



City of Appleton

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

Meeting Agenda - Final-revised Common Council

Wednesday, April 7, 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

[21-0355](#) Common Council Meeting Minutes of March 17, 2021

Attachments: [CC Minutes 3-17-21.pdf](#)

- G. BUSINESS PRESENTED BY THE MAYOR

[21-0371](#) Police & Fire Commission Reappointment

Attachments: [PFC Reappointment Memo.pdf](#)

[21-0306](#) Certificate of Recognition to Sandy Matz, Director of Human Resources

[21-0372](#) Library Week Proclamation

Attachments: [Library Week Proclamation.pdf](#)

[21-0373](#) Golden Rule Day Proclamation

Attachments: [Golden Rule Day Proclamation.pdf](#)

[21-0374](#) Autism Acceptance Month Proclamation

Attachments: [Autism Acceptance Month Proclamation.pdf](#)

[21-0347](#) Request from Appleton Downtown Inc. for a street occupancy permit for Artful Chairs, June 18-20, 2021, in the College Avenue beautification strip between Drew Street and Badger Avenue.

Attachments: [ADI-Artful Chairs June 18-20, 2021.pdf](#)

Legislative History

3/22/21	Municipal Services Committee	recommended for approval
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[21-0348](#) Request from Appleton Downtown Inc. for a street occupancy permit for Chalk Walk, July 16-18, 2021, in the sidewalk area between Drew Street and Richmond Street.

Legislative History

3/22/21	Municipal Services Committee	recommended for approval
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[21-0349](#) Request from Appleton Downtown Inc. for a street occupancy permit for Paint Out, August 20, 2021, in the College Avenue beautification strip between Drew Street and Badger Avenue.

Attachments: [ADI-Paint out August 20, 2021.pdf](#)

Legislative History

3/22/21	Municipal Services Committee	recommended for approval
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[21-0354](#) Approve Memorandum of Understanding with Bird Rides, Inc to initiate a Dockless, Stand-up Electric Scooter Pilot Program for 2021.

Attachments: [Bird Ride Inc.pdf](#)

Legislative History

3/22/21	Municipal Services Committee	recommended for approval
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5.4.2 amended to read, "Electric scooters may be operated on the sidewalks on College Avenue between Drew Street and Badger Avenue."5-0

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[21-0289](#) Resolution #3-R-21 Prohibition on Large Scale Commercial Dog and Cat Breeding

Attachments: [#3-R-21 Large Scale Dog & Cat Breeding Ord.pdf](#)

Legislative History

3/10/21	Safety and Licensing Committee	held
3/24/21	Safety and Licensing Committee	recommended for approval

[21-0305](#) Class "A" Beer and "Class A" Liquor License application for Appleton Liquor LLC d/b/a Appleton Liquor, Heidi Guta, Agent, located at 2727 N Meade St, contingent upon approval from all departments.

Attachments: [Appleton Liquor.pdf](#)

Legislative History

3/24/21 Safety and Licensing Committee recommended for approval

[21-0315](#) Class "B" Beer and "Class B" Liquor License application for C Solutions 200 LLC d/b/a Uptown Chicken and Waffles, Sarah P Powell, Agent, located at 823 W College Ave, contingent upon approval from all departments.

Attachments: [Uptown Chicken & Waffles.pdf](#)

Legislative History

3/24/21 Safety and Licensing Committee recommended for approval

[21-0331](#) Class "B" Beer and "Class B" Liquor License Change of Agent application for Old Bavarian Brau Haus Inc, d/b/a OB's Brau Haus, Christopher A Nelis, New Agent, located at 523 W College Ave, contingent upon approval from Appleton Police Department.

Attachments: [Christopher A Nelis S&L.pdf](#)

Legislative History

3/24/21 Safety and Licensing Committee recommended for approval

[21-0336](#) Operator's License for Michael Alger

Attachments: [MichaelAlgerDenial.pdf](#)

[Michael Alger Application.pdf](#)

Legislative History

3/24/21 Safety and Licensing Committee recommended for denial

Mr. Alger was in attendance at the meeting and addressed the committee.

[21-0338](#) Request from the Appleton Fire Department to update Section 6-56(b) of the city ordinance.

Attachments: [Changes to Sec 6-56\(b\).pdf](#)

[2018 IFC adoption memo.pdf](#)

[UPDATE 3-25-21 2018 IFC adoption memo.doc](#)

Legislative History

3/24/21 Safety and Licensing Committee recommended for approval

3. MINUTES OF THE CITY PLAN COMMISSION

[21-0244](#)

Request to approve Rezoning #3-21 to rezone the First Addition to Broadway Hills Estates Annexation (Tax Id #31-1-9210-14), formerly part of Town of Freedom, generally located approximately 1,400 feet north of the intersection of French Road and Broadway Drive, on the west side of French Road, including to the centerline of existing adjacent right-of-way, as shown on the attached maps, from Temporary AG Agricultural District to R-1B Single-Family District

Attachments: [StaffReport_Rezoning_1stAddBroadwayHillsEstAnnex_For3-9-21.pdf](#)

Legislative History

3/9/21 City Plan Commission recommended for approval
Proceeds to Council on April 7, 2021.

[21-0245](#)

Request to approve the First Addition to Broadway Hills Estates Preliminary Plat as shown on the attached maps and subject to the conditions in the attached staff report

Attachments: [StaffReport_PrePlat_1stAddBroadwayHillsEstates_For3-9-21.pdf](#)

Legislative History

3/9/21 City Plan Commission recommended for approval
Proceeds to Council on April 7, 2021.

[21-0310](#)

Detachment of territory from the City of Appleton to the Village of Fox Crossing, per the request of the property owners, Ann Kloehn, William Kloehn and Julie Lapkoff, located at 1834 Palisades Drive (Tax Id #31-4-9003-00, 31-4-9004-00 and 31-4-9005-00)

Attachments: [StaffReport_Detachment_Kloehn_WPalisadesDr_For3-23-21.pdf](#)

Legislative History

3/23/21 City Plan Commission recommended for approval

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

[21-0316](#)

Action Item: Award the City of Appleton's "2021 Linwood Park Playground Equipment Project" contract to Lee Recreation, LLC in an amount not to exceed \$85,000

Attachments: [2021 Linwood Playground Parks and Rec. Comittee Memo.docx](#)

Legislative History

3/22/21 Parks and Recreation Committee recommended for approval

5. MINUTES OF THE FINANCE COMMITTEE

[21-0322](#)

Request to approve the following 2020 Budget amendments:

Community Development Block Grant Fund

Federal Grant	+\$ 56,549
Grant Payments	+\$ 56,549

to record federal funds received for COVID-19 mitigation (2/3 vote of Council required)

Emergency Shelter Grant (ESG) Fund

State Aids	+\$100,636
Grant Payments	+\$ 94,740
Salaries	+\$ 4,200
Fringe Benefits	+\$ 1,696

to record State funds received for COVID-19 mitigation (2/3 vote of Council required)

Police Grants Fund

Federal Grant	+\$ 56,620
Miscellaneous Supplies	+\$ 56,620

to record State funds received for COVID-19 mitigation (2/3 vote of Council required)

Housing Rehabilitation Loan Fund

Federal Grant	+\$ 51,452
Project Repayments	+\$ 34,058
Grant Payments	+\$ 66,190
Salaries	+\$ 15,220
Fringe Benefits	+\$ 4,100

to record additional funds received in 2020 in the Housing Rehab Loan program (2/3 vote of Council required)

Police Grants Fund

Federal Grant	+\$ 2,739
State Aids	+\$100,651
Overtime Wages	+\$ 63,395
Miscellaneous Equipment	+\$ 33,995
Other Contracts/Obligations	+\$ 6,000

to record additional Police grant funds received in 2020 (2/3 vote of Council required)

Wheel Tax Fund

Wheel Tax Proceeds	+ \$ 16,329
Transfer Out - General Fund	+\$ 16,329

to record Wheel Tax proceeds above budget amount (2/3 vote of Council required)

TIF 6 Capital Projects Fund

Other Contracts/Obligations	+\$ 72,967
Fund Balance	+\$ 72,967

to record additional cost of developer incentive payments (2/3 vote of Council required)

TIF 8 Capital Projects Fund

Other Contracts/Obligations	+\$ 47,445
Fund Balance	+\$ 47,445

to record additional cost of developer incentive payments (2/3 vote of Council required)

General Fund - Finance Department

Salaries	+\$ 6,675
Wage Reserve	+\$ 6,675

to record transfer of wage reserve funds (2/3 vote of Council required)

General Fund - Information Technology Department

Salaries	+\$ 7,730
Wage Reserve	+\$ 7,730

to record transfer of wage reserve funds (2/3 vote of Council required)

Attachments: [2020 Final Budget adjustments .pdf](#)

Legislative History

3/22/21 Finance Committee recommended for approval

[21-0324](#)

Request to approve the 2020-2021 Budget carryover appropriations:

1. Items not under contract \$9,110,803
2. Items requesting Special Consideration \$500,471
(2/3 vote of Council required)

Attachments: [Not under Contract 2020-2021 Carryover.pdf](#)
[Special Consideration 2020-2021 Carryover.pdf](#)

Legislative History

3/22/21 Finance Committee recommended for approval

[21-0326](#)

Request to award the City of Appleton's 2021 Pierce Park Lighting Upgrades Phase 2 Project contract to Elmstar Electric Corp in the amount of \$113,679 with a contingency of 10% for a project total not to exceed \$125,046

Attachments: [2021 Pierce Park Lighting upgrades Phase 2.pdf](#)

Legislative History

3/22/21 Finance Committee recommended for approval
Aldersperson Meltzer joined the meeting

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

7. MINUTES OF THE UTILITIES COMMITTEE

[21-0313](#)

Anticipated award for Unit N-21, Spot Repairs, Protruding Tap and Mineral Deposit Removal (bids to be opened Monday, March 22, 2021).

Attachments: [Unit N-21.pdf](#)

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

10. MINUTES OF THE BOARD OF HEALTH

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

[21-0356](#)

Ordinance #8-21 (Kloehn Detachment of Territory), Ordinance #9-21, and Ordinance #10-21

Attachments: [Ordinances going to Council 4-7-21.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

[21-0376](#) Alderperson Send-Off

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 Common Council

Wednesday, March 17, 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 Coenen and Alderperson Otis

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

[21-0300](#)

Common Council Meeting Minutes of March 3, 2021

Attachments: [CC Minutes 3-3-21.pdf](#)

Alderperson Otis moved, seconded by Alderperson Smith, 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

[21-0307](#)

Proclamation: Colorectal Cancer Awareness Month

Attachments: [Colorectal Cancer Awareness Month Proclamation.pdf](#)

This Proclamation was presented

[21-0308](#)

COVID-19 Update

Attachments: [COVID -19 Cases 3-17-21.pdf](#)

H. PUBLIC PARTICIPATION

The following spoke regarding Item 21-0253, Design & Engineering Contract for the Library:

*Kara Sullivan, 500 N Vine St.
Walter Blank, 2623 E Sundance Dr
Rebecca Kellner, 3226 Bob O Link Ln
Jason Brozek, 1402 N Division St
Jill Swenson, 1501 N Elinor St.
Carolyn Desrosiers, 2924 Schaefer Cir
Connie Roop, 2601 N Union St.
Gordon Lind, 510 E Wayfarer Ln
Rick Krumwiede, 4225 E Appleseed Dr*

I. PUBLIC HEARINGS

[21-0255](#)

Public Hearing for Rezoning #2-21 at 2501 N. Meade Street from C-2 General Commercial District to R-1B Single-Family District.

Attachments: [RZ #2-21_Notice of Public Hearing.pdf](#)

The Public Hearing was held. No one spoke during the hearing.

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

[21-0253](#)

Request to award a design and engineering services contract for the Appleton Public Library to Skidmore, Owings & Merrill in the amount of \$2,721,389 with a 5% contingency of \$136,070 for a project total not to exceed \$2,857,459, and approve the following related 2021 Budget amendment:

Facilities Management Capital Projects Fund

Capital Outlay - Library Project	+\$457,459
Proceeds of Long-Term Debt	+\$457,459

to record additional costs of design and engineering services contract (2/3 vote of Common Council required)

Attachments: [2021 Library Architect and Engineers.pdf](#)
 [SOM Letter to Appleton Community 3-8-2021.pdf](#)

Aldersperson Prohaska moved, seconded by Aldersperson Lobner, that the request to award the contract 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

[21-0254](#)

Request to approve the disposal of surplus beds

Attachments: [Finance Committee Bed Donation Memo 2021 \(004\).pdf](#)
 [WG&R Brighter Dreams Program.pdf](#)

Aldersperson Fenton moved, seconded by Aldersperson Schultz, that the request for disposal 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

[21-0257](#)

Request to approve Sixth/Seventh Additions to Emerald Valley Development Agreement

Attachments: [Emerald Valley Development Agreement.pdf](#)

Aldersperson Lobner moved, seconded by Aldersperson Fenton, that the Development Agreement additions 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

[21-0273](#)

Review Driveway Opening Policy to possibly delete requirement #5 regarding neighboring property owners.

Attachments: [Driveway Opening Policy.pdf](#)

Aldersperson Fenton moved, seconded by Aldersperson Wolff, that the deletion of requirement #5 be approved. Roll Call. Motion carried by the following vote:

Aye: 11 - 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 Patti Coenen, Aldersperson Nate Wolff and Aldersperson Joe Prohaska

Nay: 4 - Aldersperson Alex Schultz, Aldersperson Mike Smith, Aldersperson Kyle Lobner and Aldersperson Corey Otis

Abstained: 1 - Mayor Jake Woodford

[21-0249](#)

Request to approve the Development Agreement with 318 College Ave LLC for improvements and redevelopment of the property located at 318 W. College Avenue (the Park Central Property) in Tax Increment Financing District No. 11

Attachments: [Memo to CEDC 318 W College Ave Park Central Dev Agrmt 3-10-21.pdf](#)
[318 W College Ave Park Central - Dev Agrmt - 02-24-2021.pdf](#)

Aldersperson Firkus moved, seconded by Aldersperson Prohaska, that the Development Agreement be approved. Roll Call. Motion carried by the following vote:

Aye: 13 - Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matthew Reed, Alderperson Mike Smith, Alderperson Patti Coenen, Alderperson Nate Wolff, Alderperson Kyle Lobner, Alderperson Joe Prohaska and Alderperson Corey Otis

Nay: 2 - Alderperson William Siebers and Alderperson Alex Schultz

Abstained: 1 - Mayor Jake Woodford

[21-0121](#)

Discuss Alderperson salaries

Attachments: [Elected Alderperson official salary.pdf](#)
[alderperson comparison 2019.pdf](#)
[Alderperson Raises Deadline memo HR.IT 2-23-2021.pdf](#)
[2020 Alderperson Compensation.pdf](#)

This Item was referred back to the Human Resources & Information Technology Committee by Alderperson Smith.

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

Alderperson Martin moved, Alderperson Fenton seconded, to approve the balance of the agenda. The 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

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[21-0274](#)

Approve installation of standard parking meters in Soldier Square along with Passport pay-by-phone option.

Attachments: [Soldier Square parking meters.pdf](#)

This Report Action Item was approved.

[21-0275](#)

Request from Appleton Downtown, Inc. for a street occupancy permit for "Fiber Rain" to install yarn creations on planters, wayfinding kiosks and poles on College Avenue (600 W. College to 300 E. College) from April 12, 2021 through May 31, 2021.

Attachments: [ADI-Fiber Rain.pdf](#)

This Report Action Item was approved.

[21-0277](#)

Request from Matt Miller to bag nine (9) meters on March 17, 2021 on Lawrence Street and Walnut Street for food pick-up at McGuinness Pub. This request was administratively denied based on the Downtown Parking & Meter Bag Policy. This request will not have time to go through the Council process.

Attachments: [Matt Miller request for meter bags.pdf](#)

This Report Action Item was approved.

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[21-0217](#)

Secondhand Mall/Flea Market License renewal application for Ye Old Goat, Meghan Keller, applicant, located at 1919 E Calumet St, contingent upon approval from all departments.

Attachments: [Ye Old Goat S&L.pdf](#)

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION

[21-0174](#)

Request to approve Rezoning #2-21 to rezone 2501 N. Meade Street (Tax Id #31-6-1808-00), including all of the adjacent one-half right-of-way, as shown on the attached maps, from C-2 General Commercial District to R-1B Single-family District

Attachments: [StaffReport_2501NMeadeSt_Rezoning_For02-23-21.pdf](#)

This Report Action Item was approved.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

[21-0278](#)

Action Item: Award the City of Appleton's "2021 Appleton Pickleball Complex Design Project" Contract to JSD Professional Service, Inc. in an Amount not to Exceed \$27,000

Attachments: [2021 Pickleball Complex Memo.docx](#)

This Report Action Item was approved.

5. MINUTES OF THE FINANCE COMMITTEE

[21-0252](#)

Request to award Unit X-21 Sewer & Water Reconstruction No. 2 to Kruczek Construction, Inc in the amount of \$2,110,110 with a 3% contingency of \$63,303 for a project total not to exceed \$2,173,413

Attachments: [Award of Contract Unit X-21.pdf](#)

This Report Action Item was approved.

[21-0263](#)

Request to award the City of Appleton's 2021 Parks Hardscapes Project - AMP Parking Lot #3 Reconstruction Project contract to Northeast Asphalt, Inc in the amount of \$289,788 with a contingency of \$50,000 for a project total not to exceed \$339,788

Attachments: [2021 AMP Parking Lot #3 Renovation.pdf](#)

This Report Action Item was approved.

[21-0264](#)

Request to award the City of Appleton's Wastewater A & S Building's HVAC Upgrades Phase 2 Project contract to EGI Mechanical, Inc in the amount of \$736,577 with a contingency of \$13,000 for a project total not to exceed \$749,577

Attachments: [2021 AWWTP S-Building HVAC Upgrades.pdf](#)

This Report Action Item was approved.

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

[21-0247](#)

Request to approve the City of Appleton maintain its current selling prices for business/industrial park land and hold option fees as described in the attached documents

Attachments: [Business-Industrial Park Land Value Memo_3-10-21.pdf](#)
[Exhibit A-Ind Land Sales Comparison.pdf](#)
[Exhibit B-Ind Land Asking Price Comparison.pdf](#)
[Southpoint Commerce Park Map.pdf](#)
[NE Business Park Map.pdf](#)

This Report Action Item was approved.

[21-0248](#)

Request to approve recommended funding of \$15,000 for 2021 sponsorships for Appleton Downtown Inc. (ADI) programs as outlined in the attached document

Attachments: [Memo to CEDC on ADI Sponsorships 2021.pdf](#)
[ADI Support Proposal to City 2021.pdf](#)

This Report Action Item was approved.

[21-0260](#)

Request to approve the REVISED 2021-2022PY Community Development Block Grant (CDBG) funding as specified in the attached community partner allocation recommendations

Attachments: [Alloc Recs Memo to CEDC Final Award 03-10-2021.pdf](#)
[Alloc Recs Memo to CEDC 11-11-20.pdf](#)
[FINAL 2021 CDBG Community Partner Recommendations 3-10-21.pdf](#)
[FINAL 2021 CDBG Simple Summary Recommendations 3-10-21.pdf](#)
[Letter From Apricity Request for Additional Funds.pdf](#)

This Report Action Item was approved.

7. MINUTES OF THE UTILITIES COMMITTEE

[21-0228](#)

Approve 2020 Annual Stormwater Report to WDNR.

Attachments: [2020 MS4 Annual Report for UC w attachments.pdf](#)

This Report Action Item was approved.

[21-0238](#) Award of 2021D Stormwater Consulting Services Single Source Contract for Lightning Drive Stream Crossings and Stormwater Practices Final Design to raSmith in an amount not to exceed \$107,000.

Attachments: [2021D Lightning Final Design Contract Award Memo to raSmith 03-09-2021 FINAL.pdf](#)

This Report Action Item was approved.

[21-0239](#) Award of Single Source Contract with NES Ecological Services for 2021 Wetland Delineation Services in an amount not to exceed \$35,639.70

Attachments: [2021E Wetland Delineations Contract Award Memo 03-09-2021 Util Cmte Final.pdf](#)

This Report Action Item was approved.

[21-0240](#) Award Single Source Unit K-21 Native Landscape Management Contract to Applied Ecological Services, Inc., in an amount not to exceed \$256,680.

Attachments: [K-21 contract award util memo 03-09-2021 Final.pdf](#)

This Report Action Item was approved.

[21-0262](#) Award Contract Amendment #1 to AECOM for the America's Water Infrastructure Act Project in the amount of \$22,788.

Attachments: [utilities memo - AWIA RRA Memo 03-03-21 \(002\).pdf](#)

This Report Action Item was approved.

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

[21-0281](#) Request to approve Valley Transit to reclassify a Road Supervisor to an Operations Supervisor

Attachments: [Request VT T.O. Change.pdf](#)
[Valley Transit TO draft 3-1-21.pdf](#)

This Report Action Item was approved.

[21-0282](#)

Request to award Heartland Business Solutions the contract to purchase and implement a new Palo Alto Firewall high availability system. The amount requested is \$86,743 with a 10% contingency for a project total of \$95,417

Attachments: [Firewall RFP Memo.pdf](#)

This Report Action Item was approved.

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

10. MINUTES OF THE BOARD OF HEALTH

[21-0285](#)

Proposed Additions to Code Section 9-52: Operation of premises licensed for retail sales

Attachments: [Memo to BOH.pdf](#)

[Oct 2016 Edit.pdf](#)

[Proposed Revision.pdf](#)

This Report Action Item was approved.

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

[21-0304](#)

Ordinance #7-21 - Rezoning 2-21 for 2501 North Meade Street

Attachments: [Ordinances going to Council 3-17-21.pdf](#)

Aldersperson Martin moved, seconded by Aldersperson Fenton, that the Ordinance 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

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

Resolution #4-R-21

Submitted by: Denise Fenton – District 6, Katie Van Zeeland – District 5, Maiyoua Thao – District 7, Vered Meltzer – District 2, Alex Schultz – District 9

Date: 3-17-2021

Referred To: Community & Economic Development Committee

WHEREAS, the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) was adopted by the United Nations General Assembly on December 18, 1979 and became an international treaty on September 3, 1981, with 187 United Nations member nations out of 193 having agreed to be bound by CEDAW's provisions, the United States being one of the minority who have not; and WHEREAS, CEDAW is known as an international bill of rights for women – the only international human rights treaty that focuses entirely on ending discrimination against women, addressing equal pay for women, eliminating violence against women, and supporting families and caregivers; and

WHEREAS, CEDAW provides a comprehensive framework for governments to examine their policies and practices in relation to women, girls, and others who identify as female and to rectify discrimination based on gender; and

WHEREAS, although women have made gains in the struggle for equality in many fields, much more needs to be accomplished to fully eradicate discrimination based on gender and its connection and intersectionality with other forms of discrimination; and WHEREAS, the 2020 American Community Survey using U.S. Census data shows that median income for women in Appleton is almost \$10,000 per year less than for men in our city; and

WHEREAS, city government has an appropriate and legitimate role affirming the importance of eliminating all forms of discrimination against women and those who identify as female and to rectify discrimination based on gender; and

WHEREAS, Appleton's belief statement that our city should exemplify a high quality of life and be a safe place to live, work, visit, study, and play should apply equally to all; and

WHEREAS, Cities for CEDAW is a grassroots effort that provides tools and leadership to empower local organization and municipalities to effectively initiate CEDAW within their respective localities; and,

WHEREAS, over 200 national and international organizations have endorsed CEDAW, and the U.S. Conference of Mayors adopted a resolution in 2014 in support of the Cities for CEDAW campaign.

NOW, THEREFORE BE IT RESOLVED that the Common Council of the City of Appleton affirms the principles of fundamental human rights and equality for women in our community and the elimination of political, social economic and cultural discrimination against women; and

BE IT FURTHER RESOLVED, that the Common Council of the City of Appleton encourage city staff and elected officials to become familiar with the provisions of the United Nations Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and advise the Council of any changes in policy or practices they feel would help the City of Appleton align with the tenets of this convention; and

BE IT FINALLY RESOLVED, that a copy of this resolution be forwarded to Wisconsin's U.S. Congressional Delegation expressing our support of the United States' ratification of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW).

R. OTHER COUNCIL BUSINESS

S. ADJOURN

Alderson Martin moved, seconded by Alderson Coenen, that the meeting be adjourned at 8:31 p.m. 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

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: April 2, 2021
RE: Confirmation of Commission Reappointment

It is with pleasure that I present the following Commission appointment for your confirmation at the April 7 Common Council meeting.

POLICE AND FIRE COMMISSION – Reappointment

Barbara Luedtke

5-year Term

Term Expires May 2026

Barbara is a retired Appleton School District Principal. She has been a member of the Police and Fire Commission since 1993, and demonstrates the excellent working relationships with her peers, efficient decision-making abilities, and superior knowledge and application of the regulations governing the powers of the Commission.

PROCLAMATION



Office of the Mayor

WHEREAS, libraries transform and strengthen communities by providing services, resources, and ideas for all members of the community regardless of race, ethnicity, creed, ability, sexual orientation, gender identity, or socio-economic status, and are a cornerstone of democracy; and

WHEREAS, today's libraries are less about what is on their shelves and more about what they do within communities, whether through virtual or in person services; and

WHEREAS, libraries are at the heart of cities, towns, schools, and campuses, and have served as trusted, treasured institutions for people of all ages, interests, and backgrounds; and

WHEREAS, libraries and librarians build strong communities and promote civic engagements through transformative services, programs, and expertise; and

WHEREAS, librarians, library workers, and library volunteers partner with other civic organizations to make sure community needs are met and empower communities to make informed decisions by providing free access to accurate information for all people.

NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD, Mayor of the City of Appleton, Wisconsin, do hereby proclaim the week of April 4 through April 10, 2021 as

Library Week

in Appleton and encourage all residents to visit libraries with limited in person browsing and library websites to access resources and services.

Signed and sealed this 2nd day of April 2021.



JACOB A. WOODFORD
MAYOR OF APPLETON

PROCLAMATION



Office of the Mayor

WHEREAS, for thousands of years the Golden Rule, which says “Treat Others the Way You Want to Be Treated” has been affirmed in many traditions, cultures, and philosophies as a fundamental principle of life and the foundation on which a societal ethic is founded; and

WHEREAS, the Golden Rule is a universal message that is accepted and embraced throughout the world; and

WHEREAS, the Golden Rule is a fundamental tool to educate people about respect and mutual esteem to achieve peaceful coexistence and solidarity among members of different ethnic groups, cultures, and religions; and

WHEREAS, the Golden Rule plays a major role in promoting the culture of dialogue so that understanding and trust may develop among individuals and people, as these are the conditions of authentic peace; and

WHEREAS, the Golden Rule message is simple, universal, and powerful and it aligns with Appleton’s status as a Compassionate City, having affirmed the international Charter for Compassion over a decade ago.

NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD, Mayor of the City of Appleton, Wisconsin, do hereby proclaim April 5, 2021 as

Golden Rule Day

in Appleton and encourage all residents to adhere to the Golden Rule, treating others the way they wish to be treated.

Signed and sealed this 2nd day of April 2021.



JACOB A. WOODFORD
MAYOR OF APPLETON

PROCLAMATION



Office of the Mayor

WHEREAS, Autism Spectrum Disorder (ASD) is a complex neurological developmental disability that can cause significant sensory, social, communication, and behavioral challenges. People with ASD may communicate, interact, behave, and learn in ways that are different from neurotypical people. The learning, thinking, and problem-solving abilities of people with ASD can range from gifted to severely challenged.

WHEREAS, According to the CDC, about 1 in 54 children has been identified with ASD and ASD is about 4.5 times more common among boys (1 in 42) than among girls (1 in 189). ASD can be reliably diagnosed as early as age two, and early diagnosis, appropriate education, and inclusion are vital to the future growth and development of those diagnosed with ASD; and

WHEREAS, our understanding of ASD has grown tremendously since it was first diagnosed; the life-long nature of ASD requires diverse types of assistance at different points in a person's life; and

WHEREAS, various public and private organizations and agencies strive to provide quality care, support, and services to people with ASD enabling them to live as independently as possible and to reach their full potential, though there is a shortage of caregivers and supports for transition to adulthood, college, employment, and independent living; and

WHEREAS, hope lies in an informed community committed to providing support and services to people diagnosed with ASD and recognizing that autistic people bring a lot to the table just as they are.

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

Autism Acceptance Month

in Appleton and encourage residents to participate in programs and outreach efforts aimed toward educating and supporting ASD awareness.

Signed and sealed this 6th day of April 2021.



JACOB A. WOODFORD
MAYOR OF APPLETON

PROCLAMATION



Office of the Mayor

WHEREAS, making communities safe and healthy is Public Health's top priority; and

WHEREAS, we are amid the most challenging public health crisis of our lifetime; and

WHEREAS, the COVID-19 pandemic has highlighted long-standing inequities in healthcare, income, housing, education, and many other factors that influence health and wellbeing; and

WHEREAS, people with greater feelings of support and inclusion within their networks tend to live longer, respond better to stress, and have stronger immune systems; and

WHEREAS, the data is clear: When we take action backed by Public Health science, health outcomes improve.

NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD, Mayor of the City of Appleton, Wisconsin, do hereby proclaim the week of April 5-11, 2021 as

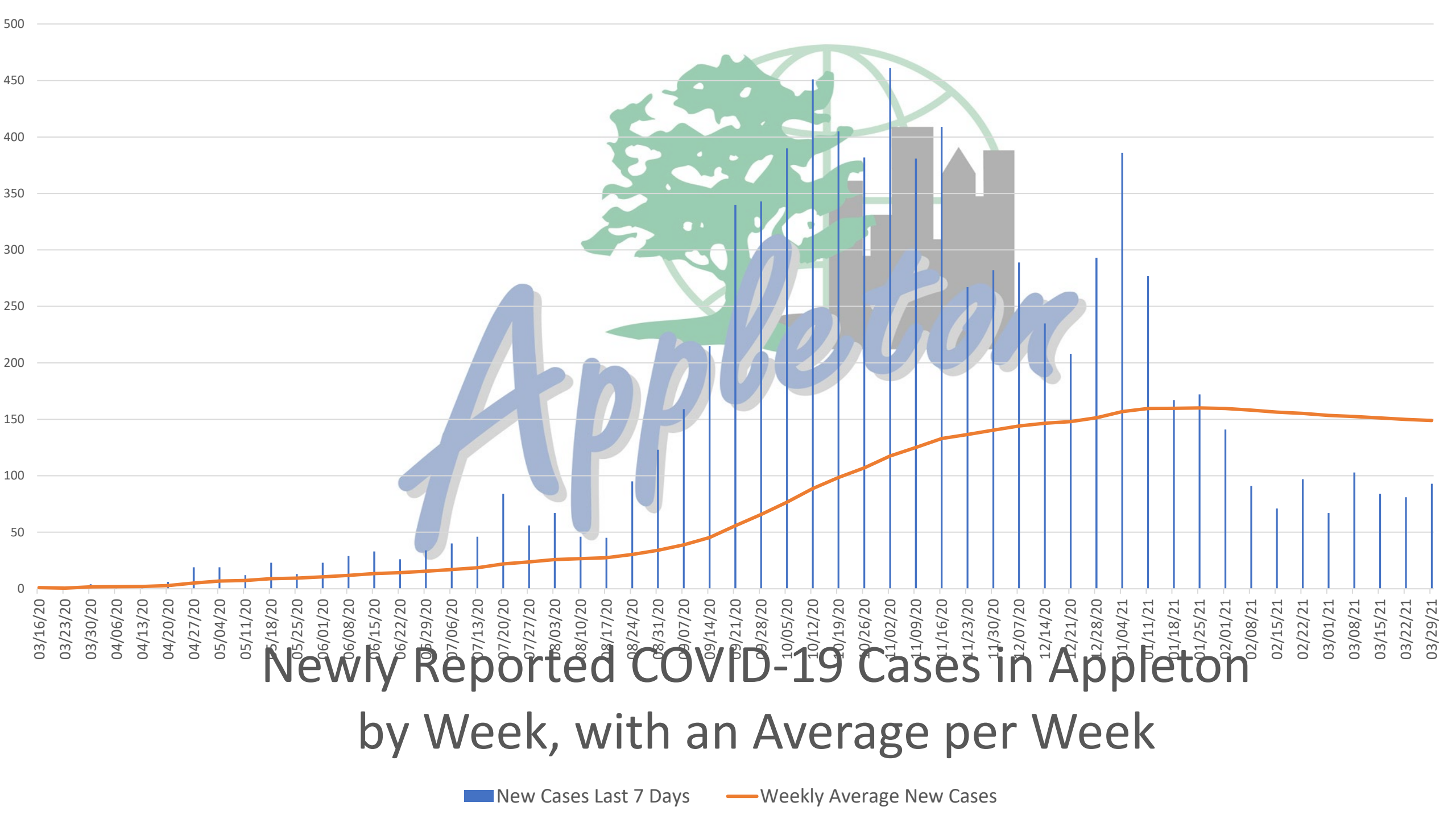
Public Health Week

in Appleton and encourage residents to celebrate Public Health Week and support vaccination efforts to protect against COVID-19.

Signed and sealed this 6th day of April 2021.



JACOB A. WOODFORD
MAYOR OF APPLETON



$81 + 93 = 174$ (2 week case counts)

$174 / 75,000 = .00232$ (Appleton population 75,000)

$.00232 \times 100,000 = 232$ (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

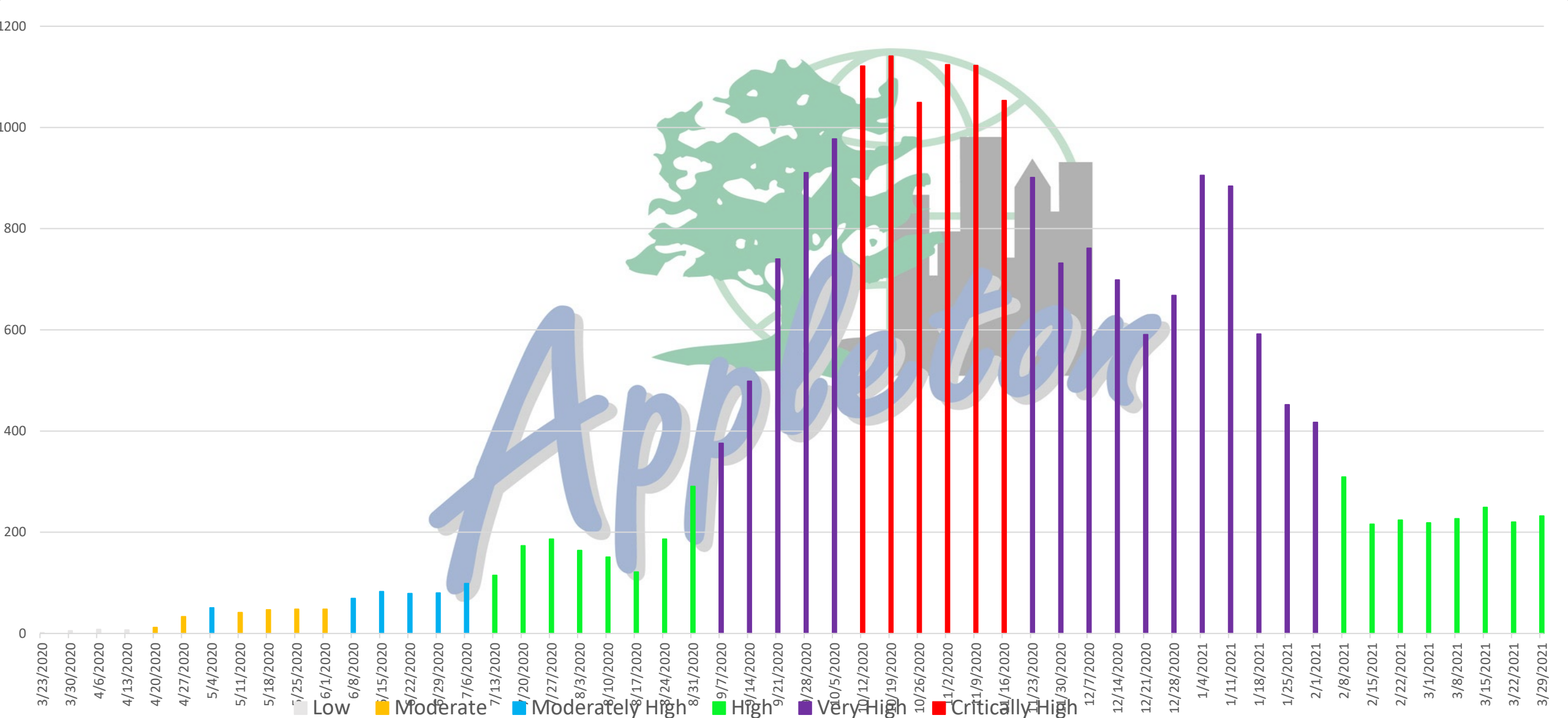
Moderately High greater than 50 but less than 100 per 100,000 people

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	$350 < B \leq 1000$		
		Critically 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
		Critically High	Critically High	Critically High	Critically High



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

NOTICE OF PUBLIC HEARING

#3-21

RE: Proposed Zone Change

A public hearing will be held in the Council Chambers, City Hall, Appleton, Wisconsin, on April 7, 2021, at 7:00 P.M., or as soon thereafter as can be heard, to consider the following proposed zone change:

Rezoning #3-21: A rezoning request has been initiated by the City Plan Commission in the matter of amending Chapter Twenty-three (Zoning Ordinance) of the Municipal Code of the City of Appleton for the following described real estate (Broadway Hills Estates 1st Addition Annexation). The City Plan Commission requests to rezone the property from temporary AG Agricultural District to R-1B Single-family District. The R-1B district is intended to provide for and maintain residential areas characterized predominately by single-family, detached dwellings on medium sized lots while protecting residential neighborhoods from the intrusion of incompatible non-residential uses.

Purpose of the Rezoning: To assign a permanent zoning classification following the Broadway Hills Estates 1st Addition Annexation and allow the property to be developed into a residential subdivision.

Legal Description: PARCEL 090085500

Part of the Northeast 1/4 of the Southeast 1/4 of Section 31, Township 22 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin, containing 725,074 Square Feet (16.6454 Acres) of land described as follows:

Commencing at the East 1/4 corner of Section 31; thence, along the East line of the Southeast 1/4 of said Section 31, S01°59'40"W, 659.59 feet to the point of beginning; thence, continuing along said East line, S01°59'40"W, 574.22 feet to the Northeast corner of Broadway Hills Estates; thence, along the North line of said Broadway Hills Estates, N89°51'17"W, 1262.37 feet to the East line of Outlot 1, Certified Survey Map, 5664; thence, along said East line, N02°03'47"E, 575.46 feet to the South line of Certified Survey Map 7294; thence, along said South line, S89°47'58"E, 1261.64 feet to the point of beginning, subject to all easements, and restrictions of record.

March 10, 2021

RUN: March 16, 2021
March 23, 2021

KAMI LYNCH
City Clerk



**STATE/MUNICIPAL FINANCIAL
AGREEMENT FOR A STATE- LET
HIGHWAY PROJECT**

Date: March 9, 2021
I.D.: 4685-29-30/60
Road Name: STH 441
Title: Appleton, STH 441
Limits: USH 10 – N. Junction IH 41
County: Outagamie
Roadway Length: 5.46 miles

The signatory **City of Appleton**, hereinafter called the Municipality, through its undersigned duly authorized officers or officials, hereby requests the State of Wisconsin Department of Transportation, hereinafter called the State, to initiate and affect the highway or street improvement hereinafter described.

The authority for the Municipality to enter into this agreement with the State is provided by Section 86.25(1), (2), and (3) of the Statutes.

NOTE: This agreement addresses project costs for the City of Appleton only. Cost responsibilities for Outagamie County, noted in Table 1, will be addressed via separate agreement.

NEEDS AND ESTIMATE SUMMARY:

Existing Facility: The project is located on WIS 441 in Calumet and Outagamie Counties from just east of the USH 10 interchange and continues to the north junction with IH 41. Areas specific to this project agreement relate the County CE interchange with WIS 441. The existing eastbound County CE corridor between Kensington Drive and WIS 441 consists of (2) 12' lanes with curb and gutter on the inside shoulder and a 10' (8' paved) outside shoulder.

Proposed Improvement: In conjunction with the overall WIS 441 improvements, the Municipality has requested an extension of the County CE eastbound right turn lane between Kensington Drive and WIS 441.

Describe non-participating work included in the project and other work necessary to finish the project completely which will be undertaken independently by the municipality: Non-participating work will include the construction of the County CE right turn lane extension, sanitary sewer and water valve adjustments. Other Municipal costs are noted in Table 1 and Section 8 below.

TABLE 1: SUMMARY OF COSTS

Phase	Total Est. Cost	Federal/State		City of Appleton		Outagamie County	
		Funds	%	Funds	%	Funds	%
Design Engineering: ID 4685-29-30							
	\$ 250,000						
Priority 1 - Plan Development (City of Appleton)			0%	\$ 5,200	CAP		0%
Priority 2 - Plan Development (Outagamie County)			0%		0%	\$ 7,100	CAP
Priority 3 - Plan Development (State)		\$ 237,700	100%		0%		0%
**Construction: ID 4685-29-60							
Category 0010 - Roadway Items							
	\$ 5,211,800						
Priority 1 - Roadway Items		\$ 5,211,800	100%	\$ -	0%	\$ -	0%
Category 0020 - Non-Participating (City of Appleton)							
	\$ 145,200						
Priority 1 - Non-Participating		\$ -	0%	\$ 145,200	100%	\$ -	0%
Category 0030 - Non-Participating (Outagamie County)							
	\$ 220,000						
Priority 1 - Non-Participating		\$ -	0%	\$ -	0%	\$ 220,000	100%
Total Cost Distribution	\$ 5,827,000	\$ 5,449,500		\$ 150,400		\$ 227,100	

Note: **10% Construction delivery costs included in totals.

This request shall constitute agreement between the Municipality and the State; is subject to the terms and conditions that follow (pages [2] – [4]); is made by the undersigned under proper authority to make such request for the designated Municipality, upon signature by the State, and delivery to the Municipality. The initiation and accomplishment of the improvement will be subject to the applicable federal and state regulations. No term or provision of neither the State/Municipal Financial Agreement nor any of its attachments may be changed, waived or terminated orally but only by an instrument in writing executed by both parties to the State/Municipal Financial Agreement.

Signed for and in behalf of the City of Appleton (please sign in blue ink)	
Name (print)	Title
Signature	Date
Signed for and in behalf of the State (please sign in blue ink)	
Name	Title
Signature	Date

TERMS AND CONDITIONS:

1. The Municipality shall pay to the State all costs incurred by the State in connection with the improvement which exceeds federal/state financing commitments or are ineligible for federal/state financing. Local participation shall be limited to the items and percentages set forth in the Summary of Costs table, which shows Municipal funding participation. In order to guarantee the Municipality’s foregoing agreements to pay the State, the Municipality, through its above duly authorized officers or officials, agrees and authorizes the State to set off and withhold the required reimbursement amount as determined by the State from General Transportation Aids or any moneys otherwise due and payable by the State to the Municipality.
2. Funding of each project phase is subject to inclusion in an approved program and per the State’s Facility Development Manual (FDM) standards. Federal aid and/or state transportation fund financing will be limited to participation in the costs of the following items as specified in the Summary of Costs:

- (a) Design engineering and state review services.
 - (b) Real Estate necessitated for the improvement.
 - (c) Compensable utility adjustment and railroad force work necessitated for the project.
 - (d) The grading, base, pavement, curb and gutter, and structure costs to State standards, excluding the cost of parking areas.
 - (e) Storm sewer mains, culverts, laterals, manholes, inlets, catch basins, and connections for surface water drainage of the improvement; including replacement and/or adjustments of existing storm sewer manhole covers and inlet grates as needed.
 - (f) Construction engineering incidental to inspection and supervision of actual construction work, except for inspection, staking, and testing of sanitary sewer and water main.
 - (g) Signing and pavement marking necessitated for the safe and efficient flow of traffic, including detour routes.
 - (h) Replacement of existing sidewalks necessitated by construction and construction of new sidewalk at the time of construction. Sidewalk is considered to be new if it's constructed in a location where it has not existed before.
 - (i) Replacement of existing driveways, in kind, necessitated by the project.
 - (j) New installations or alteration resulting from roadway construction of standard State street lighting and traffic signals or devices. Alteration may include salvaging and replacement of existing components.
3. Work necessary to complete the improvement to be financed entirely by the Municipality or other utility or facility owner includes the following items:
- (a) New installations of or alteration of sanitary sewers and connections, water, gas, electric, telephone, telegraph, fire or police alarm facilities, parking meters, and similar utilities.
 - (b) New installation or alteration of signs not necessary for the safe and efficient flow of traffic.
 - (c) Roadway and bridge width in excess of standards.
 - (d) Construction inspection, staking, and material testing and acceptance for construction of sanitary sewer and water main.
 - (e) Provide complete plans, specifications, and estimates for sanitary sewer and water main work. The Municipality assumes full responsibility for the design, installation, inspection, testing, and operation of the sanitary sewer and water system. This relieves the State and all of its employees from the liability for all suits, actions, or claims resulting from the sanitary sewer and water system construction.
 - (f) Parking lane costs.
 - (g) Coordinate, clean up, and fund any hazardous materials encountered for city utility construction. All hazardous material cleanup work shall be performed in accordance to state and federal regulations.
4. As the work progresses, the Municipality will be billed for work completed which is not chargeable to federal/state funds. Upon completion of the project, a final audit will be made to determine the final division of costs.
5. If the Municipality should withdraw the project, it shall reimburse the State for any costs incurred by the State in behalf of the project.
6. The work will be administered by the State and may include items not eligible for federal/state participation.
7. The Municipality shall, in cooperation with the State, assist with public relations for the project and

announcements to the press and such outlets as would generally alert the affected property owners and the community of the nature, extent, and timing of the project and arrangements for handling traffic within and around the project.

8. Basis for local participation:

The SMFA will be revised if necessitated as the project progresses. All costs shown are approximate and are subject to a final audit.

Design Engineering: ID 4685-29-30

The Municipality's share of design costs is based on agreed upon capped costs for design delivery in order for the State to complete the portion of design delivery of the 4685-29-30 project relating directly to the Municipal request for County CE eastbound right turn lane extension between Kensington Drive and WIS 441 as illustrated in **EXHIBIT A**.

The remaining design delivery costs for the project will be shared with Outagamie County and the State as noted in Table 1.

Construction: ID 4685-29-60

Category 0010 – Roadway Items

The State will pay 100% of the construction costs under the Category 0010 Roadway Items unless otherwise noted below.

Category 0020 – Non-Participating

The local cost share for construction costs, is based on preliminary construction cost estimates, summarized below and noted in **EXHIBIT B**.

- The total estimated construction cost (with delivery):
 - o \$130,000 + 10% delivery = **\$143,000**

In accordance with Local Participation Policy, Section 3-25-5 of the State's Program Management Manual, alterations of Municipal-owned utilities are not eligible for State participation. In addition, proposed improvements requested by the Municipality within the project limits, but outside original project scope, are considered **100%** the responsibility of the Municipality.

- Estimated non-participating utility costs are: **\$2,000.....\$2200 with 10% delivery**

Total non-participating (Municipality) = \$143,000 + \$2,200 = **\$145,200**

Comments and Clarification: This agreement is an active agreement that may need to be amended as the project is designed. It is understood that these amendments may be needed as some issues have not been fully evaluated or resolved. The purpose of this agreement is to specify the local and state involvement in funding the project. A signed agreement is required before the State will prepare or participate in the preparation of detailed designs, acquire right-of-way, or participate in construction of a project that merits local involvement.

THREE PARTY DESIGN ENGINEERING SERVICES CONTRACT
SIGNATURE PAGES

ENGINEERING SERVICES CONTRACT

BETWEEN THE WISCONSIN DEPARTMENT OF TRANSPORTATION,

CITY OF APPLETON (MUNICIPALITY)

AND EXP US SERVICES, INC (CONSULTANT)

FOR

Project ID 4984-01-78
C Appleton, Olde Oneida Street
South Mill Race Bridge
Outagamie County

This CONTRACT made and entered into by and between the DEPARTMENT, MUNICIPALITY and the CONSULTANT provides for those SERVICES described in the Scope of Services and Special Provisions and is generally for the purpose of providing the SERVICES solicited by the MUNICIPALITY. This Qualification Based Selection was made based on the CONSULTANT'S Notice of Interest response.

The DEPARTMENT and MUNICIPALITY deem it advisable to engage the CONSULTANT to provide certain engineering SERVICES and has authority to contract for these SERVICES under sec. 84.01(13), Wis. Stats.

The DEPARTMENT REPRESENTATIVE is: Brian Edwards, PE, Local Program Manager; 944 Vanderperren Way, Green Bay, WI 54304; brian.edwards@dot.wi.gov; and 920-360-2801.

The MUNICIPALITY REPRESENTATIVE is: Chad Weyenberg, PE, Project Manager; 100 N. Appleton Street, Appleton WI 54911; chad.weyenberg@appleton.org; and 920-832-5915.

The CONSULTANT REPRESENTATIVE is: Rowland Hoslet, PE, Project Manager; 4321 W. College Avenue, Appleton, WI 54914; rowland.hoslet@exp.com; and 920-857-6304.

The CONSULTANT SERVICES will be performed for the DEPARTMENT's Northeast Region office located in Green Bay, WI and will be completed by June 1, 2025. Deliver PROJECT DOCUMENTS to 944 Vanderperren Way, Green Bay, WI 54304, unless other directions are given by the DEPARTMENT.

Compensation for all SERVICES provided by the CONSULTANT under the terms of the CONTRACT will be from the:

DEPARTMENT MUNICIPALITY

For Design Engineering Services for the Bridge Replacement, actual costs to the CONSULTANT up to \$209,864.95, plus a fixed fee of \$ 14,857.06, not to exceed \$ 224,722.00.

For Geotechnical Engineering Services, Laboratory Testing, and Reporting subcontracted to American Engineering Testing, Inc. the CONSULTANT'S actual costs not to exceed \$ 26,100.00.

THREE PARTY DESIGN ENGINEERING SERVICES CONTRACT
SIGNATURE PAGES

For Archaeological and Architecture/Historical Investigations and Section 106 Reporting subcontracted to UW Milwaukee Cultural Resource Management, the CONSULTANT's actual costs not to exceed \$8,978.00.

Compensation for all SERVICES provided by the CONSULTANT under the terms of the CONTRACT shall be for an amount not to exceed \$ 259,800.00.

The CONSULTANT does and will comply with the laws and regulations relating to the profession of engineering and will provide the desired engineering SERVICES.

This CONTRACT incorporates and the parties agree to all of the standard provisions of the Three Party Design Engineering Services Contract, dated July 1, 2015 and referenced in Procedure 8-15-1 of the State of Wisconsin Department of Transportation Facilities Development Manual. CONSULTANT acknowledges receipt of a copy of these standard provisions.

This CONTRACT incorporates all of the MANUALS defined in the CONTRACT.

The parties also agree to all of the Special Provisions which are annexed and made a part of this CONTRACT, consisting of 9 pages.

Nothing in this CONTRACT accords any third party beneficiary rights whatsoever on any non-party that may be enforced by any non-party to this contract.

For the CONSULTANT

For the DEPARTMENT

By: _____

By: _____

Title: _____

Contract Manager, WisDOT

Date: _____

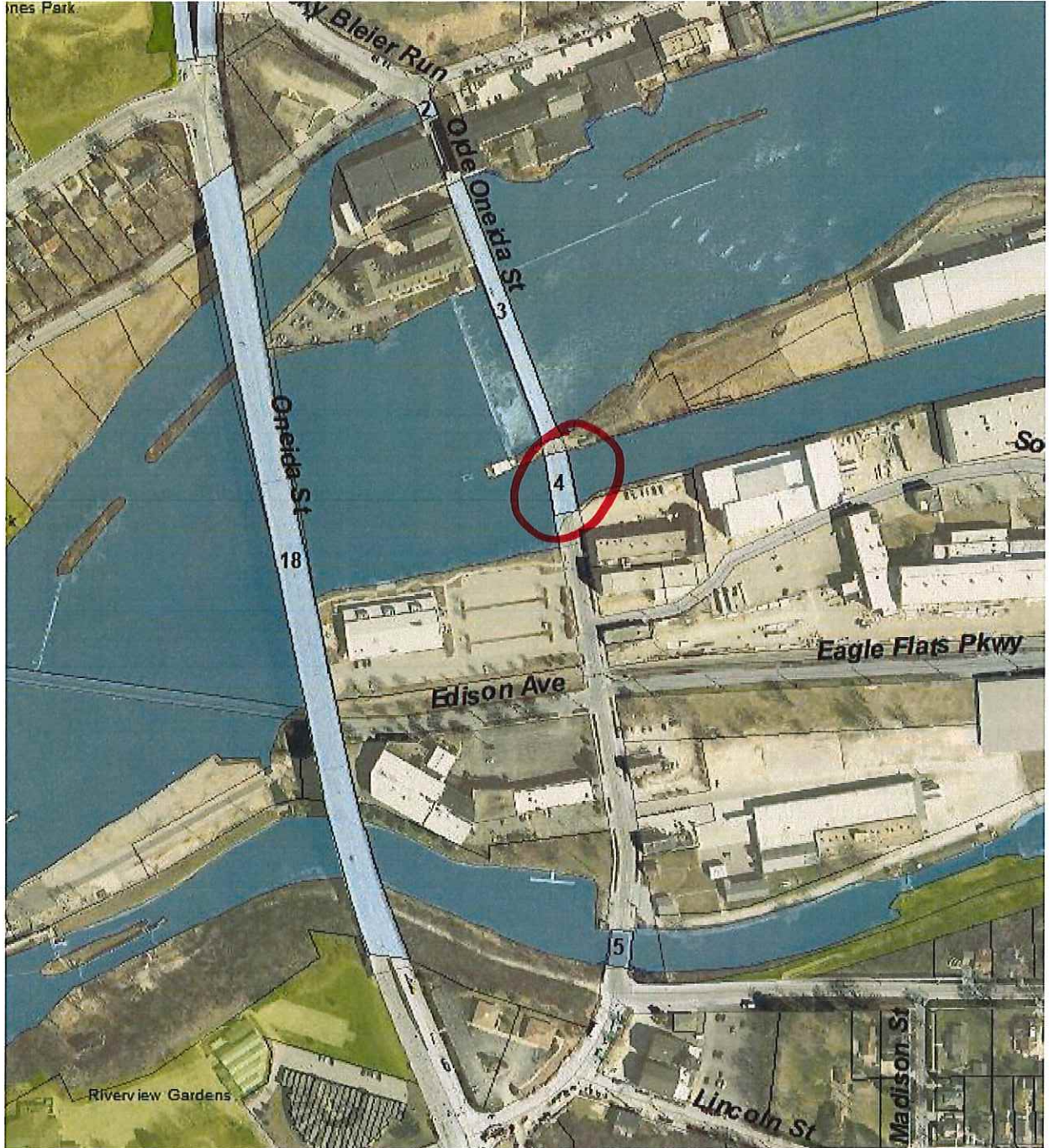
Date: _____

For the MUNICIPALITY

By: _____

Title: _____

Date: _____



THREE PARTY DESIGN CONTRACT SPECIAL PROVISIONS

Revised 05/26/16

The following are special provisions for the design contract to be inserted behind the standard provisions.

VI. SPECIAL PROVISIONS

The following Sections are amended to substitute the DEPARTMENT for the MUNICIPALITY.

SCOPE OF SERVICES

A. DESIGN REPORTS

- (1) Traffic Management Plan
- (2) Roadside Hazard Report
- (3) Abbreviated Pavement Design Report
 - (a) Life Cycle Cost Analysis is not required.

B. ENVIRONMENTAL DOCUMENTATION

Execute a disclosure statement as required by 40 CFR 1506.5(c).

Prepare a CEC Environmental document for the PROJECT as specified in the MANUAL and Chapter TRANS 400, Wisconsin Administrative Code. Furnish the required number to the MUNICIPALITY for approval.

Prepare an environmental document that evaluates reasonable alternatives to the PROJECT and consider other reasonable actions or activities that may achieve the same or similar goals of the proposed highway PROJECT, including other or additional transportation alternatives and intermodal opportunities and the alternative of taking no action. Evaluate alternative courses of action based upon a balanced consideration of the environment, public comments, and the need for safe and efficient transportation consistent with local, state, and national environmental goals. Prepare environmental documents that are concise and emphasize significant environmental issues and plausible alternatives. Comply with requirements specified in the MANUAL and TRANS 400, Wisconsin Administrative Code. In the event of a conflict between the MANUAL and TRANS 400, Wisconsin Administrative Code, the administrative rule supersedes.

- (1) Section 4(f) Evaluation:

Describe the impact of this PROJECT upon lands protected under Section 4(f) of the Federal-Aid Highway Act of 1968, as amended, and the findings to the MUNICIPALITY for evaluation by the DEPARTMENT and the FHWA. Prepare a Section 4(f) evaluation in accordance with the MANUAL.

- (2) Historical and Archaeological Surveys and Studies:

- (a) Identify the Area of Potential Effect for the PROJECT. Conduct a reconnaissance survey as specified in the MANUAL. Submit the results of the archaeological and historical reconnaissance and evaluation studies to the region project manager. Obtain recommendations from SHPO, the historian and the Project Manager regarding historical/architectural reconnaissance surveys. Obtain recommendations from the archaeologist, Bureau of Environment and the Project Manager prior to conducting evaluation studies when further work is needed.
 - (b) Prepare a report as required in the "Guidelines for Preparation of Formal Report on Archaeological Materials or Sites" in accordance with the MANUAL. Document the results of the reconnaissance survey for architecture/history using the "Architecture/History Survey Form".
 - (c) Conduct further study(ies), in accordance with the MANUAL, to document the eligibility of site(s) for inclusion in the National Register of Historic Places.
 - (d) Prepare documentation for the determination of effects (No Effect, No Adverse Effects, Adverse Effects) as appropriate. Prepare Documentation for Consultation in accordance with the MANUAL and in consultation with the FHWA, SHPO, and BOE. When appropriate, Native Americans will also be included in the consultation process. Prepare a Data Recovery Plan as part of the Documentation for Consultation for Archaeological properties.
 - (e) Prepare a Memorandum of Agreement in accordance with the MANUAL in consultation with the FHWA, SHPO, and the BOE.
- (3) Hazardous Materials/Contamination Assessments
- (a) Conduct a Phase I investigation for the PROJECT in accordance with the MANUAL.
 - (b) Obtain direction from the Project Manager and the Region environmental coordinator prior to conducting further evaluation studies when Phase 1 indicates further work is needed.
 - (c) The MUNICIPALITY acknowledges that the CONSULTANT is not, by virtue of this CONTRACT, the owner or generator of any waste materials generated as a result of the Hazardous Materials/ Contamination Assessments services performed by the CONSULTANT under this CONTRACT. Dispose of investigative waste in accordance with the MANUAL.
- (4) Native American Coordination
- (a) Prepare the notification letter and submit to the NE Region for review and signature. The letters shall be mailed out by the NE Region.

C. AGENCY COORDINATION

- (1) Section 401 and 402 Certifications:

Evaluate the effects of the PROJECT on water quality, in accordance with the provisions of the Clean Water Act and Chapter TRANS 400, Wisconsin Administrative Code and the MANUAL; and prepare the necessary application.

Request for and obtain a 401 Water Quality Certification for the PROJECT from the DNR. The request for the 401 Water Quality Certification shall be obtained prior to the PS&E date.

- (2) Section 404 Permits:

Evaluate the potential for discharge of fill materials into the waters of the United States, in accordance with the provisions of the Clean Water Act and Chapter TRANS 400, Wisconsin Administrative Code and the MANUAL; and prepare the necessary permit application.

- (3) Bureau of Aeronautics:

Notify the Bureau of Aeronautics of the project. There is an airport within 5 miles of the project.

- (4) US Fish and Wildlife:

Coordinate with US Fish and Wildlife for potential impacts.

D. RAILROAD/ UTILITY INVOLVEMENTS

- (1) Railroad Negotiations/Agreements

Perform railroad coordination in accordance with the Manual.

- (2) Utility Coordination

(a) Perform final utility coordination in accordance with The MANUAL and the WisDOT Guide to Utility Coordination, and maintain a utility log and provide updates to the MUNICIPALITY and DEPARTMENT at notification, 30%, 60%, and 90% PROJECT stage.

(b) Transmit final utility-related documents to the MUNICIPALITY and DEPARTMENT a minimum of 30 days prior to the final PS&E submittal date. This submittal includes the following information:

- i. USR
- ii. Utility-related special provisions
- iii. Plans specific to utility related items, including general notes, plan and profile, cross sections, and bridge sheets, if appropriate.
- iv. Added correspondence not previously submitted including telephone memos, meeting minutes, and letters.

- v. All agreement documents, including any utility conveyances, lump sum agreement, and audit agreements, etc. Coordination of compensable utilities is not included.
 - vi. Approved Work Plans by LPA.
- (c) Confer on an ongoing basis with all utility facility owners in the project vicinity to establish mutual understanding on design features of the project affecting utility facilities, and shall keep the MUNICIPALITY informed of all such coordination
- (3) Provide the MUNICIPALITY with plans and information that will allow it to meet its planned utility coordination schedule.

E. PUBLIC INVOLVEMENT

- (1) Prepare Public Involvement Plan
- (2) Public Involvement Meetings:
- (a) Conduct one (1) public involvement meeting(s) and explain to the public concepts and probable impacts of this PROJECT.
 - (b) Prepare all exhibits and supplementary handout material and provide the equipment necessary to conduct the public involvement meeting(s).
 - (c) Prepare a summary report after the public involvement meeting(s).
 - (d) Discuss with the MUNICIPALITY the comments received and recommend the possible disposition of these comments and suggestions after the public involvement meeting(s).
 - (e) Make all the necessary arrangements for scheduling the public involvement meeting(s) and provide notices and press releases for the MUNICIPALITY'S use.
 - (f) Provide the MUNICIPALITY with copies of all public involvement correspondence and file notes.
 - (g) Coordinate meeting schedules with the MUNICIPALITY'S representative.
- (3) Project Mailings, Newsletters:

The MUNICIPALITY will mail out letters provided by CONSULTANT.

F. MEETINGS

- (1) One (1) Virtual Operational Planning Meeting shall be held with MUNICIPALITY, DEPARTMENT, and CONSULTANTS, including invites to the utilities, WDNR, and Railroad.

- (2) One (1) meeting shall be held with local officials approximately 2 weeks prior to the Public Informational Meeting(s) for the purpose of reviewing exhibits, handouts, and presentations.
- (3) One (1) meeting shall be held with the MUNICIPALITY'S staff approximately two weeks after the Public Informational Meeting(s) for the purpose of reviewing public comments and concerns.
- (4) Attend virtual 30% and 60% Design Review Meetings to review plan comments.
- (5) A Final Plan Review Meeting (90%) with the MUNICIPALITY shall be held approximately 45 - 60 days ahead of the P.S. & E. submittal date.
- (6) Attend the pre-construction conference as scheduled by the DEPARTMENT.
- (7) Eight (8) progress meetings shall be held to plan, review, and coordinate the PROJECT with the MUNICIPALITY'S staff.
- (8) Conduct four (4) coordination meetings with utilities having facilities on the PROJECT and stakeholders who are impacted by construction.

G. SURVEYS

- (1) Temporarily mark existing right-of-way for coordination with affected utilities and property owners.
- (2) Locate the necessary section corners for the right-of-way plat. It is estimated that two (2) section corners need to be located and established and tied to Wisconsin County Coordinate System (Outagamie County).
- (3) Tie surveys to section corners, quarter section corners, and to street lines or block corners in platted areas. Ties shall be in sufficient detail to permit the preparation of proper legal descriptions of the lands acquired.
- (4) Submit all survey data (including description, measured, and computed data) to the MUNICIPALITY in the AASHTO SDMS format, in accordance with the MANUAL. Copies of original notes or printouts from other systems which may be used in lieu of the SDMS Collector software shall also be provided.

H. SOILS AND SUBSURFACE INVESTIGATIONS

- (1) Perform borings of the existing pavement structure, including base courses and shoulders, in order to determine quantities and qualities of materials available for project needs.
- (2) Investigations of subsurface soil conditions for foundations at the sites of proposed bridges or other structures are required. They shall consist of not less than one machine powered boring within the approximate limits of each substructure unit.

Foundation borings shall be performed to yield sufficient detailed data to enable an engineering design of the structure and its foundation per DEPARTMENT standards.

Foundation investigations shall be coordinated with the MUNICIPALITY, with a minimum of three working days prior notice, to enable the MUNICIPALITY to make provisions for on-site observations and to evaluate conditions during drilling.

When borings have reached the depth of 40 feet without providing necessary data, the driller is authorized to continue drilling until depths reach 120 percent of the planned depths. When necessary data is obtained for any individual boring, prior to borings reaching the planned depth, the drilling for that individual boring shall be terminated.

When completion of drilling to 120 percent of the depth of any individual boring as set forth above is not sufficient to adequately assess subsurface conditions, or otherwise determine all the required foundation information, the CONSULTANT shall recommend revised boring depths or a revised boring program for verbal authorization by the MUNICIPALITY. The extent of all subsurface foundation investigations performed shall be fully justified in the Soils Report for the PROJECT.

All boreholes and monitoring wells shall be backfilled as per the April 20, 1992 guidelines titled "Wisconsin Department of Transportation Geotechnical Unit -Drilled Borehole and Monitoring Well Abandonment Procedures".

Record final borehole location; station and referenced offset and elevation. CONSULTANT shall provide final boring location GPS coordinates and provide a Google Earth image of project site showing coordinate correct as-drilled boring locations.

- (3) Perform subsurface investigations to analyze project geotechnical concerns and provide full detailed recommendations. The soils shall be classified by pedological means to provide pavement design parameters.

I. ROAD PLANS

Section II C (9) in the Standard Provision of the CONTRACT is amended to include the following plans:

- **Title Sheet**
- **General Notes and Utility List**
- **Typical Cross Sections**
- **Construction Details**
- **Driveway Details**
- **Curb Ramp Details**
- **Paving Plan Details**
- **Parking Lot Details**
- **Storm Sewer and Utilities Plan**
- **Private Utility (Sanitary and Water) Service Plan**
- **Lighting Plan**
- **Marking and Signing Plan**

- Erosion Control Plan
- Construction Staging Plans
- Alignment Diagram
- Plan and Profile (with Temporary Limited Easements)
- Cross Sections (Mainline)

J. STRUCTURE PLANS

- (1) Prepare a Structure Survey Report/Hydraulic Report, which includes a discussion of structure sizing, in accordance with the MANUAL. The completed preliminary plan shall show the structure plan, elevation, and typical cross section, and all pertinent data shall appear on the first sheet(s) of the completed structure plans. Four prints of this plan and the Structure Survey Report/Hydraulic Report shall be submitted to the MUNICIPALITY for review. The MUNICIPALITY will review this preliminary plan and the Structure Survey Report/Hydraulic Report and return one print to the CONSULTANT showing requested revisions, if any.
- (2) Plans for Structures shall be fully dimensioned besides showing controlling elevations. The plans shall be prepared with such precision and detail to allow for the convenient layout in the field with customary degree of accuracy, and to allow for the production of an accurate estimate of quantities for all pertinent items of work to be performed in the PROJECT.
- (3) Plans for Structures shall include schedules for bar steel reinforcement. Such schedules shall provide all of the necessary detail required for the fabrication of the reinforcement without the necessity of making separate shop drawings for that purpose.
- (4) When the plans for a structure have been completed the CONSULTANT shall furnish the MUNICIPALITY with three sets of prints of such plans for review and examination.
- (5) Submit three copies for review and examination of all specifications for items of work in the Structure Plans which are not covered by the STANDARD SPECIFICATIONS and such amendments to or revisions of the STANDARD SPECIFICATIONS as may be required to properly cover the work contemplated by the plans.
- (6) Prepare or check the shop drawings for the fabrication of structural steel.
- (7) Plans will be subject to review and examination by the MUNICIPALITY. Such review and examination may be made on the site of the PROJECT.
- (8) Along with the plans for structures submit one copy or reproduction of the design computations for the MUNICIPALITY'S review and permanent file.
- (9) In the design and development of the Structure Plans, develop two (2) alternative structure types or other geometric configurations to enable selection of the design that provides the best balance between practical construction considerations, right of way requirements, aesthetics and blending with the topography, and costs.

K. SERVICES PROVIDED BY THE MUNICIPALITY

The MUNICIPALITY will provide to the CONSULTANT the following for the PROJECT:

1. List of known utilities on the project.
2. Names and contact information for project stakeholders.
3. Existing storm sewer, sanitary sewer, and watermain as-builts on the project.
4. Traffic data including truck percentages.
5. GIS mapping, aerial photography, existing r/w, and property line data.
6. The DEPARTMENT will provide asbestos inspection and reporting for bridge materials and the MUNICIPALITY will provide asbestos inspection and reporting for utility duct materials.
7. The MUNICIPALITY will supply utility plans (water and sanitary service), bid items, specifications and estimate in WisDOT format to insert in the PROJECT. The CONSULTANT will insert MUNICIPALITY plans into the PROJECT.

PROSECUTION AND PROGRESS

- (1) The CONSULTANT shall report on the progress of the PROJECT as stipulated in the contract agreement. Standard benchmarks, consistent with DEPARTMENT'S internal staff benchmarks, will be reported monthly to the DEPARTMENT. The actual start, projected or actual finish date, and percent of work complete will be included for all relevant benchmarks on any project report required for delivery to DEPARTMENT staff. The report can be delivered in electronic format consistent with current DEPARTMENT standards (Microsoft Project), or on paper.
- (2) The CONSULTANT proposes to sublet these services to
 - (a) American Engineering Testing for Geotechnical Investigations and Reporting
 - (b) UW Milwaukee Cultural Resource Management for Archaeological and Architecture/Historical Investigations and Section 106 reporting.
- (3) The following items of work will be completed and submitted to the MUNICIPALITY by the indicated dates, if CONSULTANT has received the Notice to Proceed by April 15, 2021.

Report Title	Date
Initial Project Review	June 2021
Soils Report	September 2021
Pavement Design Report	December 2021
Preliminary Road Plan	February 2022
Structure Survey Reports	February 2022
Preliminary Structure Plan	February 2022
Environmental Document	July 2022
Design Study Report	September 2022
Final Road Plans	June 1, 2024
Final Structure Plans	June 1, 2024
Final P.S. & E.	August 1, 2024
Pre-Construction Meeting	April, 2025



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

MEMO

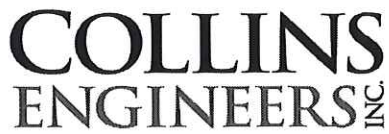
TO: Municipal Services Committee

FROM: Chad M. Weyenberg, Project Engineer

DATE: March 16, 2021

RE: Approve Amendment No. 2 to Collins Engineers for Bridge Maintenance design of the Lawe Street and Pacific Street Bridge in the amount of \$2,826.00 for a total revised not to exceed contract of \$61,303.80

We are requesting additional funds for Collins Engineers for added work to modify previous design work into updated bidding documents for 2021 & 2022 Bridge Maintenance Projects. Previously planned projects were either not complete in 2020 due to bids coming in over budget or budgeted to later years. There will now be a Bridge Maintenance Project in 2021 for the Pacific Street Bridge and an anticipated 2022 project for painting at the Bascule Bridges.



March 15th, 2021

Chad M. Weyenberg, P.E.
Project Engineer
City of Appleton
100 North Appleton Street
Appleton, WI 54911-4799

Re: City of Appleton Bridge Maintenance Design Contract -Request for Amendment #2

Dear Mr. Weyenberg:

As requested in your email of March 11th, 2021. Collins proposes the following revisions to the Bridge Maintenance Design Contract.

A) B44-107, Pacific Street Bridge Contract Documents

- Revise the previously prepared contract plans and specifications for B44-107 to incorporate Project Unit Number AA-21. Work to include combining the plans, specials, quantities, etc. into one bidding document. Label all plans with Unit Number AA-21

B) P44-719, Lawe Street and P44-724 Olde Oneida Street Bridge Contract Documents

- Revise the previously prepared contract plans and specifications for P44-719 and P44-724 to incorporate a new City Project Unit Number (to be determined). Work to include updated special specifications for the Bascule Bridge Painting work. Painting work for the two bridges will now be completed in 2022.

The cost for this amendment is \$2,826.00.

We appreciate the continued opportunity to provide services to the City of Appleton on this and other projects. Please let me know if you have any questions or concerns or would like to discuss further.

Sincerely,
COLLINS ENGINEERS, INC.

A handwritten signature in black ink that reads "Steve Miller".

Steve Miller, P.E., LEED AP
Regional Manager



"... 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: March 16, 2021
Re: Parking restriction change on the 100 block of S. Morrison Street
Follow-Up to Six-Month Trial Period

The Traffic Section was contacted last year by the YMCA regarding a possible change to on-street parking restrictions on the east side of Morrison Street, adjacent to their facility. Specifically, they requested the existing *Commercial Truck Loading Zone* be changed to a *5-Minute Loading Zone* as a way of helping with their operations.

Based on a review of the request, we were supportive of the change, and did not believe it would have any adverse effect on any other properties in the area. As such, a 6-month trial was instituted to test the changes. Based on their experience during the trial period, the YMCA is requesting the changes be kept. No feedback was received from the public regarding the changes. As such, we recommend making the change permanent.

To accomplish this, the following ordinance action is required:

1. **Create:** "A *10-Minute Loading Zone* be established on the east side of Morrison Street from Lawrence Street to a point 135 feet north of Lawrence Street."



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

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

To: Municipal Services Committee
From: Eric S. Lom, City Traffic Engineer
Date: March 17, 2021
Re: 15 mph Speed Limit Designation on 800 W. Washington Street (Story St to Bennett St)
(proposed 6-month trial)

My office was recently contacted by a resident that lives on the 800 block of W. Washington Street. She expressed concern about safety related to the speed of traffic.

The block in question is a one-way (westbound) street that is extremely narrow, with very tight sight lines and no posted speed limit (see Figures 1 & 2 below). Despite the fact that this block looks, feels and functions like an alley, it is actually designated as a residential “street.” As such, state statutes designate the statutory speed limit as 25 miles per hour (mph). State statutes designate a 15 mph speed limit for designated alleys.



Figure 1- 800 W. Washington St (looking west)

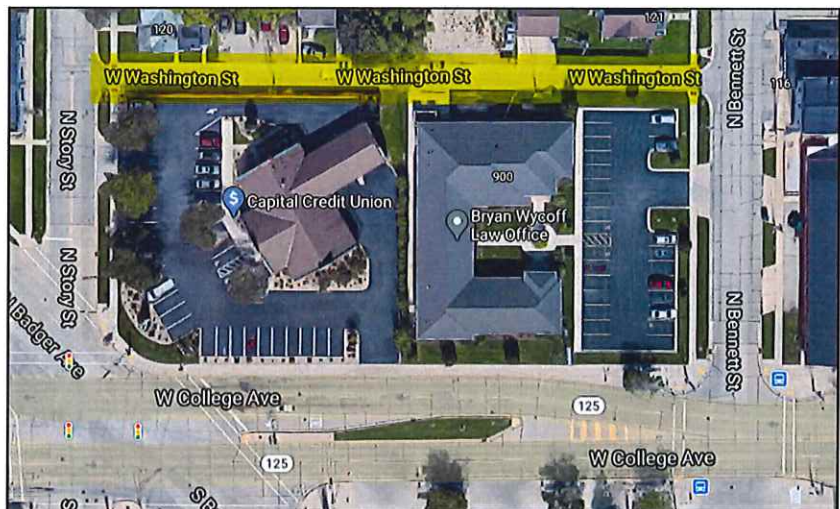


Figure 2- 800 W. Washington St (highlighted)

Based on our review, the physical characteristics of this block are much more consistent with an alley than a typical residential street. As such, we recommend designating and posting a 15 mph speed limit for a 6-month trial period.

CITY OF APPLETON/TOWN OF GRAND CHUTE
Apple Creek Court

INTERGOVERNMENTAL AGREEMENT
FOR RESURFACING APPLE CREEK COURT

DATE: March 16, 2021

PROJECT TITLE: Apple Creek Court

The Town of Grand Chute, hereinafter called the "Town", through its undersigned duly authorized officers or officials, hereby enters into an agreement with the City of Appleton, through its Public Works Department, hereinafter called the "City", to resurfacing Apple Creek Court following the City's Sanitary Sewer Project.

PROPOSED IMPROVEMENT

Resurface Apple Creek Court from Apple Creek Road to cul-de-sac with asphalt pavement following the City's Sanitary Sewer Project in 2021.

TERMS AND CONDITIONS:

1. The City will be the lead agency for the sanitary sewer project in 2021.
2. Sanitary laterals will be stubbed to each property for future connection at the desire of the property owner. Annexation and connection fees will be required prior to connection.
2. All sewer plans and specifications for the improvements will be provided for Town's approval and records.
3. The City will be responsible for all costs associated with the sanitary sewer project including milling entire road surface, backfilling and compacting sanitary trench with granular material, maintaining trenches until Town paving project, and placing 2" binder surface.
4. The Town will be responsible for placing surface course of asphalt and assessing property owners according to Town Assessment Policy.

City of Appleton

Attest:

Printed Name:

By:

Jacob A. Woodford, Mayor

Attest:

Printed Name:

By:

Kami L. Lynch, City Clerk

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

Approved as to form:

Anthony D. Saucerman, Finance Director

Christopher R. Behrens, City Attorney

Town of Grand Chute

Attest:

Printed Name:

By:

David A. Schowalter, Town Chairman

Attest:

Printed Name:

By:

Angie M. Cain, Town Clerk

Approved as to form:

Charles D. Koehler
Attorney for the Town of Grand Chute



Adopt-A-Planter to Create Garden Art!

DRAFT

May 21 - 23

Want to Adopt-A-Planter and transform it into a temporary art piece? Register to participate in Downtown Creates...Garden Art, hosted Friday May 21 – Sunday, May 23 to create a garden masterpiece in one of the 72 planters along College Avenue. Submit a design/sketch of what your planter design will look like (ie: floral arrangements, fairy gardens, metal garden sculptures, etc.) to be reviewed by our selection committee for approval.

Companies interested in sponsoring a planter with a local artist can contact us direct at email below to coordinate.

Materials:

Items used in your creation should include at least one natural material; such as flowers, wood, rocks, also encouraged are upcycled/found objects, and more.

Size of Planters Available:

Small:

Large:

Timeframe of Creation:

DUE WEDNESDAY, APRIL 14: Submit an application with design concept.

WEDNESDAY, APRIL 21: Applications reviewed by committee and approval sent to you (once approved, you can start creating items on your own time to be part of your display in the planter).

FRIDAY, MAY 21: Begin assembling your display in your ASSIGNED planter on College Avenue at 9am. Must be completed by 4pm.

SUNDAY, MAY 23: Take down your display between 4-6pm.

Prize Categories: Four \$200 prizes will be awarded in each of the following categories -

Artist | Non-Profit Organizations | Commercial (For-Profit) | Group (neighbors, teams, families, etc.)

Prizes will be awarded based on creativity, use of space, use of natural elements, etc. by a panel of judges.

Beginning the week following (May 24-31) pictures of all completed Adopt-A-Planter creations will be posted on Facebook allowing the public to vote ("like") their favorite. The top 2 will receive a \$50 People's Choice Award.

Please note: Your displays will not be secured or closely monitored. Any damage that may occur is at your own risk.

Direct all questions to Meghan@appletondowntown.org or call 920-954-9112.

Please submit your application by April 14 for your chance to Adopt-A-Planter!

[CLICK HERE TO REGISTER NOW](#)

Month of May – Garden Art:

2020 brought many challenges to our ability to host events and bring people downtown safely. To do so, we embraced the open air and walkability of our downtown, by offering our Downtown Creates series as a walk event only, connecting people and offering a place of artistic expression. With your support, we would like to showcase an exploration of art displays for the community to engage and connect. We often hear how the last twelve months have impacted the mental health of our community. Providing experiences of connection, even with strangers; is valuable and important to our overall well-being.

As you review this application, we look forward to any suggestions or comments from the Public Art Committee, in an effort to make this event the success that we hope it to be.

• Brief description of the proposed artwork

Our May Downtown Creates event will feature “Garden Art” showcasing talents from the community. The “Adopt a Planter” concept will engage families, non-profits and local artists of all ages to create artful displays in the 72 planters on College Avenue. They will be encouraged to incorporate natural materials and inspiration into garden themed works of art.

Community participants will be engaged through a call for artists, Master Gardeners, Marigold Mile, Appleton Area School District, nonprofits, and family groups. Corporate sponsorships will also be made available.

• Photos/sketches of proposed work:

See potential art creation images on attached page. Displays could feature Fairy Gardens, Garden Art, Flowers, Painted Rocks, etc. Each applicant will need to submit a “proposed” thought/sketch for approval, prior to receiving proposed planter location.

• Site plan/location map showing location of proposed work –

College Avenue – Amenity Strip & Beautification Planters. Working closely with DPW, the Garden Art creations will be showcased prior to any planting done in the planters for the Spring/Summer season. A letter of request to occupy the public right of way to Paula VandeHey, Director of Public Works is attached.

A final placement map of art planter locations can be submitted to the committee, once all applicants have applied and sketch/proposed work is approved.

• Reason for choosing the proposed location:

Areas will be spaced well apart to promote social distancing, within the full mile stretch of College Avenue. Offering distance between displays and features will assist with keeping the flow of foot traffic moving throughout the downtown district. Additionally, we would like this to be a full weekend offering, thus eliminating barriers of access to the arts. Free masks and hand sanitizer will be made available to attendees.

- **Description of how the work is installed/anchored/attached**

Displays will be mostly free standing objects and some staked items for stability with placement directly into the dirt of the beautification planters.

- **Installation specifications provided by a structural engineer**

N/A

- **Timeline and duration of installation**

Items would be placed during event timeframe:

Friday, May 21 - Set-up beginning around 9 am

Sunday, May 23 – Artist Garden Art removal and clean-up finalized by 6 pm

- **How the artwork will be maintained (including any costs associated with the maintenance and who will be responsible for those costs)**

Artists will be made aware that submissions are being placed at own risk. A draft of our submission form is also attached.

Creative Downtown Appleton Inc. will provide volunteers & staff to assist with removal of any items that may have been left behind in or around the planters, on the morning of Monday, May 24.

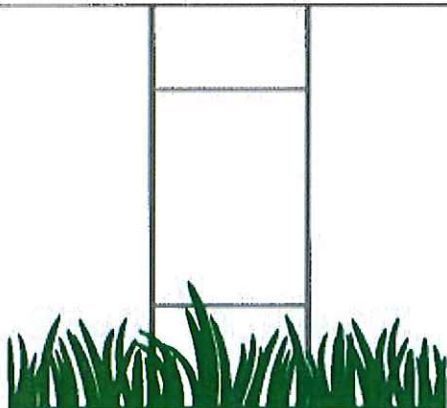
- **Description of any associated signage**

Planned signage consists of similar to image, placed in planters during event only. Signage would look similar with minor updates, (image is from 2020), showcasing event, Creative Downtown Logo and sponsor logos. Dimensions 2' W x 1.5' H

2 feet wide

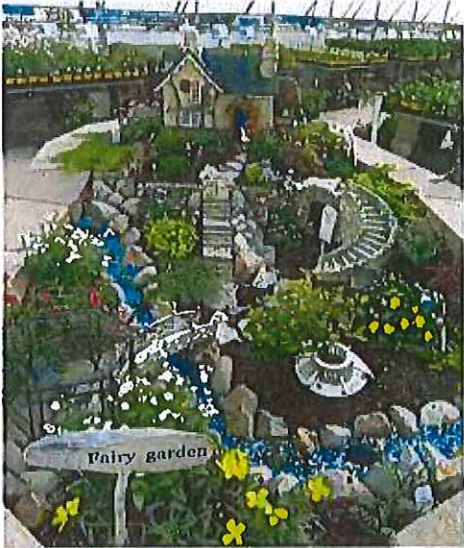
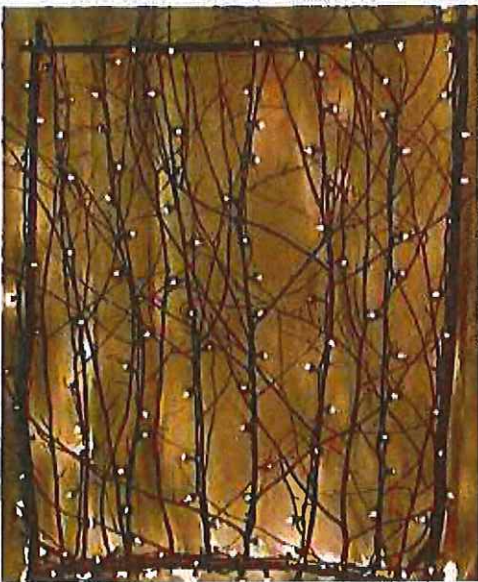
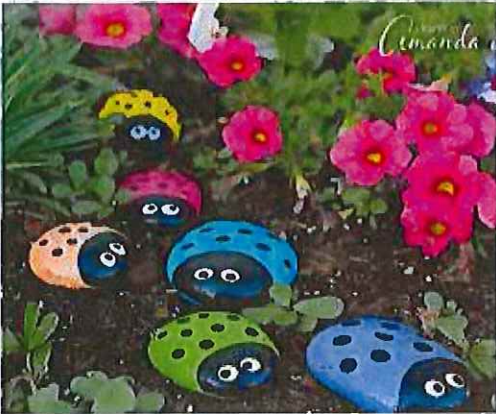


1.5 feet height



DOWNTOWN CREATES...Featuring Garden Art

3rd weekend of June, 18-20, Friday through Sunday – College Avenue





Join us to create an ARTFUL CHAIR

DRAFT

June 18-20

Want to transform a wooden chair into an art piece? Register to participate in Downtown Creates...Artful Chairs, Friday June 18 – Sunday, June 20 to have your recreated artful chair on display along College Avenue. Submit a design/sketch of what your finished chair will look like to be reviewed by our selection committee for approval. Our goal is to feature 100 chairs!

Materials:

You must supply your OWN wooden chair. Chairs must be solid wood but can be any “type of chair” (ie: stools, dining room chair, rocking chair, etc.)

You can decorate, paint, renovate, upcycle, and repurpose your wooden chair using any materials you choose as long as the finished piece is both safe to sit on and touch.

Timeframe of Creation:

DUE WEDNESDAY, MAY 12: Submit an application with design concept.

Submit in one of two categories: Just for Fun! (not part of the judging) or In it to Win It!

WEDNESDAY, MAY 19: Applications reviewed by committee and approval sent to you (once approved, you can begin creating our Artful Chair on your own time).

FRIDAY, JUNE 18: Deliver your completed chair to your ASSIGNED location on College Avenue by noon. (Assigned locations will be shared with you the week of the event).

SUNDAY, JUNE 20: Pick up your chair between 4-6pm.

Prize Categories:

1st Place: \$250 | 2nd Place: \$100 | 3rd Place: \$75

Prizes will be awarded based on creativity, artistic skill/technique, etc. by a panel of judges.

Beginning the week following (May 24-31) pictures of all completed Adopt-A-Planter creations will be posted on Facebook allowing the public to vote (“like”) their favorite. The top 2 will receive a \$50 **People’s Choice Award**.

Please note: Your chairs will not be secured or closely monitored. Any damage that may occur is at your own risk.

Direct all questions to lynn@appletondowntown.org or call 920-954-9112.

Please submit your application by May 12 for your chance to have your Artful Chair on display!

[CLICK HERE TO REGISTER NOW](#)

Month of June – Artful Chairs:

With the many challenges of 2020, and our inability to host events and bring people downtown safely; we embraced the open air and walkability of our downtown. Our Downtown Creates series offered the community a walk event that connected people and showcased artistic expression. With your support, we would like to feature art displays for the community, again. The last twelve months have impacted the mental health of our community. Providing experiences of connection, even with strangers; is valuable and important to our overall well-being.

As you review this application, we look forward to any suggestions or comments from the Public Art Committee, in an effort to make this event the success that we hope it to be.

• Brief description of the proposed artwork

The June Downtown Creates event will feature up to 100 wooden chairs repurposed and upcycled to be painted or decorated pieces of art. Each chair will showcase talent from the community and must allow the opportunity to touch and the ability sit on.

In art, the chair implies presence as well as an absence. The chair is a stand-in for people, to occupy an otherwise empty space. The chair can symbolize loss or the hope of a return, a welcome sign or an invitation for one to sit.

We are currently working with the Boys & Girls Club of the Fox Valley to assist with decorating a portion of the chairs. An additional call for participation will reach local artists, Renee Ulman of Appleton Area School District, as well as nonprofits and family groups to participate, all in an effort to engage the community.

• Photos/sketches of proposed work:

Each applicant will need to submit a “proposed” thought/sketch for approval, prior to receiving designated sidewalk location and to be entered for prize consideration. See images of potential artful chair creations on attached page.

• Site plan/location map showing location of proposed work –

College Avenue amenity strip area. The area will consist of the Central Business District of College Ave., 900 West to 300 East blocks, (Badger Ave. to Drew St.).

A letter of request to occupy the public right of way to Paula VandeHey, Director of Public Works is attached.

A final placement map would be submitted to the Public Art Committee, once all applicants have applied and sketch/proposed work is approved. We welcome your participation.

• Reason for choosing the proposed location:

The walkability of the Downtown makes it accessible to all and allows for artwork to be spaced apart to promote social distancing within the full mile stretch of College Avenue. Offering distance between displays and features assists with keeping the flow of foot traffic moving throughout the downtown district. Additionally, we would like this to be a full weekend

offering, thus eliminating barriers of access to the arts. Free masks and hand sanitizer will be made available to attendees.

● **Description of how the work is installed/anchored/attached**

The chairs would not be anchored in and would be free standing with placement directly into the sidewalk amenity strip area. Our goal is to have the chairs displayed outside during the entire weekend.

If permitted, anchoring of the chairs to the planters with zip ties, could be facilitated. There is also potential to work with the business owners to bring the chairs in each night.

● **Installation specifications provided by a structural engineer**

N/A

● **Timeline and duration of installation**

Friday, June 18 - Installation of chair placement by noon.

Sunday, June 20 -Artists pick up of chairs by 6 p.m.

Monday, June 21 – Staff and volunteer team will walk the Central Business District to assess and remove any items that were left behind.

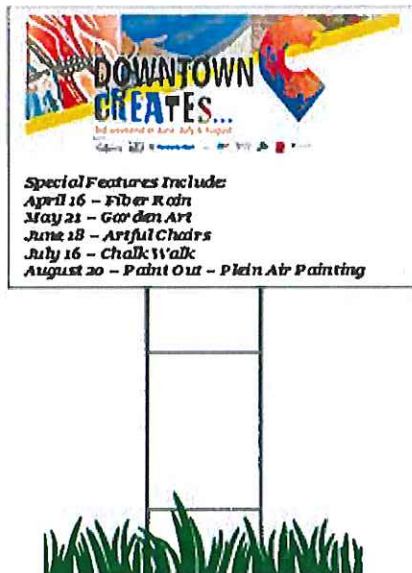
● **How the artwork will be maintained (including any costs associated with the maintenance and who will be responsible for those costs)**

Artists will be made aware that artful chairs are submitted at own risk. There is also potential to work with the business owners to bring the chairs in each night.

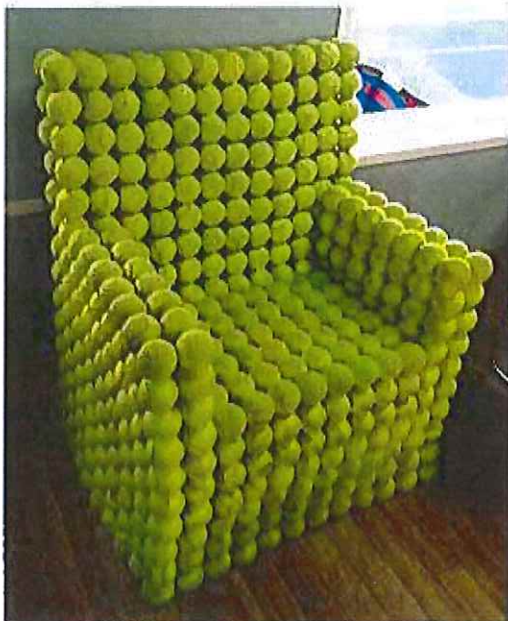
● **Description of any associated signage**

Planned signage consists of similar image, with minor updates (image is from 2020); placed in planters during event only. Signage would showcase event, feature Creative Downtown Logo and those of sponsors; along with listing of upcoming dates for walk events.

Dimensions 2' W x 1.5' H



DOWNTOWN CREATES... Featuring Upcycled Art Chairs
3rd weekend of May, 21-23, Friday through Sunday – College Avenue



Month of August: Art Out - Plein Air Art:

2020 brought many challenges to our ability to host events and bring people downtown safely. To do so, we embraced the open air and walkability of our downtown, by offering our Downtown Creates series as a walk event only, connecting people and offering a place of artistic expression. With your support, we would like to showcase an exploration of art displays for the community to engage and connect. We often hear how the last twelve months have impacted the mental health of our community. Providing experiences of connection, even with strangers; is valuable and important to our overall well-being.

• Brief description of the proposed artwork

Downtown Creates August event will feature plein air painting, showcasing local talent from the community. The Paint-Out competition will be a special feature offering artists the opportunity to paint beautiful masterpieces on canvas or storefront windows throughout the day-long event on College Avenue.

Paint-Out artists can choose to be "In It to Win It" or "Just for Fun". A 16 x 20 canvas will be provided free, along with an easel, if needed. Each level has their own series of prize opportunities, as well as an online auction component the following week; allowing the participating artists another revenue opportunity. Together, community members will be able to support local artists directly and enhance the creative economy.

• Photos/sketches of proposed work:

Applicants will be given a theme. They will need to pre-register, in order to receive their designated sidewalk location and to be entered for prize consideration. See attached photos of Plein Air artists samples.

• Site plan/location map showing location of proposed work –

College Avenue amenity strip area. The area consists of the Central Business District of College Ave., 900 West to 300 East blocks, (Badger Ave. to Drew St.). A letter of request to occupy the public right of way to Paula VandeHey, Director of Public Works is attached.

• Reason for choosing the proposed location:

The walkability of the Downtown makes it accessible to all and allows for artwork to be spaced apart to promote social distancing within the full mile stretch of College Avenue. Offering distance between displays and features assists with keeping the flow of foot traffic moving throughout the downtown district. Additionally, we would like this to be a full weekend offering, thus eliminating barriers of access to the arts. Free masks and hand sanitizer will be made available to attendees.

• Description of how the work is installed/anchored/attached

Artists will use free standing easels and canvas, with placement on the sidewalk amenity strip area. We will also encourage painted windows. Items will be displayed during the entire weekend, utilizing storefront windows to showcase the art.

- **Installation specifications provided by a structural engineer**

N/A

- **Timeline and duration of installation**

Friday, August 20 – Artists pick up canvas and sidewalk location at ADI office, starting at 9 am. Pieces will remain out on the sidewalks until 7:30pm for the community to walk downtown and see the finished works in person.

Monday, August 23 – ADI staff and volunteers will walk the Central Business District to assess and remove any items that were left behind.

- **How the artwork will be maintained (including any costs associated with the maintenance and who will be responsible for those costs)**

Any business that wishes to have an artist paint windows, will be required to do their own clean-up. No other clean-up is expected.

- **Description of any associated signage**

Planned signage consists of similar image, with minor updates (image is from 2020); placed in planters during event only. Signage would showcase event, feature Creative Downtown Logo and those of sponsors; along with listing of upcoming dates for walk events.

Dimensions 2' W x 1.5' H



DOWNTOWN CREATES... Featuring Plein Air Art 3rd weekend of August, 20-22, Friday through Sunday – College Avenue



MEMORANDUM OF UNDERSTANDING

Operation of Bird Rides, Inc. in the City of Appleton

Pursuant to this Memorandum of Understanding (hereinafter the “MOU”) for the operation of Bird Rides, Inc. owned dockless, stand-up electric scooters (hereinafter “electric scooter”) within the City of Appleton, Bird Rides, Inc., incorporated under the laws of California (hereinafter referred to as “Bird”) and the City of Appleton, a municipal corporation (hereinafter referred to as the “City”) (collectively “parties”) hereby agree as follows:

WITNESSETH:

WHEREAS Bird, represented locally by _____, desires to operate a Bird stand-up electric scooter pilot program within the City of Appleton; and

WHEREAS the City, whose address is City of Appleton Clerk, 100 North Appleton Street, Appleton, WI 54911-4799, is willing to establish a Bird stand-up electric scooter pilot program within the City of Appleton to evaluate the desire to establish a regulatory framework for the long-term operation of Bird stand-up electric scooters within the City.

NOW, THEREFORE, in consideration of the above premises and mutual covenants of the parties hereinafter set forth, and the MOU for the operation of Bird stand-up electric scooters, the receipt and sufficiency of which is acknowledged by each party for itself, Bird and the City do agree as follows:

Section 1. DEFINITIONS

- 1.1. “Code” shall mean the Municipal Code of the City of Appleton, Wisconsin.
- 1.2. “Customer” shall mean a person who has downloaded Bird’s app to their smart phone or other device.
- 1.3. “Dockless” shall mean a system of self-service mobility devices made available for shared use to individuals on a short-term basis, which may be rented through a smart-phone app, vendor website, vendor customer service number, or a pre-paid PIN and which do not require structures at permanent, fixed locations where rides must begin and end.
- 1.4. “Electric scooter” shall mean a device weighing less than 100 pounds that has handlebars and an electric motor, is powered solely by the electric motor and human power, and has a maximum speed of not more than 20 miles per hour on a paved level surface when powered solely by the electric motor. Under this MOU, an electric scooter shall be in reference to an electric scooter owned by Bird.
- 1.5. “Equipment” shall mean dockless, stand-up electric scooters.

- 1.6 “Improperly parked” shall mean electric scooters parked in violation of section 5.5. of this MOU.
- 1.7 “Notice” and “Notification” shall mean notice from the public or notification from the City.
- 1.8 “Unsafe” shall mean any dockless, stand-up electric scooters, that could cause harm or injury to a customer or anyone else within the public right-of-way despite being operated in a reasonable manner.
- 1.9 “Unused electric scooter” shall mean any dockless, stand-up electric scooter parked in one location for more than 7 consecutive days without being used.

Section 2. PURPOSE AND GOALS

- 2.1. It is the purpose of the City to initiate a Dockless, Stand-up Electric Scooter Pilot Program (hereinafter the “pilot”) with Bird, to observe, solicit feedback on, and evaluate the effectiveness of electric scooters in Appleton. There is no guarantee electric scooters will remain in the City after the completion of the pilot. Upon the conclusion of the pilot, the City shall take time to evaluate any feedback received, determine whether the following goals have been achieved, and to develop a more long term licensing plan for the operation of Bird electric scooters, should the City create such a license. Electric scooters may provide many benefits to residents and visitors of Appleton. Electric scooters have the potential to help the City improve outcomes related to equity, congestion mitigation, health, and access to opportunity. The City also realizes the potential for disruption to pedestrian ways and other public rights of way. The parties agree that this MOU is intended to be a fluid document, subject to change in order to ensure the success of the pilot program and further agree to work together to ensure the same.
- 2.2. The Goals of this pilot are as follows:
 - 2.2.1. Increase transportation options: Electric scooters have the potential to reduce reliance on motor vehicles and ride sharing services for short trips, decreasing congestion and air quality impacts.
 - 2.2.2. Expand access to transit: Electric scooters may provide links to public transit, assisting with connectivity and solving the first mile/last-mile problem.
 - 2.2.3. Evaluate impacts on access to the public right-of-way: Bird must show a commitment to keeping pedestrian ways, streets, and other public rights-of-way unobstructed by electric scooters for other users. Most importantly, electric scooters must be parked and maintained in a manner that provides clear path for people walking and maintains access to businesses, residential units, and other buildings.

Section 3. PILOT DURATION

3.1. Term.

The term of this MOU shall be made effective upon signature by the parties and shall remain in effect, unless otherwise terminated, until December 31, 2021.

3.2. Suspension.

The pilot may be immediately suspended at any point and without cause by either the Director of the City of Appleton Department of Public Works (hereinafter "DPW") or the Chief of the City of Appleton Police Department (hereinafter "APD") for the purpose of resolving any issues prior to Termination.

3.3. Termination.

The pilot may be terminated at any point and without cause by either party upon seven (7) days prior written notice to the other party. The Director of DPW or the Chief of APD may terminated the pilot on behalf of the City.

3.4. Modification.

No term of this MOU may be modified or amended unless such modification or amendment is agreed to in writing and signed by the parties hereto.

Section 4. DUTIES OF BIRD

4.1. Bird shall provide a maximum of one hundred (100) electric scooters at launch of the pilot. Bird agrees to work with the Director of DPW, or designee, in order to determine any necessary adjustments to the maximum number of electric scooters within the City for the duration of the pilot.

4.2. Local Operations.

Bird shall have a locally based operations manager and provide name and contact information for said operations manager to the City within thirty (30) days after execution of this agreement.

4.3. Reporting and Data Sharing.

4.3.1. Aggregate customer demographic data that does not identify individual customers, payment methods, of their individual trip history, gathered by Bird shall be provided to the Director of DPW on at least a monthly basis using anonymized keys.

4.3.2. The following information shall be required on the first of each month throughout the duration of the pilot, or as directed by the Director of DPW:

4.3.2.1. Total downloads, active customers & repeat customer information;

4.3.2.2. List of reported parking complaints including: description, location of incident, description of Bird response, and response time;

4.3.2.3. Incidents of electric scooter theft and vandalism;

4.3.2.4. Electric scooter maintenance reports;

4.3.2.5. Complaints received by Bird;

4.3.2.6. Accident/crash information; and

4.3.2.7. Payment method information.

4.3.3. Customer information shall be made available to APD upon warrant or subpoena or otherwise required by law.

4.4. Submerged electric scooters.

Bird acknowledges that submerged electric scooters in the City waterways may result in the release of hazardous wastes into the environment. Bird also acknowledges that there is a prohibition on discharge of hazardous material in Sec. 6-61(a) of the Code. If a Bird electric scooter is submerged in a City waterway, Bird shall commence removal and site restoration as required in Sec. 6-61(c). If Bird fails to comply with removal, the City may respond and cause removal and require reimbursement allowed under Sec. 6-61(d) of the Code or face a citation from the City, under Sec. 6-61(g).

4.5. Relocation requests.

Bird shall respond to and relocate improperly parked or unused electric scooters within five (5) hours of notice between 6 a.m. and 10 p.m. Bird shall respond to and relocate improperly parked or unused electric scooters by 8 a.m. for notices received between 10 p.m. and 6 a.m.

4.6. Safety education.

Bird shall provide materials, videos, and signage to promote safe riding and educate riders on rider responsibilities and encourage safe and proper riding and parking as further described within this MOU.

4.7. Operation outside the City of Appleton.

Bird shall be responsible for tracking the location of electric scooters to ensure that electric scooters are not operated outside the City. Upon notification of the operation or placement of an electric scooter outside the City, Bird shall commence relocation of the electric scooter back within City limits.

4.8. Equipment maintenance.

Bird shall regularly inspect and provide necessary maintenance to each electric scooter at least once per month. Upon notification of an unsafe or inoperable electric scooter, Bird shall remove said electric scooter within two (2) hours. Bird acknowledges that the City may impound electric scooters that are deemed unsafe or inoperable and not remedied in accordance with this provision.

Section 5. OPERATING REGULATIONS

5.1. Bird shall provide easily visible contact information for Bird's locally based operations manager, including toll-free phone number and e-mail address on each electric scooter for members of the public to make relocation requests or to report other issues with devices.

5.2. Safety Requirements.

5.2.1. Each electric scooter shall meet the requirements described in Sections 347.489 (1), 347.489 (2), and 347.489 (3) of the Wisconsin State Statutes.

5.2.2. The maximum motor-assist speed for electric scooters shall be 15 mph.

5.3. Electric scooter availability and hours of operation.

5.3.1. Bird, through its locally based operations manager, shall redistribute electric scooters to ensure electric scooters are distributed throughout the City. Bird agrees to work with the Director of DPW, or designee, in order to determine the safest and most efficient distribution of electric scooters throughout the City for the duration of the pilot. The parties acknowledge that Bird may utilize independent business logistics providers to facilitate local operations. Bird's use of these logistics providers does not constitute a transfer or assignment of this MOU, and Bird remains responsible for all obligations and requirements under this MOU.

5.3.2. Hours of operation.

Electric scooters shall be made available to rent twenty-four (24) hours per day, under appropriate environmental circumstances.

5.3.3. Winter operation.

Bird shall begin to remove electric scooters from use upon the onset of snow accumulation within the City, or as directed by Director of DPW, or designee.

5.4. Proper electric scooter use.

5.4.1. Electric scooters shall be operated and regulated in the same manner as bicycles and may be operated on roadways, sidewalks, bike lanes, and bike paths, unless otherwise stated in State or City regulations.

5.4.2. Electric scooters may not be operated on the sidewalks on College Avenue between Drew Street and Badger Avenue.

5.4.3. Electric scooters shall be operated on the right of street lanes and offer the right-of-way to bicycles in bike lanes and on bike paths.

5.4.4. Electric scooters shall not be operated by individuals under the age of 18.

5.4.5. Electric scooters shall not be operated within City-owned parking ramps.

5.5. Proper electric scooter parking.

5.5.1. Bird shall provide instructions for properly parking electric scooters to customers in easily understandable formats through multiple media types.

5.5.2. Bird shall keep the sidewalk free from obstructions to pedestrians by requiring customers to park electric scooters such that a walk space not less than five (5) feet wide shall at all times be kept open for pedestrians and shall not be parked on the main traveled portion of the sidewalk or against or adjacent to windows.

5.5.3. Electric scooters shall not be parked on a sidewalk having a width of less than five and one-half (5 ½) feet.

5.5.4. Electric scooters shall not be parked at the intersection of two or more streets between the points of curvature, measured along the curb.

5.5.5. On roadways without sidewalks, electric scooters may be parked in the roadway if the right-of-way and the pedestrian way are not obstructed.

5.5.6. Electric scooters shall not be parked on private property without the express consent of the owner.

5.5.7. Electric scooters shall not be parked within, or obstruct access to, parking spaces; transit stops, including bus stops, streetcar stops, shelters, and passenger waiting areas; entryways; driveways; or crosswalks.

5.5.8. All electric scooters shall be parked in an upright position with two (2) wheels making a point of contact with the ground and in such a manner as to not constitute a hazard to pedestrians, traffic, or property.

Section 6. INSURANCE REQUIREMENTS

Bird shall comply with the requirements contained within the attached Insurance Requirements – Bird Pilot Program.

Section 7. INDEMNIFICATION

Notwithstanding any references to the contrary in the application documents, Bird assumes full liability for all of its acts in the performance of this pilot. Bird will save and indemnify and keep harmless the City against all liabilities, judgments, costs and expenses which may be claimed by a third party against the City in consequence of allowing Bird to participate in this pilot program, or which may result from the negligence or misconduct of Bird, or its agents, employees, customers or users, except to the extent arising out of or resulting from the City's sole negligence or willful misconduct. If judgment is recovered, whether in suits of law or in equity, against the City by reason of the negligence or misconduct of Bird, or its agents, employees, customers or users participating in this pilot, or utilizing Bird's equipment, Bird assumes full liability for such judgments not only as to the amount of damages, but also for the cost, attorney fees, or other expenses resulting there from. The City may tender the defense of any claim or action at law or in equity to Bird or its insurer, and upon such tender it shall be the duty of Bird or its insurer to defend such claim or action without cost or expense to the City or its officers, council members, agents, employees or authorized volunteers. Bird shall be entitled to have control over the defense and settlement of tendered lawsuits, including the selection of counsel; provided Bird may not settle any lawsuit on behalf of the City without the City's written consent that either (1) requires the City to admit liability, or (2) exceeds the limits of Bird's insurance policies. City shall cooperate in all reasonable respects with Bird and its attorneys in the defense or settlement of such lawsuit; provided, that the City shall be entitled to reasonably participate in the defense of such lawsuit and to employ its own counsel at its own expense to assist in the handling of such lawsuit.

Section 8. MISCELLANEOUS

8.1. Assignment.

Neither party shall assign nor transfer any interest or obligation in this Agreement, whether by assignment or novation, without the prior written consent of the other party.

8.2. Notices, Records, Invoices, Billings and Reports.

8.2.1. All notices required to be sent by this Agreement shall be deemed delivered as of the date of postmark if deposited in a United States mailbox, with sufficient first class postage attached and addressed as follows, which shall be directly sent to the persons stipulated herein:

For the City:

Director of Appleton Department of Public Works
City of Appleton
100 North Appleton Street
Appleton, WI 54911-4799

For Bird:

8.2.2. It shall be the duty of a party changing its address to notify the other party in writing within a reasonable time if not explicitly set forth within this MOU.

8.3. Payment.

The parties agree that no such payments shall be exchanged between the parties for participation in this pilot program.

8.4. No Waiver.

No failure to exercise, and no delay in exercising, any right, power or remedy, including payment, hereunder, on the part of the City or County shall operate as a waiver hereof, nor shall any single or partial exercise of any right, power or remedy preclude any other or further exercise thereof or the exercise of any other right, power or remedy. A waiver of any covenant, term or condition contained herein shall not be construed as a waiver of any subsequent breach of the same covenant, term or condition.

8.5. Construction of Agreement.

8.4.1. This Agreement is intended to be solely between the parties hereto. No part of the Agreement shall be construed to add, supplement, amend, abridge, or

repeal existing rights, benefits or privileges of any third party or parties, including but not limited to employee of either of the parties.

8.4.2. It is expressly understood and agreed to by the parties hereto that in the event of any disagreement or controversy between the parties, Wisconsin law shall be controlling.

8.4.3. The entire Agreement of the parties is contained herein and this Agreement supersedes any and all oral agreements and negotiations between the parties relating to the subject matter hereof.

8.5.4. If any provision of this Agreement is determined by a court of record to be void or unenforceable, all remaining provisions shall continue to be valid and enforceable.

8.6. Public Records.

Bird understands that the City is bound by the Wisconsin Public Records Law, and as such, all of the terms of this pilot are subject to and conditioned on the provisions of Wis. Stat. sec. 19.21 *et. sec.* Bird acknowledges that it is obligated to assist the City in retaining and producing records that are subject to the Wisconsin Public Records Law and that Bird must defend and hold the City harmless from liability to its fault under the law. Except as otherwise authorized, those records shall be maintained for a period of seven years. This provision shall survive termination of this MOU and the pilot itself.

IN WITNESS WHEREOF, the parties have executed this Agreement and its Schedules as of the day and date set forth above by their duly authorized officers.

BIRD RIDES, INC.

By:

Printed Name: _____

Date: _____

By:

Printed Name: _____

Date: _____

SIGNATURES CONTINUE ON THE FOLLOWING PAGE

CITY OF APPLETON

By:

Jacob A. Woodford, Mayor

Date: _____

By:

Kami Lynch, City Clerk

Date: _____

Approved as to form:

Christopher R. Behrens, City Attorney

CityLaw A21-0063

Resolution #3-R-21

PROHIBITION ON LARGE SCALE COMMERCIAL DOG AND CAT BREEDING

March 3, 2020

Submitted By: Maiyoua Thao District 7, Denise Fenton District 6, Vered Meltzer District 2

Referred To: Safety & Licensing Committee

WHEREAS, most puppies and kittens sold in pet stores come from large-scale, commercial breeding facilities where the health and welfare of the animals is disregarded in order to maximize profits ("puppy mills" and "kitten mills", respectively). According to The Humane Society of the United States an estimated 10,000 puppy mills produce more than 2 million puppies per year in the United States.

WHEREAS, according to the U.S. Centers for Disease Control and Prevention pet store puppies pose a health risk to consumers, as over one hundred Americans have contracted an antibiotic-resistant *Campylobacter* infection from contact with pet store puppies.

WHEREAS, current federal and state regulations do not adequately address the animal welfare and consumer protection problems that the sale of puppy and kitten mill dogs and cats in pet stores pose. Federal oversight of the commercial breeding industry is severely lacking.

WHEREAS, it is in the best interest of the City of Appleton, Wisconsin to adopt reasonable regulations to reduce costs to Appleton, Wisconsin and its residents, protect citizens who may purchase cats or dogs from a pet store, help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment in Appleton.

THEREFORE be it resolved that the City of Appleton create Section 3-25 of the Municipal Code to include the following:

Sec. 3-25. Prohibition on large scale commercial dog or cat breeding.

(a) Definitions. The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this paragraph:

"Animal care facility" means an animal control facility or animal shelter, maintained by or under contract with any state, county, or municipality, whose mission and practice is, in whole, or significant part, the rescue and placement of animals in permanent homes or rescue organizations.

"Animal rescue organization" means any not-for-profit organization that has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of animals in permanent homes. This term does not include an entity that is a breeder or broker or one that obtains animals from a breeder or broker for profit or compensation.

"Breeder" means a person that maintains a dog or cat for the purpose of breeding and selling their offspring.

"Broker" means a person that transfers a dog or cat from a breeder for resale by another person.

"Cat" means a member of the species of domestic cat, *Felis catus*.

"Dog" means a member of the species of domestic dog, *Canis familiaris*.

"Pet store" means a retail establishment where companion animals are sold, exchanged, bartered, or offered for sale to the general public. Such definition shall not include an animal care facility or animal rescue organization.

(b) Restrictions on the sale of animals. No pet store shall sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of cats or dogs. Nothing in this section shall prohibit pet stores from collaborating with animal care facilities or animal rescue organizations to offer space for such entities to showcase adoptable dogs or cats provided the pet store shall not have any ownership interest in the animals offered for adoption and shall not receive a fee for providing space for the adoption of any of these animals. Dogs may not be kept overnight.

(c) Penalty. A violation of this section shall be subject to a penalty as provided in §1-16, and each dog or cat in violation of this section shall constitute a separate violation.

(d) Effective date. This section shall become effective July 1, 2021.

Original Alcohol Beverage Retail License Application

(Submit to municipal clerk.)

For the license period beginning: _____ ending: _____
(mm dd yyyy) (mm dd yyyy)

To the Governing Body of the: Town of }
 Village of } **APPLETON**
 City of }

County of Outagamie Aldermanic Dist. No. _____
 (if required by ordinance)

Check one: Individual Limited Liability Company
 Partnership Corporation/Nonprofit Organization

Applicant's Wisconsin Seller's Permit Number	
PERM Number	
TYPE OF LICENSE REQUESTED	FEE
<input type="checkbox"/> Class A beer	\$
<input type="checkbox"/> Class B beer	\$
<input type="checkbox"/> Class C wine	\$
<input type="checkbox"/> Class A liquor	\$
<input type="checkbox"/> Class A liquor (cider only)	\$ N/A
<input type="checkbox"/> Class B liquor	\$
<input type="checkbox"/> Reserve Class B liquor	\$
<input type="checkbox"/> Class B (wine only) winery	\$
Publication fee	\$
TOTAL FEE	\$

Name (individual / partners give last name, first, middle; corporations / limited liability companies give registered name)
Appleton Liquor LLC

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the full name and place of residence of each person.

President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
<u>Guta</u>	<u>Hardi</u>		<u>1325 E overland Rd Appleton WI 54911</u>
Vice President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Secretary / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Treasurer / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Agent Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

1. Trade Name Appleton Liquor LLC Business Phone Number 818 290 1933
 2. Address of Premises 2727 N. Meade St Post Office & Zip Code Appleton 54911

3. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.)
Between Meade & Northland Ave, located next to Papa Murphy, Meade St Bistro, and Bethesda Thrift. Retail of 2200 square feet approx (10 x 10) Storage room, 2727 will have a storage room in back and office. Gondola shelves for liquor and coolers for beer to purchase wine.



4. Legal description (omit if street address is given above): 2727 N. Meade St

5. (a) Was this premises licensed for the sale of liquor or beer during the past license year? Yes No

(b) If yes, under what name was license issued? _____

6. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? **If yes, explain** Yes No
Will take RBS course
7. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? Yes No
If yes, explain.
8. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? **If yes, explain** Yes No
9. (a) **Corporate/limited liability company applicants only:** Insert state WI and date 2/24/21 of registration.
- (b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? **If yes, explain** Yes No
- (c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? **If yes, explain.** Yes No
10. Does the applicant understand they must register as a Retail Beverage Alcohol Dealer with the federal government, Alcohol and Tobacco Tax and Trade Bureau (TTB) by filing (TTB form 5630.5d) before beginning business? [phone 1-877-882-3277] Yes No
11. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776] Yes No
12. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? Yes No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000. Signer agrees to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants, or one member of a partnership applicant must sign; one corporate officer, one member/manager of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

Contact Person's Name (Last, First, M.I.) <u>Guta Hepdi</u>	Title/Member <u>owner</u>	Date <u>3-16/21</u>
Signature <u>Hepdi Gupta</u>	Phone Number 	Email Address 

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk	Date reported to council / board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	



City of Appleton Liquor License Questionnaire

1. Name of Applicant: Heidi Guta

2. Name of Business: Appleton Liquor LLC

(Check Applicable Box(s) to identify primary business activity)

- Restaurant
- Tavern/Night Club/Wine Bar
- Microbrewery/Brewpub
- Painting/Craft Studio
- Other (describe) retail liquor sales

3. Address of Business: 2727 N. Meade Appleton

4. Have you or any member of your organization ever been convicted of a misdemeanor or ordinance violation? Yes _____ No ✓

AND/OR been convicted of a felony? Yes _____ No ✓

If yes to either question, please explain in detail below:

5. List all partners, shareholders or investors of your business. Include full name, middle initial and date of birth. Please use additional sheets if necessary.

<u>Heidi</u>		<u>Guta</u>	
First name	M.I.	Last name	Date of Birth
			/ /

6. Name of person/corporation you are buying the premise and equipment from?

Name: n/a
 First name Middle Initial Last name

Address: _____
 City State ZIP

7. What was the previous name and primary nature of the business operating at this location?

Name: _____

(Check Applicable Box(s) to identify primary business activity)

- Restaurant
- Tavern/Night Club/Wine Bar
- Microbrewery/Brewpub
- Painting/Craft Studio
- Other (describe) Retail liquor sales

8. Was this premise licensed for alcohol sales/consumption during the past license year?

Yes ____ If yes, please contact the Community and Economic Development Department at 832-6468 about obtaining a copy of an existing Special Use Permit and related requirements that may run with property.

No If no, please contact the Community and Economic Development Department at 832-6468 about obtaining a Special Use Permit. A Special Use Permit may be required for your business activity prior to the issuance of a Liquor License, pursuant to the City of Appleton Zoning Ordinance.

9. If alcohol sales were a previous use in this building, when did the operation cease?

n/a months ago.

10. Seating capacity: Inside n/a Outside 0

11. Operating hours (Inside the building): 9 Am - 9 Pm
Operating hours (Outdoor seating areas): n/a

12. Employees/Staff

Number of floor personnel 2 Number of door checkers 0

13. In general, state the size and operational details of the proposed establishment:

a. Gross floor building area of the premises to be licensed: 2300 square feet.

b. Gross outdoor seating areas of the premises to be licensed: — square feet.

c. Below, identify the operational details of the proposed establishment:

convenient selling of liquor,
been next to Papa Murphy
to take home + drink responsibly
on Meade x Northland.

[Signature]
Signature

3-16/21
Date

Original Alcohol Beverage Retail License Application

(Submit to municipal clerk.)

For the license period beginning: 03/25/2021 ending: _____
(mm dd yyyy) (mm dd yyyy)

To the Governing Body of the: Town of } Appleton
 Village of }
 City of }

County of Winnebago Outagamie Aldermanic Dist. No. _____
(if required by ordinance)

Check one: Individual Limited Liability Company
 Partnership Corporation/Nonprofit Organization

Applicant's Wisconsin Seller's Permit Number ██	
FEIN Number ██	
TYPE OF LICENSE REQUESTED	FEE
<input type="checkbox"/> Class A beer	\$
<input type="checkbox"/> Class B beer	\$
<input type="checkbox"/> Class C wine	\$
<input type="checkbox"/> Class A liquor	\$
<input type="checkbox"/> Class A liquor (cider only)	\$ N/A
<input type="checkbox"/> Class B liquor	\$
<input type="checkbox"/> Reserve Class B liquor	\$
<input type="checkbox"/> Class B (wine only) winery	\$
Publication fee	\$
TOTAL FEE	\$

Name (individual / partners give last name, first, middle; corporations / limited liability companies give registered name)
C Solutions 200 LLC

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the full name and place of residence of each person.

President / Member Last Name <u>Towell</u>	(First) <u>Sarah</u>	(Middle Name) <u>Paige</u>	Home Address (Street, City or Post Office, & Zip Code) <u>1548 Hidden Acres Lane, Neenah, WI 54956</u>
Vice President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Secretary / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Treasurer / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Agent Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

1. Trade Name Uptown Chicken & Waffles Business Phone Number 850-288-9200
 2. Address of Premises 823W College Ave, Appleton Post Office & Zip Code 54914

3. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.)
Retail space below an apartment complex. There will be storage space, an office, and kitchen area.

Bar area, kitchen storage is where alcohol will be stored. The sale of the alcohol will take place at the bar. The enjoyment/consumption will take place within the square footage of the location, approx 2000 sq ft.




4. Legal description (omit if street address is given above): _____

5. (a) Was this premises licensed for the sale of liquor or beer during the past license year? Yes No

(b) If yes, under what name was license issued? _____

6. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? **If yes, explain** Yes No
7. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? Yes No
If yes, explain.
8. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? **If yes, explain** Yes No
9. (a) Corporate/limited liability company applicants only: Insert state WI and date 3-5-21 of registration.
- (b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? **If yes, explain** Yes No
- (c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? **If yes, explain.** Yes No
10. Does the applicant understand they must register as a Retail Beverage Alcohol Dealer with the federal government, Alcohol and Tobacco Tax and Trade Bureau (TTB) by filing (TTB form 5630.5d) before beginning business? [phone 1-877-882-3277] Yes No
11. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776] Yes No
12. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? Yes No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000. Signer agrees to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants, or one member of a partnership applicant must sign; one corporate officer, one member/manager of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

Contact Person's Name (Last, First, M.I.) <u>Lowell, Sarah P.</u>	Title/Member <u>CEO</u>	Date <u>3-11-21</u>
Signature 	Phone Number 	Email Address 

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk	Date reported to council / board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	



City of Appleton

Liquor License Questionnaire

1. Name of Applicant: Sarah P. Lowell

2. Name of Business: C Solutions 200 LLC, DBA "Uptown Chicken & Waffles"
 (Check Applicable Box(es) to identify primary business activity)

- Restaurant
- Tavern/Night Club/Wine Bar
- Microbrewery/Brewpub
- Painting/Craft Studio
- Other (describe) _____

3. Address of Business: 823W College Ave, Appleton, WI 54914

4. Have you or any member of your organization ever been convicted of a misdemeanor or ordinance violation? Yes _____ No

AND/OR been convicted of a felony? Yes _____ No

If yes to either question, please explain in detail below:

5. List all partners, shareholders or investors of your business. Include full name, middle initial and date of birth. Please use additional sheets if necessary.

<u>Sarah</u>	<u>P.</u>	<u>Lowell</u>	<u>●</u>	<u>/</u>	<u>●</u>	<u>/</u>	<u>●</u>	<u>●</u>
First name	M.I.	Last name		Date of Birth	/	/		
First name	M.I.	Last name		Date of Birth	/	/		
First name	M.I.	Last name		Date of Birth	/	/		
First name	M.I.	Last name		Date of Birth	/	/		

6. Name of person/corporation you are buying the premise and equipment from?

Name: NAI Pfefferle / Elizabeth Ringgold
 First name Middle Initial Last name

Address: 200 E. Washington St. Appleton WI 54911
 City State ZIP

7. What was the previous name and primary nature of the business operating at this location?

Name: N/A

(Check Applicable Box(s) to identify primary business activity)

- Restaurant
 Tavern/Night Club/Wine Bar
 Microbrewery/Brewpub
 Painting/Craft Studio
 Other (describe) _____

8. Was this premise licensed for alcohol sales/consumption during the past license year?

Yes ____ If yes, please contact the Community and Economic Development Department at 832-6468 about obtaining a copy of an existing Special Use Permit and related requirements that may run with property.

No If no, please contact the Community and Economic Development Department at 832-6468 about obtaining a Special Use Permit. A Special Use Permit may be required for your business activity prior to the issuance of a Liquor License, pursuant to the City of Appleton Zoning Ordinance.

9. If alcohol sales were a previous use in this building, when did the operation cease?

_____ months ago.

10. Seating capacity: Inside 60 - 70 Outside 10

11. Operating hours (Inside the building): 12pm - 9pm / 5pm - 1am
Operating hours (Outdoor seating areas): occasional

12. Employees/Staff

Number of floor personnel 1 Number of door checkers 1

13. In general, state the size and operational details of the proposed establishment:

a. Gross floor building area of the premises to be licensed: 2000 square feet.

b. Gross outdoor seating areas of the premises to be licensed: +bd square feet.

c. Below, identify the operational details of the proposed establishment:

Alcohol will be stored in the bar area, and the kitchen storage area. The sale of the alcohol will take place at the bar, and consumption will take place within the 2000 sq ft of the premises. Occasional consumption at bistro outdoor tables.

[Signature]
Signature

3-11-21
Date

Auxiliary Questionnaire Alcohol Beverage License Application

Submit to municipal clerk.

Individual's Full Name (please print) (last name) NEUS , (first name) CHRISTOPHER , (middle name) ALAN				
Home Address (street/route) 1315 1/2 S JEFFERSON ST	Post Office 	City APPLETON	State WI	Zip Code 54915
Home Phone Number ●●●●●●●●	Age ●	Date of Birth ●●●●	Place of Birth APPLETON	

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.

X **CHRISTOPHER NEUS, AGENT** of **OLD BAVARIAN BRAUHAUS INC.**
(Officer / Director / Member / Manager / Agent) (Name of Corporation, Limited Liability Company or Nonprofit Organization)

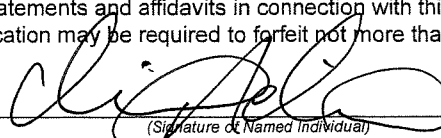
which is making application for an alcohol beverage license.

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

- How long have you continuously resided in Wisconsin prior to this date? **● 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.)*
ON BACK
- 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 employe 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 OB'S BRAU HAUS	Employer's Address 523 W COLLEGE AVE, APPLETON	Employed From 12/2010	To PRESENT 2021
Employer's Name SIANGRITS	Employer's Address 215 S MEMORIAL DR, APPLETON	Employed From 10/2017	To 10/2018

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.


(Signature of Named Individual)

- 5/16/2019 FILED
DISORDERLY CONDUCT STATUTE 947.01(1) 35 DAYS
PLEA NO CONTEST 2/12/2020 ELECTRONIC MONITORING
OUTSTANDING

- 5/3/2017 FILED
OPERATING W PAK (2ND) STATUTE 346.63(1)(b)
PLEA NO CONTEST 9/25/2017
60 DAYS
ELECTRONIC MONITORING
1ST TWO DAYS IN LOCKUP

- 9/24/2012 FILED
DISORDERLY CONDUCT STATUTE 947.01(1)
PLEA NO CONTEST 1/23/2013
FINE PAID IN FULL

~~5/12/2009~~
~~OPERATING~~

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 OUTAUGAMIE
 City

The undersigned duly authorized officer/member/manager of OLD BAVARIAN BRAU HAUS INC
(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
OB'S BRAU HAUS
(Trade Name)

located at 523 W COLLEGE AVE, APPLETON, WI, 54911

appoints CHRISTOPHER ALAN NELS
(Name of Appointed Agent)

1315 1/2 S JEFFERSON ST, 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? 4 YEARS

X Place of residence last year 1515 LREBUDALE ST NEWMARK, WI 54952

For: OLD BAVARIAN BRAU HAUS INC.
(Name of Corporation / Organization / Limited Liability Company)

By: FRAUZ SCHAIT
(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, CHRISTOPHER ALAN NELS, 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.

[Signature] 3/16/2021
(Signature of Agent) (Date) Agent's age

1315 1/2 S JEFFERSON ST, APPLETON, WI, 54915
(Home Address of Agent) Date of birth

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)



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

TO: Safety and Licensing Committee
FROM: Lt. Adam Nagel
DATE: 03/10/2021
RE: Denial of Michael R. Alger

Committee Members:

As designee for the police department, I am requesting that the Safety and Licensing Committee recommend to the Common Council to deny Michael R. Alger's application for an operator's license.

It is not employment discrimination for a licensing agency to deny an applicant based on conviction record where the circumstances of the conviction substantially relate to the circumstances of the particular licensed activity.

No license or permit related to alcohol beverages may be issued to a habitual law offender where the circumstances of the offenses substantially relate to the circumstances of the particular licensed activity. A person is a habitual law offender if they have 1 felony conviction or repeat misdemeanor or ordinance violations.

Also, an applicant is allowed an opportunity to show evidence of rehabilitation and fitness to engage in the licensed activity, *unless the conviction(s) are for exempt offenses.*

Michael Alger's conviction record shows two prior sex assault convictions. One was for a violation of Wis. Stat. §940.225 (4th Degree Sexual Assault). The other was for a violation of Wis. Stat. §948.02 (2nd Degree Sexual Assault of a Child). Because violations of Wis. Stat. §940.225 and §948.02 are exempt offenses, Council need not allow Michael Alger an opportunity to show evidence of rehabilitation and fitness to engage in the sale of alcohol. I find both of these convictions to be substantially related to the sale of alcohol. When a person commits a sexual based crime or crime against a child it shows a lack of character and judgement and a tendency to target vulnerable people. Being a responsible seller of alcohol requires good character and judgment particularly around intoxicated and vulnerable people.

Additionally, because Michael Alger's multiple criminal convictions are substantially related to the ability to responsibly sell alcohol, I find Michael Alger to be a habitual law offender. Furthermore, Michael Alger's conduct continues to violate the law. On 01/23/21, Appleton Police officers conducted a licensed premises check at a Citgo gas station (1717 W. College Ave). During this check, Michael Alger was found to be working alone and had the ability to sell alcohol. Michael told the officer he was aware he needed a license to serve alcohol but had not

obtained a license yet. Michael was cited for not having an operator's license. Because Michael Alger already has multiple criminal convictions, including 1 felony, his conduct in selling alcohol without an operator's license further demonstrates that he is a habitual law offender.

Based on the foregoing reasons, the Appleton Police Department recommends that the Safety and Licensing Committee recommend to the Common Council to deny Michael Alger's application for an operator's license.

Respectfully:

Lt. Adam Nagel #9191
Appleton Police Department



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.....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 Date Recv'd 2/11/21

Operator License \$67.00 Acct Code CLCOPS

Operator License \$82.00 Acct Code CLCOPP
plus a provisional

Total fee paid \$ 82- Receipt #: 1778-0003

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
ALGER Michael R. _____

Street Address City State Zip
2300 W. Charles St. Appleton WI 54914

Driver's License Number/State Identification Number State License Issued In:
[REDACTED] Wisconsin

Date of Birth Sex Home Phone Number Cell phone Number
[REDACTED] M [REDACTED] [REDACTED]

Name and Address of Establishment you will be selling alcohol
Citgo Station 1717 W. College Ave Appleton, WI

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) 1998 2nd Deg sexual Assault 748.02(2) over 26 years ago.

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) (2) 4th Deg sexual Asslt. (1993) over 31 years ago (2) DWI'S (2) Driving after Rev. 1992?

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.

Cor S

54914 CLK-AR-ALGER
Signature Required
9489 0090 0027 6027 4263 93

Electronic Return Receipt
First Class Letter

PBP Account #: 23057243
Serial #: 0375776
MAR 11 2021 12:06 PM

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

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: Michael R. Alger

FOR OFFICE USE ONLY

Department	Approve	Deny	By	Reason
POLICE		X	A. Nagel 3/11/21	(see letter)
Date sent to APD <u>2/19</u>	Class Completion Date <u>8-3-00</u>	Current other license: Muni _____ # _____		
Date Issued	Expiration Date	License Number		

ADOPTED:
PUBLISHED:
Office of the City Clerk

XX-20

AN ORDINANCE AMENDING SECTION 6-56(b) OF CHAPTER 6 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO ADOPTION OF CODES AND STANDARDS.

(Safety and Licensing Committee – / /2020)

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

Section 1: That Section 6-56(b) of Chapter 6 of the Municipal Code of the City of Appleton, relating to adoption of codes and standards, is hereby amended to read as follows:

Sec. 6-56. Adoption of codes and standards.

(b) The International Fire Code ~~2015-2018~~ Edition, hereinafter “IFC” is hereby adopted as though fully set forth herein, with the following exceptions:

- (1) Chapter 1 and Chapter 57 are not included in the adoption of the ~~2015-2018~~ edition of the IFC.
- (2) Appendices A, J, K, L, and M are not included as part of the adoption of the ~~2015-2018~~ IFC.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.

Dated: _____

Jacob A. Woodford, Mayor

Kami Lynch, City Clerk



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**APPLETON FIRE DEPARTMENT
700 N. DREW STREET
APPLETON, WI 54911**

MEMORANDUM

To: Safety and Licensing Committee

From: Jeremy J, Hansen, Fire Chief

Date : March 9, 2021

Re: Proposed Modifications to Chapter 6 of the Appleton Municipal Code

The fire service has the daunting task of keeping up with changes in technology and fire safety through every industry. This is eased by adopting a current code. Newer codes set minimum standards of safety for new technology and are better address unsafe conditions that were not a concern in previous editions. Adopting a more current edition of the code removes the requirement for an inspector to use alternative means in a code determination regarding new technology or situations.

The Appleton Fire Department recommends adoption of the 2018 International Fire Code (IFC) through the proposed modifications to Chapter 6 of the Appleton Municipal Code. The reasons for this are many; however the most impactful of these reasons are outlined below.

One of the biggest challenges to arise in recent years is school intruder safety. The current edition of the code strictly prohibits any locking mechanisms that are not easily defeatable by an intruder. The 2018 IFC allows more robust locking arrangements while maintaining fire safety. Further, technology that allows remote locking and unlocking of classroom doors is now more commonplace. This is also now allowed through the 2018 IFC. This change affects every educational use building in the city.

Another area of the 2015 IFC that is lacking in clarity is the requirements for idle pallet storage. The idle storage of pallets creates a hazardous fire safety condition as shown in pallet storage fires in Modesto, CA and Detroit, MI. A small fire quickly becomes a large fire, and without the presence of fire breaks, eventually consumes the entire pile. The height of the piles in these cases also aggravated the issue. Idle pallets pose a collapse hazard and firefighters were not able to get close enough to provide effective suppression efforts due to the height of the pallets. The 2018 IFC addresses these hazards by requiring fire breaks and maximum heights for piles of pallets. There are several businesses that will benefit from the increased fire safety this change brings.

The 2018 IFC addresses another serious fire safety concern: existing Group A-2 occupancies that serve alcohol with an occupant load over 300 people. As was seen with the Station Nightclub in West Warwick, RI, in 2003, these occupancies present a unique hazard. In the Station Nightclub, 100 people died and over 100 more were treated for severe burn injuries. The total number of people in the nightclub exceeded 450 the night of the fire. The 2018 IFC serves to address the hazard in these occupancies by requiring retroactively the installation of sprinklers in A-2 occupancies that serve alcohol and have an occupant load over 300 people. For new construction, the occupant load

"Appleton Fire Department....serving with P.R.I.D.E."

threshold for sprinklers in an A-2 occupancy is 100 people. Many of these types of businesses have installed sprinklers as part of past remodeling projects, while others have chosen to lower their occupant load to avoid the sprinkler requirement. This change is expected to impact fewer than 10 businesses and the Prevention Division will work with those businesses on a mutually agreeable timeline for completion.

Technology is not the only reason for adopting a newer version of a fire code. The Insurance Services Office (ISO) uses the Fire Service Rating Schedule (FSRS) to grade fire departments, called the Public Protection Classification (PPC). One of the criteria in the FSRS is that the adopted model fire code edition is no older than five years. To continue to achieve full credit in this category, the adoption of the 2018 IFC is recommended.



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

**APPLETON FIRE DEPARTMENT
700 N. DREW STREET
APPLETON, WI 54911**

MEMORANDUM

To: Safety and Licensing Committee

From: Jeremy J, Hansen, Fire Chief

Date : March 25, 2021

Re: Proposed Modifications to Chapter 6 of the Appleton Municipal Code

The fire service has the daunting task of keeping up with changes in technology and fire safety through every industry. This is eased by adopting a current code. Newer codes set minimum standards of safety for new technology and are better address unsafe conditions that were not a concern in previous editions. Adopting a more current edition of the code removes the requirement for an inspector to use alternative means in a code determination regarding new technology or situations.

The Appleton Fire Department recommends adoption of the 2018 International Fire Code (IFC) through the proposed modifications to Chapter 6 of the Appleton Municipal Code. The reasons for this are many; however the most impactful of these reasons are outlined below.

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Another area of the 2015 IFC that is lacking in clarity is the requirements for idle pallet storage. The idle storage of pallets creates a hazardous fire safety condition as shown in pallet storage fires in Modesto, CA and Detroit, MI. A small fire quickly becomes a large fire, and without the presence of fire breaks, eventually consumes the entire pile. The height of the piles in these cases also aggravated the issue. Idle pallets pose a collapse hazard and firefighters were not able to get close enough to provide effective suppression efforts due to the height of the pallets. The 2018 IFC addresses these hazards by requiring fire breaks and maximum heights for piles of pallets. There are several businesses that will benefit from the increased fire safety this change brings.

The 2018 IFC addresses another serious fire safety concern: existing Group A-2 occupancies that serve alcohol with an occupant load over 300 people. As was seen with the Station Nightclub in West Warwick, RI, in 2003, these occupancies present a unique hazard. In the Station Nightclub, 100 people died and over 100 more were treated for severe burn injuries. The total number of people in the nightclub exceeded 450 the night of the fire. The 2018 IFC serves to address the hazard in these occupancies by requiring retroactively the installation of sprinklers in A-2 occupancies that serve alcohol and have an occupant load over 300 people. For new construction, the occupant load

"Appleton Fire Department....serving with P.R.I.D.E."

threshold for sprinklers in an A-2 occupancy is 100 people. Many of these types of businesses have installed sprinklers as part of past remodeling projects, while others have chosen to lower their occupant load to avoid the sprinkler requirement. This change will not impact any businesses in the City of Appleton. Any existing alcohol serving A-2 occupancies are either already protected by an approved sprinkler system, or have an occupant load under 300 people.

Technology is not the only reason for adopting a newer version of a fire code. The Insurance Services Office (ISO) uses the Fire Service Rating Schedule (FSRS) to grade fire departments, called the Public Protection Classification (PPC). One of the criteria in the FSRS is that the adopted model fire code edition is no older than five years. To continue to achieve full credit in this category, the adoption of the 2018 IFC is recommended.



REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Hearing Meeting: March 9, 2021

Common Council Public Hearing Meeting: April 7, 2021

Item: Rezoning #3-21 - 1st Addition to Broadway Hills Estates Annexation

Case Manager: Don Harp, Principal Planner

GENERAL INFORMATION

Owner: North Appleton Properties, LLC – Gregory Gauerke – Member

Petitioner: City of Appleton Plan Commission

Tax Id Number: City Parcel #31-1-9210-14 (formerly Town of Freedom Parcel #090-0855-00)

Petitioner's Request: To assign permanent zoning classification to newly annexed property pursuant to Section 23-65(e) of the Zoning Ordinance and Annexation Petition from Temporary AG Agricultural District to R-1B Single-family District.

BACKGROUND

The subject property was included in the 1st Addition to Broadway Hills Estates Annexation that was approved by the Plan Commission on February 23, 2021 and by the Common Council on March 3, 2021. The subject property was officially annexed to the City on March 9, 2021 at 12:01 a.m.

The subject property was annexed to the City with a Temporary AG Agricultural District zoning classification per Section 23-65(e) of the Municipal Code. The Plan Commission initiated the process to rezone the subject property from Temporary AG Agricultural District to R-1B Single-family District at the February 23, 2021 meeting.

STAFF ANALYSIS

Existing Conditions: The subject parcel is approximately 16.6454 acres in size. Currently, the subject property is agricultural land with a pole building.

Preliminary Plat Application: The Preliminary Plat for the 1st Addition to Broadway Hills Estates is also being presented at this March 9, 2021 Plan Commission meeting to accurately reflect the area being rezoned for a residential development.

Rezoning #3-21 - 1st Addition to Broadway Hills Estates Annexation

March 9, 2021

Page 2

Proposed Zoning Classification: The purpose of the R-1B Single-family District is to provide for and maintain residential areas characterized predominately by single-family, detached dwellings on medium sized lots while protecting residential neighborhoods from the intrusion of incompatible non-residential uses. Per Section 23-93(g) of the Municipal Code, the development standards for the R-1B District are listed below:

- 1) *Minimum lot area:* 6,000 square feet.
- 2) *Maximum lot coverage:* 50%.
- 3) *Minimum lot width:* 50 feet.
- 4) *Minimum front yard:* 20 feet (25 feet on arterial street, French Road).
- 5) *Minimum rear yard:* 25 feet.
- 6) *Minimum side yard:* 6 feet.
- 7) *Maximum building height:* 35 feet.

Surrounding Zoning Classification and Land Uses:

North: Town of Freedom. The adjacent land use to the north is currently residential and agricultural land.

South: City of Appleton - R-1B Single-Family District. The adjacent land use to the south is currently being developed as single-family residential (Broadway Hills Estates).

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

West: City of Appleton - AG Agricultural District. City of Appleton sanitary sewer and water easement parcel.

Appleton Comprehensive Plan 2010-2030: The City of Appleton 2010-2030 Comprehensive Plan Map identifies the subject area as future One/Two-Family residential. The proposed rezoning is consistent with the following goals and objectives of the *Comprehensive Plan 2010-2030*.

Goal 1 – Community Growth

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

OBJECTIVE 5.3 Housing and Neighborhoods:

Provide a range of housing options that meet the needs and appeal to all segments of the community and allows residents to age in place.

Policy 5.3.3 Plan for a supply of developable land suitable for residential development.

OBJECTIVE 10.1 Land Use:

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

Rezoning #3-21 - 1st Addition to Broadway Hills Estates Annexation
March 9, 2021
Page 3

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

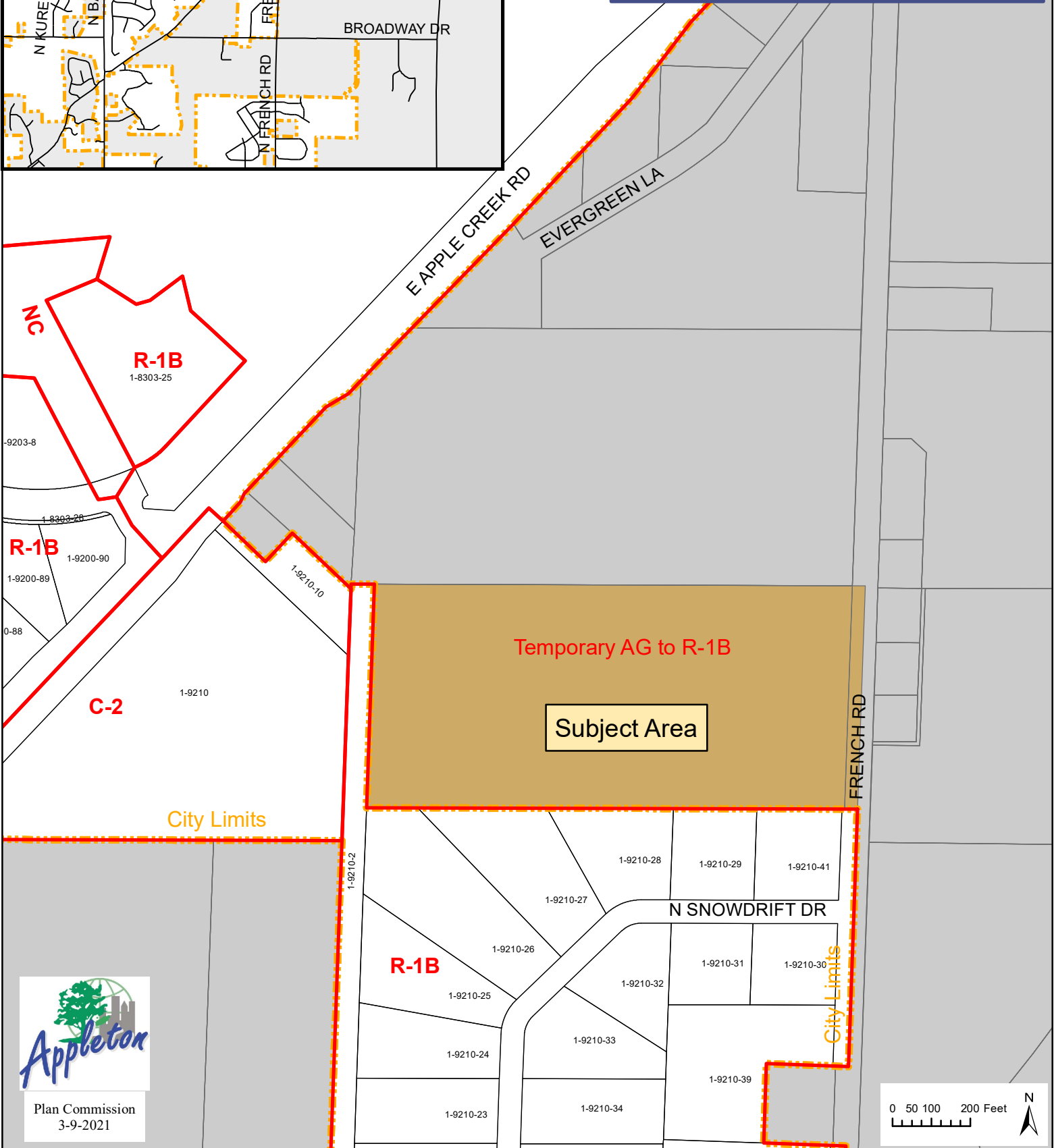
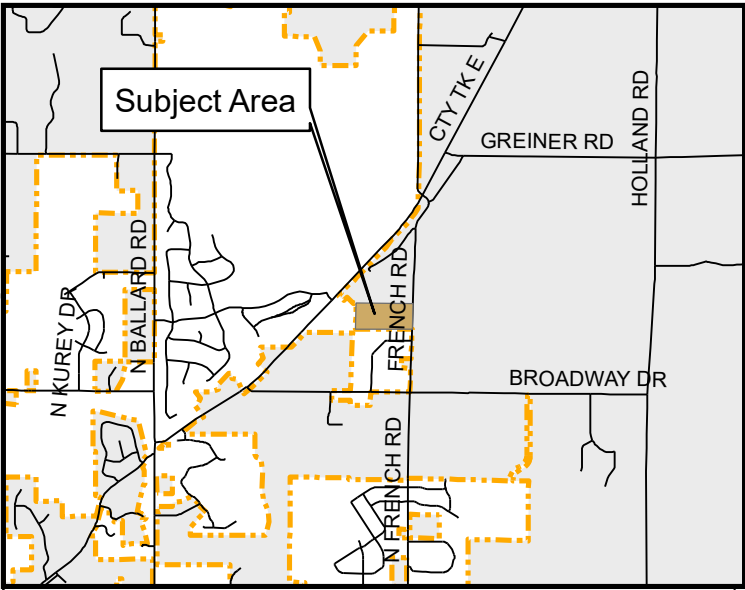
- a. Prior to making a recommendation on a proposed rezoning, the Plan Commission shall make a finding to determine if the following conditions exist. No rezoning of land shall be approved prior to finding at least one of the following:
 1. The request for a zone change is in conformance with the Comprehensive Plan for the City of Appleton. *The rezoning request is in conformance with the Comprehensive Plan 2010-2030 goals and objectives stated above and the Future Land Use Map, which identifies this area for future one and two family residential land uses.*
 2. A study submitted by the applicant that indicates that there has been an increase in the demand for land in the requested zoning district, and as a result, the supply of land within the City mapped as such on the Official Zoning Map, is inadequate to meet the demands for such development.
 3. Proposed amendments cannot be accommodated by sites already zoned in the City due to lack of transportation, utilities or other development constraints, or the market to be served by the proposed use cannot be effectively served by the location of the existing zoning district(s).
 4. There is an error in the code text or zoning map as enacted.
- b. In addition to the findings required to be made by subsection (a), findings shall be made by the Plan Commission on each of the following matters based on the evidence presented:
 1. The adequacy of public facilities such as transportation, utilities and other required public services to serve the proposed site. *It was determined during the annexation process for the 1st Addition to Broadway Hills Estates Annexation that the City can provide the needed municipal services to serve the subject area.*
 2. The effect of the proposed rezoning on surrounding uses. *Single-family residential uses are already located and planned for construction in this area of the City. Therefore, the proposed rezoning request is unlikely to create adverse impacts in the surrounding uses.*

Technical Review Group (TRG) Report: This item appeared on the February 16, 2021 TRG Agenda. No negative comments were received from participating departments.

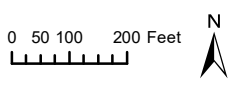
RECOMMENDATION

Staff recommends, based upon the standards for map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning #3-21 to rezone the subject site (Parcel #31-1-9210-14) from Temporary AG Agricultural District to R-1B Single-family District, including to the centerline of existing adjacent right-of-way, as shown on the attached maps, **BE APPROVED**.

Annexation (Town of Freedom)
 Broadway Hills Estates
 1st Addition Rezoning
 Temporary AG Agricultural District
 to R-1B Single-family District
 Zoning Map



Plan Commission
 3-9-2021



Annexation (Town of Freedom)
Broadway Hills Estates 1st Addition Rezoning
Temporary AG Agricultural District
to R-1B Single-family District
Aerial Map

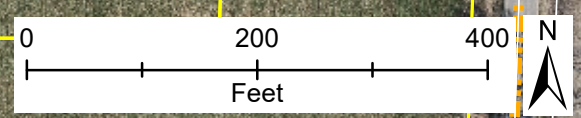
Subject Area

FRENCH RD

N SNOWDRIFT DR



Plan Commission
3-9-2021





REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: March 9, 2021

Common Council Meeting Date: April 7, 2021

Item: Preliminary Plat – 1st Addition to Broadway Hills Estates

Case Manager: Don Harp

GENERAL INFORMATION

Owner: North Appleton Properties, LLC – Gregory Gauerke – Member

Consulting Engineering Firm: Davel Engineering & Environmental, Inc. (James R. Sehloff, P.L.S.)

Location: The subject property is located on the west side of French Road at a distance of approximately 1,400 feet north of the intersection of French Road and Broadway Drive.

Tax Id Number: City Parcel #31-1-9210-14 (formerly Town of Freedom Parcel #090-0855-00)

Petitioner's Request: The applicant is proposing to subdivide the subject property into seven (7) single-family residential lots. (Phase 2 of Broadway Hills Estates)

BACKGROUND

The Final Plat for Broadway Hills Estates (Phase 1) was approved by the Plan Commission on August 25, 2020 and by the Common Council on September 2, 2020. Phase 1 consisted of 20 single-family residential lots with an average size of 1.58 acres and 2 outlots for stormwater ponds.

The subject property was included in the 1st Addition to Broadway Hills Estates Annexation that was approved by the Plan Commission on February 23, 2021 and by the Common Council on March 3, 2021. The subject property was officially annexed to the City on March 9, 2021 at 12:01 a.m.

The Plan Commission initiated the process to rezone the subject property from Temporary AG Agricultural District to R-1B Single-family District at the February 23, 2021 meeting.

Rezoning #3-21 is also being presented at this March 9, 2021 Plan Commission meeting. Rezoning #3-21 will need to be approved in order for the Preliminary Plat to be approved.

STAFF ANALYSIS

Existing Conditions: The subject property is agricultural land with a building that is approximately 3,200 square feet in area.

Preliminary Plat – 1st Addition to Broadway Hills Estates
March 9, 2021
Page 2

Broadway Hills Estates Concept Plan: The lot and road layout shown on the Preliminary Plat is generally consistent with Broadway Hills Estates Concept Master Plan dated April 21, 2020 which is on file with the City.

Zoning Ordinance Review Criteria: If Rezoning #3-21 is approved, the following development standards (Section 23-93 R-1B Single-family District of the Municipal Code) are applicable to this development:

- Minimum lot area: Six thousand (6,000) square feet.
 - *The proposed lots range in size from 47,625 square feet (1.09 acres) to 354,096 square feet (8.12 acres). The average lot size for Lots 21-23 and 25-27 is 51,836 square feet (1.19 acres) with Lot 24 being the largest at 354,096 square feet (8.12 acres). All proposed lots satisfy this minimum requirement.*
 - *Phase 1 of the Broadway Hills Estates Development located to the south consisted of 20 single-family residential lots with an average size of 1.58 acres.*
- Minimum lot width: Fifty (50) feet.
 - *The typical lot dimensions for the proposed lots are 200 feet x 500 feet. All proposed lots satisfy this minimum requirement.*
- Minimum front, side, and rear yard setbacks (principal uses): Twenty (20) foot front yard [twenty-five (25) foot minimum on arterial street (French Road)], Six (6) foot side yard, and Twenty-five (25) foot rear yard.
 - *Required setbacks for buildings and structures will be reviewed through the building permit review process.*
- Maximum building height: Thirty-five (35) feet.
 - *This will be reviewed through the building permit review process.*
- Maximum lot coverage: Fifty percent (50%).
 - *This will be reviewed through the building permit review process.*

Preliminary Plat – 1st Addition to Broadway Hills Estates

March 9, 2021

Page 3

- Existing Building(s):
 - *The preliminary plat shows the existing building located on proposed Lot 24 to remain. Based upon information provided by the property owner (developer), building permit #2020-116 was issued on December 14, 2020 by Town of Freedom Building Inspector to allow this building to be placed at this location. The property owner (developer) intends to retain this lot and build his residence on it. Buildings lawfully existing at the time of annexation to the City may be continued, although the use, size, and/or location does not conform to the provisions of the Municipal Code. As a result, this existing building (approximate size: 40' x 80' (3,200 square feet in area) is deemed to be a legal, nonconforming building due to its size and agricultural storage use of farming equipment and bales of hay because of the permit issued by the Town. The applicable provisions of Section 23-42 Nonconforming buildings, structures, uses and lots of the Municipal Code apply to this building.*

Prior to the issuance of building permit for a residential dwelling on Lot 24, the Inspections Division will ensure all applicable Municipal Code regulations are satisfied as it relates to location standards between a proposed residential dwelling and this existing building.

Compliance with the Appleton Subdivision Regulations: This subdivision complies with the Appleton Subdivision Regulations, except for the code section listed below.

Per Section 17-26(g) of the Municipal Code, “Excessive lot depth in relation to width shall be avoided. A proportion of two (2) length to one (1) width shall normally be considered a desirable maximum for lot widths of sixty (60) feet or more.”

Analysis: Proposed Lots 23 and 24 exceed the 2 depth to 1 width ratio (Lot 23 = 2.4 to 1 and Lot 24 = 4.2 to 1). These proposed lots have lot width dimensions less than the other lots in this subdivision because they are situated at the end of the cul-de-sac street and resemble pie-shaped lots. The width lot dimension could be increased if the proposed cul-de-sac is extended to the west beyond its current location. However, the cul-de-sac street would then exceed the 500 foot maximum length requirement. In addition, there is ± 1.3 acre wetland area contained on Lot 24 that will be protected by 50 foot protection setback. The delineation of this wetland area appears to have played a role in design of this plat.

Pursuant to Section 17-3(f) of the Municipal Code, when the Common Council finds that extraordinary hardship or injustice will result from strict compliance with this ordinance, it may vary the terms thereof to the extent deemed necessary and proper to grant relief, provided that the modification meets the following three standards:

- (1) The modification is due to physical features of the site or its location.
- (2) The modification is the least deviation from this ordinance which will mitigate the hardship.
- (3) The modification is not detrimental to the public interest and is in keeping with the general spirit and intent of this ordinance.

Based upon the above analysis, it would appear the standards established by Section 17-3(f) Modification of Regulations have been met.

Surrounding Zoning Classification and Land Uses:

North: Town of Freedom. The adjacent land use to the north is currently residential and agricultural land.

South: City of Appleton - R-1B Single-Family District. The adjacent land use to the south is currently being developed as single-family residential (Broadway Hills Estates).

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

West: City of Appleton - AG Agricultural District. City of Appleton sanitary sewer and water easement parcel.

Appleton Comprehensive Plan 2010-2030: The City of Appleton 2010-2030 Comprehensive Plan Map identifies the subject area as future One/Two-Family residential. This proposal is consistent with the following goals and objectives of the *Comprehensive Plan 2010-2030*.

Goal 1 – Community Growth

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

OBJECTIVE 5.3 Housing and Neighborhoods:

Provide a range of housing options that meet the needs and appeal to all segments of the community and allows residents to age in place.

Policy 5.3.3 Plan for a supply of developable land suitable for residential development.

OBJECTIVE 10.1 Land Use:

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

Access and Traffic: Vehicular access to the subject lots is provided by North French Road, which connects to proposed Fritz Court.

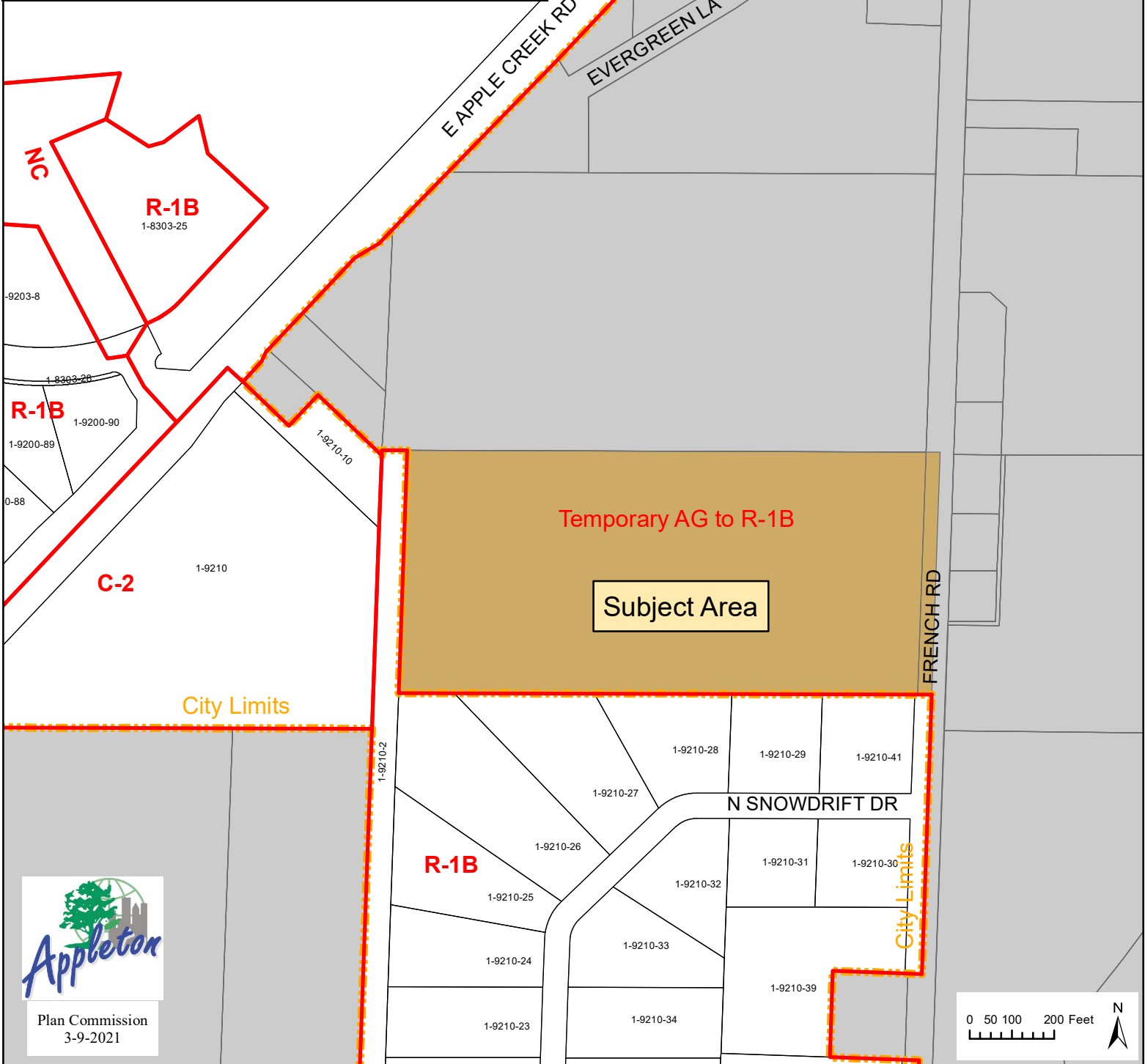
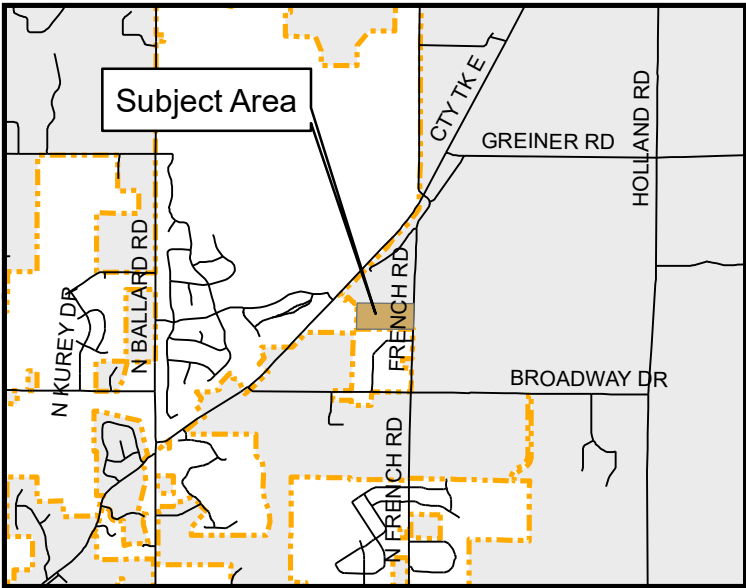
Technical Review Group (TRG) Report: This item appeared on the February 16, 2021 TRG Agenda. No negative comments were received from participating departments.

RECOMMENDATION

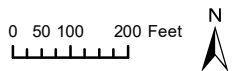
Staff recommends, based upon the above analysis, the 1st Addition to Broadway Hill Estates Preliminary Plat, as shown on the attached maps, **BE APPROVED** subject to the following conditions:

1. On the Final Plat, show a twenty-five (25) foot minimum building setback line on Lots 21 and 27 for the arterial street (French Road).
2. Grant relief from the two (2) length to one (1) width ratio, per Section 17-26(g) of the Municipal Code as stated in the staff report for Lots 23 and 24.
3. The City of Appleton does not use the tag bolt of a hydrant for an elevation reference, revise as necessary for all listed bench marks.
4. Bench mark 2 appears to be off in elevation by 30' m/l.
5. The City of Appleton also does not have a known elevation for BM 3 so the listed elevation is "Not per City Records" as described, revise as necessary.
6. Park fees shall be paid to the City of Appleton Finance Department pursuant to Section 17-29 of the Municipal Code prior to City signatures being affixed to the Final Plat. 7 Lots x \$300 = \$2,100 in Park Fees.
7. On the Final Plat, add an access restriction clause for Lots 21 and 27 that restricts access to French Road that is similar to the access restriction clause depicted on the Broadway Hills Estates Plat for Lot 11. Add cross hatch marks to depict the limits of access restriction.
8. All requirements from the City of Appleton Department of Public Works, Engineering Division shall be met to the satisfaction of the City Engineer prior to the City affixing signatures on the Final Plat.
9. A Development Agreement is required between the City and applicant that identifies the duties and responsibilities with respect to development of the subject land.
10. The Preliminary Plat and Rezoning #3-21 being acted on at the same Common Council meeting. Rezoning #3-21 must be approved by Common Council in order for the R-1B Single-Family District zoning to take effect.
11. The owner/applicant shall submit to the City the Final Plat within 36 months after the last required approval of the Preliminary Plat. If the Final Plat is not submitted within said 36 months, the City (and any other approving authority) may refuse to approve the Final Plat and shall recommence the procedure for Preliminary Plat approval or may extend the time for submission of the Final Plat.

Preliminary Plat
1st Addition to Broadway Hills Estates
Zoning Map



Plan Commission
3-9-2021



Preliminary Plat
1st Addition to Broadway Hills Estates
Aerial Map

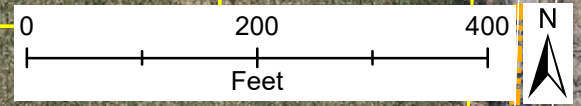
Subject Area

FRENCH RD

N SNOWDRIFT DR



Plan Commission
3-9-2021

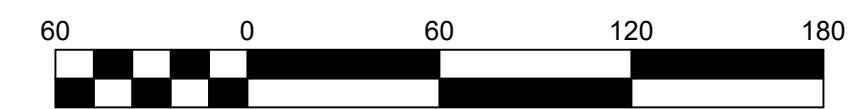
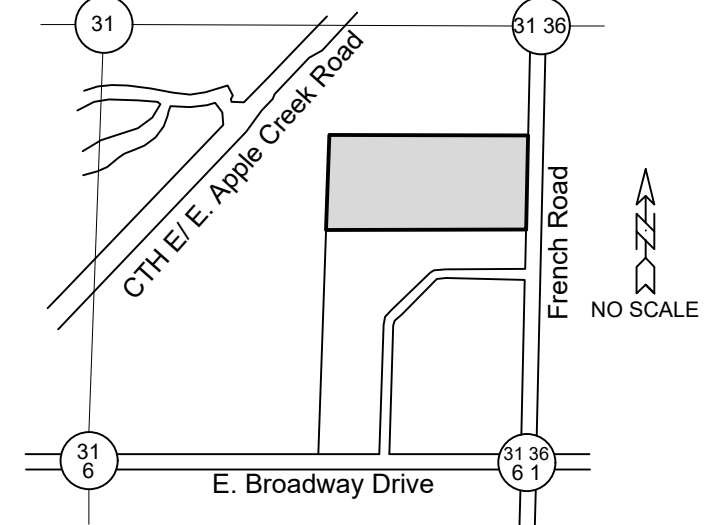


Preliminary Plat of First Addition to Broadway Hills Estates

Part of the Northeast 1/4 of the Southeast 1/4 of Section 31,
Township 22 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin

LOCATION MAP

SE1/4 SEC 31, T 22 N, R 18 E,
CITY OF APPLETON
OUTAGAMIE COUNTY, WI



Bearings are referenced to the East line of the Southeast 1/4, Section 31, T22N, R18E, assumed to bear S01°59'40"W, base on the Outagamie County Coordinate System.

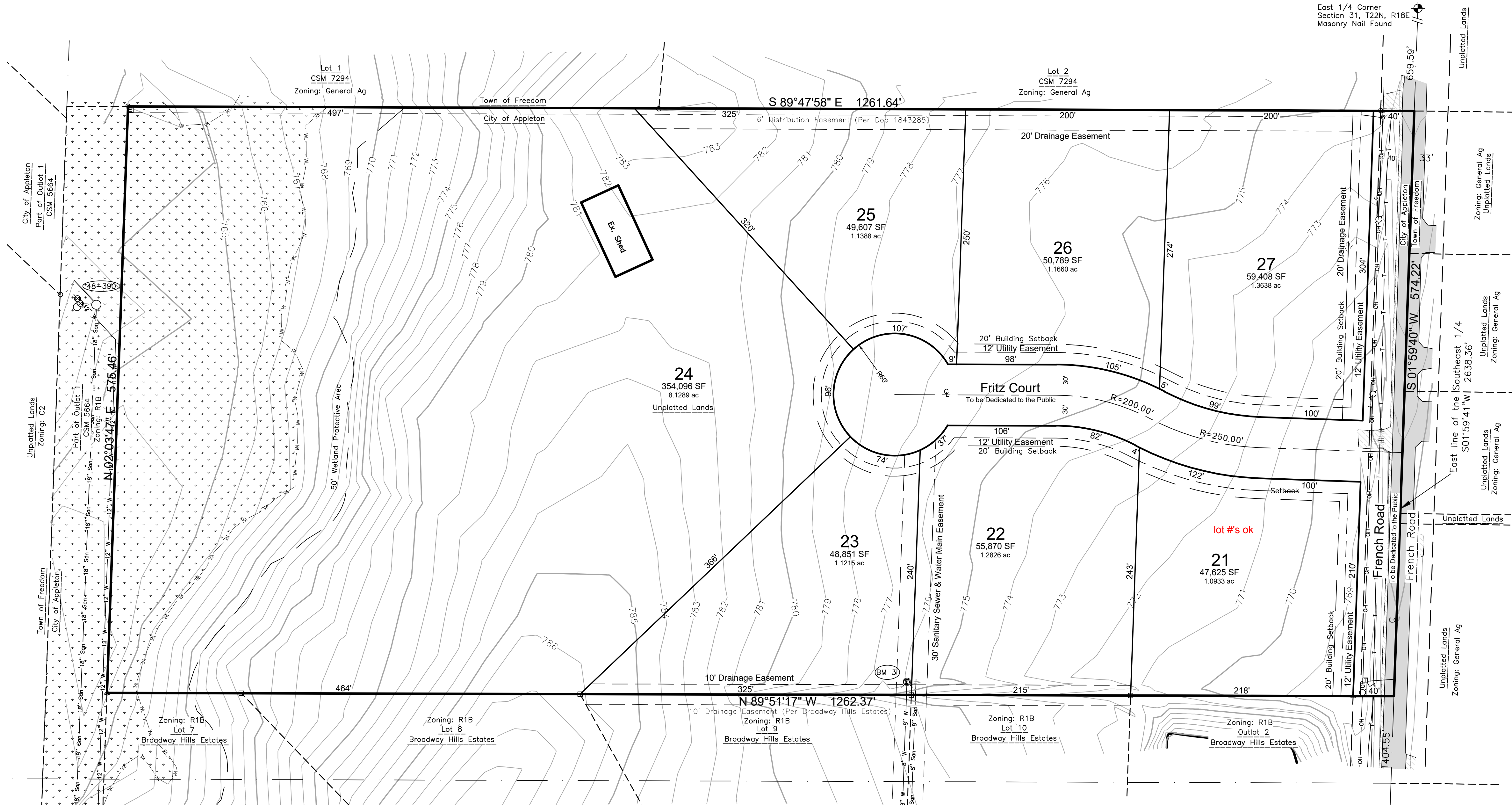
Owner/Developer:
North Appleton Properties, LLC
C/O Greg Gauerke
4226 E. Applesed Dr.
Appleton, WI 54913
northappletonproperties@gmail.com

BENCHMARKS (NAVD 88 Per City Records)

- BM 1 Fire Hydrant, Tag Bolt
Snowdrift Drive 830± West of French Road
Elev 784.90'
- BM 2 Fire Hydrant, Tag Bolt
Snowdrift Drive 375± West of French Road
Elev 752.59'
- BM 3 Fire Hydrant, Tag Bolt
±300' N of BM 2
Elev 778.70'

Sanitary Structures

Structure	#	Rim	Inv	Size	Material	Direction
MH	San-7	778.99	761.19			N
			760.99	8"	PVC	E
			760.99	8"	PVC	W



Plat Description

Part of the Northeast 1/4 of the Southeast 1/4 of Section 31, Township 22 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin, containing 725,074 Square Feet (16.6454 Acres) of land described as follows:

Commencing at the East 1/4 corner of Section 31; thence, along the East line of the Southeast 1/4 of said Section 31, S01°59'40"W, 659.59 feet to the point of beginning; thence, continuing along said East line, S01°59'40"W, 574.22 feet to the Northeast corner of Broadway Hills Estates; thence, along the North line of said Broadway Hills Estates, N89°51'17"W, 1262.37 feet to the East line of Outlot 1, Certified Survey Map, 5684; thence, along said East line, N02°03'47"E, 575.46 feet to the South line of Certified Survey Map 7294; thence, along said South line, S89°47'58"E, 1261.64 feet to the point of beginning, subject to all easements, and restrictions of record.

SUPPLEMENTARY DATA

Total Area = 725,074 SF 16.6454 acres
R/W Area = 58,827 SF 1.3505 acres
Net Area = 666,247 SF 15.2949 acres
Number of Lots = 7
Average lot size = 1.1 Acre
Typical lot dimension = 200' x 250'

Lineal feet of street = 506 LF
Existing zoning = General Ag (Town of Freedom)
Proposed zoning = R1B (City of Appleton)

Approving Authorities
City of Appleton (post annexation)
Objecting Authorities
Department of Administration

NOTES

Utility and Drainage Easements will be shown on Final Plat

SURVEYOR'S CERTIFICATE

I, James R. Sehloff, hereby certify that this Preliminary Plat is a correct representation of all existing land divisions and features, and that I have complied with the preliminary plat requirements for the City of Appleton.

James R. Sehloff, P.L.S. No. S-2692 Date

There are no objections to this PRELIMINARY PLAT with respect to the applicable provisions of s. 236.16 and 236.20, Wis. Stats., as provided by s. 236.11 and 236.12., Wis. Stats.
Certified February 25, 2021

Department of Administration

File: 6405Plat.dwg
Date: 01/26/2021
Drafted By: jim
Sheet: 1 of 1

DAVEL ENGINEERING & ENVIRONMENTAL, INC.
Civil Engineers and Land Surveyors
1164 Province Terrace, Menasha, WI 54952
Ph: 920-991-1866 Fax: 920-441-0804
www.davel.pro



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: March 23, 2021

Common Council Meeting Date: April 7, 2021

Item: Detachment of Territory – Ann Kloehn, William Kloehn and Julie Lapkoff, property owners, 1834 Palisades Drive – City of Appleton
Parcels #31-4-9003-00, 31-4-9004-00 and 31-4-9005-00

Prepared By: Don Harp, Principal Planner

GENERAL INFORMATION

Owner/Applicant: Ann Kloehn, William Kloehn and Julie Lapkoff

Location: 1834 Palisades Drive

Parcel Id. Numbers: 31-4-9003-00, 31-4-9004-00 and 31-4-9005-00

Petitioner's Request: The owners are requesting to detach land from the City of Appleton to the Village of Fox Crossing, pursuant to Section 66.0227 of the Wisconsin State Statutes.

Purpose for Detachment: See attached letter from Ann Kloehn dated January 15, 2021.

Population of Such Territory: 0

Detachment Area: 0.835 acres m/l

BACKGROUND

See attached letter from Ann Kloehn dated January 15, 2021.

See attached letter from Dr. John S. Kloehn dated October 24, 1991.

STAFF ANALYSIS

The City staff has reviewed the detachment petition and identifies the following:

Technical Review Group (TRG) Report: This item appeared on the February 2, 2021 Technical Review Group agenda. No negative comments were received from participating departments.

- **Department of Public Works:** The City has not expended funds to benefit the property by bringing utilities (sewer, water, and sanitary service) to the subject properties, and no refuge service is provided to the subject properties.

Detachment of Territory – Ann Kloehn, William Kloehn and Julie Lapkoff Property
March 23, 2021
Page 2

- **Appleton Police Department:** In a rare instance, the Appleton Police Department would respond to a 9-1-1 service call for the undeveloped lots Parcel Id. Numbers: 31-4-9003-00 and 31-4-9005-00. Fox Crossing Police Department would respond a to 9-1-1 service call at 1834 Palisades Drive and the undeveloped lot know as Parcel Id. Number: 31-4-9004-00. When the subject area is incorporated into the Village of Fox Crossing, Appleton Police would not go automatically to a 9-1-1 service call.
- **Appleton Fire Department:** Currently, the Appleton Fire Department would respond to a 9-1-1 service call for the subject properties. When the subject area is incorporated into the Village of Fox Crossing, Appleton Fire would not go automatically to a 9-1-1 service call, plus Appleton would not go as an “aid” upon request because administratively Appleton and Fox Crossing do not have a written agreement called a mutual aid agreement.
- **City Assessor’s Office:** 2020 taxes collected for Parcel Id. Numbers: 31-4-9003-00 (\$966.45), 31-4-9004-00 (\$1,253.73) and 31-4-9005-00 (\$829.93). Total amount collected in 2020: \$3,050.11.
- **Community and Economic Development Department:**
 1. On March 1, 2021, the attached Petition for Detachment was filed with the City Clerk.
 2. Within 60 days of filing the Petition for Detachment with the City Clerk, an ordinance detaching the territory by ¾ vote of Common Council is required. The failure of Common Council to adopt the ordinance within this time is a rejection of the petition and all proceedings are void.
 3. Existing Zoning Classification and Land Uses:

Parcel Number	Zoning Classification	Current Land Use
31-4-9003-00	City of Appleton (R-1B Single-Family District)	Undeveloped
31-4-9004-00	City of Appleton (R-1B Single-Family District)	The north half of the single family residence occupies this lot.
31-4-9005-00	City of Appleton (R-1B Single-Family District)	Undeveloped

4. Surrounding Zoning Classification and Land Uses:

Direction	Zoning Classification	Current Adjacent Land Use
North	City of Appleton (R-1B Single-Family District)	The Fox River
South	Village of Fox Crossing Zoning	Single-family
East	City of Appleton (R-1B Single-Family District) and Village of Fox Crossing Zoning	Single-family
West	Village of Fox Crossing Zoning	Single-family

5. The subject properties are not located within a tax increment finance district boundary.
6. Squaring off the boundaries of the City and Village may lead to more efficient operation of both units of government.
7. The City of Appleton and Village of Fox Crossing do not have a Boundary/Intermunicipal Agreement.
8. No City records have been found to support the subject area was inadvertently annexed by an error to the City.
9. The proposed detachment appears to be consistent with the following policy of the *Comprehensive Plan 2010-2030*.

Policy 11.1.1 Ensure continued discussion between Appleton and neighboring municipalities and counties, including both elected officials and department staff. Continue to partner with Outagamie, Winnebago, and Calumet counties to serve City residents in an efficient manner.

10. If the detachment is approved, City staff will amend the City records and GIS map to reflect this detachment of territory.

FUTURE ACTIONS

If Common Council approves the ordinance detaching the territory as proposed, the Village must then adopt an ordinance for attachment of said lands within 60 days, pursuant to Section 66.0227(2) of State Statutes.

RECOMMENDATION

Staff makes no recommendation for approval or denial on this item, as it is a policy decision by the Plan Commission and Common Council for detachment requests that are not supported by an annexation error or Boundary/Intermunicipal Agreement with the neighboring municipality.

Staff recommends the Plan Commission and the Common Council review the information provided by the petitioner and staff analysis regarding this request and base their decision to **APPROVE OR DENY** this item on the information attached to this staff report and presented at the meeting.

***Mrs. Ann Kloehn
1834 Palisades Drive
Appleton, WI 54915***

January 15, 2021

Don Harp, Principal Planner
Community and Economic Development Department
City of Appleton
100 N. Appleton Street
Appleton, WI 54911-4799
don.harp@appleton.org

RE: Kloehn Application for Detachment of Land
City Parcel Id. Number(s): 314900300, 314900400 & 314900500

Dear Mr. Harp:

We understand that the City of Appleton (“City”) desires that we provide a written explanation of the reasons for our detachment application. The specific reasons that we are requesting this detachment to the Village of Fox Crossing (“Village”) are as follows:

1. When Dr. and Mrs. Kloehn originally purchased their property in 1959, it was purchased with the understanding that the property was located in the Town of Menasha (now the Village of Fox Crossing) with the municipal boundary line with the City in the middle of the Fox River.
2. On the basis of the understanding in paragraph (1) above, Dr. and Mrs. Kloehn paid out-of-town tuition for both of their children to attend elementary, middle, and high school in the City, in reliance upon the jurisdictional boundaries that had been represented to them.
3. The first time that any jurisdictional issues arose was in the 1990s. At that time, Dr. and Mrs. Kloehn met with the then City Mayor Dorothy Johnson and it was agreed that these properties would never be considered as part of the City and that Dr. and Mrs. Kloehn would accordingly not be taxed by the City. It is our understanding that there is a letter memorializing this issue but, unfortunately, no such letter has been obtained despite our public records requests to obtain a copy.
4. In May 2014, we received a letter stating that the jurisdictional boundary was being recognized differently, and, as a result each of the three lots that are the subject of this detachment request became for the first time split in half with half being located in the City and half in what is now the Village. We were never consulted on this new recognition of the jurisdictional boundary and the action that resulted was contrary to the


understanding previously reached between Dr. and Mrs. Kloehn and Mayor Johnson.

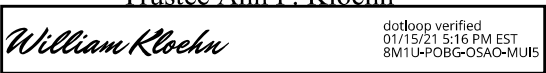
5. We have now been paying taxes to the City with absolutely no services of any kind being provided to us by the City.
6. We are not allowed to register to vote in the City as we are registered to vote in the Village. This violates a fundamental American principal that there should be no taxation without representation. We have nobody representing us in the City government.
7. Less than a year ago, my son was concerned about my health and called the police for a wellness check. In making that call, there was confusion about which jurisdiction should be covering the call. Initially, the call was given to the City and there was an investigation with the call ultimately being shifted to the Village of Fox Crossing before action was taken. If this were an emergency where time is of the essence, time and resources should not be wasted in determining who is going to cover the call to an elderly resident living alone.
8. We have had other incidences where both local and out-of-state police have indicated concern about the fact that this property is divided between two municipalities. These concerns continue to cause stress for Ms. Kloehn.
9. Within the three properties, two contain the house and the third is a vacant lot. If there is any construction done in relation to either the existing house or the vacant lot, there is no agreement of which municipal codes need to be adhered to. This lack of agreement is material as there are significant differences between the various codes (e.g., set-back requirements from the Fox River). While we have been told that the City will not enforce its codes in relation to the modifications of the existing house, our most recent discussions with the City indicate that there is no agreement on what codes need to be adhered to for any new construction or any future construction on the vacant property. Finally, no resident would consider it reasonable to rely on a verbal discussion as it relates to modifications to the existing house, particularly after history surrounding this property indicated above.
10. We have been advised that the current situation (i.e., the splitting of the properties to the City) will cause a significant devaluation of the property when it is ultimately sold for all the reasons stated above. There is no reason why the City should cause our property to be devalued, while providing no services, particularly as Ms. Kloehn has devoted 40 years of significant time and resources to the City on a charitable basis.
11. The Village has provided all services as it relates to these properties and there is complete agreement between the Village and the owners of these properties in attaching these properties to the Village.
12. The Town of Grand Chute has been consulted and they have no issue with the detachment from the City and attachment to the Village.

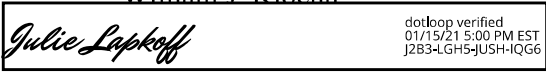
13. We are only looking to effectively restore the agreed arrangement between the owners and the City of Appleton that had been in place from 1959 to 2014.

Based upon the foregoing, we submit this letter to the City in support of our application for detachment to the Village. We hope that you will approve our detachment and thank you for your consideration. Please let us know if there are any questions or concerns.

Sincerely,

By:  dotloop verified
01/16/21 10:13 AM EST
A7Y1-YCWR-OZTQ-SGEU
Trustee Ann P. Kloehn

By:  dotloop verified
01/15/21 5:16 PM EST
8M1U-POBG-OSAO-MUI5
William I. Kloehn

By:  dotloop verified
01/15/21 5:00 PM EST
J2B3-LGH5-JUSH-IQG6
Julie A. Lapkoff

October 24, 1991

Mr. Bogdan Vitas, Jr.
Town Administrator
Town of Menasha
1000 Valley Road
P.O. Box 527
Menasha, WI 54952-0527

RE: City of Appleton - Town of Menasha Boundary

Dear Mr. Vitas:

We own the lot and live at 1834 Palisades Drive. Our lot is bounded on the North by the Fox River.

When we purchased our lot in 1959 we were aware that the Appleton City map depicted the Appleton boundary as crossing the Fox River to the South and then cutting across our lot from East to West. Prior to beginning construction of our house in the fall of 1959, I contacted Appleton City officials about this boundary and was referred to the Appleton City Clerk. He instructed me that because the actual extent of the property was so small, being only a portion of our lot, the City of Appleton could not provide services to our lot. Therefore, we would be taxed solely by the Town of Menasha and we would receive all services from the Town. He suggested that we disregard the fact that the Appleton City map showed the South city boundary as being South of the Fox River and actually cutting across a portion of our property. For the past 32 years we have followed these instructions, have received all of our municipal services from the Town of Menasha and have been taxed by the Town.

The subject of the boundary has been raised again recently at Town of Menasha Board Meetings due to the recent survey update conducted by Outagamie County and the proposed sale and development of the property adjacent to our lot. We are strongly in favor of continuing the same arrangement of receiving all services from the Town of Menasha and being taxed by the Town of Menasha as we have for the past 32 years. Therefore, to permanently resolve this question once and for all, I request the Town of Menasha to pursue an official agreement with the City of Appleton either by a change in the Town-City boundary or an intermunicipal agreement.

We will do anything we can to assist with this process. Our home phone number is 734-0525. Thank you for your help.

Sincerely,

Dr. John S. Kloehn

1834 palisades drive • appleton, wisconsin 54911

**PETITION FOR DETACHMENT OF LAND FROM THE CITY OF APPLETON
TO THE VILLAGE OF FOX CROSSING**

The undersigned, representing all owners of the land lying within the area described below and shown on the attached scale map, in accordance with s. 66.0227 Wis. Stats., petition to detach said land from the City of Appleton, Outagamie County, Wisconsin to the Village of Fox Crossing, Outagamie County, Wisconsin, to-wit:

LEGAL DESCRIPTION

A part of Lots 21, 22, 23, 24 & 25, Block 3 in The Palisades, located in the Southwest 1/4 of the Southwest 1/4 of Section 34, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin containing 36,393 square feet (0.835 acres) of land more or less and more particularly described as follows: Beginning at the Southwest corner of said Section 34; thence N00°15'42"W, 76.95 feet along the East line of Lot 1 of Certified Survey Map No. 2480 as recorded in Volume 1 of CSM's on Page 2480 as Document No. 788841 in the Winnebago County Register of Deeds Office to the start of a meander line, being S00°15'42"E, 66 feet more or less from the approximate ordinary highwater mark of the Fox River; thence N64°16'35"E, 24.54 feet along said meander line; thence S82°29'14"E, 65.19 feet along said meander line; thence S74°25'43"E, 199.41 feet along said meander line to the terminus of said meander line on the East line of said Lot 21, being S03°29'40"W, 63 feet more or less from the approximate ordinary high water mark of the Fox River; thence S03°29'40"W, 24.62 feet along said East line to the South line of Outagamie County; thence S89°47'57"W, 276.98 feet along said South line to the Point of Beginning; Including all those lands lying between the above described meander line and the approximate ordinary high water mark of the Fox River bounded by the respective lines extended.

Area of Property to be detached contains 0.835 acres m/l.

The current population of such territory is zero.

City Parcel Id. Number(s): 314900300, 314900400 & 314900500.

Dated the 25th day of February, 2021.

By: *Ann Kloehn* dotloop verified
02/25/21 2:01 PM EST
459P-GY6D-VXK0-F8FG

Trustee Ann P. Kloehn

By: *William Kloehn* dotloop verified
02/25/21 1:59 PM EST
WGGR-K1FG-CBVO-6LTW

William J. Kloehn

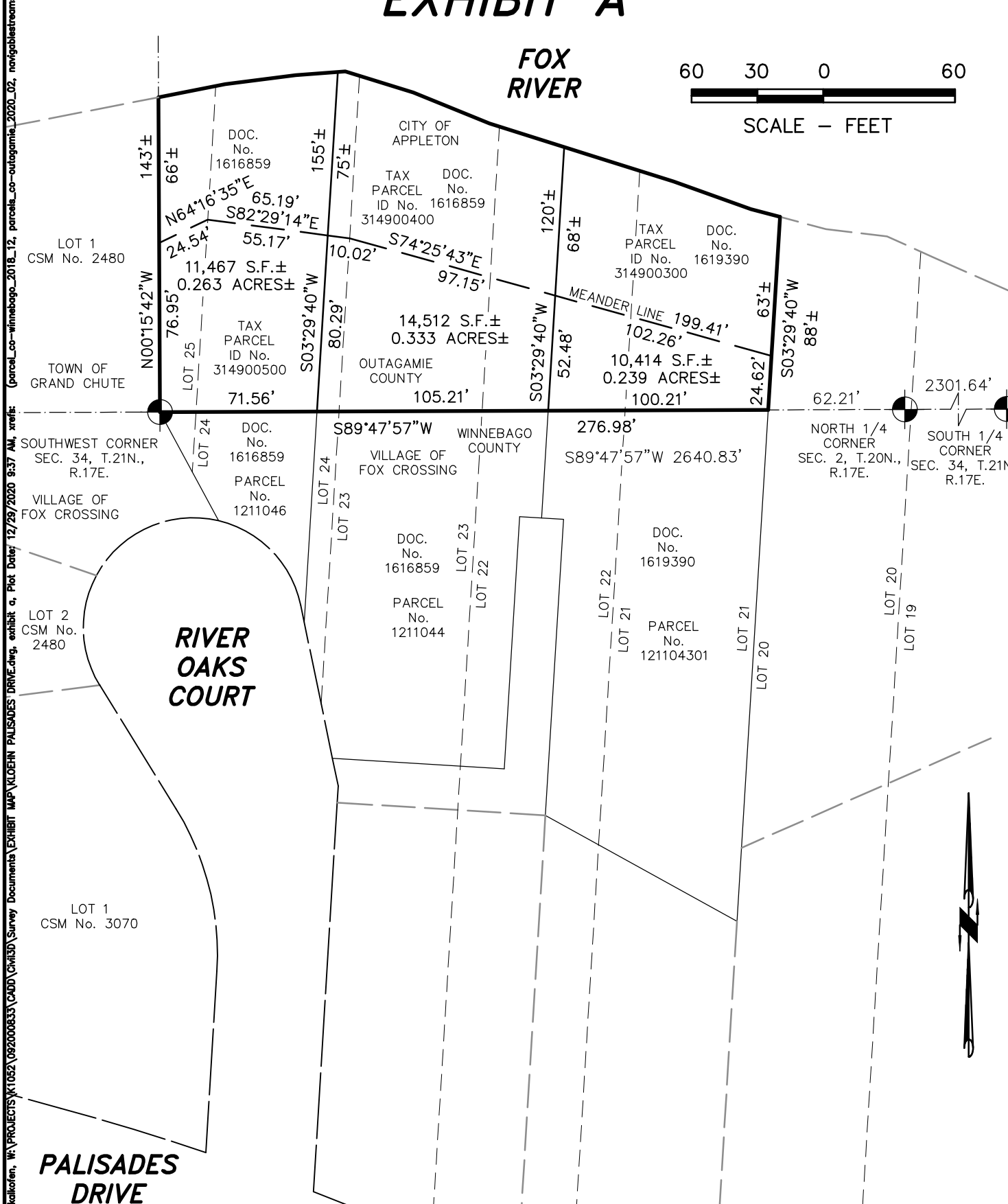
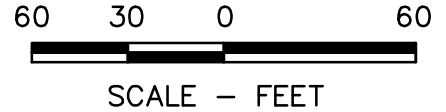
By: *Julie Lapkoff* dotloop verified
02/25/21 3:18 PM EST
5AVR-XVRE-KUOS-ZF6D

Julie A. Lapkoff

**OFFICE OF CITY CLERK
FILED
MAR 01 2021
APPLETON, WISCONSIN**

EXHIBIT A

FOX RIVER



C:\PROJECTS\K1052\092000833\CADD\CH13D\Survey Documents\EXHIBIT MAP\KLOEHN PALISADES DRIVE.dwg, exhibit a, Plot Date: 12/29/2020 9:37 AM, xref: (parcel_co-winnabago_2018_12, parcel_co-outagamie_2020_02, navigablestreams_co-outagamie)

McMAHON
ENGINEERS ARCHITECTS

Project No. K1052 092000833.00 Date DEC. 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.

EXHIBIT B-1

DESCRIPTION—TAX PARCEL ID No. 314900300

A part of Lots 21 & 22, Block 3 in The Palisades, located in the Southwest 1/4 of the Southwest 1/4 of Section 34, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin containing 10,414 square feet (0.239 acres) of land more or less and more particularly described as follows:

Commencing at the Southwest corner of said Section 34; thence N89°47'57"E, 176.77 feet along the South line of Outagamie County to the Point of Beginning; thence N03°29'40"E, 52.48 feet to the start of a meander line, being S03°29'40"W, 68 feet more or less from the approximate ordinary high water mark of the Fox River; thence S74°25'43"E, 102.26 feet along said meander line to the terminus of said meander line on the East line of said Lot 21, being S03°29'40"W, 63 feet more or less from the approximate ordinary high water mark of the Fox River; thence S03°29'40"W, 24.62 feet along said East line to the South line of Outagamie County; thence S89°47'57"W, 100.21 feet along said South line to the Point of Beginning; Including all those lands lying between the above described meander line and the approximate ordinary high water mark of the Fox River bounded by the respective lines extended.

DESCRIPTION—TAX PARCEL ID No. 314900400

A part of Lots 22, 23 & 24, Block 3 in The Palisades, located in the Southwest 1/4 of the Southwest 1/4 of Section 34, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin containing 14,512 square feet (0.333 acres) of land more or less and more particularly described as follows:

Commencing at the Southwest corner of said Section 34; thence N89°47'57"E, 71.56 feet along the South line of Outagamie County to the Point of Beginning; thence N03°29'40"E, 80.29 feet to the start of a meander line, being S03°29'40"W, 75 feet more or less from the approximate ordinary high water mark of the Fox River; thence S82°29'14"E, 10.02 feet along said meander line; thence S74°25'43"E, 97.15 feet along said meander line to the terminus of said meander line, being S03°29'40"W, 68 feet more or less from the approximate ordinary high water mark of the Fox River; thence S03°29'40"W, 52.48 feet to the South line of Outagamie County; thence S89°47'57"W, 105.21 feet along said South line to the Point of Beginning; Including all those lands lying between the above described meander line and the approximate ordinary high water mark of the Fox River bounded by the respective lines extended.

EXHIBIT B-2

DESCRIPTION—TAX PARCEL ID No. 314900500

A part of Lots 24 & 25, Block 3 in The Palisades, located in the Southwest 1/4 of the Southwest 1/4 of Section 34, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin containing 11,467 square feet (0.263 acres) of land more or less and more particularly described as follows:

Beginning at the Southwest corner of said Section 34; thence N00°15'42"W, 76.95 feet along the East line of Lot 1 of Certified Survey Map No. 2480 as recorded in Volume 1 of CSM's on Page 2480 as Document No. 788841 in the Winnebago County Register of Deeds Office to the start of a meander line, being S00°15'42"E, 66 feet more or less from the approximate ordinary high water mark of the Fox River; thence N64°16'35"E, 24.54 feet along said meander line; thence S82°29'14"E, 55.17 feet along said meander line to the terminus of said meander line, being S03°29'40"W, 75 feet more or less from the approximate ordinary high water mark of the Fox River; thence S03°29'40"W, 80.29 feet to the South line of Outagamie County; thence S89°47'57"W, 71.56 feet along said South line to the Point of Beginning; Including all those lands lying between the above described meander line and the approximate ordinary high water mark of the Fox River bounded by the respective lines extended.

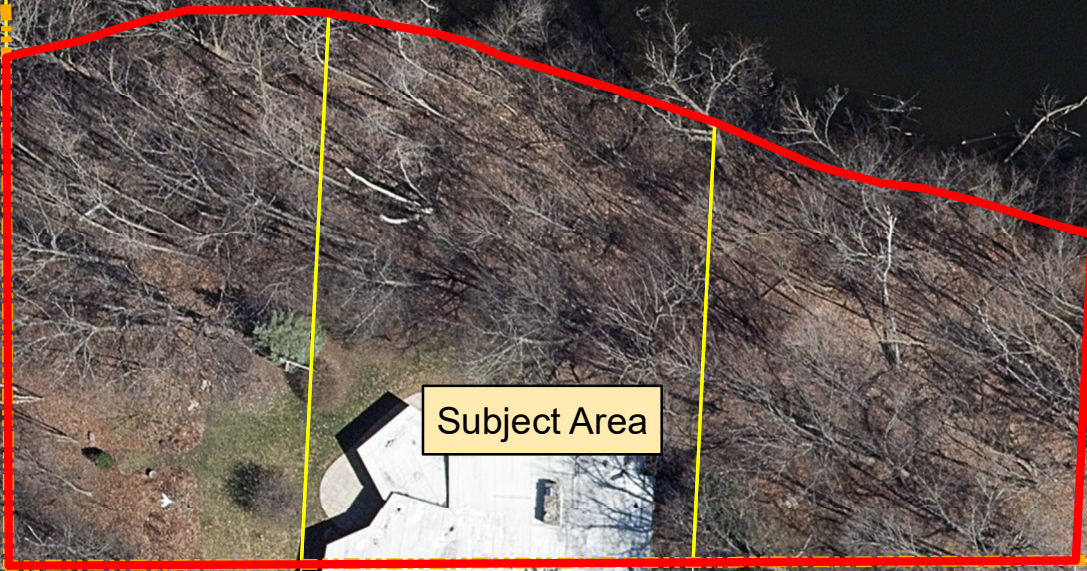
DESCRIPTION—TAX PARCEL ID No. 314900300, 314900400 & 314900500

A part of Lots 21, 22, 23, 24 & 25, Block 3 in The Palisades, located in the Southwest 1/4 of the Southwest 1/4 of Section 34, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin containing 36,393 square feet (0.835 acres) of land more or less and more particularly described as follows:

Beginning at the Southwest corner of said Section 34; thence N00°15'42"W, 76.95 feet along the East line of Lot 1 of Certified Survey Map No. 2480 as recorded in Volume 1 of CSM's on Page 2480 as Document No. 788841 in the Winnebago County Register of Deeds Office to the start of a meander line, being S00°15'42"E, 66 feet more or less from the approximate ordinary high water mark of the Fox River; thence N64°16'35"E, 24.54 feet along said meander line; thence S82°29'14"E, 65.19 feet along said meander line; thence S74°25'43"E, 199.41 feet along said meander line to the terminus of said meander line on the East line of said Lot 21, being S03°29'40"W, 63 feet more or less from the approximate ordinary high water mark of the Fox River; thence S03°29'40"W, 24.62 feet along said East line to the South line of Outagamie County; thence S89°47'57"W, 276.98 feet along said South line to the Point of Beginning; Including all those lands lying between the above described meander line and the approximate ordinary high water mark of the Fox River bounded by the respective lines extended.

Detachment of Territory
Ann Kloehn, William Kloehn and Julie Lapkoff
City of Appleton Parcel Id. Numbers 31-4-9003-00,
31-4-9004-00 and 31-4-9005-00 to Village of Fox Crossing
Aerial Map

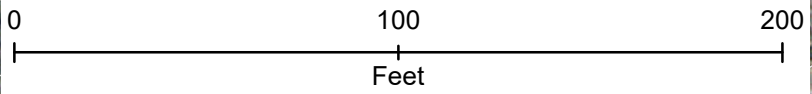
City Limits



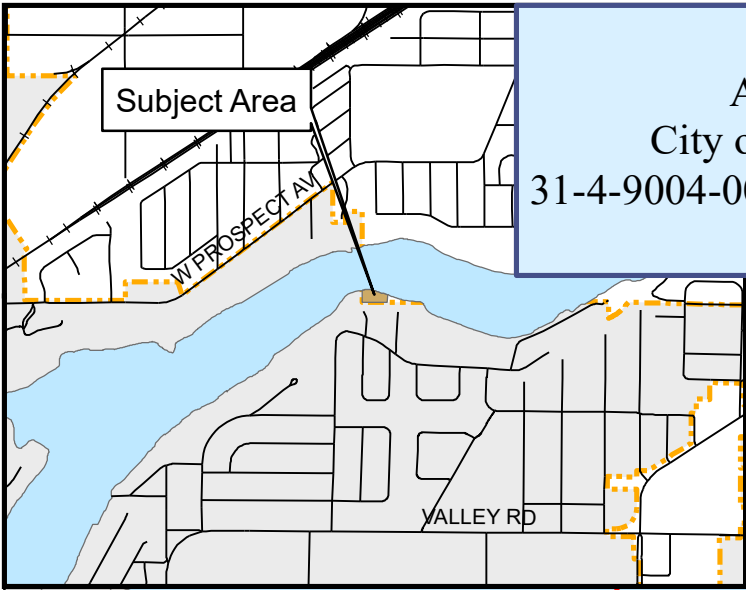
Subject Area

City Limits

RIVER OAKS CT



Detachment of Territory
Ann Kloehn, William Kloehn and Julie Lapkoff
City of Appleton Parcel Id. Numbers 31-4-9003-00,
31-4-9004-00 and 31-4-9005-00 to Village of Fox Crossing
Zoning Map





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

**PARKS, RECREATION & FACILITIES
MANAGEMENT**

Dean R. Gazza, Director

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

TO: Parks and Recreation Committee

FROM: Dean R. Gazza

DATE: 03/22/21

RE: Action: Award the City of Appleton's "2021 Linwood Park Playground Equipment Project" contract to Lee Recreation, LLC. in an amount not to exceed \$85,000.

The 2021 Capital Improvement Plan includes \$90,000 to install a new playground at Linwood Park. The Parks, Recreation, and Facilities Management Department (PRFMD) issued an RFP package for the design, supply and installation of new playground equipment for the Linwood Park Playground. Suppliers were asked to propose various playgrounds that fit within our budget.

We received seven proposals (Lee Recreation, Northland Recreation, Commercial Recreation Specialists, Gerber Leisure, Midstates Recreation, Minnesota Wisconsin Playground and Boland Recreation). We internally reviewed all seven proposals with staff and the Lee Recreation proposal was selected based on value, design and innovation.

The Parks, Recreation, and Facilities Management Department recommends awarding the contract for the Linwood Park Playground Project to Lee Recreation in an amount not to exceed \$85,000, which is the cost of the chosen proposal.

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



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

TO: Finance Committee
FROM: Tony Saucerman, Finance Director
DATE: March 22, 2021
RE: Request approval of final 2020 Budget adjustments

In closing out 2020, the following funds showed expenditures in excess of budget. I am requesting budget adjustments to bring them back into compliance. All adjustments are fully fundable by revenues or fund balance within their respective funds.

COVID-19 Grant Funds

The first three budget amendment requests, Community Development Block Grant, Emergency Shelter Grant, and Police Grants, all stem from grant funds being awarded to these particular programs in 2020 to cover costs related to COVID-19 mitigation. Each of these programs have recurring annual grants that were supplemented in 2020 with additional funding specifically designated for COVID-19 response expenditures. The budget amendment records the additional grant funds received along with the related expenditures.

Housing Rehabilitation Grant Fund

The Housing Rehabilitation Grant program is funded by a combination of federal grants and repayments of past home improvement loans made through the program. At the time of budget preparation, the amount of these funding sources for the upcoming year are not certain, so an estimate is made. In 2020, the actual amounts received from both sources were higher than originally budgeted, thus a budget adjustment is being requested to record the increased revenues and related project expenses.

Police Grants Fund

The Police Department was awarded unanticipated State grant funds in 2020 related to drug enforcement and response, electronic referrals to County District Attorneys, and local grants for the purchase of equipment. Additionally, amounts received for their recurring annual traffic enforcement grants (seat belt, speed, OWI, and pedestrian/bike enforcement) were greater than originally budgeted. The requested budget adjustment records the additional grant proceeds and related expenditures.

Wheel Tax Fund

The Wheel Tax Fund accounts for the monthly remittance of vehicle registration fees collected by the State on behalf of the City. The funds are then transferred from the Wheel Tax Fund to the Concrete and Asphalt Street Reconstruction budgets in the general fund to help fund road reconstruction projects. The amount of wheel tax proceeds collected in 2020 was \$16,329

greater than the amount budgeted (\$1.2 million). The requested budget amendment records the additional wheel tax revenue received along with the related increase in the amount transferred to the general fund for street reconstruction projects.

TIF 6 Capital Projects Fund

TIF 6 is located on the east side of the City in the Highway 441/Calumet Street area including the Southeast Business Park. In 2020, a payment was made to New Morning Coffee Roasters pursuant to their offer to purchase land in the Southeast Business Park in 2018. The payment was predicated on their completion of a light industrial building and a subsequent occupancy permit being issued by the City. Since the timing of these contingencies was not certain during the completion of the 2020 Budget, no amounts were included in the 2020 Budget. This budget amendment records this payment. The funding source was the proceeds from the original sale of the land that was recorded in 2018 and thus resided in the fund balance of TIF 6.

TIF 8 Capital Projects Fund

TIF 8 includes the Riverheath, Eagle Flats and Eagle Point developments along the City's riverfront. These projects are considered "developer funded" since the developer pays for the costs of the development and a portion of the cost is paid back by the City through increased property tax revenues generated from the increased property values. The excess expenditure in 2020 represents an increased developer payment to Eagle Point due to higher than projected equalized value of the property.

General Fund (Wage Reserve)

The wage reserve was established to fund costs related to non-represented compensation plan increases, reclassification of pay grades, and other unanticipated labor expenses. Additionally, as in past years, non-represented staff salary increases for 2020 were budgeted in the wage reserve rather than added to the individual department budgets. If any of the individual department's actual salary expenses exceeded their budgeted expenses at the end of the year, an allocation from the wage reserve was available to supplement the department budget. These budget adjustments seek to transfer wage reserve funds to the Finance and Information Technology departments as part of this allowable allocation.

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

2020-2021 Budget Carryover Requests - Not Under Contract

Public Works Capital Projects		Vendor	Project Description	Amount	Justification
4240	680901		G-20 Sequoia Drive Grade/Gravel	287,000	To be bid in 2021. Delay due to timing of connection at adjacent new subdivision
4240	680901		H-20 Asphalt Paving (Spartan, Haymeadow, Sommers)	156,003	Grade and Gravel finished too late in season to allow asphalt install in 2020.
				443,003	
Industrial Park Land Fund					
4280	680100		Industrial Park Land Purchase	799,342	Discussions have been on-going for two years regarding the aquisition of land to secure Appleton's future business and industrial park. We expect to execute this purchase early in 2021.
				799,342	
Facilities Capital Project Fund					
Facilities	Interior		City Hall 5th and 6th Floor Common Space	131,716	This is a multi-phase project overlapping. Design is in process and construction will occur in 2021
Facilities	Interior		City Hall Renovation of Offices	143,145	This is a multi-phase project overlapping. Design is in process and construction will occur in 2021
Facilities	Safesecure		Safety & Security Upgrades	30,000	Work to be completed in 2021, work was deferred to a future phase to align better with other security improvements during renovation.
Facilities	Facreno		Parks Storage Addition	2,118	Shelving bins. We were waiting for shelves to be installed in January to determine what specific bin sizes would be needed
Facilities	Hardscape		Scheig 5 Parking Lot	15,373	Work will be contracted in 2021 to complete project
Facilities	Ampathlt		AMP Field Lighting	47,217	These funds will pay for the installation of purchased lighting
Facilities	Playground		New Universal Playground	43,945	Remainder to be used for inclusive upgrades to playground.
				413,514	
Stormwater Utility					
5222	640800		Spot Repairs, Pro. Tap, Min. Dep. Removals	30,000	Delays to N-19 prevented bidding project in 2020
5230	680904		Apple Ridge Cost Share Bridge 2	120,000	To be built in 2021. Delay due to timing of subdivision phase 2
5230	680904		G-20 Sequoia Drive - Stormwater	380,000	To be bid in 2021. Delay due to timing of connection at adjacent new subdivision
				530,000	
Water Utility					
WTRSUPPLY	LKSTAT		Lake Intake & Raw Water Supply	135,103	Balance of project budget to be used for future phases for Intake or Raw Water Supply Main
WTRSUPPLY	INTAKE		Lake Intake & Raw Water Supply	170,656	Intake portion of project is schedule for final phase of project
WTRSUPPLY	SUPLINE		Lake Intake & Raw Water Supply	138,735	Balance of project budget to be used for future phases for Intake or Raw Water Supply Main
53336400	640400		Corrosion Control Study	90,937	Balance of project budget. Study to be completed in 2021.
53379230	640400		Risk Assessment	74,975	Balance may be needed for cybersecurity or other assessments and recommendations that are directed by the US EPA.
				610,406	
Wastewater Utility					
WWUTL	PIPING		2019 Piping Improvement Project	61,713	Balance of total project budget. Construction to start in 2021.
WWFMD	ELECTDISTR		WWTP Electrical Upgrades	29,310	Balance of electrical upgrade budget to be used on future phase
WWFMD	ELECTDISTR		WWTP Electrical Upgrades	1,237,023	Balance of electrical upgrade budget to be used on future phase
WWFMD	HVAC		WWTP HVAC Improvements	50,842	Balance of HVAC budget for S Bldg HVAC project
5422	641600		Asbestos removal	56,635	Additional areas discovered that require testing and potential remediation
WWUTL	PLCSCADA		PLC SCADA	21,686	Equipment upgrades/replacements delayed due retirement of Instrumentation Technician, COVID and status of 2017 Process Improvement project.

WWUTL	SLUDGE		Sludge Digester	750,000	Consultant Contract to be issued to Applied Technologies Inc. in early 2021. Council approval February 2021.
				2,207,209	
Valley Transit					
58073000	680402		Furniture at TC	25,000	Project incomplete
58073000	680300		Whitman remodel	310,614	Project incomplete
58079000	631603		CARES Act funds	191,098	Ongoing expenses
				526,712	
Unclassified General Fund					
12020	66400		State Aid contingency	812,267	Carry forward balance
12020	66400		Fuel Price contingency	137,315	Carry forward balance
12020	66400		Operating contingency	402,298	Carry forward balance
12020	664100		Wage Reserve	2,050,057	Carry forward balance
Community & Economic Development					
15040	640400		Library Neighborhood Study	100,000	Approved at 10/21/21 Council. Gen F/B Policy allocation
Legal Services					
14510	620100		Staff Training	11,000	Due to staff turnover in Legal Services, request to use unexpended training dollars to train new and existing staff in new positions.
Police					
17511	620100		Cellebrite, SWAT, TEMS Training	13,500	Additional training required in 2021 that was cancelled in 2020,
17541	632700		Drone Program	4,180	Delays in AXON Air programming delayed purchase of drone equipment
Library					
16010	659900		Security Guard	50,000	Security Guard coverage for 2020 unused due to pandemic, to increase security in 2021 as we attempt to fully reopen
Total - General Fund				3,580,617	
Grand Total - Not Under Contract				9,110,803	

2020-2021 Budget Carryover Requests - Special Consideration

Facilities Capital Project Fund		Vendor	Description	Amount	Justification
Facilities	Traildevel		David and Rita Nelson River Crossing Construction	267,102	Currently in design. Design started 1-21. Monies will be applied to construction
Water Utility					
53206600	640400		Edison Trestle Watermain Design	10,000	Design for a future water main river crossing in conjunction with PRFM design work on the David & Rita Nelson river crossing.
53246600	640400		Private Lead & Copper service replacement	45,000	Based on the EPA final Lead and Copper Rule Revision, we will have approximately 3 years to replace these private services and will need the help of a consultant to develop the City's Replacement Program and complete the grant application.
WTRFMDFAC	HARDSCAPE		Hardscape Project Design	25,000	Positive budget variance from 2020 Hardscape to be used to complete design for 2022 Hardscape projects.
WTRFMDFAC	SAFESECURE		Gate Project	143,519	Positive budget variance from 2020 Hardscape to be used to complete gate project due to estimates for gate security and fire protection costs being higher than the planned 2021 budget..
				223,519	
General Fund					
Police					
17511	632700		TO Magnetic Board	3,250	Table of Organization Magnetic Display Board
17532	632700		AXIS Network Camera System	3,200	AXIS Network Camera System and Cradlepoint NetCloud for Special Investigation Unit
17532	659900		Physical Analyzer Renewal	3,400	License previously paid by Secret Service expired
Total General Fund				9,850	
Grand Total - Special Consideration				500,471	



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

**PARKS, RECREATION & FACILITIES
MANAGEMENT**

Dean R. Gazza, Director

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

TO: Finance Committee

FROM: Dean R. Gazza

DATE: 3/22/2021

RE: Action: Award the City of Appleton's "2021 Pierce Park Lighting Upgrades Phase 2 Project" contract to Elmstar Electric Corp. in the amount of \$113,678.75 with a contingency of 10% for a project total not to exceed \$125,046.

The 2021 Capital Improvement Plan includes \$175,000 to replace the light fixtures at Pierce Park. Of that amount \$17,850 has been utilized for design leaving a construction balance of \$157,150. This is the second phase of a two-phase project to upgrade the lighting at Pierce Park. The first phase of this project included replacing all the light poles and underground wiring at Pierce Park along the park road and parking lot. The second phase includes replacing the lighting along the walking path and replacing the hockey rink temporary light. The existing light poles and wiring are beyond their useful life and are in need of replacement. The first phase of this project was completed in 2020.

The bids were received as follows:

Elmstar Electric Corp. (low bid)	\$113,678.75
Bodart Electric Service, Inc.	\$114,279.00

Our consulting engineer has written the City of Appleton a formal letter of recommendation to award the contract to Elmstar Electric Corp. The Parks, Recreation, and Facilities Management Department has also reviewed the bids and is in agreement with the engineer's recommendation. Therefore, we recommend awarding the contract to Elmstar Electric Corp. in the amount of \$113,678.75 plus a contingency of 10% only to be utilized as needed.

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

N-21 Sewer Spot Repairs, Protruding Tap & Mineral Deposit Removal (#7634074)

Owner: Appleton WI, City of

Solicitor: Appleton WI, City of

03/22/2021 01:45 PM CDT

Section Title	Line Item	Item Code	Item Description	UoFM	Quantity	Great Lakes TV Seal, Inc.	Northern Pipe, Inc.	Visu-Sewer	National Power Rodding Corp
N-21 BASE BID						Unit Price	Unit Price	Unit Price	Unit Price
						Extension	Extension	Extension	Extension
	1	1	1 Story St	each	1	\$1,100.00	\$2,350.00	\$2,977.50	\$10,000.00
	2	2	Eric Dr	each	1	\$2,800.00	\$7,250.00	\$2,020.00	\$12,000.00
	3	3	Meadow Grove Blvd	each	1	\$2,900.00	\$2,995.00	\$2,020.00	\$15,000.00
	4	4	Teiulah Av	each	1	\$3,750.00	\$4,730.00	\$4,500.00	\$15,000.00
	5	5	College Av	each	1	\$2,500.00	\$2,250.00	\$3,360.00	\$10,000.00
	6	6	College Av	each	1	\$2,500.00	\$2,250.00	\$3,255.00	\$10,000.00
	7	7	Forest St	each	1	\$1,900.00	\$2,250.00	\$3,520.00	\$10,000.00
	8	8	Lawrence St	each	1	\$2,800.00	\$3,500.00	\$1,627.50	\$12,000.00
	9	9	Layton Av	each	1	\$2,200.00	\$2,350.00	\$1,260.00	\$10,000.00
	10	10	Lee St	each	1	\$2,650.00	\$2,995.00	\$2,245.00	\$12,000.00
	11	11	Riverdale Dr	each	1	\$2,640.00	\$2,995.00	\$5,647.50	\$12,000.00
	12	12	Harris St	each	1	\$3,100.00	\$1,250.00	\$5,885.00	\$13,000.00
	13	13	Fidellis St	each	1	\$8,700.00	\$8,830.00	\$11,435.10	\$25,000.00
	14	14	Fidellis St	each	1	\$5,500.00	\$7,290.00	\$6,055.10	\$7,000.00
	15	15	Fidellis St	each	1	\$4,500.00	\$5,850.00	\$6,292.60	\$7,000.00
	16	16	Joseph St	each	1	\$5,200.00	\$7,290.00	\$6,055.10	\$7,000.00
	17	17	Coollidge Av	each	1	\$4,200.00	\$5,850.00	\$5,662.60	\$7,000.00
	18	18	Buchanan St	each	1	\$4,200.00	\$5,850.00	\$5,295.10	\$7,000.00
	19	19	Racine St	each	1	\$4,500.00	\$7,150.00	\$7,555.10	\$7,500.00
	20	20	Newberry St	each	1	\$550.00	\$650.00	\$1,150.00	\$2,500.00
	21	21	Fernmeadow Dr	each	1	\$750.00	\$950.00	\$3,390.00	\$2,500.00
	22	22	Kernan Av	each	1	\$550.00	\$750.00	\$3,390.00	\$2,500.00
	23	23	Kernan Av	each	1	\$550.00	\$550.00	\$1,130.00	\$2,500.00
	24	24	Lourdes Dr	each	1	\$550.00	\$550.00	\$1,130.00	\$2,500.00
	25	25	Lourdes Dr	each	1	\$550.00	\$550.00	\$1,130.00	\$2,500.00
	26	26	Meadowview La	each	1	\$550.00	\$1,500.00	\$1,130.00	\$2,500.00
	27	27	Bennett St	each	1	\$550.00	\$1,500.00	\$2,260.00	\$2,500.00
	28	28	Eugene St	each	1	\$950.00	\$1,225.00	\$1,200.00	\$4,000.00
	29	29	Bedford La	each	1	\$625.00	\$650.00	\$600.00	\$4,000.00
	30	30	Fernmeadow Dr	each	1	\$1,900.00	\$1,500.00	\$1,520.00	\$4,000.00
	31	31	Lee St	each	1	\$2,800.00	\$1,950.00	\$1,520.00	\$4,000.00
	32	32	Roosevelt St	each	1	\$725.00	\$750.00	\$600.00	\$4,000.00
	33	33	Roemer Rd	each	1	\$1,400.00	\$1,960.00	\$3,397.50	\$5,000.00
	34	34	Northland Av	each	1	\$725.00	\$750.00	\$1,597.50	\$4,000.00
	35	35	Pine St	each	1	\$1,400.00	\$1,715.00	\$3,000.00	\$6,500.00
	36	36	Winslow Av	each	1	\$725.00	\$750.00	\$600.00	\$4,000.00
	37	37	Midpark Dr	each	1	\$1,595.00	\$1,550.00	\$1,640.00	\$5,500.00
	38	38	Crestview Dr	each	1	\$725.00	\$750.00	\$600.00	\$4,000.00
	39	39	Meadowview La	each	1	\$1,600.00	\$2,050.00	\$600.00	\$4,000.00
	40	40	Ballard Rd	each	1	\$4,000.00	\$1,960.00	\$1,890.00	\$4,200.00
	41	41	Kernan Av	each	1	\$1,100.00	\$750.00	\$760.00	\$4,500.00
	42	42	Eighth St	each	1	\$1,100.00	\$750.00	\$760.00	\$4,500.00
	43	43	Forest St	each	1	\$1,100.00	\$1,500.00	\$760.00	\$4,500.00
	44	44	Reid Dr	each	1	\$1,100.00	\$15,000.00	\$980.00	\$4,500.00
	45	45	Lucille St	each	1	\$1,100.00	\$750.00	\$760.00	\$4,500.00

46	46 50' s/o Lynn Dr. (ext)	each	1	\$2,150.00	\$2,150.00	\$1,950.00	\$1,950.00	\$1,950.00	\$6,390.00	\$6,390.00	\$8,500.00
47	47 Cambridge Dr	each	1	\$1,395.00	\$1,395.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,360.00	\$1,360.00	\$4,500.00
48	48 Capital Dr	each	1	\$1,100.00	\$1,100.00	\$750.00	\$750.00	\$750.00	\$1,757.50	\$1,757.50	\$4,500.00
49	49 Highland Av	each	1	\$1,100.00	\$1,100.00	\$750.00	\$750.00	\$750.00	\$760.00	\$760.00	\$4,500.00
50	50 Buchanan St	each	1	\$3,000.00	\$3,000.00	\$1,950.00	\$1,950.00	\$1,950.00	\$4,380.00	\$4,380.00	\$4,500.00
51	51 Monteclaire Ct	each	1	\$1,100.00	\$1,100.00	\$6,600.00	\$6,600.00	\$6,600.00	\$6,055.10	\$6,055.10	\$4,500.00
52	52 Briarcliff Dr	each	1	\$895.00	\$895.00	\$1,200.00	\$1,200.00	\$1,200.00	\$760.00	\$760.00	\$4,500.00
53	53 Briarcliff Dr	each	1	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$2,770.00	\$2,770.00	\$6,500.00
54	54 Edgemere Dr	each	1	\$1,600.00	\$1,600.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,800.00	\$1,800.00	\$5,500.00
55	55 Edgemere Dr	each	1	\$3,300.00	\$3,300.00	\$1,995.00	\$1,995.00	\$1,995.00	\$3,320.00	\$3,320.00	\$7,000.00
56	56 Northland Av	each	1	\$750.00	\$750.00	\$500.00	\$500.00	\$500.00	\$1,757.50	\$1,757.50	\$4,000.00
57	57 Amethyst Dr	each	1	\$695.00	\$695.00	\$650.00	\$650.00	\$650.00	\$1,040.00	\$1,040.00	\$3,000.00
58	58 Pensar Av	each	1	\$800.00	\$800.00	\$650.00	\$650.00	\$650.00	\$1,040.00	\$1,040.00	\$3,000.00
59	59 Sandra St	each	1	\$800.00	\$800.00	\$1,300.00	\$1,300.00	\$1,300.00	\$1,040.00	\$1,040.00	\$3,000.00
60	60 Capitol Dr	each	1	\$600.00	\$600.00	\$650.00	\$650.00	\$650.00	\$3,577.50	\$3,577.50	\$3,000.00
61	61 Canary St	each	1	\$600.00	\$600.00	\$650.00	\$650.00	\$650.00	\$1,040.00	\$1,040.00	\$3,000.00
62	62 Durkee St	each	1	\$825.00	\$825.00	\$850.00	\$850.00	\$850.00	\$2,080.00	\$2,080.00	\$3,000.00
63	63 Calumet St	each	1	\$750.00	\$750.00	\$650.00	\$650.00	\$650.00	\$3,077.50	\$3,077.50	\$3,000.00
64	64 Clara St	each	1	\$1,250.00	\$1,250.00	\$1,275.00	\$1,275.00	\$1,275.00	\$1,640.00	\$1,640.00	\$3,000.00
65	65 Clara St	each	1	\$750.00	\$750.00	\$650.00	\$650.00	\$650.00	\$1,040.00	\$1,040.00	\$5,000.00
66	66 Edgewood Dr	each	1	\$750.00	\$750.00	\$650.00	\$650.00	\$650.00	\$2,037.50	\$2,037.50	\$6,500.00
67	67 Edgewood Dr	each	1	\$600.00	\$600.00	\$1,200.00	\$1,200.00	\$1,200.00	\$2,037.50	\$2,037.50	\$5,500.00
68	68 John St	each	1	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$3,237.50	\$3,237.50	\$6,000.00
69	69 Esmnt Jason Dr	each	1	\$900.00	\$900.00	\$3,500.00	\$3,500.00	\$3,500.00	\$585.00	\$585.00	\$15,000.00
70	70 Old Sleigh La	each	1	\$2,350.00	\$2,350.00	\$2,850.00	\$2,850.00	\$2,850.00	\$1,350.00	\$1,350.00	\$10,000.00
71	71 Spring St	each	1	\$2,280.00	\$2,280.00	\$2,700.00	\$2,700.00	\$2,700.00	\$7,650.00	\$7,650.00	\$15,000.00
72	72 Outagamie St	each	1	\$7,100.00	\$7,100.00	\$10,000.00	\$10,000.00	\$10,000.00	\$2,610.00	\$2,610.00	\$10,000.00
73	73 Alley n/o College Av	each	1	\$2,280.00	\$2,280.00	\$2,700.00	\$2,700.00	\$2,700.00	\$2,847.50	\$2,847.50	\$10,000.00
74	74 Apple Creek Rd	each	1	\$2,280.00	\$2,280.00	\$2,995.00	\$2,995.00	\$2,995.00	\$2,250.00	\$2,250.00	\$11,000.00
75	75 Durkee St	each	1	\$2,400.00	\$2,400.00	\$2,495.00	\$2,495.00	\$2,495.00	\$2,250.00	\$2,250.00	\$11,000.00
76	76 Durkee St	each	1	\$4,700.00	\$4,700.00	\$4,995.00	\$4,995.00	\$4,995.00	\$4,417.50	\$4,417.50	\$13,500.00
77	77 Olde Oneida St	each	1	\$2,050.00	\$2,050.00	\$2,250.00	\$2,250.00	\$2,250.00	\$2,780.00	\$2,780.00	\$13,500.00
78	78 South River St	each	1	\$2,700.00	\$2,700.00	\$2,995.00	\$2,995.00	\$2,995.00	\$4,827.50	\$4,827.50	\$25,000.00
79	79 Clark St	each	1	\$800.00	\$800.00	\$1,200.00	\$1,200.00	\$1,200.00	\$2,562.50	\$2,562.50	\$4,000.00
80	80 Clark St	each	1	\$800.00	\$800.00	\$1,200.00	\$1,200.00	\$1,200.00	\$2,562.50	\$2,562.50	\$4,000.00
81	81 Clark St	each	1	\$500.00	\$500.00	\$750.00	\$750.00	\$750.00	\$1,412.50	\$1,412.50	\$4,000.00
82	82 Clark St	each	1	\$550.00	\$550.00	\$750.00	\$750.00	\$750.00	\$1,412.50	\$1,412.50	\$4,000.00
83	83 Erb St	each	1	\$550.00	\$550.00	\$750.00	\$750.00	\$750.00	\$1,150.00	\$1,150.00	\$4,000.00
84	84 Harriman St	each	1	\$800.00	\$800.00	\$1,200.00	\$1,200.00	\$1,200.00	\$3,297.50	\$3,297.50	\$4,000.00
85	85 Pershing St	each	1	\$550.00	\$550.00	\$2,450.00	\$2,450.00	\$2,450.00	\$585.00	\$585.00	\$7,000.00
86	86 Locust St	each	1	\$1,100.00	\$1,100.00	\$2,450.00	\$2,450.00	\$2,450.00	\$2,522.50	\$2,522.50	\$6,000.00
87	87 Appleton St	each	1	\$950.00	\$950.00	\$1,500.00	\$1,500.00	\$1,500.00	\$9,360.00	\$9,360.00	\$10,000.00
88	88 Esmnt n/o Newberry St	each	1	\$3,900.00	\$3,900.00	\$3,500.00	\$3,500.00	\$3,500.00	\$7,500.00	\$7,500.00	\$65,000.00
89	89 Joint Sealing Grout	gallons	300	\$13.75	\$4,125.00	\$13.00	\$3,900.00	\$3,900.00	\$10.00	\$3,000.00	\$300,000.00
90	90 Extra Hours	each	20	\$275.00	\$5,500.00	\$245.00	\$4,900.00	\$4,900.00	\$360.00	\$7,200.00	\$14,000.00
	Base Bid Total:			\$173,885.00		\$222,435.00			\$254,800.80		\$972,700.00

8-21

AN ORDINANCE DETACHING TERRITORY
FROM THE CITY OF APPLETON, WISCONSIN.
(Kloehn Detachment)

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

Section 1: Territory Detached. In accordance with Section 66.027(2) of the Wisconsin Statutes for 2019 – 2020, the following described territory in the City of Appleton, Outagamie County, Wisconsin, lying contiguous to the City of Appleton, is hereby detached to the Village of Fox Crossing, Wisconsin.

A part of Lots 21, 22, 23, 24 & 25, Block 3 in The Palisades, located in the Southwest 1/4 of the Southwest 1/4 of Section 34, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin containing 36,393 square feet (0.835 acres) of land more or less and more particularly described as follows: Beginning at the Southwest corner of said Section 34; thence N00°15'42"W, 76.95 feet along the East line of Lot 1 of Certified Survey Map No. 2480 as recorded in Volume 1 of CSM's on Page 2480 as Document No. 788841 in the Winnebago County Register of Deeds Office to the start of a meander line, being S00°15'42"E, 66 feet more or less from the approximate ordinary highwater mark of the Fox River; thence N64°16'35"E, 24.54 feet along said meander line; thence S82°29'14"E, 65.19 feet along said meander line; thence S74°25'43"E, 199.41 feet along said meander line to the terminus of said meander line on the East line of said Lot 21, being S03°29'40"W, 63 feet more or less from the approximate ordinary high water mark of the Fox River; thence S03°29'40"W, 24.62 feet along said East line to the South line of Outagamie County; thence S89°47'57"W, 276.98 feet along said South line to the Point of Beginning; Including all those lands lying between the above described meander line and the approximate ordinary high water mark of the Fox River bounded by the respective lines extended.

Area of Property to be detached contains 0.835 acres m/l.

City Parcel Id Numbers: 31-4-9003-00, 31-4-9004-00 & 31-4-9005-00.

The population of such territory is 0.

This territory lies within the City of Appleton, Outagamie County, Wisconsin.

Section 2: Effect of Detachment. From and after the date of this ordinance the territory described in Section 1 shall be a part of the Village of Fox Crossing 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 Village of Fox Crossing.

Section 3: Severability. If any provisions of this ordinance are 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 application of this ordinance which can be given without the invalid or unconstitutional provision or application.

Section 4: Effective Date. This ordinance shall take effect upon passage and publication.

9-21

AN ORDINANCE AMENDING CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON AND THE OFFICIAL ZONING MAP WHICH IS A PART THEREOF, BY MAKING THE FOLLOWING CHANGES IN THE DISTRICT AS NOW PROVIDED.

(City Plan Commission 4/7/2021)

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

Section 1: That Zoning Ordinance, Chapter 23 of the Municipal Code of the City of Appleton and the Official Zoning Map, which is a part thereof, is amended by making the following changes:

To rezone lands located within the “Broadway Hills Estates 1st Addition Annexation” (Tax Id #31-1-9210-14) generally located approximately 1,400 feet north of the intersection of French Road and Broadway Drive, on the west side of French Road, including to the centerline of existing adjacent right-of-way, from temporary AG Agricultural District to R-1B Single-Family District. (Rezoning #3-21 – 1st Addition to Broadway Hills Estates Annexation)

LEGAL DESCRIPTION:

Part of the Northeast 1/4 of the Southeast 1/4 of Section 31, Township 22 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin, containing 725,074 Square Feet (16.6454 Acres) of land described as follows:

Commencing at the East 1/4 corner of Section 31; thence, along the East line of the Southeast 1/4 of said Section 31, S01°59'40"W, 659.59 feet to the point of beginning; thence, continuing along said East line, S01°59'40"W, 574.22 feet to the Northeast corner of Broadway Hills Estates; thence, along the North line of said Broadway Hills Estates, N89°51'17"W, 1262.37 feet to the East line of Outlot 1, Certified Survey Map, 5664; thence, along said East line, N02°03'47"E, 575.46 feet to the South line of Certified Survey Map 7294; thence, along said South line, S89°47'58"E, 1261.64 feet to the point of beginning, subject to all easements, and restrictions of record.

COMMON DESCRIPTION:

“Broadway Hills Estates 1st Addition Annexation” (Tax Id #31-1-9210-14) generally located approximately 1,400 feet north of the intersection of French Road and Broadway Drive, on the west side of French Road, including to the centerline of existing adjacent right-of-way

Section 2: This Ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication the Director of Community and Economic Development is authorized and directed to make the necessary changes to the Official Zoning Map in accordance with this Ordinance.

10-21

AN ORDINANCE AMENDING SECTION 9-52(5) OF CHAPTER 9 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO OPERATION OF PREMISES LICENSED FOR RETAIL SALES.

(Board of Health – 3/17/2021)

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

Section 1: That Section 9-52(5) of Chapter 9 of the Municipal Code of the City of Appleton, relating to operation of premises licensed for retail sales, is hereby amended to read as follows:

Sec. 9-52. Operation of premises licensed for retail sales.

All class A and B retail licenses granted under this article shall be granted subject to the following conditions and all other conditions of this article, and subject to all other ordinances and regulations of the City applicable thereto:

- (5) Each premises shall be conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used. Effective July 1, 2017, taverns serving no food shall obtain a municipal health permit from the Health Department on an annual basis, pursuant to Sec. 9-190. For the purposes of this section, taverns issued a license under this section are included in the definition of Food Establishment as defined in ATCP 75 Appendix and shall be subject to and comply with the applicable provisions of ATCP 75 Appendix, unless otherwise stated herein. Additionally, the Board of Health may make additional reasonable rules for the sanitation of all places of business possessing licenses under this article. Such rules or regulations may be classified and made applicable according to the class of business conducted. All such rules and regulations shall have the same force as this article and infraction thereof may be punished as a violation of this article.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.