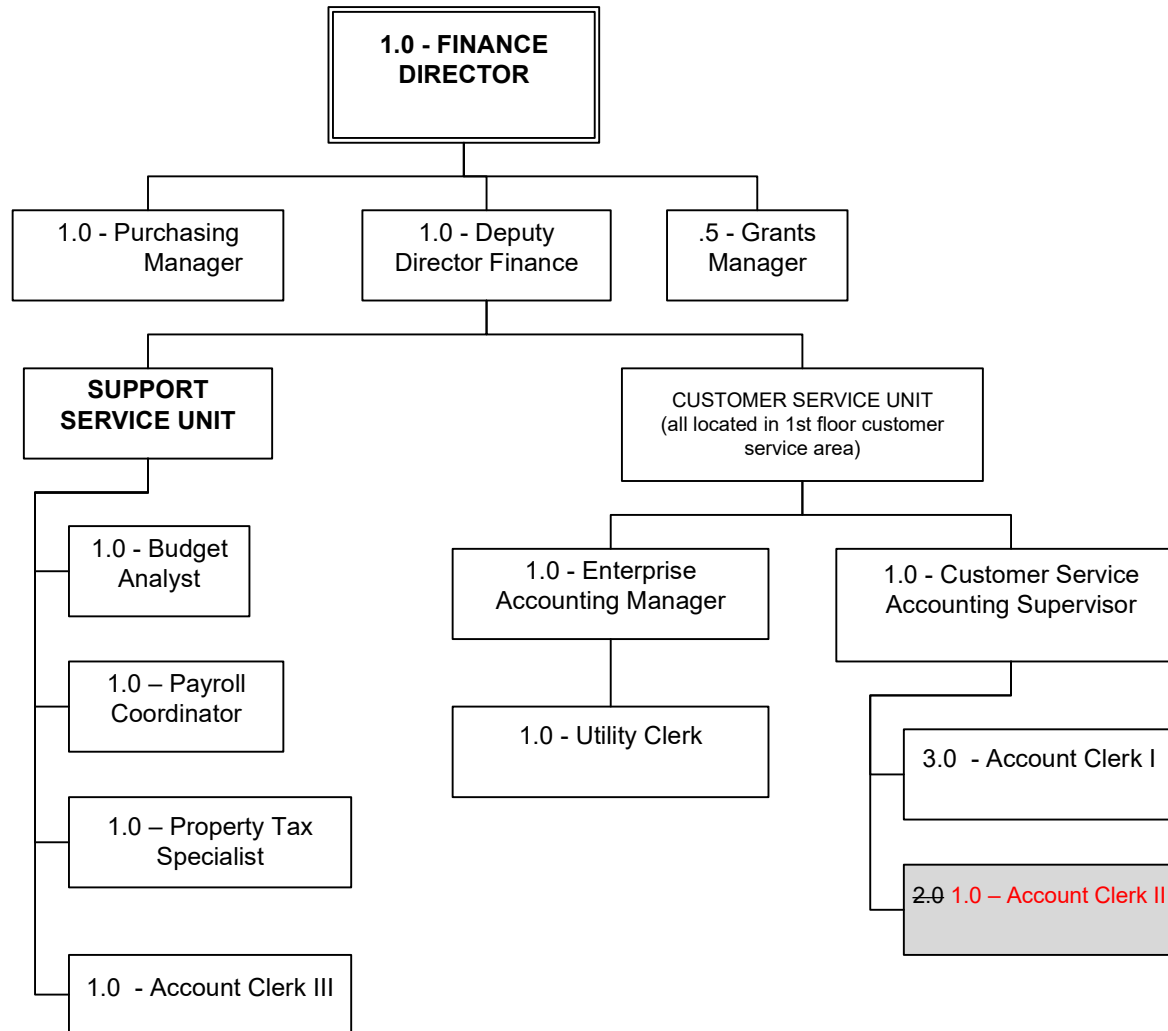
Due to a retirement in December, 2020, this Account Clerk II position has become vacant and recruitment is in process. Over the years, discussions have been ongoing between the two departments concerning the most effective reporting structure for the position since it resides in the Finance Department (who currently provide backup for the position) but who's main job duties and functions relate to park facility rentals and recreation activities, programs and events. Communication between the Parks and Recreation staff and the Account Clerk II position have been a challenge at times over the years due to both the remote location of the position as well as the reporting structure, while providing backup and training to the position has been a challenge for the Finance Department due to the nature, and often times complexity, of the work which is outside the customary duties of the first floor Finance staff.

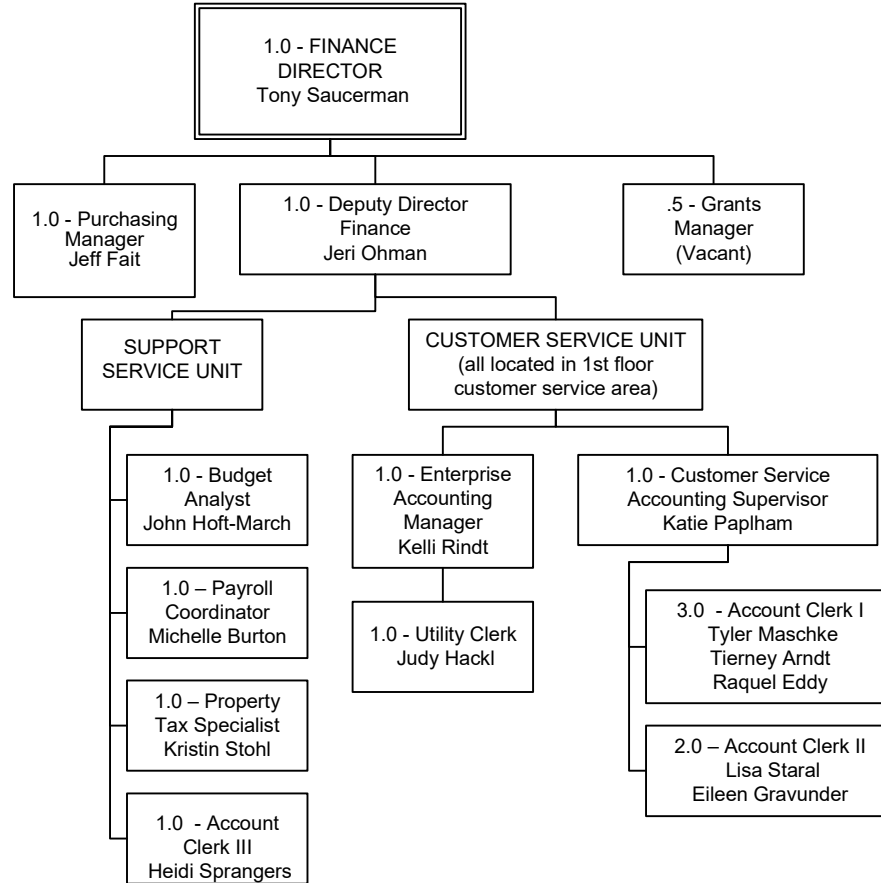
In an attempt to address these challenges, the departments are mutually requesting a change to

the City's Table of Organization to move the Account Clerk II position from the Finance Department back to the Parks and Recreation Department who would then assume direct oversight and management of the position. Our hopes for this change is that Parks and Recreation staff would have improved access and communication to the position as well as being able to provide continual training and support. COVID provided new tools to make it easier to work and supervise remotely also. Initially the position will remain at City Hall and the Finance Department staff would continue to provide limited backup for short-term absences. Once we are able to return to normal operations and COVID is behind us, we will evaluate the opportunity for the position to reside at the Parks and Recreation facility to bolster back-up for the position.

Thank you for your consideration. Please feel free to contact either Director Saucerman or Director Gazza with any questions.







**AN ORDINANCE AMENDING ORDINANCE
NO. 104-20 ANNEXING TERRITORY
TO THE CITY OF APPLETON, WISCONSIN.**

(Sequoia Drive (right-of-way) Annexation)
MBR No. 14337

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

Section 1. Territory Annexed. In accordance with §66.0217 of the Wisconsin Statutes for 2017 – 2018 and the *Unanimous Petition for Direct Annexation* filed with the City Clerk on September 10, 2020, the following described territory in the Town of Grand Chute and the Town of Vandebroek, Outagamie County, Wisconsin, lying contiguous to the City of Appleton, is hereby annexed to the City of Appleton, Wisconsin:

Part of Tax Key #101153201, 101153500, 200012500 and 200012700

A part of Lot 2 of Certified Survey Map No. 5163 filed in Volume 29 of Certified Survey Maps on Page 5163 as Document No.1676059, a part of the East ½ of the Fractional Northwest ¼ and a part of the West ½ of the Fractional Northeast ¼ of Section 5, Township 21 North, Range 18 East, Town of Grand Chute and the Town of Vandebroek, Outagamie County, Wisconsin, containing 3.3251 Acres (144,841 sq. ft.) of land and being more fully described by:

*Commencing at the N ¼ corner of said Section 5;
Thence South 00°16'59" West 33.00 feet along the West line of the Fractional NE ¼ of said Section 5 to the Point of Beginning;
Thence South 89°33'00" East 33.02 feet along the South line of Broadway Drive;
Thence South 00°31'45" West 1,347.02 feet;
Thence Southwesterly 400.24 feet along the arc of curve to the right having a radius of 335.00 feet and the chord of which bears South 34°45'22" West 376.86 feet;
Thence Southwesterly 312.44 feet along the arc of a curve to the left having a radius of 265.00 feet and the chord of which bears South 35°12'24" West 294.66 feet;
Thence South 01°25'49" West 9.99 feet;
Thence North 88°35'21" West 70.00 feet;
Thence North 01°25'49" East 10.01 feet;
Thence Northeasterly 394.97 feet along the arc of curve to the right having a radius of 335.00 feet and the chord of which bears North 35°12'24" East 372.49 feet;
Thence Northeasterly 316.61 feet along the arc of a curve to the left having a radius of 265.00 feet and the chord of which bears North 34°45'22" East 298.11 feet;
Thence North 00°31'45" East 1,347.07 feet;*

*Thence South 89°18'26" East 36.81 feet;
Thence South 89°33'00" East 0.17 feet to the point of beginning.*

The current population of such territory is 0 people.

Section 2. Effect of Annexation. From and after the date of this ordinance, the territory described in Section 1 shall be a part of the City of Appleton for any and all purposes provided by law and all persons coming or residing within such territory shall be subject to all ordinances, rules and regulations governing the City of Appleton.

Section 3. Ward Designation. The territory on the WEST (Town of Grand Chute) side of the road/right-of-way, as well as those areas marked as C1 and C2 on the attached map, are hereby made a part of the Thirty-ninth (39th) Ward, attached to the Thirteenth (13th) Aldermanic District and the EAST (Town of Vandebroek) side of the road/right-of-way is hereby made a part of the newly created Sixty-second (62nd) Ward, attached to the Thirteenth (13th) Aldermanic District of the City of Appleton, Outagamie County, subject to the ordinances, rules and regulations of the City governing wards.

Section 4. Zoning Classification. The territory described in Section 1 is hereby zoned as follows, pursuant to §66.0217(7)(a), Stats., and §23-65(e), Appleton Municipal Code:

Temporary AG District (Temporary Agricultural District)

Section 5. Severability. If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or

applications of this ordinance, which can be given without the invalid or unconstitutional provision or application.

Section 6. Effective Date. This ordinance shall take effect upon passage and publication.

Dated: February 3, 2021