



# City of Appleton

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

## Meeting Agenda - Final-revised Common Council

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Wednesday, November 17, 2021

7:00 PM

Council Chambers

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- A. CALL TO ORDER
- B. INVOCATION
- C. PLEDGE OF ALLEGIANCE TO THE FLAG
- D. ROLL CALL OF ALDERPERSONS
- E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS
- F. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[21-1613](#) Common Council Meeting Minutes of November 3, 2021 and November 10, 2021

**Attachments:** [CC Minutes 11-3-21.pdf](#)  
[CC Minutes 11-10-21 Budget Adoption.pdf](#)

- G. BUSINESS PRESENTED BY THE MAYOR

[21-1620](#) Information Technology Director Recommendation

**Attachments:** [IT Director Recommendation to Council.pdf](#)

[21-1619](#) COVID-19 Report

**Attachments:** [COVID-19 Common Council Update 111721.pdf](#)

- H. PUBLIC PARTICIPATION

- I. PUBLIC HEARINGS

[21-1546](#) Public Hearing for Rezoning #11-21, Lightning Drive/CTH JJ Annexation, from Temporary (AG) Agricultural District to P-I Public Institutional District

**Attachments:** [RZ #11-21 Notice of Public Hearing.pdf](#)

[21-1547](#) Public Hearing for Rezoning #12-21, Ziegler Mackville Rd & EE Annexation, from Temporary (AG) Agricultural District to R-1B Single Family District

**Attachments:** [RZ #12-21 Notice of Public Hearing.pdf](#)

J. SPECIAL RESOLUTIONS

[21-1618](#) Resolution Assigning Polling Places as a result of Redistricting

**Attachments:** [Polling Place Assignment Resolution 2022.pdf](#)

K. ESTABLISH ORDER OF THE DAY

L. COMMITTEE REPORTS

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[21-1578](#) Proposed changes to Municipal Code Section 9, Division 3-Central Business District Street Vendors.

**Attachments:** [Municipal Code Section 9 Division 3 changes.pdf](#)

**Legislative History**

11/8/21	Municipal Services Committee	recommended for approval
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[21-1579](#) Request for approval for staff to develop a Parklet Policy.

**Attachments:** [Parklet Policy.pdf](#)

**Legislative History**

11/8/21	Municipal Services Committee	recommended for approval
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[21-1580](#) Approve 15 MPH speed limit designation on Washington Street from Story Street to Bennett Street.

**Attachments:** [800 W. Washington Speed Limit.pdf](#)

**Legislative History**

11/8/21	Municipal Services Committee	recommended for approval
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[21-1581](#) Approve parking restriction change on Atlantic Street, west of Lawe Street. (Follow-Up to Six-Month Trial Period.)

**Attachments:** [Atlantic St west of Lawe St parking restriction.pdf](#)

**Legislative History**

11/8/21      Municipal Services      recommended for approval  
                 Committee

## 2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

## 3. MINUTES OF THE CITY PLAN COMMISSION

[21-1448](#)      Request to approve Rezoning #11-21 to rezone the Lightning Drive/C.T.H. JJ (Right-of-Way) Annexation, formerly part of the Town of Grand Chute, consisting of approximately 12.6622 acres generally located east of North Ballard Road and north of East Edgewood Drive, as shown on the attached maps, from Temporary AG Agricultural District to P-I Public Institutional District

**Attachments:** [StaffReport\\_LightningDrive\\_JJAnnex\\_Rezoning\\_For10-27-21.pdf](#)

**Legislative History**

10/27/21      City Plan Commission      recommended for approval  
*Proceeds to Council on November 17, 2021.*

[21-1450](#)      Request to approve Rezoning #12-21 to rezone the Ziegler Mackville Road & EE Annexation, formerly part of the Town of Center, consisting of approximately 1.4407 acres located at N2883 County Road EE, the southwest corner of North Ballard Road and East Mackville Road, including to the centerline of the adjacent N. Ballard Road right-of-way, as shown on the attached maps, from Temporary AG Agricultural District to R-1B Single-Family District

**Attachments:** [StaffReport\\_Ziegler\\_MackvilleRd\\_EEAnnex\\_Rezoning\\_For10-27-21.pdf](#)

**Legislative History**

10/27/21      City Plan Commission      recommended for approval  
*Proceeds to Council on November 17, 2021.*

[21-1556](#)      Request to approve the Extraterritorial Preliminary Plat for Center Valley at 3800 located in the Town of Grand Chute as shown on the attached maps

**Attachments:** [StaffReport\\_CenterValleyat3800\\_PrePlat\\_For11-10-21.pdf](#)

**Legislative History**

11/10/21      City Plan Commission      recommended for approval

## 4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

[21-1563](#)      Action Item: Request Approval of Reid Golf Course 2022 Rates Policy

**Attachments:** [2022 Golf Rates Memo.doc](#)

[Reid Redline Policy.pdf](#)

[Reid Rate Policy 2022.docx](#)

**Legislative History**

11/8/21      Parks and Recreation      recommended for approval  
                 Committee

[21-1564](#) Action Item: Request to Install Oversized Wooden Letters Spelling "RISE" Within Houdini Plaza

**Attachments:** [RISE-Houdini Plaza.pdf](#)

**Legislative History**

11/8/21 Parks and Recreation recommended for approval  
Committee

[21-1565](#) Action Item: Acre of Art Season III - Request for Extension of 2-Year Exhibition - "Gyan/Gesture of Conscience" Sculpture - Jones Park

**Attachments:** [Gyan-Gesture of Conscience Sculpture-Jones Park.pdf](#)

**Legislative History**

11/8/21 Parks and Recreation recommended for approval  
Committee

[21-1566](#) Action Item: Acre of Art Season III - Request for Extension of 2-Year Exhibition - "To the Moon Alice" Sculpture - Vulcan Heritage Park

**Attachments:** [To The Moon Sculpture-Vulcan Heritage.pdf](#)

**Legislative History**

11/8/21 Parks and Recreation recommended for approval  
Committee

**5. MINUTES OF THE FINANCE COMMITTEE**

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

[21-1558](#) Request to approve 2022-2023PY Community Development Block Grant (CDBG) Community Partner Allocation Recommendations

**Attachments:** [Alloc Recs Memo to CEDC 11-10-21.pdf](#)

[2022 CDBG Advisory Board Membership.pdf](#)

[2022 CDBG Community Partner Award Recommendations.pdf](#)

[2022 CDBG Simple Summary Award Recommendations.pdf](#)

[Draft CDBG Policy 11-17-2021.pdf](#)

**Legislative History**

11/10/21 Community & Economic recommended for approval  
Development Committee

[21-1559](#) Request to approve the proposed amendments to the CDBG Policy as outlined in the attached documents

**Attachments:** [Amend CDBG Policy Memo to CEDC 11-10-21.pdf](#)

[Draft CDBG Policy 11-17-2021.pdf](#)

**Legislative History**

11/10/21 Community & Economic Development Committee recommended for approval

[21-1560](#)

Request to approve a one (1) month extension to the Planning Option Agreement with Merge, LLC (d/b/a Merge Urban Development Group) for a potential mixed-use development located on the former Blue Ramp site

**Attachments:** [Merge Option Extension Memo\\_11-10-21.pdf](#)

[Merge Option Extension 2.pdf](#)

[Merge Option Extension 1.pdf](#)

[Merge Signed Planning Option 2-6-20.pdf](#)

**Legislative History**

11/10/21 Community & Economic Development Committee recommended for approval

*Amendment to lengthen the extension to February 4, 2022.*

*Wolff moved, seconded by Alfheim, that the Report Action Item be amended for approval. Roll Call. Motion carried by the following vote: (5-0)*

**7. MINUTES OF THE UTILITIES COMMITTEE**

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

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

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

[21-1570](#)

Weights & Measures Fee Proposals

**Attachments:** [Fee Proposals 2021.pdf](#)

**Legislative History**

11/10/21 Board of Health recommended for approval

[21-1596](#)

Neenah Weights & Measures Proposal

**Attachments:** [Neenah Weights & Measures Proposal.pdf](#)

**Legislative History**

11/10/21 Board of Health recommended for approval

**M. CONSOLIDATED ACTION ITEMS**

**N. ITEMS HELD**

[19-1886](#)

Request to rescind approval for "The Collective" sculpture within the E. College Avenue and N. Catherine Street right-of-way.

**Attachments:** [The Collective log of public dialogue-.pdf](#)  
[Extension Support\\_McKee.pdf](#)  
[Extension Support\\_Breseman.pdf](#)

**Legislative History**

12/9/19	Municipal Services Committee	held
	<i>Item 19-1886 held until January 13, 2020.</i>	
1/13/20	Municipal Services Committee	recommended for approval
	<i>Amend item 19-1886. City to work on alternate location in first quarter of 2020.</i>	
1/22/20	Common Council	referred to the Municipal Services Committee
1/27/20	Municipal Services Committee	held
	<i>Item 19-1886 be held until February 19, 2020 meeting.</i>	
2/19/20	Municipal Services Committee	held
	<i>Item 19-1886 be held until March 9th meeting.</i>	
3/9/20	Municipal Services Committee	recommended for approval
3/18/20	Common Council	held
4/1/20	Common Council	approved
10/25/21	Municipal Services Committee	recommended for approval
	<i>Action extends lease to April 30, 2022 and this is a final amendment/extension.</i>	
11/3/21	Common Council	held

[21-1419](#)

Reserve "Class B" Liquor and Class "B" Beer License Permanent Premise Amendment application for Fox River Boat Holdings Co. d/b/a River Tyme Bistro, Candice Mortara, Agent, located at 425 W Water St Unit 100.

**Attachments:** [River Tyme Bistro S&L.pdf](#)  
[Denial Recommendation -River Tyme Bistro.pdf](#)

**Legislative History**

10/13/21	Safety and Licensing Committee	held
10/27/21	Safety and Licensing Committee	recommended for approval
	<i>The Premise amendment was recommended for approval contingent upon approval and recommendations from the Community &amp; Economic Development Department, Fire Department, and Inspections Department.</i>	
11/3/21	Common Council	held

O. ORDINANCES

[21-1617](#) Ordinances #76-21 and #77-21

**Attachments:** [Ordinances going to Council 11-17-21.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

S. ADJOURN

Kami Lynch, City Clerk

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

*Remote meeting attendance may be permitted pursuant to Section 2-29 of the Appleton Municipal Code and Rules of Council.*



# City of Appleton

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## Meeting Minutes - Final Common Council

---

Wednesday, November 3, 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 Hartzheim*

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

*Alderperson Martin appeared virtually.*

**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 Michael Smith, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Joe Prohaska, Alderperson Chad Doran and Mayor Jake Woodford

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

*All departments were represented.*

F. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[21-1534](#)

Common Council Meeting Minutes of October 20, 2021

**Attachments:** [CC Minutes 10-20-21.pdf](#)

**Alderperson Hartzheim moved, seconded by Alderperson Prohaska, 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 Michael Smith, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Joe Prohaska and Alderperson Chad Doran



**Abstained:** 1 - Mayor Jake Woodford

G. BUSINESS PRESENTED BY THE MAYOR

[21-1548](#)

Proclamations:

- Appleton High Schools DECA Week
- Native American Heritage Month
- Runaway & Homeless Youth Prevention
- Small Business Saturday

**Attachments:** [Appleton High Schools DECA Week Proclamation.pdf](#)  
[Native American Heritage Month Proclamation.pdf](#)  
[Runaway Homeless Youth Prevention Month Proclamation.pdf](#)  
[Small Business Saturday Proclamation.pdf](#)

[21-1550](#)

COVID-19 Report

**Attachments:** [COVID-19 Common Council Update 11032021.pdf](#)

H. PUBLIC PARTICIPATION

*There was no one signed up to speak for Public Participation.*

I. PUBLIC HEARINGS

J. SPECIAL RESOLUTIONS

[21-1549](#)

Resolution related to Wards in the City of Appleton, as a result of Redistricting

**Attachments:** [Census Block Resolution 2021 Redistricting.pdf](#)

**Alderson Hartzheim moved, seconded by Alderson Van Zeeland, that the Resolution be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 14 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Brad Firkus, Alderson Katie Van Zeeland, Alderson Denise Fenton, Alderson Maiyoua Thao, Alderson Matthew Reed, Alderson Alex Schultz, Alderson Michael Smith, Alderson Kristin Alfheim, Alderson Nate Wolff, Alderson Sheri Hartzheim, Alderson Joe Prohaska and Alderson Chad Doran

**Nay:** 1 - Alderson Joe Martin

**Abstained:** 1 - Mayor Jake Woodford

## K. ESTABLISH ORDER OF THE DAY

[21-1345](#)

Class "A" Beer and "Class A" Liquor License application for Tee Tees Nachos LLC, Timasha Thornton, Agent, located at 550 N Morrison St #C, contingent upon approval from all departments.

**Attachments:** [Tee Tees Nachos LLC Class A Combo.pdf](#)

**This item was referred back to the Safety and Licensing Committee due back on 12/8/2021.**

[19-1886](#)

Request to rescind approval for "The Collective" sculpture within the E. College Avenue and N. Catherine Street right-of-way.

**Attachments:** [The Collective log of public dialogue-.pdf](#)  
[Extension Support\\_McKee.pdf](#)  
[Extension Support Breseman.pdf](#)

**This Report Action Item was held.**

**Aye:** 14 - 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 Michael Smith, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Joe Prohaska and Alderperson Chad Doran

**Abstained:** 2 - Alderperson Alex Schultz and Mayor Jake Woodford

[21-1419](#)

Reserve "Class B" Liquor and Class "B" Beer License Permanent Premise Amendment application for Fox River Boat Holdings Co. d/b/a River Tyme Bistro, Candice Mortara, Agent, located at 425 W Water St Unit 100.

**Attachments:** [River Tyme Bistro S&L.pdf](#)  
[Denial Recommendation -River Tyme Bistro.pdf](#)

**Alderperson Schultz moved, seconded by Alderperson Meltzer, that the Premise Amendment be held. Roll Call. Motion carried by the following vote:**

**Aye:** 14 - 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 Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Joe Prohaska and Alderperson Chad Doran

**Nay:** 1 - Alderperson Michael Smith

**Abstained:** 1 - Mayor Jake Woodford

[21-1457](#)

Action Item: Award Mead Pool Condition Analysis Project to GRAEF for a contract amount of \$44,975.00

**Attachments:** [Mead Pool Condition Analysis Memo.doc](#)

**Aldersperson Hartzheim moved, seconded by Aldersperson Prohaska, that the Analysis Project Item 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 Michael Smith, Aldersperson Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim, Aldersperson Joe Prohaska and Aldersperson Chad Doran

**Abstained:** 1 - Mayor Jake Woodford

[21-1410](#)

Request to approve the use of 2021 American Rescue Plan Act (ARPA) funds and approve the related 2021 Budget amendment:

**ARPA Special Revenue Fund**

Salaries	+\$ 900,000
Fringe Benefits	+\$ 270,000
Miscellaneous Supplies	+\$ 50,000
Medical/Lab Supplies	+\$ 300,000
Miscellaneous Equipment	+\$ 50,000
Consulting Services	+\$ 150,000
Contractor Fee	+\$1,000,000
Other Contracts & Obligations	+\$ 421,841
Grant Payments	+\$ 250,000
Capital Outlay	+\$2,000,000
Transfer Out - Parking Utility	+\$1,500,000
Federal Grants	+\$6,891,841

to record 2021 ARPA funds received and related expenditures (2/3 vote of Council required)

**Attachments:** [Finance Committee - ARPA Memo.pdf](#)

**Aldersperson Doran moved, seconded by Aldersperson Smith, that the ARPA fund use be amended to remove the last three items as outlined in the attached memo; Broadband Access & Information Infrastructure \$2,000,000, Short-term Direct Community Partner Support \$250,000, Consulting & Administration Support \$150,000. Roll Call. Motion failed by the following vote:**

**Aye:** 2 - Aldersperson Joe Martin and Aldersperson Chad Doran

**Nay:** 13 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matthew Reed, Alderperson Alex Schultz, Alderperson Michael Smith, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim and Alderperson Joe Prohaska

**Abstained:** 1 - Mayor Jake Woodford

**Alderperson Prohaska moved, seconded by Alderperson Smith, that the use of the ARPA funds be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 14 - 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 Michael Smith, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim and Alderperson Joe Prohaska

**Nay:** 1 - Alderperson Chad Doran

**Abstained:** 1 - Mayor Jake Woodford

**L. COMMITTEE REPORTS**

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

**Alderperson Prohaska moved, Alderperson Hartzheim 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 Michael Smith, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Joe Prohaska and Alderperson Chad Doran

**Abstained:** 1 - Mayor Jake Woodford

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

[21-0868](#)

Request from Blue Sky Contractors for a street occupancy permit for four parking stalls (CAW 310, 312, 314 & 316) for the commercial development project at 318 W. College Avenue be approved from June 14, 2021 through October 29, 2021 (except for September 24th and 25th).

**This Report Action Item was approved.**

[21-1466](#)

Request from Professional Services Industries, Inc. for a permanent street occupancy permit to install three monitoring wells in the alley adjacent to 306 W. Washington Street.

**Attachments:** [Professional Services Industries.pdf](#)

This Report Action Item was approved.

## 2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[21-1471](#)

Class "A" Beer License application for True North Energy LLC d/b/a True North #822, Daniel J Pamperin, Agent, located at 3411 N Ballard Rd, contingent upon approval from all departments.

**Attachments:** [True North #822.pdf](#)

This Report Action Item was approved.

## 3. MINUTES OF THE CITY PLAN COMMISSION

[21-1348](#)

Request to approve the Ziegler Mackville Road & EE Annexation consisting of approximately 1.4407 acres located at N2883 County Road EE, the southwest corner of North Ballard Road and East Mackville Road, currently in the Town of Center, as shown on the attached maps, subject to the stipulation in the attached staff report

**Attachments:** [StaffReport\\_ZieglerMackvilleRd\\_EE\\_Annexation\\_For10-13-21.pdf](#)

This Report Action Item was approved.

[21-1349](#)

Request to approve the Lightning Drive/C.T.H. JJ (Right-of-Way) Annexation consisting of approximately 12.6622 acres generally located east of North Ballard Road and north of East Edgewood Drive, currently in the Town of Grand Chute, as shown on the attached maps, subject to the stipulation in the attached staff report

**Attachments:** [StaffReport\\_LightningDr\\_JJ\\_Annexation\\_For10-13-21.pdf](#)

[DOA 14443\\_LightningDrJJAnnex\\_ReviewLetter.pdf](#)

This Report Action Item was approved.

[21-1451](#)

Request to approve the Spartan Drive (Right-of-Way) Annexation consisting of approximately 3.9468 acres generally located west of North Meade Street, connecting existing East Spartan Drive right-of-way to the west and east, currently in the Town of Grand Chute, as shown on the attached maps, subject to the stipulation in the attached staff report

**Attachments:** [StaffReport\\_SpartanDr\\_Annexation\\_For10-27-21.pdf](#)  
[WI DOA SpartanDrROWAnnex\\_ReviewLetter.pdf](#)

This Report Action Item was approved.

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

**5. MINUTES OF THE FINANCE COMMITTEE**

[21-1459](#)

Request to award Unit O-21 Stormwater Pond Sediment Removal and Disposal to Veit & Company, Inc in the amount of \$87,000 with a 5.8% contingency of \$5,000 for a project total not to exceed \$92,000

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

This Report Action Item was approved.

[21-1460](#)

Request to approve the following 2021 Budget amendment:

**Facilities Management Capital Projects Fund**

Ellen Kort Park Phase I Project	+\$750,645
Nelson River Crossing Project	- \$750,645

to reallocate excess budget funds from the Nelson River Crossing project to the Ellen Kort Park Phase I project (2/3 vote of Council required)

**Attachments:** [2021 Ellen Kort Park - Phase I .pdf](#)

This Report Action Item was approved.

[21-1461](#)

Request to approve the following 2021 Budget amendment:

**Facilities Management Capital Projects Fund**

MSB Office Renovation Project	+\$ 40,000
Roof Replacement Project	- \$ 40,000

to reallocate excess budget funds from the roof replacement project to the MSB office renovation project (2/3 vote of Council required)

**Attachments:**     [2021 Municipal Services Budget transfer.pdf](#)

This Report Action Item was approved.

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

[21-1383](#)

Request to approve the Development Agreement with MF Housing Partners, LLC for improvements and redevelopment of 6 parcels located on N. Oneida Street, E. Harris Street, and N. Appleton Street (Parcel Nos. 31-2-0441-00, 31-2-0443-00, 31-2-0437-00, 31-2-0536-00, 31-2-0534-00, and 31-2-0529-00) in Tax Increment Financing District No. 11

**Attachments:**     [Rise Apts DA Memo to CEDC\\_10-27-21.pdf](#)  
[0718-Rise](#)  
[Apts-MFHousingPartners-DevelopmentAgrmnt-DRAFT10-18-21.pdf](#)

This Report Action Item was approved.

**7. MINUTES OF THE UTILITIES COMMITTEE**

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

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

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

**M. CONSOLIDATED ACTION ITEMS**

**N. ITEMS HELD**

**O. ORDINANCES**

[21-1545](#)

Ordinances #71-21 (Redistricting - Aldermanic Districts); #72-21 (Ziegler Mackville Road & EE Annexation); #73-21 (Lightning Drive & CTH JJ Annexation); #74-21 (Spartan Drive Annexation); and #75-21 (Amendment to Ordinance #70-21, Relating to Boundaries and Wards)

**Attachments:** [Ordinances going to Council 11-3-21.pdf](#)

**Aldersperson Hartzheim moved, seconded by Aldersperson Van Zeeland, that the Ordinances 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 Michael Smith, Aldersperson Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim, Aldersperson Joe Prohaska and Aldersperson Chad Doran

**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

R. OTHER COUNCIL BUSINESS

S. ADJOURN

**Aldersperson Hartzheim moved, seconded by Aldersperson Prohaska, that the meeting be adjourned at 8:09 p.m. 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 Michael Smith, Aldersperson Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim, Aldersperson Joe Prohaska and Aldersperson Chad Doran

**Abstained:** 1 - Mayor Jake Woodford

Kami Lynch, City Clerk





# City of Appleton

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

## Meeting Minutes - Final Common Council

---

Wednesday, November 10, 2021

6:00 PM

Council Chambers

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### SPECIAL SESSION - ADOPTION OF THE PROPOSED 2022 EXECUTIVE BUDGET

A. CALL TO ORDER

*The meeting was called to order by Mayor Woodford at 6:00 p.m.*

B. PLEDGE OF ALLEGIANCE TO THE FLAG

C. ROLL CALL OF ALDERPERSONS

*Aldersperson Martin arrived at 6:13 p.m. and appeared virtually. Aldersperson Schultz also appeared virtually.*

**Present:** 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 Michael Smith, Aldersperson Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim, Aldersperson Chad Doran and Mayor Jake Woodford

**Absent:** 1 - Aldersperson Joe Prohaska

D. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

*All Departments were represented.*

E. BUSINESS PRESENTED BY THE MAYOR

F. PUBLIC PARTICIPATION

*The following individuals spoke during Public Participation:*

*Nancy Scheuerman, 631 E Woodcrest Dr*

*Kara Sullivan, 500 N Vine St*

*Jill Swenson, 1501 N Elinor St*

*John Ptacek, 620 E Parkway Blvd*

*John O'Boyle, 721 E Water St #205*

*Rick Krumwiede, 4225 E Appleseed Dr*

*B Sridhar, 3600 W Shawnee Ave*

*Carolyn Desrosiers, 2924 Schaefer Cir*

G. ESTABLISH ORDER OF THE DAY

[21-1585](#) Approve the Finance Committee Budget Workshop ("Budget Saturday") minutes from October 30, 2021

**Attachments:** [FC Minutes 10-30-21 Budget Workshop.pdf](#)

*The Minutes were referred back to the Finance Committee by Alderperson Siebers*

[21-1586](#) Suspend the Council Rules, to go into the Committee of the Whole to take up the Finance Committee Budget Workshop ("Budget Saturday") Minutes

**Alderperson Fenton moved, seconded by Alderperson Firkus, that the Common Council convene into the Committee of the Whole acting as the Finance Committee. Roll Call. Motion carried by the following vote:**

**Aye:** 14 - 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 Michael Smith, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim and Alderperson Chad Doran

**Absent:** 1 - Alderperson Joe Prohaska

**Abstained:** 1 - Mayor Jake Woodford

## H. COMMITTEE REPORTS

### MINUTES OF THE FINANCE COMMITTEE

[21-1476](#) Request to approve Community & Economic Development Budget (pgs 145-158)

**This Report Action Item was approved**

[21-1477](#) Request to approve Housing and Community Development Grants Special Revenue Fund Budget (pgs 160-173)

**This Report Action Item was approved.**

[21-1478](#) Request to approve Industrial Park Land Fund Budget (pgs 176-178)

**This Report Action Item was approved.**

[21-1479](#) Request to approve Community Development Capital Projects Budget (pgs 180-182)

**This Report Action Item was approved.**

[21-1480](#) Request to approve TIF Districts Budget (pgs 183-214)

**This Report Action Item was approved.**

[21-1481](#) Request to approve Fire Budget (pgs 433-451)

**This Report Action Item was approved.**

[21-1482](#) Request to approve Hazardous Materials Type II Special Revenue Fund Budget (pgs 454-456)

**This Report Action Item was approved.**

[21-1483](#) Request to approve Police Budget (pgs 409-423)

**This Report Action Item was approved.**

[21-1484](#) Request to approve Police Grants Special Revenue Fund Budget (pgs 426-428)

**This Report Action Item was approved.**

[21-1485](#) Request to approve Public Safety Capital Projects Fund Budget (pgs 430-432)

**This Report Action Item was approved.**

[21-1486](#) Request to approve Health Budget (pgs 379-390)

**This Report Action Item was approved.**

[21-1487](#) Request to approve Health Grants Special Revenue Budget (pgs 392-407)

**This Report Action Item was approved.**

[21-1488](#) Request to approve Legal Services Budget (pgs 103-118)

**This Report Action Item was approved.**

[21-1489](#) Request to approve Tuchscherer Disability Fund Budget (pg 119)

**This Report Action Item was approved.**

[21-1490](#) Request to approve Water Budget (pgs 473-496)

**This Report Action Item was approved.**

[21-1491](#) Request to approve Wastewater Budget (pgs 497-520)

**This Report Action Item was approved.**

[21-1492](#) Request to approve Stormwater Budget (pgs 521-536)

**This Report Action Item was approved.**

[21-1493](#) Request to approve Parking Budget (pgs 349-362)

**This Report Action Item was approved.**

[21-1494](#) Request to approve Public Works Budget (pgs 295-321)

**This Report Action Item was approved.**

[21-1495](#) Request to approve Sanitation Special Revenue Fund Budget (pgs 324-336)

**This Report Action Item was approved.**

[21-1496](#) Request to approve Wheel Tax Special Revenue Fund Budget (pgs 338-340)

**This Report Action Item was approved.**

[21-1497](#) Request to approve Subdivision Capital Projects Fund Budget (pgs 342-344)

**This Report Action Item was approved.**

[21-1498](#) Request to approve Public Works Capital Projects Fund Budget (pgs 346-348)

**This Report Action Item was approved.**

[21-1499](#) Request to approve Central Equipment Agency Budget (pgs 363-373)

**This Report Action Item was approved.**

[21-1500](#) Request to approve CEA Replacement Capital Projects Fund Budget (pgs 376-378)

**This Report Action Item was approved.**

[21-1501](#) Request to approve Valley Transit Budget (pgs 277-294)

**This Report Action Item was approved.**

[21-1502](#) Request to approve Library Budget (pgs 255-272)

**This Report Action Item was approved.**

[21-1503](#) Request to approve Library Grants Special Revenue Budget (pgs 274-276)

**This Report Action Item was approved.**

[21-1504](#) Request to approve Facilities and Construction Management Budget (pgs 215-224)

**This Report Action Item was approved.**

[21-1505](#) Request to approve Facilities Capital Projects Fund Budget (pgs 226-228)

**This Report Action Item was approved.**

[21-1506](#) Request to approve Parks and Recreation Budget (pgs 229-237)

**This Report Action Item was approved.**

[21-1507](#) Request to approve Parks and Recreation Trust Funds Budget (pgs 239-244)

**This Report Action Item was approved.**

[21-1508](#) Request to approve Reid Golf Course Budget (pgs 245-254)

**This Report Action Item was approved.**

[21-1509](#) Request to approve Human Resources Budget (pgs 125-134)

**This Report Action Item was approved.**

[21-1510](#) Request to approve Risk Management Budget (pgs 135-143)

**This Report Action Item was approved.**

[21-1511](#) Request to approve Information Technology Budget (pgs 89-98)

**This Report Action Item was approved.**

[21-1512](#) Request to approve Information Technology Capital Projects Funds Budget (pgs 100-102)

**This Report Action Item was approved.**

[21-1513](#) Request to approve Mayor Budget (pgs 45-54)

**This Report Action Item was approved.**

[21-1514](#) Request to approve Council Budget (pgs 55-58)

**This Report Action Item was approved.**

[21-1515](#) Request to approve Debt Service Budget (pgs 457-463)

**This Report Action Item was approved.**

[21-1516](#) Request to approve General Administration Budget (pgs 75-80)

**This Report Action Item was approved.**

[21-1517](#) Request to approve Room Tax Special Revenue Fund Budget (pgs 82-84)

This Report Action Item was approved.

[21-1518](#) Request to approve Other Post Employment Benefits Budget (pgs 86-88)

This Report Action Item was approved.

[21-1519](#) Request to approve Finance Budget (pgs 59-68)

This Report Action Item was approved.

[21-1520](#) Request to approve ARPA Budget (pgs 69-73)

This Report Action Item was approved.

### PROPOSED AMENDMENTS (New)

[21-1591](#) **Reduce 2023 Borrowing for Library Project CIP from \$13,542,000 to \$11,542,000**

*Pages 638/582 Facilities Management*  
(Doran, Alfheim)

**Aldersperson Firkus moved, seconded by Aldersperson Doran, that the amendment be recommended for approval. Roll Call. Motion failed by the following vote:**

**Aye:** 3 - Aldersperson Matthew Reed, Aldersperson Sheri Hartzheim and Aldersperson Chad Doran

**Nay:** 11 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Joe Martin, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Alex Schultz, Aldersperson Michael Smith, Aldersperson Kristin Alfheim and Aldersperson Nate Wolff

**Absent:** 1 - Aldersperson Joe Prohaska

**Abstained:** 1 - Mayor Jake Woodford

[21-1590](#)

**Add \$500 to Council Training/Conferences**  
**Delete \$500 of Mayor Training/Conferences**

*Page 57 Common Council*

*Page 49 Mayor*

(Fenton)

**Aldersperson Van Zeeland moved, seconded by Aldersperson Wolff, that the Item be amended to increase the amount from \$500 to \$1,000. Roll Call. Motion carried by the following vote:**

**Aye:** 11 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Matthew Reed, Aldersperson Alex Schultz, Aldersperson Michael Smith, Aldersperson Kristin Alfheim and Aldersperson Nate Wolff

**Nay:** 3 - Aldersperson Joe Martin, Aldersperson Sheri Hartzheim and Aldersperson Chad Doran

**Absent:** 1 - Aldersperson Joe Prohaska

**Abstained:** 1 - Mayor Jake Woodford

**Aldersperson Fenton moved, seconded by Aldersperson Meltzer, that the Item be approved as amended to \$1,000. Roll Call. Motion carried by the following vote:**

**Aye:** 11 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Matthew Reed, Aldersperson Alex Schultz, Aldersperson Michael Smith, Aldersperson Kristin Alfheim and Aldersperson Nate Wolff

**Nay:** 3 - Aldersperson Joe Martin, Aldersperson Sheri Hartzheim and Aldersperson Chad Doran

**Absent:** 1 - Aldersperson Joe Prohaska

**Abstained:** 1 - Mayor Jake Woodford

[21-1589](#)

**Add \$3,360 to Council Training/Conferences**  
**Delete \$3,360 of Council Parking Permits**

*Page 57 Common Council*

(Reed)

*This Item failed, due to lack of a Motion on the Item.*



[21-1588](#)**Add \$6,300 to Information Technology Dept. for Computer Replacements****Delete \$6,300 of Council Parking Permits***Page 97 Information Technology**Page 57 Common Council*

(Doran)

*Aldersperson Doran moved for approval. There was no seconder for the Motion, so this Item failed.*

[21-1585](#)

Approve the Finance Committee Budget Workshop ("Budget Saturday") minutes from October 30, 2021

**Attachments:**     [FC Minutes 10-30-21 Budget Workshop.pdf](#)

**Aldersperson Van Zeeland moved, seconded by Aldersperson Meltzer, that the Minutes be approved as amended in Committee of the Whole. Roll Call. Motion carried by the following vote:**

**Aye:** 13 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Matthew Reed, Aldersperson Alex Schultz, Aldersperson Michael Smith, Aldersperson Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim and Aldersperson Chad Doran

**Nay:** 1 - Aldersperson Joe Martin

**Absent:** 1 - Aldersperson Joe Prohaska

**Abstained:** 1 - Mayor Jake Woodford

**RISE AND REPORT**[21-1592](#)

Reconvene to Common Council

**Aldersperson Smith moved, seconded by Aldersperson Hartzheim, to reconvene as the Common Council. Roll Call. Motion carried by the following vote:**

**Aye:** 14 - 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 Michael Smith, Aldersperson Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim and Aldersperson Chad Doran

**Absent:** 1 - Aldersperson Joe Prohaska

**Abstained:** 1 - Mayor Jake Woodford

[21-1593](#)

Report of the Committee of the Whole

**Aldersperson Hartzheim moved, seconded by Aldersperson Fenton, that the Report of the Committee of the Whole (Finance Committee) be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 14 - 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 Michael Smith, Aldersperson Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim and Aldersperson Chad Doran

**Absent:** 1 - Aldersperson Joe Prohaska

**Abstained:** 1 - Mayor Jake Woodford

[21-1594](#)

2022 Budget Resolution

**Attachments:** [2022 Budget Resolution.pdf](#)

**Aldersperson Hartzheim moved, seconded by Aldersperson Doran, that the 2022 Budget Resolution be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 14 - 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 Michael Smith, Aldersperson Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim and Aldersperson Chad Doran

**Absent:** 1 - Aldersperson Joe Prohaska

**Abstained:** 1 - Mayor Jake Woodford

[21-1595](#)

Reconsideration of the Report of the Committee of the Whole

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

**Aye:** 1 - Aldersperson Alex Schultz

**Nay:** 13 - 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 Michael Smith, Aldersperson Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim and Aldersperson Chad Doran

**Absent:** 1 - Aldersperson Joe Prohaska

**Abstained:** 1 - Mayor Jake Woodford

I. OTHER COUNCIL BUSINESS

J. ADJOURN

**Alderson Hartzheim moved, seconded by Alderson Smith, that the meeting be adjourned at 7:39 p.m. Roll Call. Motion carried by the following vote:**

**Aye:** 14 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Brad Firkus, Alderson Joe Martin, Alderson Katie Van Zeeland, Alderson Denise Fenton, Alderson Maiyoua Thao, Alderson Matthew Reed, Alderson Alex Schultz, Alderson Michael Smith, Alderson Kristin Alfheim, Alderson Nate Wolff, Alderson Sheri Hartzheim and Alderson Chad Doran

**Absent:** 1 - Alderson Joe Prohaska

**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  
Phone: (920) 832-6400  
Email: [Mayor@Appleton.org](mailto:Mayor@Appleton.org)

**TO:** Common Council  
**FROM:** Mayor Jacob A. Woodford   
**DATE:** November 12, 2021  
**RE:** Information Technology Director Recommendation

The Information Technology (IT) Department has been under the interim leadership of Finance Director Tony Saucerman since the previous IT Director's resignation in May 2021. Following completion of the Human Resources (HR) Director search and amid the ongoing Health Officer search, the IT Director search was launched in August to fill the vacancy. After diligent recruitment efforts on the part of our HR team, I am pleased to recommend an exceptional candidate for the role.

The candidate holds a BA in Computer Science from Lakeland University and AA in CIS-Computer Programming from Fox Valley Technical College. He is certified in ITILv3 Foundations, establishing best practice processes for delivering IT services to an organization's customers. He was also a certified instructor for the Wisconsin Technical College System and is a past president of the Northeastern Wisconsin Chapter of the Association of Information Technology Professionals.

The candidate has over 30 years of IT technical and leadership experience in the automotive and healthcare industries. He has led organizations through the transition of various technology upgrades, including the conversion from mainframe applications to windows and cloud-based environments.

In his current role, he has served for over 20 years as the Director of Information Technology for Bergstrom Holdings, which employs over 1,600 people at more than two dozen statewide subsidiaries that include automotive dealerships, fleet management services, real estate holdings, and a food and beverage recreational facility.

It is my honor to recommend for your consideration Corey Popp to serve as the City of Appleton's next IT Director. His resume is attached for your reference.

Please be in contact should you have any questions or concerns.

# Corey Popp

poppcorey@gmail.com

## **Seasoned IT leader delivering high-quality, reliable IT shared services to fifty-five brands across two dozen subsidiaries**

- ITILv3 Foundations-certified IT director accountable for the overall service portfolio of a holding company and its diverse list of subsidiaries
- Reporting directly to C-level executives
- Diverse industry background: finance, leasing, insurance, retail, automotive, warranty, wholesale, food & beverage, healthcare, and education

## **Work Experience**

### **Director of Information Technology**

Bergstrom Holdings, Inc.

2000-present

Oversee all IT strategic planning, project management, staffing, and day-to-day operations for Bergstrom Holdings and its subsidiaries, which include Bergstrom Automotive, one of the nation's largest automotive retail groups (\$1B+); Bergstrom Fleet Management; Bergstrom Properties; Express.Cars; and The Plaza at Gateway Park.

- Direct internal and external IT teams including hiring, training, and contracting.
- Oversee day-to-day activities and ensure continual improvement of IT operations and the service desk by maintaining an operations bridge, while routinely surveying KPIs to reduce mean-time between failures.
- Collaborate with company stakeholders, business units, and subsidiaries to align the IT strategic plan and roadmap to the corporation's business goals and initiatives.
- Ensure IT shared-services are purchased and billed back to subsidiaries according to agreed upon terms.
- Create a vision of future systems; research and pilot new technology and IT architectures; migrate successes from the project portfolio to the service portfolio.
- Merge acquired businesses and start-ups into existing IT operations by consolidating telecommunications, networks, databases, data interfaces, equipment, policies, and procedures.
- Oversee all cyber security and industry compliance. Develop and maintain business continuity and disaster recovery plans.
- Build and maintain relationships with suppliers, vendors, OEMs, and other third parties including the management and monitoring of service level agreements.

**Skills**

Flexible, collaborative, creative, and patient mentor and coach  
Strategic planning, direction, and oversight  
Project planning, goal-setting, and task delegation  
Google Workspace, AWS, Azure, UKG Pro  
WAN/LAN/wireless, telephony, and other IP concepts  
Cyber security, PCI, point-of-sale, and consumer privacy compliance  
Service desk, IT operations, and capacity management  
Vendor relationship management  
Financial management  
x86 hardware, Windows, SAN, NAS, LECs, MNOs  
IBM S390 MVS, RS6000 AIX, AS400 OS400  
Outstanding written and verbal communications

**Education****Lakeland University**

Bachelor's Degree  
Computer Science

**Fox Valley Technical College**

Associate Degree  
Computer Programming

**Certifications****ITILv3 Foundations**

Issued June 15, 2018

**Certified Instructor, Wisconsin Technical College System**

Issued Sept 2007 - Expired Sept 2012

$257 + 350 = 607$  (2 week case counts)

$607 / 75,000 = .008093$  (Appleton population 75,000)

$.0006853 \times 100,000 = 809.3$  (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

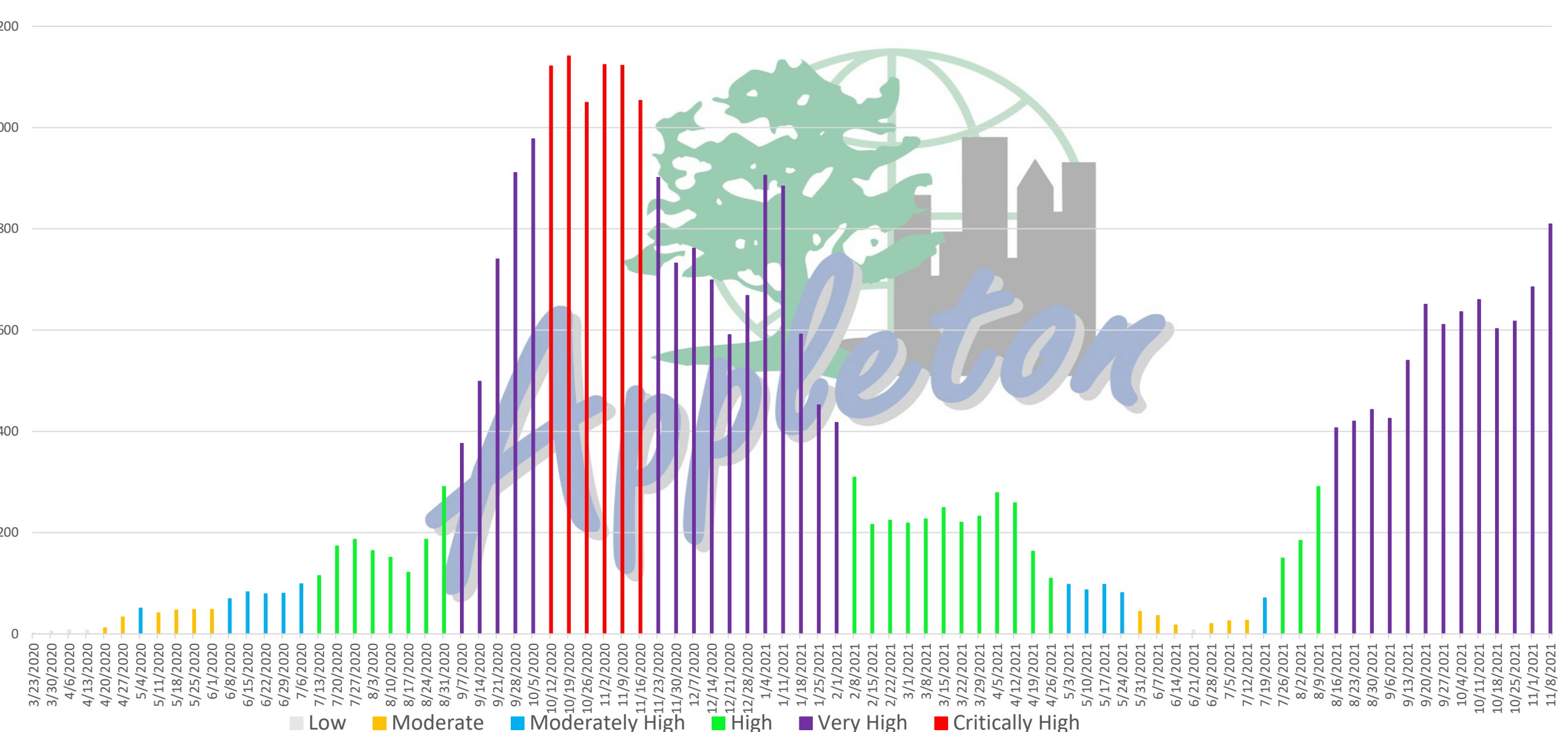
**High** is greater than 100 per 100,000 people

**Very High** is greater than 350 per 100,000 people

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

<b>Table 1.</b> Two indicators being based on confirmed cases: Burden and Trajectory. A third indicator maps Burden and Trajectory indicators into one composite indicator.					
<b>Indicator</b>	<b>Definition</b>	<b>Classes</b>			
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

11/01/2021 - 11/07/2021

**342.7**  
High Transmission

Active:  
**362**

Out of Isolation:  
**11,688**

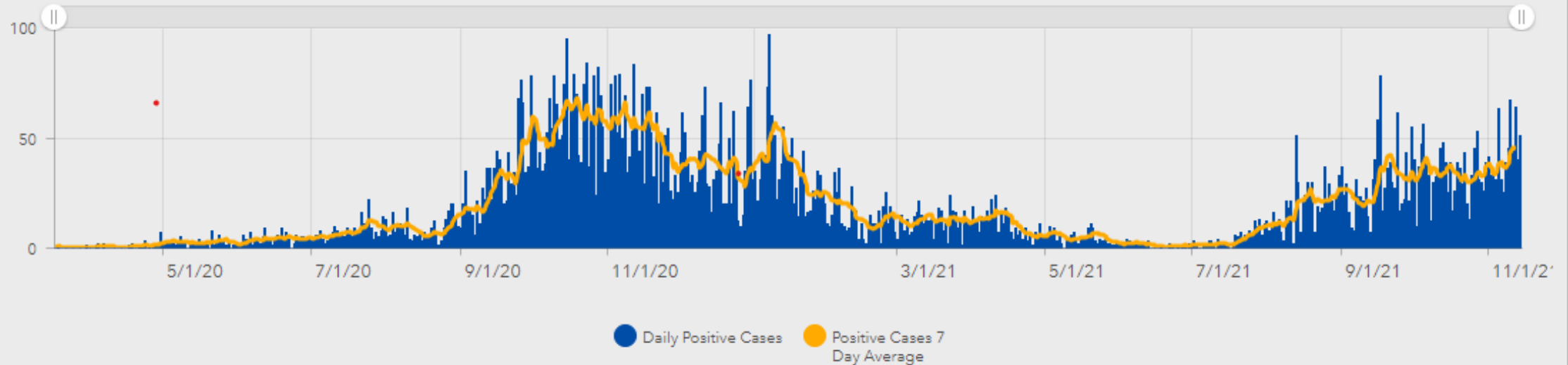
Deaths:  
**73**

Negative:  
**52,644**  
+45

Key Numbers

Definitions

Newly confirmed COVID-19 cases by date confirmed in the City of Appleton, and 7-day average



To see individual weeks exact data please hover or tap bars/line

<https://covid-19-appleton.hub.arcgis.com/>

## NOTICE OF PUBLIC HEARING

#11-21

### RE: Proposed Zone Change

A public hearing will be held in the Council Chambers, City Hall, Appleton, Wisconsin, on November 17, 2021, at 7:00 P.M., or as soon thereafter as can be heard, to consider the following proposed zone change:

**Rezoning #11-21:** 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. The property was zoned temporary AG Agricultural District following annexation. Pursuant to Sections 23-65(d)(1) and 23-65(e) of the Municipal Code, the City Plan Commission proposes to rezone the property to the zoning classification of P-I Public Institutional District. The P-I District is intended to provide for public and institutional uses (public roads/infrastructure) and buildings utilized by the community and to provide open space standards where necessary for the protection of adjacent residential properties.

**Purpose of the Rezoning:** To assign a zoning classification following the "Lightning Drive/C.T.H. JJ (Right-of-Way) Annexation" and facilitate future construction of a street officially mapped as Lightning Drive and an associated stormwater pond.

#### Legal Description:

A part of the Fractional Southwest ¼ of Section 6, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin, containing 551,568 Square Feet 12.6622 acres of land and being further described as follows:

Commencing at the South ¼ corner of said Section 6; Thence South 00°15'22" West 41.25 feet coincident with the current City of Appleton corporate limits; Thence South 89°44'38" West 1,312.94 feet coincident with the current City of Appleton corporate limits; Thence North 00°09'19" West 695.75 feet coincident with the current City of Appleton corporate limits to the Westerly boundary of Transportation Project Plat No: 0000-0G-17-4.02; Thence North 00°27'27" East 27.61 feet coincident with said Westerly boundary of Transportation Project Plat No: 0000-0G-17-4.02 to a North line thereof; Thence Southeasterly 162.67 feet along the arc of a curve to the right having a radius of 230.00 feet and the chord of which bears South 61°16'46" East 159.30 feet coincident with the boundary of Transportation Project Plat No: 0000-0G-17-4.02; Thence South 79°18'14" East 46.36 feet coincident with the boundary of Transportation Project Plat No: 0000-0G-17-4.02; Thence North 56°36'28" East 28.01 feet coincident with the boundary of Transportation Project Plat No: 0000-0G-17-4.02; Thence North 58°51'13" East 127.60 feet; Thence North 56°36'28" East 300.63 feet; Thence Northeasterly 602.86 feet along the arc of curve to the left having a radius of 965.00 feet and the chord of which bears North 38°42'38" East 593.11 feet; Thence North 89°51'14" West 156.83 feet to the Southeast corner of Outlot 10 of Apple Ridge 2; Thence North 13°52'54" East 307.18 feet coincident with the East line of Outlot 10 of Apple Ridge 2; Thence North 03°30'35" West 188.39 feet coincident with the East line of Outlot 10 of Apple Ridge 2 to the Southerly line of Baldeagle Drive; Thence North 76°55'16" East 145.11 feet; Thence Northwesterly 201.39 feet along the arc of curve to the left having a radius of 965.00 feet and the chord of which bears North 16°31'22" West 201.02

feet; Thence Northerly 408.87 feet along the arc of a curve to the right having a radius of 1,035.00 feet and the chord of which bears North 11°11'03" West 406.21 feet; Thence North 00°07'58" East 192.71 feet to the North line of the Fractional SW ¼ of said Section 6; Thence South 89°27'19" East 70.00 feet coincident with the North line of the Fractional SW ¼ of said Section 6; Thence South 00°07'58" West 192.20 feet; Thence Southerly 381.21 feet along the arc of curve to the left having a radius of 965.00 feet and the chord of which bears South 11°11'03" East 378.74 feet; Thence Southerly 1,429.04 feet along the arc of a curve to the right having a radius of 1,035.00 feet and the chord of which bears South 17°03'12" West 1,318.20 feet; Thence South 56°36'28" West 300.63 feet; Thence South 54°21'43" West 127.60 feet; Thence South 56°36'28" West 85.86 feet coincident with the boundary of Transportation Project Plat No: 0000-0G-17-4.02; Thence Southwesterly 41.28 feet along the arc of a curve to the left having a radius of 310.00 feet and the chord of which bears South 52°49'13" West 41.25 feet coincident with the boundary of Transportation Project Plat No: 0000-0G-17-4.02; Thence Southeasterly 241.12 feet along the arc of a curve to the left having a radius of 238.50 feet and the chord of which bears South 61°43'30" East 230.98 feet coincident with the boundary of Transportation Project Plat No: 0000-0G-17-4.02; Thence South 00°28'26" West 266.19 feet coincident with the boundary of Transportation Project Plat No: 0000-0G-17-4.02; Thence North 89°44'38" East 214.97 feet coincident with the boundary of Transportation Project Plat No: 0000-0G-17-4.02; Thence South 00°28'26" West 35.00 feet coincident with the boundary of Transportation Project Plat No: 0000-0G-17-4.02; Thence North 89°44'38" East 751.25 feet coincident with the boundary of Transportation Project Plat No: 0000-0G-17-4.02 to the East line of the Fractional SW ¼ of said Section 6; Thence South 00°27'14" West 61.25 feet coincident with the East line of the Fractional SW ¼ of said Section 6 to the point of beginning.

October 28, 2021

RUN: November 2, 2021  
November 9, 2021

**KAMI LYNCH**  
**City Clerk**

## NOTICE OF PUBLIC HEARING

#12-21

### RE: Proposed Zone Change

A public hearing will be held in the Council Chambers, City Hall, Appleton, Wisconsin, on November 17, 2021, at 7:00 P.M., or as soon thereafter as can be heard, to consider the following proposed zone change:

**Rezoning #12-21:** 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, which was zoned temporary AG Agricultural District following annexation. Pursuant to Sections 23-65(d)(1) and 23-65(e) of the Municipal Code, the City Plan Commission proposes to rezone the property to a zoning classification of 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 larger sized lots while protecting residential neighborhoods from the intrusion of incompatible non-residential land uses.

**Purpose of the Rezoning:** To assign a zoning classification following the “Ziegler Mackville Road & EE Annexation” and allow the property to continue as single-family residential.

#### Legal Description:

A part of the Northeast ¼ of the Northeast ¼ of Section 36, Township 22 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 62,759 Square Feet 1.4407 acres of land and being further described as follows:

Commencing at the Northeast corner of said Section 36;

Thence South 00°06'21" West 117.18 feet coincident with the East line of the Northeast ¼ of said Section 36 to the point of beginning;

Thence continue South 00°06'21" West 222.82 feet coincident with the East line of the Northeast ¼ of said Section 36 to the South line of lands described in Warranty Deed Document No.679131 of the Outagamie County Register of Deeds Office;

Thence North 89°51'03" West 225.00 feet coincident with the South line of lands described in Warranty Deed Document No.679131 of the Outagamie County Register of Deeds Office;

Thence North 00°06'21" East 307.00 feet coincident with the West line of lands described in Warranty Deed Document No.679131 and then the West line of lands described in Warranty Deed Document No.544576 to the South line of Mackville Road.

Thence South 89°51'03" East 107.95 feet coincident with the South line of Mackville Road to a highway vision corner;

Thence South 44°49'45" East 119.00 feet coincident with said highway vision corner to the West line of Ballard Road (aka C.T.H. “EE”);

Thence South 89°51'03" East 33.00 feet to the point of beginning.

October 28, 2021

RUN: November 2, 2021  
November 9, 2021

**KAMI LYNCH**  
City Clerk

CITY OF APPLETON  
RESOLUTION

**Resolution declaring polling places in the City of Appleton  
pursuant to Section 5.25 Wisconsin Statutes**

WHEREAS, the City of Appleton underwent redistricting as a result of the 2020 census and;

WHEREAS, the City of Appleton will continue to maintain 15 Aldermanic Districts and;

WHEREAS, it is in the best interest of the City of Appleton to reassign polling places as a result of redistricting to best accommodate voters and Election Day operations;

NOW THEREFORE BE IT RESOLVED that the City of Appleton Polling Places, effective January 1, 2022 are as follows:

Aldermanic District 1 – (Wards 1 & 2)

First United Methodist Church, 325 E Franklin Street

Aldermanic District 2 – (Wards 3, 4 & 5)

Emmanuel United Methodist Church, 740 E College Avenue

Aldermanic District 3 – (Wards 7, 8 & 9)

Cross Walk Church, 2020 E John Street

Aldermanic District 4 – (Wards 10, 11 & 12)

Memorial Presbyterian Church, 803 E College Avenue

Aldermanic District 5 – (Wards 13, 14, 15 & 16)

Prince of Peace Lutheran Church, 2330 E Calumet Street

Aldermanic District 6 – (Wards 17, 18 & 19)

Scheig Center, Memorial Park – 1313 E Witzke Boulevard

Aldermanic District 7 – (Wards 20, 21 & 22)

First English Lutheran Church, 6331 N Ballard Road

Aldermanic District 8 – (Wards 23, 24 & 25)

First Congressional United Church of Christ, 724 E South River Street

Aldermanic District 9 – (Wards 26 & 27)

Saint Bernard Catholic Church, 1617 W Pine Street

Aldermanic District 10 – (Wards 28, 29 & 30)

Saint Matthew Evangelical Lutheran Church, 129 S Mason Street

Aldermanic District 11 – (Wards 31, 32, 33 & 34)

Saint Joseph Parish, 404 W Lawrence Street

Aldermanic District 12 – (Wards 35, 36 & 37)

Saint John United Church of Christ, 1130 W Marquette Street

Aldermanic District 13 – (Wards 38, 39, 40 & 41)

Celebration Ministry Center, 3100 E Evergreen Drive

Aldermanic District 14 – (Wards 42 & 43)

Faith Ministry Center, 601 E Glendale Avenue

Aldermanic District 15 – Wards 44, 45, 46 & 47)

Hope Lutheran Brethren Church, 415 E Hoover Avenue

Adopted: \_\_\_\_\_

Published: \_\_\_\_\_

\_\_\_\_\_  
Jacob A. Woodford, Mayor

\_\_\_\_\_  
Kami Lynch, City Clerk



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

## MEMO

---

**TO:** Municipal Services Committee

**FROM:** Karen Harkness, Director of Community and Economic Development  
Paula Vandehey, Director of Public Works

**DATE:** October 25, 2021

**SUBJECT: Proposed changes to Municipal Code Section 9, Division 3 – Central Business District Street Vendors.**

---

City staff met to discuss issues that have arisen regarding food trucks within the City’s Central Business District. The areas of concern include:

1. The number of licenses allowed for on-street food trucks
2. Where the on-street food trucks are allowed to park

### **The number of licenses allowed for on-street food trucks**

When this ordinance was originally developed, the demand for food trucks was not well-defined so we arbitrarily picked four (4) as a manageable number to start the program. This maximum has not created any challenges until this year. For the first time, all four permits are issued with several other food trucks also applying for CBD permits.

If the number of permits is not increased, we will need a method to determine which of the applicants would be issued the limited number of permits.

### **Where the on-street food trucks are allowed to park**

The current ordinance language includes:

*“No sales shall be made within fifty (50) feet of the main entrance of any business selling same or similar products during the hours said business is open for the sale of said products, unless written permission is granted by said business and such documentation is placed on file with the Department of Public Works.”*

The City Attorney’s Office has concerns with this language as it is difficult to define “same or similar product” so they are recommending that this language be deleted altogether.



Therefore, City staff is recommending that the following two section of Municipal Code Chapter 9, Article XI, Division 3 Central Business District Street Vendors be amended as follows:

Section 9-628 (d) *No more than ~~four (4)~~ **eight (8)** Licenses may be issues for on-street units.*

Section 9-640 (i) *No sales shall be made within ~~fifty (50)~~ feet of the main entrance of any business selling same or similar products during the hours said business is open for the sale of said products, unless written permission is granted by said business and such documentation is placed on file with the Department of Public Works.*

The reasons for the above recommendations include:

- Whether the products of two businesses are the same or similar is difficult to enforce and also potentially places the City in an undesirable position of regulating competition between businesses.
- Many of the restaurants downtown are not open during the same hours as the food trucks are downtown.
- Food trucks have been a part of the vibrancy and vitality of downtown for many years.
- Food trucks can be a progression in entrepreneurship. (Food carts to food trucks to brick and mortar)

C: Chris Behrens, City Attorney  
Steve Kihl, Environmental Health Supervisor  
Todd Freeman, Police Captain

**DIVISION 3. CENTRAL BUSINESS DISTRICT STREET VENDORS**

**Sec. 9-626. Purpose.**

It is the intent of the Common Council to control and regulate the use of streets and sidewalks to the end that the safe use of sidewalks by pedestrians and roads by vehicles is ensured and the health, safety and general welfare of the public is protected and maintained. Consistent with this policy, the purpose of these regulations is to assure the safe and orderly performance of selling on streets and sidewalks within the Central Business District.  
(Ord 73-12, §1, 8-21-12)

**Sec. 9-627. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Amenity strip** shall mean the area between the curb and the defined pedestrian right-of-way along College Avenue between Richmond Street and Drew Street. On all other streets, amenity strip shall mean a minimum four- (4-) foot width between the curb and an eight- (8-) foot pedestrian right-of-way.

**CBD street vendor** means any person who sells or offers for sale any goods, wares, merchandise, or services for sale in the CBD (Central Business District) from any mobile unit which is propelled by human power, including mobile food establishments.

**Mobile food establishment** means a restaurant or retail food establishment where food is served or sold from a movable vehicle, push cart, or trailer which periodically or continuously changes location and requires a service base to accommodate the unit for servicing, cleaning, inspection and maintenance or except as specified in the Wisconsin Food Code. Mobile food establishment does not include a vehicle which is used solely to transport or deliver food or a common carrier regulated by the state or federal government.

**Mobile sidewalk/amenity strip unit** shall mean a pushcart or other device which is on wheels and of sufficiently lightweight construction that it can be moved from place to place by one (1) adult person without any auxiliary power. The device shall not be motorized so as to move on its own power.

**On-street unit** shall mean any vehicle or pedal-powered unit that is readily movable, and designed and equipped to prepare, serve, or sell food.

**Vehicle** shall mean any motor vehicle as defined by Wis.

Stats. §340.01(35) or trailer as defined by Wis. Stats. §340.01(71).  
(Ord 25-05, §1, 4-12-05; Ord 3-12, §1, 1-10-12; Ord 73-12, §1, 8-21-12)

**Sec. 9-628. License and Street Occupancy Permit required.**

(a) No CBD street vendor shall vend, sell or dispose of or offer to vend, sell or dispose of goods, wares or merchandise, produce or any other thing at any place whatsoever within the CBD without first obtaining a license as set forth in this division. Licensees may obtain no more than two (2) Street Occupancy Permits for any portion of the Central Business District west of Appleton Street; and no more than two (2) Street Occupancy Permits for any portion of the Central Business District east of Appleton Street.

(b) No more than eight (8) Street Occupancy Permits for mobile sidewalk/amenity strip units shall be issued between Appleton Street and Richmond Street. No more than eight (8) Street Occupancy Permits for mobile sidewalk/amenity strip units shall be issued between Appleton Street and Drew Street on College Avenue. This shall include all vendors using such units, whether vending goods or food.

(c) No more than two (2) Street Occupancy Permits for mobile sidewalk/amenity strip units shall be issued per block. One (1) block shall be defined to mean the area between intersections on a single side of the street.

(d) No more than ~~four~~ <sup>eight (8)</sup> (4) Licenses may be issued for on-street units.  
(Ord 25-05, §1, 4-12-05; Ord 76-11, §1, 4-12-11; Ord 3-12, §1, 1-10-12; Ord 73-12, §1, 8-21-12)

**Sec. 9-629. Liability insurance.**

To hold a Street Occupancy Permit, the permit holder must have in force liability insurance and must agree to indemnify, defend and hold the City, its employees and agents harmless against all claims, liability, loss, damage, or expense incurred by the City as a result of any injury to or death of any person or damage to property caused by or resulting from the activities for which the permit is granted. As evidence of liability insurance, the permit holder shall furnish a Certificate of Insurance, on a form acceptable to the City, evidencing the existence of adequate liability insurance naming the City of Appleton, its employees and agents as additional insureds in an amount not less than one million dollars (\$1,000,000). Whenever such policy is cancelled, not renewed, or materially changed the insurer and the permit holder shall notify the City of Appleton by certified mail.  
(Ord 25-05, §1, 4-12-05; 76-11, §1, 4-12-11; Ord 3-12, §1, 1-10-12; Ord 73-12, §1, 8-21-12)

sale of said products, unless written permission is granted by said business and such documentation is placed on file with the Department of Public Works.

- (4) Once a vendor is licensed, and a Street Occupancy Permit has been obtained, the change of use of those businesses in buildings within the fifty (50) feet limitation noted above shall not affect an existing license nor the timely renewal of the same.

(k) All persons conducting business on a sidewalk or amenity strip must pick up any paper, cardboard, wood or plastic containers, wrappers, or any litter in any form that is deposited by any person on the sidewalk or street within twenty-five (25) feet of the place of conducting business. Each person conducting business on a sidewalk or amenity strip under the provisions of this division shall carry a suitable container for placement of such litter by customers or other persons.

(l) Vendors shall maintain their sales location in a clean, hazard-free condition, and shall not discharge materials onto the sidewalk, gutters or storm drain. All liquid residue must be cleaned up, or in the alternative, protective matting may be placed on the amenity strip to absorb any liquid residue. Said matting must be removed when the vendor closes for the day.

(m) No person may make any loud unreasonable noise of any kind by vocalization or otherwise for the purpose of advertising or attracting attention to his or her wares.

(n) No person shall conduct business as defined herein at a location other than that designated on his or her Street Occupancy Permit/License.

(o) No permitted mobile sidewalk/amenity strip units shall be left unattended on a sidewalk or amenity strip nor remain on the sidewalk or amenity strip between 4:00 a.m. and 8 a.m.

(Ord 3-12, §1, 1-10-12; Ord 73-12, §1, 8-21-12)

**Sec. 9-640. Vending of products from vehicles or other on-street unit in the public streets.**

(a) No food shall be sold from a vehicle other or on-street unit in any public street in the City of Appleton except in compliance with the requirements of this section and §9-639 above.

(b) Any vehicle or other on-street unit used for vending food in any public street must be designed and constructed specifically for the purpose of vending the product or products to be vended.

(c) Each such vehicle or other on-street unit used for

vending food shall be licensed for such use by the Department of Health.

(d) If such vehicle or other on-street unit is a motor vehicle, it must have valid license plates and registration as provided by Chapter 341 of the Wisconsin Statutes.

(e) A vehicle or other on-street unit which is operated for the purpose of selling food from the unit in the public streets shall be operated only by a person who shall have obtained a license under this division.

(f) In addition, the operator or the owner of any motor vehicle shall furnish proof of current insurance issued by an insurance company authorized to do business in the State of Wisconsin and shall maintain such insurance as a condition of licensing under this division. The insurance shall provide coverage for bodily injury, including accidental death, as well as for claims for property damage which may arise from the operations under the license. The policy limits of such insurance shall be the same as those required in §9-629 above.

(g) Amplified music or other sounds from any vehicle used for the purpose of vending products in the public streets shall comply with the applicable requirements of Chapter 12, Article IV of this code pertaining to noise.

(h) No sales shall be made from a vehicle except from the curbside of said vehicle.

~~(i) No sales shall be made within fifty (50) feet of the main entrance of any business selling same or similar products during the hours said business is open for the sale of said products, unless written permission is granted by said business and such documentation is placed on file with the Department of Public Works.~~

(j) No vehicle may violate any traffic or parking statute or ordinance when stopping to make sales. This includes plugging parking meters, if applicable and not remaining in a location for a longer period of time than the meter allows. Meter bags will not be issued to license holders under this article.

(k) No on-street unit may park adjacent to a sidewalk café or an establishment with a Street Occupancy Permit for tables and chairs when the tables and chairs are present on the amenity strip.

(Ord 3-12, §1, 1-10-12; Ord 73-12, §1, 8-21-12)

**Editor's Note:** Chapter 9, Division 3 was repealed and recreated via ordinance 3-12 adopted by the Common Council on January 1, 2012, published January 9, 2012 and became effective January 10, 2012.

**Editor's Note:** Chapter 9, Division 3 was repealed and recreated via ordinance 73-12 adopted by the Common Council on August 15, 2012, published August 20, 2012 and became effective August 21, 2012.



## MEMO

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**TO:** Municipal Services Committee

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

**DATE:** October 26, 2021

**SUBJECT:** Approval to develop a Parklet Policy for the City of Appleton.

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On July 21, 2021 the Common Council approved a street occupancy permit for an on-street parklet on the east side of the 100 N. State Street block. This was a pilot program in hopes of developing a full Parklet Policy similar to the City of LaCrosse's policy.

City staff from Risk Management, Police, Fire, Community Development and Public Works met with Jennifer Stephany from Appleton Downtown, Inc to review how the pilot program went. All agreed that the pilot program was successful, and now had a good sense of what would be needed to develop a policy for an on-going, safe Parklet Policy.

Therefore, staff is requesting approval to develop a Parklet Policy for Municipal Services Committee and Council consideration.





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:** November 1, 2021  
**Re:** 15 mph Speed Limit Designation on 800 W. Washington Street (Story St to Bennett St)  
*(follow-up to a 6-month trial)*

Earlier this year, my office was 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 “default” 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, we recommended designating and posting a 15 mph speed limit for a 6-month trial period. We did not receive any feedback or complaints from the public during the six-month trial period. Based on this, we recommend making the changes permanent.

**To accomplish this, section 19-61 of Chapter 19 of the Appleton Municipal Code requires the following amendment:**

Sec. 19-61      Speed Limits Designated - Fifteen miles per hour.  
**Add:** “Washington Street from Story Street to Bennett 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 Lom, City Traffic Engineer  
**Date:** November 1, 2021  
**Re:** Parking restriction change on Atlantic Street, west of Lawe Street  
*Follow-Up to Six-Month Trial Period*

The Traffic Section was contacted by citizen reporting that a parking restriction on Atlantic Street was potentially no longer needed.

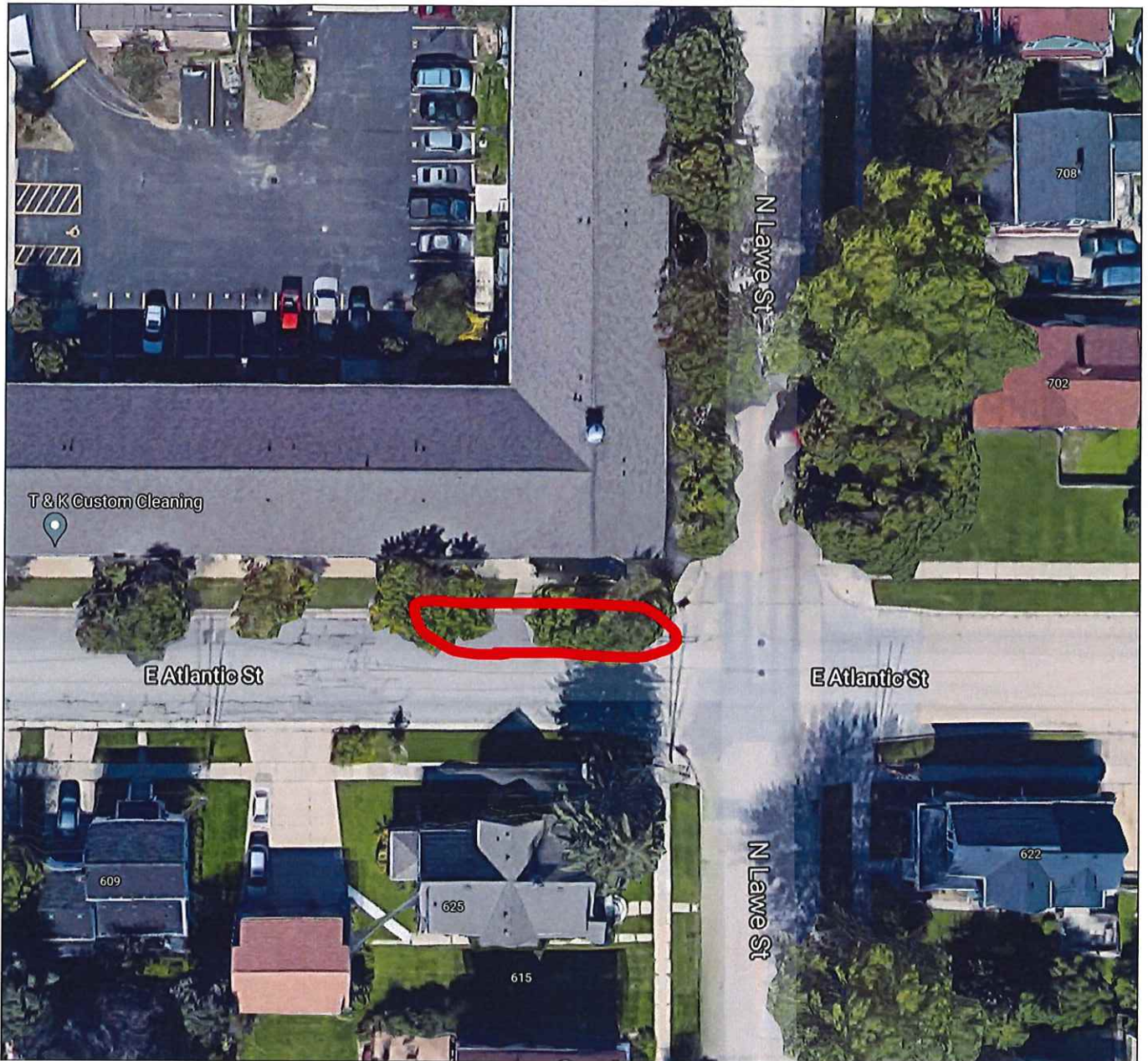
Our review of the situation determined that the *1-Hour Parking* restriction in question, which is located on the north side of Atlantic Street, just west of Lawe Street, was created in 1994 at the request of the adjacent credit union as way of ensuring a location for their walk-up customers to park. The credit union in question no longer exists.

Based on this, the decision was made to remove the restriction for a six-month trial.

We did not receive any feedback or complaints from the public during the six-month trial period. Based on this, we recommend making the changes permanent.

**To accomplish this, the following ordinance action is required:**

1. **Repeal Ordinance 124-94:** "Parking be restricted to one hour from 9:00 a.m. to 5:00 p.m., except Saturdays, Sunday and Holidays, on the north side of Atlantic Street from the west right-of-way line of Lawe Street to a point 50 feet west."





## REPORT TO CITY PLAN COMMISSION

**Plan Commission Informal Hearing Meeting Date:** October 27, 2021

**Common Council Public Hearing Meeting Date:** November 17, 2021

**Item:** Rezoning #11-21 – Lightning Drive/C.T.H. “JJ” (Right-of-Way) Annexation

**Case Manager:** Don Harp, Principal Planner

### GENERAL INFORMATION

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**Owner:** City of Appleton

**Applicant/Petitioner:** City of Appleton Plan Commission

**Parcel Numbers/Location:** Part of parcels 101157000 and 101158200, included in the “Lightning Drive/C.T.H. JJ (Right-of-Way) Annexation”, located in the vicinity of North Lightning Drive and East Edgewood Drive intersection and north thereof.

**Petitioner’s Request:** To assign a zoning classification to newly annexed property, pursuant to Section 23-65(e) of the Municipal Code, from temporary AG Agricultural District to P-I Public Institutional District. The request is being made to facilitate future construction of a street officially mapped as Lightning Drive with associated utilities and a stormwater pond.

### BACKGROUND

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On October 13, 2021, the Plan Commission recommended approval of the Lightning Drive/C.T.H. JJ (Right-of-Way) Annexation. During review of the annexation, the Plan Commission initiated the rezoning for the subject property from temporary AG Agricultural District to the zoning classification of P-I Public Institutional District.

Officially mapped Lightning Drive from East Edgewood Drive to Broadway Drive went into effect on October 23, 2001.

### FUTURE ACTIONS

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On November 3, 2021, the Common Council will take action on the Lightning Drive/C.T.H. JJ (Right-of-Way) Annexation Ordinance. It is anticipated the property will be officially annexed to the City on November 9, 2021 at 12:01 a.m.

Rezoning #11-21 is on track to go to the November 17, 2021 Common Council meeting for action.



**STAFF ANALYSIS**

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**Existing Site Conditions:** The subject parcel is approximately 12.6622 acres in size. The subject property is developed with public infrastructure (stormwater pond, utilities, and roads). Also, a portion of the subject property is undeveloped agricultural land.

**Street Classification:** Lightning Drive is classified as a collector street on the City's Arterial/Collector Plan.

**Surrounding Zoning Classification and Land Uses:**

North: Town of Grand Chute. AGD – General Agricultural District, the adjacent land use to the north is currently agricultural land.

South: City of Appleton. P-I Public Institutional District, the adjacent land use to the south is currently developed as single-family residential, agricultural buildings, and undeveloped land.

West: City of Appleton. C-2 General Commercial District and R-1B Single-family District, the adjacent land use to the west is currently undeveloped commercial and single-family residential land.

Town of Grand Chute. AGD – General Agricultural District, the adjacent land use to the west is currently agricultural land.

East: Town of Grand Chute. AGD – General Agricultural District, the adjacent land use to the east is currently agricultural land.

**Proposed Zoning Classification:** The purpose of the P-I Public Institutional District is to provide for public and institutional uses (roads/utilities) and buildings utilized by the community and to provide open space standards where necessary for the protection of adjacent residential properties. Per Section 23-100(h) of the Municipal Code, the development standards for the P-I District are listed below:

- 1) **Minimum lot area:** None.
- 2) **Maximum lot coverage:** 70%.
- 3) **Minimum lot width:** None.
- 4) **Minimum front yard:** 20 feet plus an additional one foot for each two feet that the building or structure exceeds 35 feet in height.
- 5) **Minimum rear yard:** 20 feet plus an additional one foot for each two feet that the building or structure exceeds 35 feet in height.
- 6) **Minimum side yard:** 20 feet plus an additional one foot for each two feet that the building or structure exceeds 35 feet in height.
- 7) **Maximum building height:** 60 feet.

**Rezoning #11-21 - Lightning Drive/C.T.H. "JJ" (Right-of-Way) Annexation**  
**October 27, 2021**  
**Page 3**

**Zoning Ordinance Review Criteria:** Per Section 23-65(e) of the Municipal Code, a temporary zoning classification is assigned to newly annexed territory, with rezoning taking place following the annexation process. All territory annexed to the City is assigned a zoning classification as recommended by Plan Commission. The Plan Commission shall consider the following criteria in selection of an appropriate zoning district for the annexed land:

- The existing land uses within the territory to be annexed;
- The surrounding land uses that exist on adjacent properties regardless of municipal boundary lines;
- The Comprehensive Plan of the City.

In this case, the Plan Commission initiated a rezoning for the subject property from temporary AG Agricultural District to the zoning classification of P-I Public Institutional District. A rezoning initiated directly by Plan Commission is processed in accordance with Section 23-65(d), Zoning Map Amendments, which includes review and action by the Common Council. If approved, any future development would need to conform to the P-I District zoning regulations listed above and other sections of the Zoning Ordinance.

**Appleton Comprehensive Plan 2010-2030:** The City of Appleton 2010-2030 Comprehensive Plan Map identifies the subject area as Officially Mapped Lightning Drive, Ponds/Water, Public Institutional, One/Two Family Residential and Agricultural/Private Open Space. 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.*

*Goal 4 – Transportation*

*Appleton will support a comprehensive transportation network that provides viable options for pedestrian, bicycle, highway, rail, and air transportation, both locally and within the region.*

**OBJECTIVE 6.1 Transportation:**

*Plan for the safe and efficient movement of vehicles on local and regional roads.*

**OBJECTIVE 6.8 Transportation:**

*Implement transportation improvements which also support the City's desired land use, housing and neighborhood goals, objectives, and policies.*

**OBJECTIVE 7.5 Utilities and Community Facilities:**

*Implement effective stormwater management practices.*

## Rezoning #11-21 - Lightning Drive/C.T.H. "JJ" (Right-of-Way) Annexation

October 27, 2021

Page 4

**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 officially mapped Lightning Drive, other roads, and a stormwater pond.*
  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. *City infrastructure is already installed along the initial segment of Lightning Drive. Stormwater pond, sewer, and water infrastructure will be included with the future construction of Lightning Drive.*
  2. The effect of the proposed rezoning on surrounding uses. *Officially mapped Lightning Drive from East Edgewood Drive to Broadway Drive went into effect on October 23, 2001. The recent annexation will allow for the future construction of Lightning Drive and associated stormwater pond, sewer, and water infrastructure within the annexation area. Therefore, the proposed rezoning request is unlikely to create adverse impacts in the surrounding neighborhood.*

**Review Criteria:** Based upon the above analysis, it would appear the criteria established by Section 23-65(d)(3) Zoning Amendments has been satisfied.

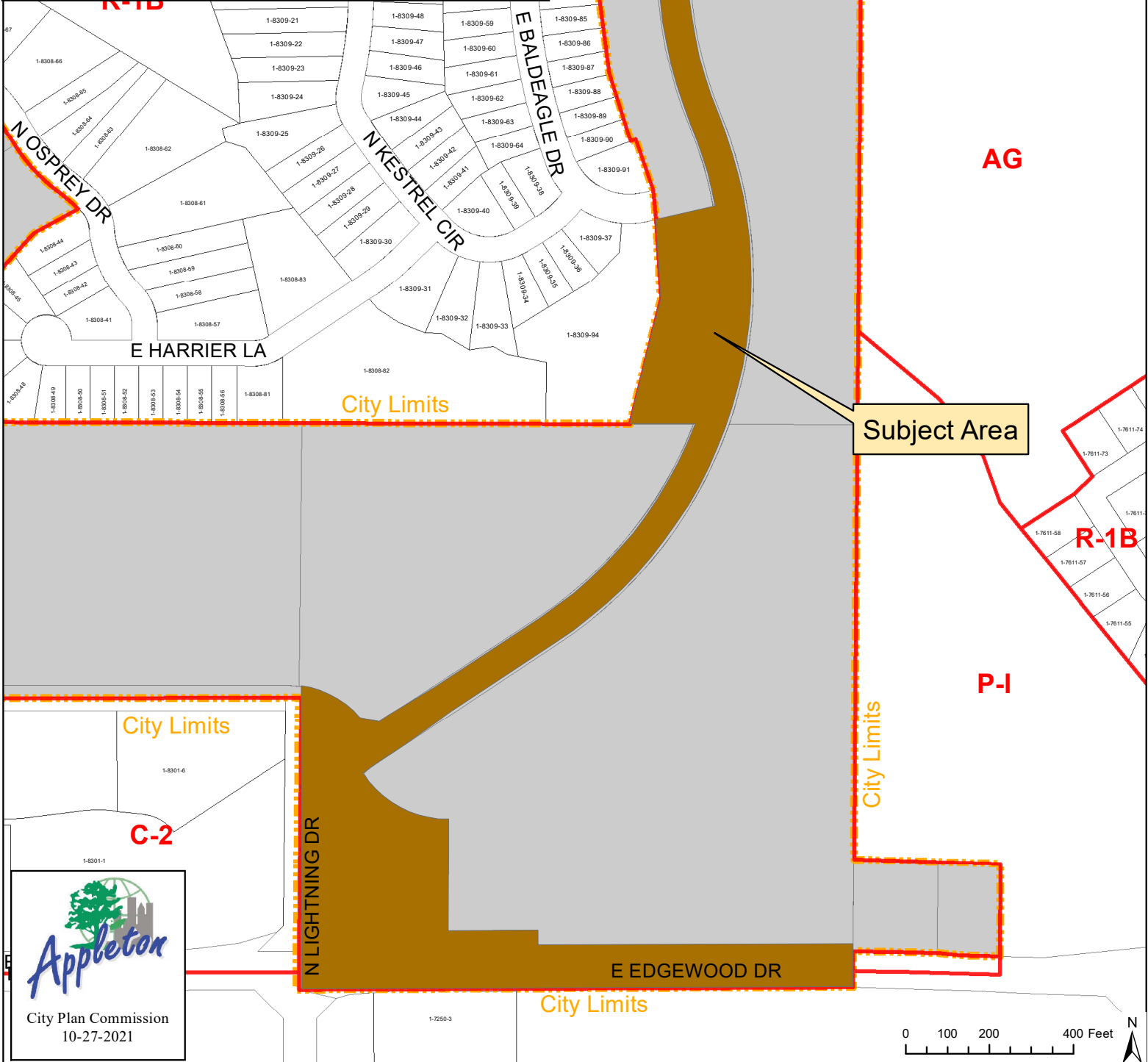
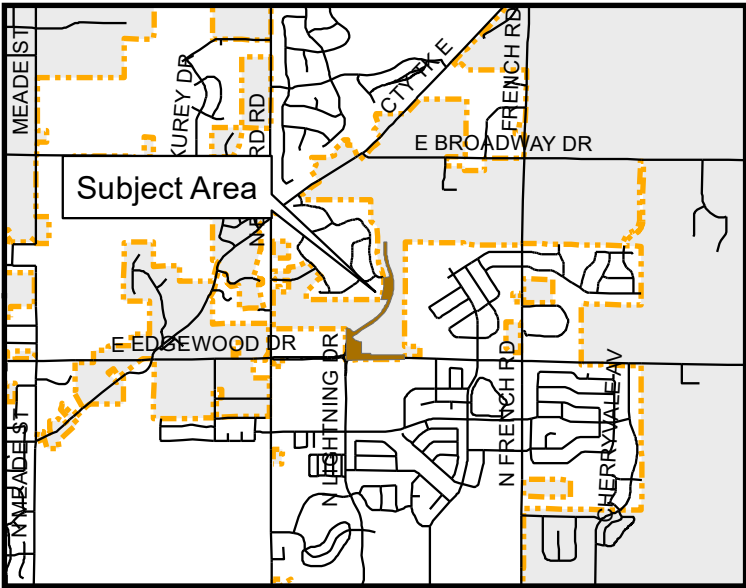
**Technical Review Group (TRG) Report:** This item appeared on the August 31, 2021 TRG Agenda. No negative comments were received from participating departments.

**RECOMMENDATION**

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Staff recommends, based upon the standards for zoning map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning Application #11-21 to rezone the Lightning Drive/C.T.H. "JJ" (Right-of-Way) Annexation area from temporary AG Agricultural District to P-I Public Institutional District as shown on the attached maps, **BE APPROVED.**

Lightning Drive & C.T.H. JJ (Right-of-Way)  
Annexation Temporary AG Agricultural to  
P-I Public Institutional District  
Rezoning



Lightning Drive & C.T.H. JJ (Right-of-Way)  
Annexation Temporary AG Agricultural to  
P-I Public Institutional District  
Aerial Map





## REPORT TO CITY PLAN COMMISSION

**Plan Commission Informal Hearing Meeting:** October 27, 2021

**Common Council Public Hearing Meeting:** November 17, 2021

**Item:** Rezoning #12-21 - Ziegler Mackville Road & EE Annexation

**Case Manager:** Don Harp, Principal Planner

### **GENERAL INFORMATION**

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**Owner:** Philip C. Ziegler

**Applicant/Petitioner:** City of Appleton Plan Commission

**Address/Parcel Number:** N2883 County Road EE / 040097800 - Town of Center. The proposed City parcel number is #31-1-9315-00.

**Petitioner's Request:** To assign a 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**

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On October 13, 2021, the Plan Commission recommended approval of the Ziegler Mackville Road & EE Annexation. During review of the annexation, the Plan Commission initiated the rezoning for the subject property from temporary AG Agricultural District to the zoning classification of R-1B Single-family District.

### **FUTURE ACTIONS**

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On November 3, 2021, the Common Council will take action on the Ziegler Mackville Road & EE Annexation Ordinance. It is anticipated the property will be officially annexed to the City on November 9, 2021 at 12:01 a.m.

Rezoning #12-21 is on track to go to the November 17, 2021 Common Council meeting for action.

### **STAFF ANALYSIS**

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**Existing Conditions:** The subject area is approximately 1.4407 acres in size. Currently, the subject property is developed with a single-family dwelling.

**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).
- 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 Center. General Agricultural District, the adjacent land use to the north is currently agricultural land.
- South: Town of Center. General Agricultural District, the adjacent land use to the south is currently developed as single-family residential.
- West: Town of Center. General Agricultural District, the adjacent land use to the west is currently developed as single-family residential.
- East: City of Appleton. R-1B Single-family District, the adjacent land use to the east is currently undeveloped but subdivided for single-family residential.

**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.*

**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 site as future one and two-family residential land use.*
  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 Ziegler Mackville Road & EE Annexation that the City can provide the needed municipal services to serve the subject site.*

2. The effect of the proposed rezoning on surrounding uses. *Single-family residential uses are already established adjacent to the subject site. Therefore, the proposed rezoning request is unlikely to create adverse impacts in the surrounding uses.*

**Review Criteria:** Based upon the above analysis, it would appear the criteria established by Section 23-65(d)(3) Zoning Amendments has been satisfied.

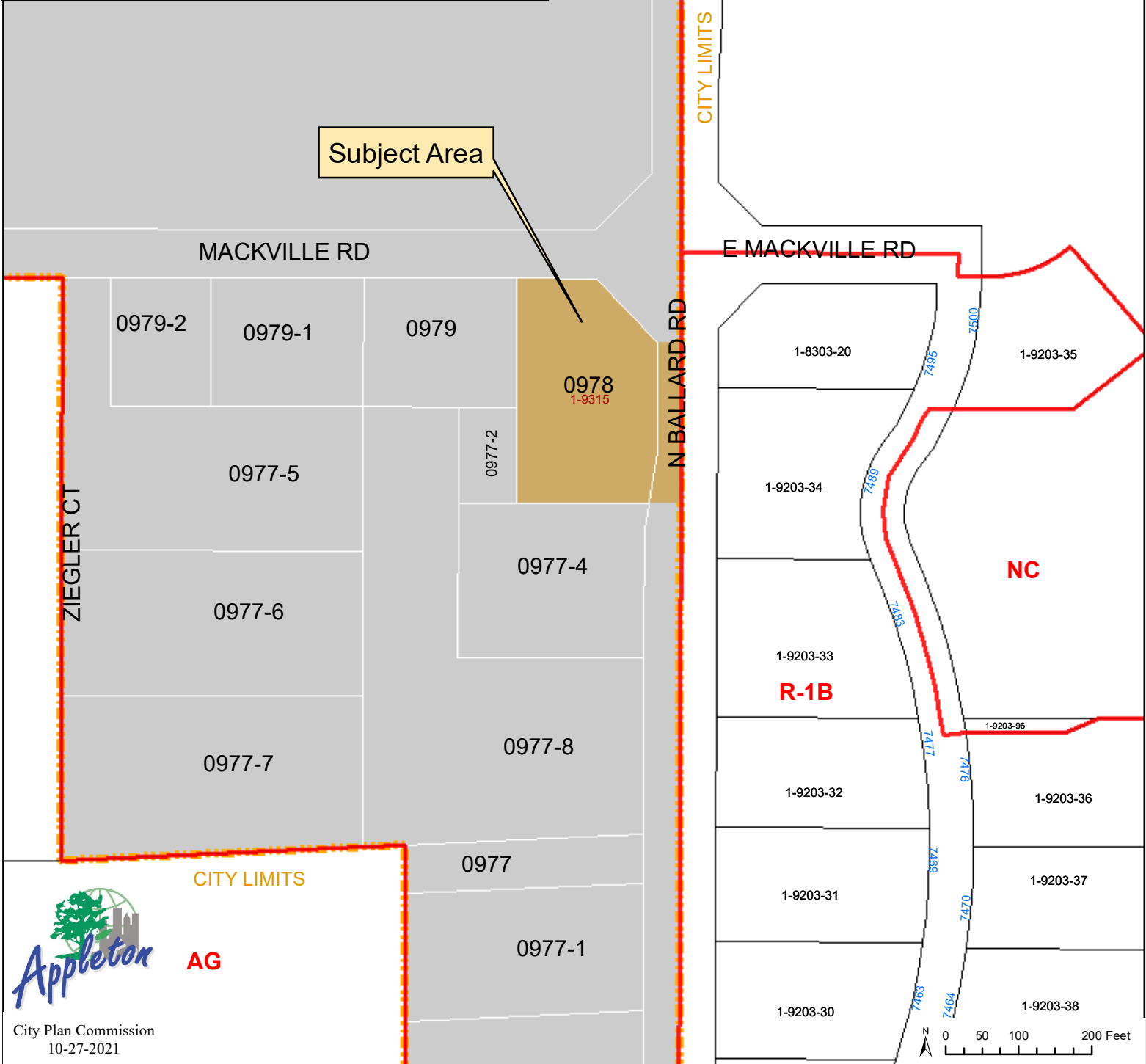
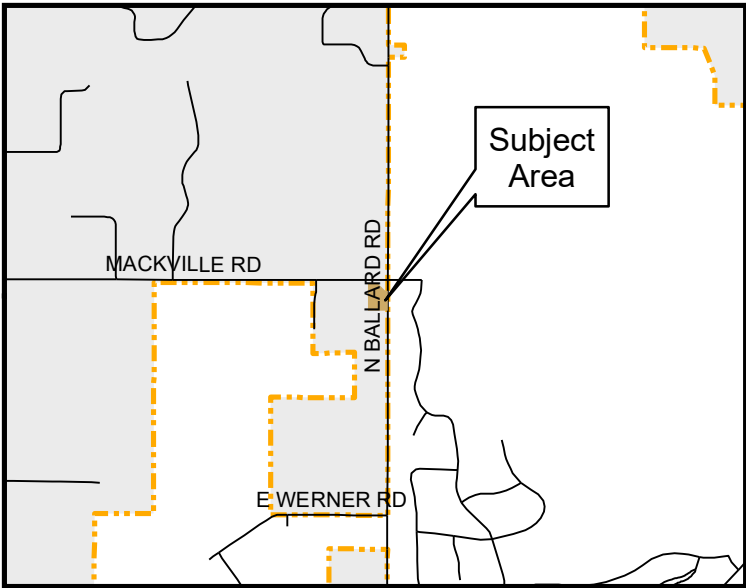
**Technical Review Group (TRG) Report:** This item appeared on the September 21, 2021 TRG Agenda. No negative comments were received from participating departments.

### **RECOMMENDATION**

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Staff recommends, based upon the standards for zoning map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning Application #12-21 to rezone the Ziegler Mackville Road & EE Annexation area from temporary AG Agricultural District to R-1B Single-family District as shown on the attached maps, **BE APPROVED**.

Rezoning  
Ziegler Mackville Road & EE Annexation  
Temporary AG Agricultural  
to R-1B Single-family District



Rezoning  
Ziegler Mackville Road & EE Annexation  
Temporary AG Agricultural  
to R-1B Single-family District  
Aerial Map



Subject Area

0979

0978

0977-2

0977-4

1-920

CITY LIMITS

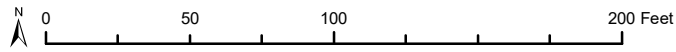
N BALLARD RD

MACKVILLE RD

E MACKVILLE RD



City Plan Commission  
10-27-2021





## REPORT TO CITY PLAN COMMISSION

**Plan Commission Meeting Date:** November 10, 2021

**Common Council Meeting Date:** November 17, 2021

**Item:** Extraterritorial Preliminary Plat – Center Valley at 3800 – Town of Grand Chute

**Case Manager:** Don Harp

### GENERAL INFORMATION

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**Owner:** Greene Development Appleton, Jim Greene

**Applicant:** Robert E. Lee & Associates, Troy Hewitt

**Address/Parcel #:** Generally located at the northeast corner of the intersection of Interstate Highway 41 and Wisconsin Avenue (S.T.H. 96) in the Town of Grand Chute – Tax Id #s 101091300 and 101091303.

**Petitioner's Request:** The applicant is proposing to subdivide property under Town's CR – Regional Commercial District zoning district for commercial development. The platted area is 19.379 acres, which will be divided into six (6) lots.

### BACKGROUND

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The subject area is within the City's extraterritorial plat approval jurisdiction, which includes the unincorporated area within three miles of the City or where extraterritorial jurisdictions overlap; the overlapping area is divided by a line whose points are equidistant from the boundaries of each municipality. This plat is located with the three-mile extraterritorial plat approval jurisdiction limit.

### STAFF ANALYSIS

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**Purpose of Extraterritorial Plat Approval:** The purpose of extraterritorial plat approval jurisdiction is to help the City influence the development pattern of areas outside the City boundaries that may be annexed to the City in the future. The current Intermunicipal Boundary Agreement with the Town of Grand Chute indicates the subject site is located outside of the City's annexation area.

**Existing Conditions:** The subject site is developed with WG&R Furniture (Lot 5) and REI Co-op (Lot 1). No buildings exist on proposed Lots 2, 3, 4 and 6. Access to the development will be obtained from Westhill Boulevard.

**Surrounding Land Uses:** The surrounding area is under the jurisdiction of the Town of Grand Chute. The nearby uses are generally commercial in nature.

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

**Extraterritorial Preliminary Plat – Center Valley at 3800 – Town of Grand Chute**  
**November 10, 2021**  
**Page 2**

**Review Criteria:** Community & Economic Development staff has reviewed the Extraterritorial Preliminary Plat in accordance with the City of Appleton Zoning Ordinance requirements for commercial developments. The lot sizes and lot widths for the lots in this Town of Grand Chute subdivision exceed minimum City of Appleton Zoning Ordinance requirements for commercial developments.

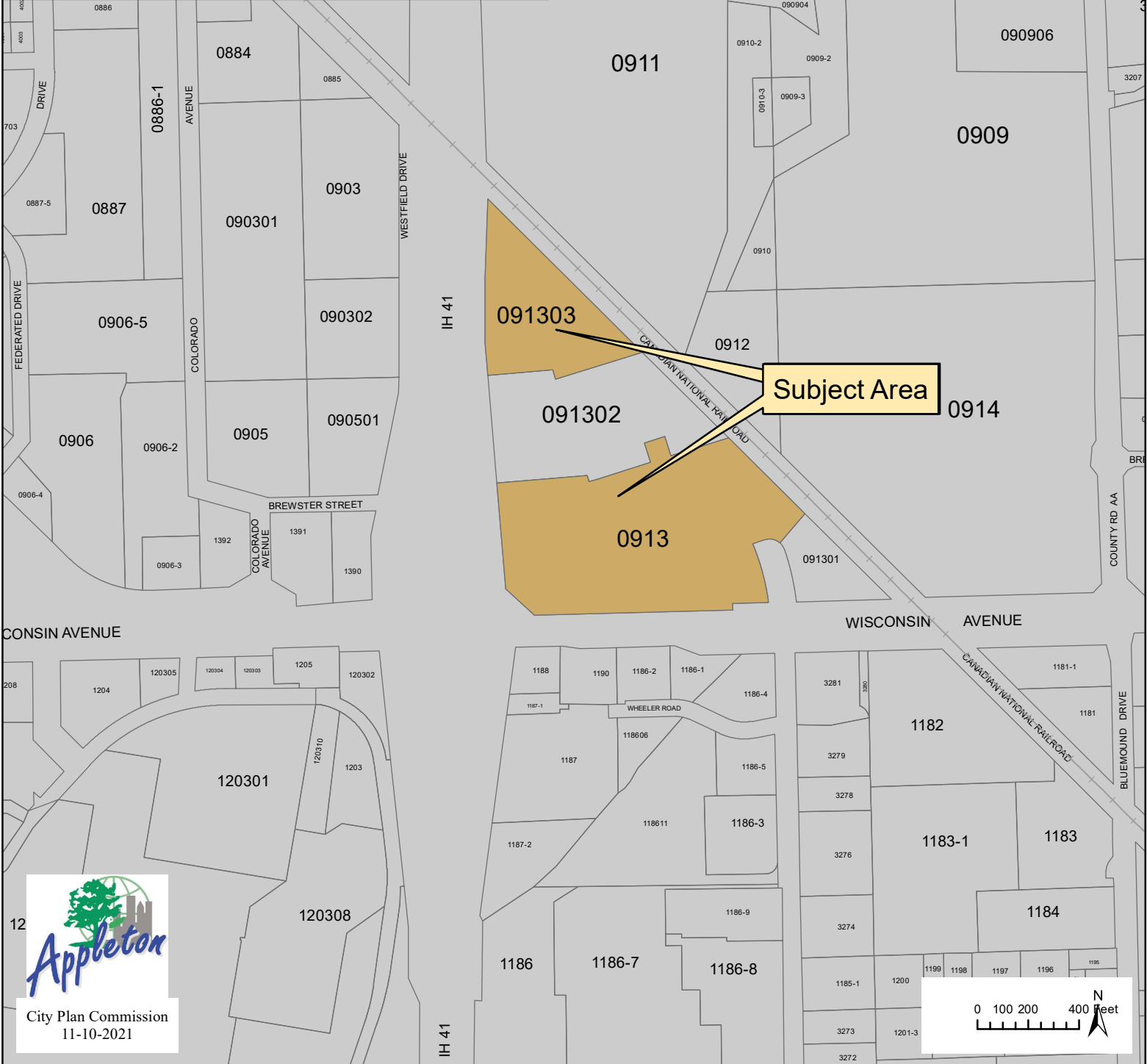
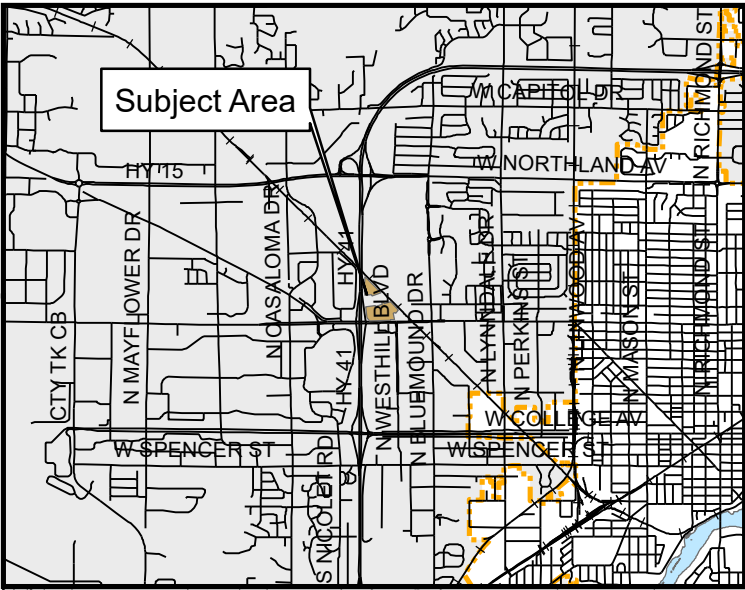
**Technical Review Group (TRG) Report:** This item was included on the October 19, 2021 Technical Review Group agenda. No negative comments were received from participating departments.

**RECOMMENDATION**

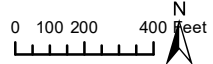
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Based on the above, staff recommends that the Center Valley at 3800 Extraterritorial Preliminary Plat, located in the Town of Grand Chute, as shown on the attached maps, **BE APPROVED**.

Extraterritorial Preliminary Plat  
 Center Valley At 3800  
 Town of Grand Chute  
 Vicinity Map



City Plan Commission  
 11-10-2021



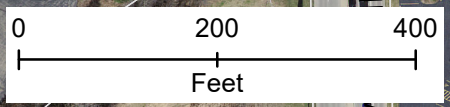
Extraterritorial Preliminary Plat  
Center Valley At 3800  
Town of Grand Chute  
Aerial Map



Subject Area



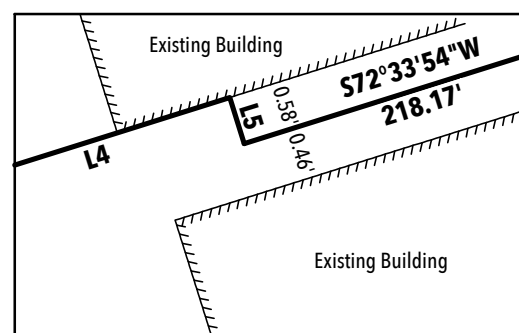
City Plan Commission  
11-10-2021





# CENTER VALLEY AT 3800

ALL OF LOT 1 AND ALL OF LOT 3 OF VOLUME 47 OF CERTIFIED SURVEY MAPS, PAGE 7676, MAP NUMBER 7676, DOCUMENT NUMBER 2152310, BEING PART OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4, PART OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4, AND PART OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4, ALL LOCATED IN SECTION 20, TOWNSHIP 21 NORTH, RANGE 17 EAST, TOWN OF GRAND CHUTE, OUTAGAMIE COUNTY, WISCONSIN



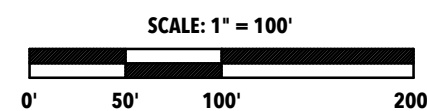
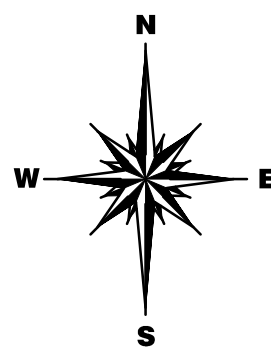
**Detail**  
Not to Scale

**Line Table**

Line #	Length	Direction
L1	53.11'	N72°35'57\"E
L2	25.00'	N01°30'10\"W
L3	24.75'	N17°26'06\"W
L4	35.42'	S72°33'54\"W
L5	0.67'	N17°26'06\"W
L6	38.96'	S17°26'06\"E
L7	25.51'	N33°58'18\"E
L8	21.13'	N03°04'35\"E
L9	44.29'	S75°25'29\"W

**Curve Table**

Curve #	Delta	Radius	Length	Chord	Tangent	Second
					Bearing	Tangent Bearing
C1	58°08'56\"	60.50'	61.40'	N78°19'36\"W	58.80'	N49°15'08\"W
C2	15°11'32\"	910.00'	241.29'	N15°06'51\"W	240.58'	N07°31'05\"W



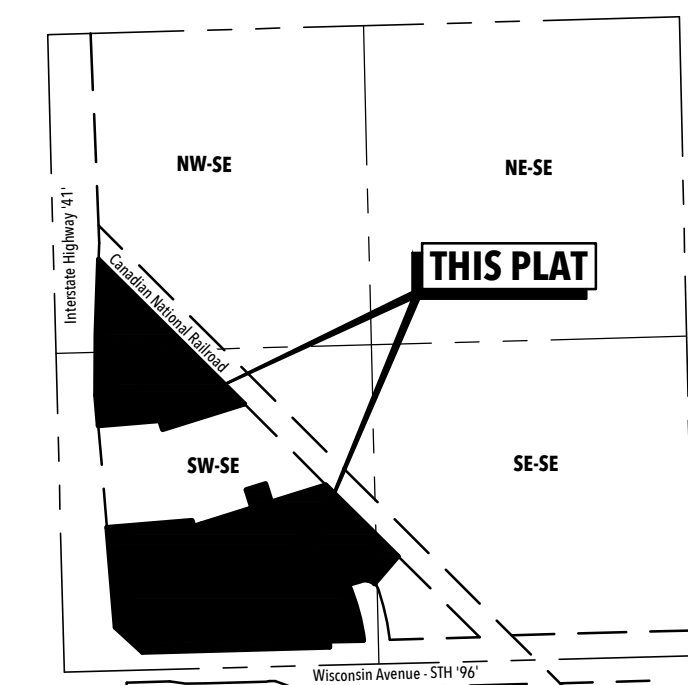
**LEGEND**

- County PLSS Monument
- Existing 1" Iron Pipe
- ✱ Existing 1/2" Iron Rod
- All other lot corners marked with a 1.125" outside dia x 18" iron pipe weighing 1.38 lbs/lin. ft.

Bearings are referenced to the Outagamie County Coordinate System. The south line of the Southeast 1/4 bears N88°29'50\"E.

All linear measurements have been made to the nearest hundredth of a foot and computed to the nearest hundredth of a foot.

All angular measurements have been made to the nearest three seconds and computed to the nearest half second.



Southeast 1/4 of Section 20  
T21N-R17E  
Outagamie County, Wisconsin  
Not to Scale  
**LOCATION SKETCH**

SHEET 1 OF 1

**OWNER**  
Greene Development Appleton  
900 Challenger Drive  
Green Bay, WI 54311

**SURVEYOR**  
Troy E. Hewitt  
Professional Land Surveyor #2831  
Robert E. Lee & Associates, Inc.  
1250 Centennial Centre Boulevard  
Hobart, WI 54155

**PARCEL ID**  
101091300  
101091303

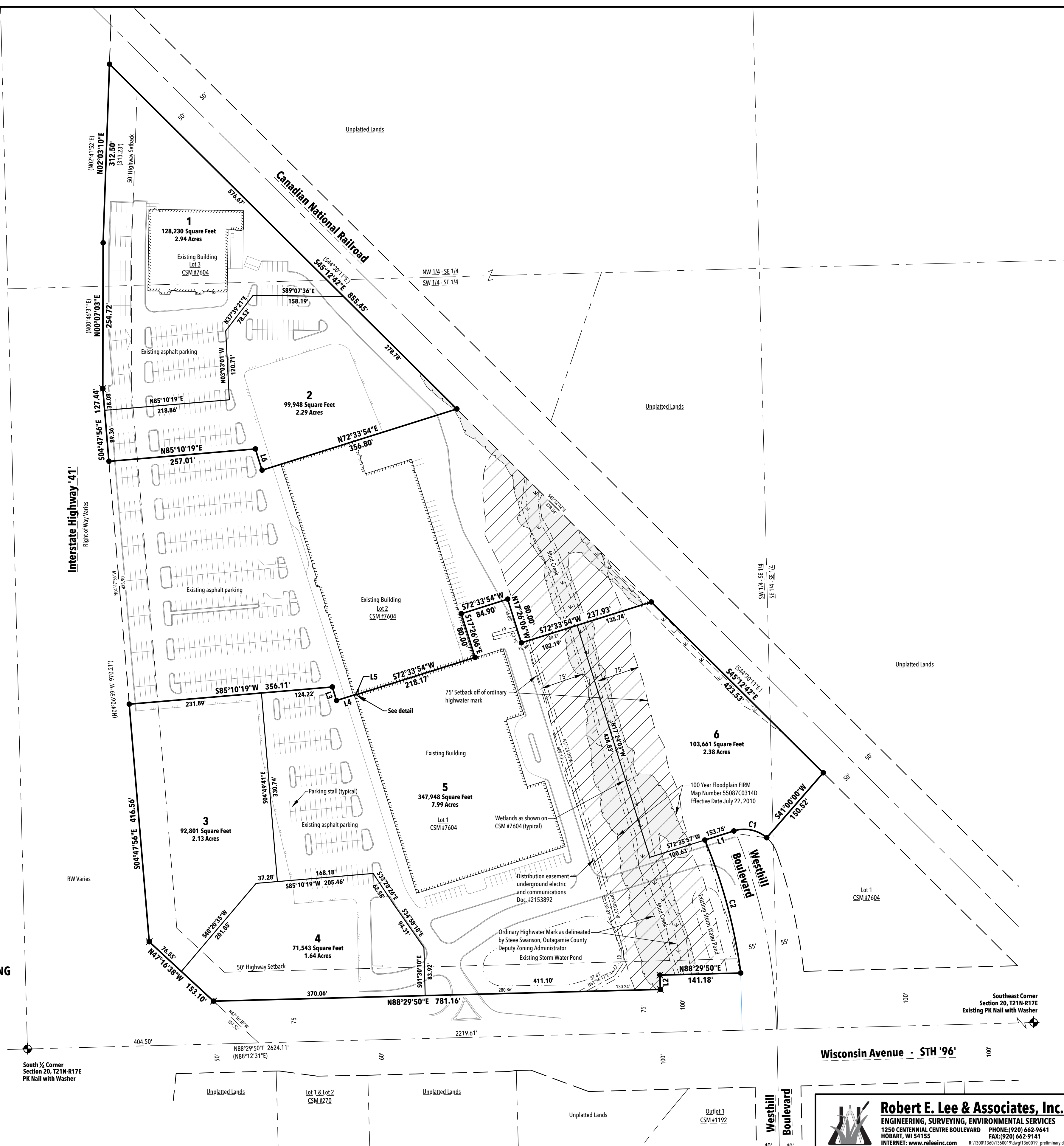
**ZONING**  
CR - Regional Commercial District

**MINIMUM LOT AREA AS PLATTED**  
1.64 Acres

**NUMBER OF LOTS**  
6 Lots

**PLATTED AREA**  
844,131 Square Feet  
19.379 Acres

**APPROVING & OBJECTING AUTHORITIES**  
Town of Grand Chute  
City of Appleton  
Outagamie County  
Department of Administration



Wisconsin Avenue - STH '96

**Robert E. Lee & Associates, Inc.**  
ENGINEERING, SURVEYING, ENVIRONMENTAL SERVICES  
1250 CENTENNIAL CENTRE BOULEVARD  
HOBART, WI 54155  
INTERNET: www.releinc.com  
PHONE: (920) 662-9641  
FAX: (920) 662-9141  
R:\112001\3601\360119.dwg\1360019\_preliminary.dwg



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

**PARKS, RECREATION & FACILITIES  
MANAGEMENT**

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

## Memorandum

**To:** Parks and Recreation Committee  
**From:** Dean Gazza, Parks, Recreation and Facilities Management Department  
**Date:** November 8, 2021  
**Re:** Action Item: Request Approval of Reid Golf Course 2022 Rates Policy

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Attached is the proposed 2022 Reid Golf Course Rates Policy that outlines the daily fees and pass rates for 2022. The 2022 Reid Golf Course Rates Policy is consistent with the policy adopted by the Park and Recreation Committee and Common Council for 2021.

The proposed 2022 golf rates include a \$1.00 increase to weekday 9-hole play and a \$375.00 increase to the business pass. Increasing the 9-hole rate will bring our fee in line with other courses in the area. The cost per round for the business pass has dropped below an acceptable sustainable level due to increased costs for fuel, labor, and turf management supplies.

The Parks, Recreation, and Facilities Management Department is requesting approval of the 2022 Reid Golf Course Rates Policy at this time to begin planning for the 2022 season.

Please feel free to contact me at (920) 832-5572 or [dean.gazza@appleton.org](mailto:dean.gazza@appleton.org) if you need additional information or have questions.

<b>CITY OF APPLETON POLICY</b>		TITLE: 202 <del>2</del> <sup>1</sup> REID GOLF COURSE RATES POLICY	
ISSUE DATE: Day of Council Adoption	LAST UPDATE: December 2008, December 2010, December 2011, September 2012, September 2013, August 2014 October 2015, November 2016, November 2017, November 2018, October 2019, November 2020, <u>November 2021</u>	LOCATION: J:\Department\Administration\Policies\ Golf Course	
POLICY SOURCE: Parks and Recreation Department		TOTAL PAGES: 5	
Reviewed by <u>Attorney's Office</u> <u>Legal Services</u> Date: <u>October, 29, 2021</u>	Parks and Recreation Committee Approval Date:	Council Approval Date:	

**I. PURPOSE:**

The Appleton Parks, Recreation and Facilities Management Department operates Reid Golf Course to maintain open space and provide for the recreational needs of the ~~C~~community. The adoption of the rates outlined in this policy provides additional recreational opportunities to the members of the public. In addition, these rates shall provide revenues to meet operational, administrative and debt service expenses. The policy also contains procedures regarding refunds and coupon/pass upgrades that will provide additional golf opportunities, secure additional revenues for the City of Appleton and increase customer satisfaction.

**II. POLICY:**

It is the policy of the City of Appleton to establish daily green fees, discount cards and annual pass rates to meet changing community and participant interests and secure revenues to meet operational, administrative and debt service needs of the golf course. All daily green fees, discount cards and annual pass rates shall be established by the Parks, Recreation and Facilities Management Department and presented to the Parks and Recreation Committee and Council for annual review and adoption. Special and/or seasonal rates shall be established by the Parks, Recreation and Facilities Management Department to address current market conditions, changing competition, local and national trends, seasonal opportunities, golf course conditions, etc.

**III. DEFINITIONS:**

1. Discount Card – Provides 15% discount on regular green fees

2. Weekday – Monday through Friday
3. Weekend – Saturday, Sunday and holidays
4. Dependent - Child age 18 and under (applicable on for family passes only)
5. Junior – Age 18 and under
6. Junior Associate – Ages 19 to 24
7. Associate – Ages 25 to 40
8. Adult – Ages 41 to 61
9. Senior – Age 62 and up
10. Family – All persons currently residing at the same address who are directly related (mother, father, son, daughter), or are foster children. Families are limited to two adults and the dependents and/or foster children.
11. Guest Round – A free round of golf provided to a guest of an Aannual pass holder.
12. New Pass Holder – individual and/or family who have not purchased an annual pass the previous year.
13. Business Pass – Pass purchased by businesses and companies for use by employees, business guests, etc. The Business Pass includes a foursome for one tee time and two carts per day.

#### **IV. DISCUSSION:**

1. Weekday daily fees will be charged Monday through Friday, except holidays.
2. Weekend daily fees will be charged Saturdays, Sundays and all holidays.
3. A Weekday Pass:
  - a. Is available for 9-hole or 18-hole play.
  - b. Can be used anytime Monday through Friday.
  - c. Can be used for league play Monday through Friday.
  - d. Cannot be used for tournaments, outings and/or special events.
4. An Associate, Junior Associate, Adult, and Family Annual Pass:
  - a. Is available for 9-hole or 18-hole play.
  - b. Can be used anytime Monday through Sunday and holidays based on availability.
  - c. Can be used for league play Monday through Friday.
  - d. Can be used for tournaments, outings and/or special events.
5. A Junior Annual Pass:
  - a. Is available for 9-hole or 18-hole play.
  - b. Can be used anytime Monday through Friday.
  - c. Can be used Saturdays, Sundays and holidays after 2:00 PM
  - d. Can be used for tournaments, outings and special events.
6. A Junior Summer Pass:
  - a. Is available for 9 or 18 hole play.
  - b. Can be used from Memorial Day to Labor Day only.
  - c. Can be used Monday through Friday from 6:00 am to 3:00 pm.
  - d. Can be used Saturdays, Sundays and holidays after 2:00 PM.
  - e. Cannot be used for tournaments, outings, and/or special events.
7. A New Pass Holder (Weekday or Annual) can purchase a pass for the following year at the end of the current golf season and the pass can be used for the remainder of the

current golf season and the entire following golf season. The use of the Weekday and/or Annual Pass for the remainder of the current golf season will be consistent with #4, #5 and #6 above.

8. The Discount Card is available:
  - a. Provides a 15% discount on all regular green fees.
  - b. Cannot be used for tournaments, outings and/or special events.
9. Discount Cards, Special, Weekday and Annual Passes cannot be transferred to another individual.
10. The Family Annual Pass provides the benefits listed in ~~#4#5~~ above to the pass holder and family members. An adult family member must accompany a minor child/children when a Family Annual Pass is used.
11. The Business Pass allows the company and/or business to schedule one (1) foursome for one tee time per day during the golf season and also includes two (2) carts. The company and/or business must schedule the tee time for the foursome with the Pro Shop office at least 24 hours before the tee time by the designated business representative(s). The Business Pass cannot be used for outings or tournaments.
12. The Guest Rounds provided to annual pass holders can only be used when the guest is accompanied by the pass holder. Junior guest passes are only redeemable for juniors.
13. The Guest Rounds are good for either 9-hole or 18-hole rounds. All guest passes are redeemable based on which golf pass was purchased, annual vs. weekday.
14. All Discount Cards, Coupon Books, Weekday and Annual Passes expire at the end of the season for which they were purchased.
15. Twilight rates allow for unlimited play from the established start time until the course closes.
16. Cart rental is based on double occupancy when applicable, including annual individual cart pass.
17. There will be no refunds issued for passes, coupon books or discount cards. Exceptions may be granted in hardship cases by the Parks and Recreation Committee and City Council.

**REID GOLF COURSE – Proposed Fees**

<b>WEEKDAY DAILY FEES</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>Net</b>
Adult 9	\$17.00	\$17.00	\$17.00	\$17.00	\$18.00	\$1
Adult 18	\$28.00	\$28.00	\$28.00	\$28.00	\$28.00	-
Senior 9	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00	-
Senior 18	\$24.00	\$24.00	\$24.00	\$24.00	\$24.00	-
Junior w/ restrictions	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	-
<b>WEEKEND DAILY FEES</b>						
Adult/Junior/Senior 9	\$19.00	\$19.00	\$20.00	\$20.00	\$20.00	-
Adult/Junior/Senior 18	\$31.00	\$31.00	\$31.00	\$31.00	\$31.00	-
<b>REPLAY RATES</b>						
Walking	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00	-
Riding	\$25.00	\$25.00	\$25.00	\$25.00	\$25.00	-
<b>TWILIGHT (unlimited golf)</b>						
Walking	\$11.00	\$11.00	\$12.00	\$12.00	\$12.00	-
Riding	\$22.00	\$22.00	\$23.00	\$24.00	\$24.00	-
<b>AFTERNOON TWILIGHT Fri, Sat &amp; Sun</b>						
9 Holes – walking	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00	-
18 Holes – walking	\$24.00	\$24.00	\$24.00	\$24.00	\$24.00	-
<b>DISCOUNT CARDS</b>						
Adults/Seniors	\$31.50	\$31.50	\$31.65	\$31.65	\$31.65	-
<b>SPECIALS</b>						
Junior Summer Pass	\$150	\$150	\$150	\$150	\$150	-
<b>WEEKDAY PASSES (Monday-Friday Only)</b>						
Junior	\$175	\$175	\$175	\$175	\$175	-
Adult	\$815	\$815	\$815	\$815	\$815	-
Senior	\$660	\$660	\$660	\$660	\$660	-
<b>ANNUAL PASSES</b>						
Junior	\$200	\$200	\$200	\$200	\$200	-
Junior Associate	\$350	\$350	\$350	\$350	\$350	-
Associate	\$735	\$735	\$735	\$735	\$735	-
Adult	\$1050	\$1050	\$1050	\$1050	\$1050	-
Senior	\$800	\$800	\$800	\$800	\$800	-
Family	\$1155	\$1155	\$1200	\$1200	\$1200	-
Business	\$2625	\$2625	\$2625	\$2625	\$3000	\$375

*\*Tax included on daily fees and annual passes\**

**Returning Pass Holder Loyalties**

**2018 Pass Sales**

- Returning Pass Holders receive 3 free guest passes and 3 free drink tickets.
- Pass Holders receive packet including merchandise coupons and yardage book.
- 5% off 2 passes, 10% off 3 passes in March

**2019 Pass Sales**

- Returning Pass Holders receive 3 free guest passes.
- Pass Holders receive packet including merchandise coupons and yardage book.
- 5% off 2 passes, 10% off 3 passes in March

**2020 Pass Sales**

- Returning Pass Holders receive 3 free guest passes.
- Pass Holders receive packet including merchandise coupons and yardage book.
- 5% off 2 passes, 10% off 3 passes in March

**2021 Pass Sales**

- Returning Pass Holders receive 3 free guest passes.
- Pass Holders receive packet including merchandise coupons and yardage book.
- 5% off 2 passes, 10% off 3 passes in March

**2022 Pass Sales**

- Returning Pass Holders receive 3 free guest passes.
- Pass Holders receive packet including merchandise coupons and yardage book.
- 5% off 2 passes, 10% off 3 passes in March

<b>CITY OF APPLETON POLICY</b>		<b>TITLE: 2022 REID GOLF COURSE RATES POLICY</b>	
ISSUE DATE: Day of Council Adoption		LAST UPDATE: December 2008, December 2010, December 2011, September 2012, September 2013, August 2014 October 2015, November 2016, November 2017, November 2018, October 2019, November 2020, November 2021	LOCATION: J:\Department\Administration\Policies\ Golf Course
POLICY SOURCE: Parks and Recreation Department		TOTAL PAGES: 5	
Reviewed by Legal Services Date: October 29, 2021	Parks and Recreation Committee Approval Date:	Council Approval Date:	

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#### **IV. DISCUSSION:**

1. Weekday daily fees will be charged Monday through Friday, except holidays.
2. Weekend daily fees will be charged Saturdays, Sundays and all holidays.
3. A Weekday Pass:
  - a. Is available for 9-hole or 18-hole play.
  - b. Can be used anytime Monday through Friday.
  - c. Can be used for league play Monday through Friday.
  - d. Cannot be used for tournaments, outings and/or special events.
4. An Associate, Junior Associate, Adult, and Family Annual Pass:
  - a. Is available for 9-hole or 18-hole play.
  - b. Can be used anytime Monday through Sunday and holidays based on availability.
  - c. Can be used for league play Monday through Friday.
  - d. Can be used for tournaments, outings and/or special events.
5. A Junior Annual Pass:
  - a. Is available for 9-hole or 18-hole play.
  - b. Can be used anytime Monday through Friday.
  - c. Can be used Saturdays, Sundays and holidays after 2:00 PM
  - d. Can be used for tournaments, outings and special events.
6. A Junior Summer Pass:
  - a. Is available for 9 or 18 hole play.
  - b. Can be used from Memorial Day to Labor Day only.
  - c. Can be used Monday through Friday from 6:00 am to 3:00 pm.
  - d. Can be used Saturdays, Sundays and holidays after 2:00 PM.
  - e. Cannot be used for tournaments, outings, and/or special events.
7. A New Pass Holder (Weekday or Annual) can purchase a pass for the following year at the end of the current golf season and the pass can be used for the remainder of the current golf season and the entire following golf season. The use of the Weekday and/or

Annual Pass for the remainder of the current golf season will be consistent with #4, #5 and #6 above.

8. The Discount Card is available:
  - a. Provides a 15% discount on all regular green fees.
  - b. Cannot be used for tournaments, outings and/or special events.
9. Discount Cards, Special, Weekday and Annual Passes cannot be transferred to another individual.
10. The Family Annual Pass provides the benefits listed in #4 above to the pass holder and family members. An adult family member must accompany a minor child/children when a Family Annual Pass is used.
11. The Business Pass allows the company and/or business to schedule one (1) foursome for one tee time per day during the golf season and also includes two (2) carts. The company and/or business must schedule the tee time for the foursome with the Pro Shop office at least 24 hours before the tee time by the designated business representative(s). The Business Pass cannot be used for outings or tournaments.
12. The Guest Rounds provided to annual pass holders can only be used when the guest is accompanied by the pass holder. Junior guest passes are only redeemable for juniors.
13. The Guest Rounds are good for either 9-hole or 18-hole rounds. All guest passes are redeemable based on which golf pass was purchased, annual vs. weekday.
14. All Discount Cards, Coupon Books, Weekday and Annual Passes expire at the end of the season for which they were purchased.
15. Twilight rates allow for unlimited play from the established start time until the course closes.
16. Cart rental is based on double occupancy when applicable, including annual individual cart pass.
17. There will be no refunds issued for passes, coupon books or discount cards. Exceptions may be granted in hardship cases by the Parks and Recreation Committee and City Council.

**REID GOLF COURSE – Proposed Fees**

<b>WEEKDAY DAILY FEES</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>Net</b>
Adult 9	\$17.00	\$17.00	\$17.00	\$17.00	\$18.00	<b>\$1</b>
Adult 18	\$28.00	\$28.00	\$28.00	\$28.00	\$28.00	-
Senior 9	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00	-
Senior 18	\$24.00	\$24.00	\$24.00	\$24.00	\$24.00	-
Junior w/ restrictions	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	-
<b>WEEKEND DAILY FEES</b>						
Adult/Junior/Senior 9	\$19.00	\$19.00	\$20.00	\$20.00	\$20.00	-
Adult/Junior/Senior 18	\$31.00	\$31.00	\$31.00	\$31.00	\$31.00	-
<b>REPLAY RATES</b>						
Walking	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00	-
Riding	\$25.00	\$25.00	\$25.00	\$25.00	\$25.00	-
<b>TWILIGHT (unlimited golf)</b>						
Walking	\$11.00	\$11.00	\$12.00	\$12.00	\$12.00	-
Riding	\$22.00	\$22.00	\$23.00	\$24.00	\$24.00	-
<b>AFTERNOON TWILIGHT Fri, Sat &amp; Sun</b>						
9 Holes – walking	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00	-
18 Holes – walking	\$24.00	\$24.00	\$24.00	\$24.00	\$24.00	-
<b>DISCOUNT CARDS</b>						
Adults/Seniors	\$31.50	\$31.50	\$31.65	\$31.65	\$31.65	-
<b>SPECIALS</b>						
Junior Summer Pass	\$150	\$150	\$150	\$150	\$150	-
<b>WEEKDAY PASSES (Monday-Friday Only)</b>						
Junior	\$175	\$175	\$175	\$175	\$175	-
Adult	\$815	\$815	\$815	\$815	\$815	-
Senior	\$660	\$660	\$660	\$660	\$660	-
<b>ANNUAL PASSES</b>						
Junior	\$200	\$200	\$200	\$200	\$200	-
Junior Associate	\$350	\$350	\$350	\$350	\$350	-
Associate	\$735	\$735	\$735	\$735	\$735	-
Adult	\$1050	\$1050	\$1050	\$1050	\$1050	-
Senior	\$800	\$800	\$800	\$800	\$800	-
Family	\$1155	\$1155	\$1200	\$1200	\$1200	-
Business	\$2625	\$2625	\$2625	\$2625	\$3000	<b>\$375</b>

*\*Tax included on daily fees and annual passes\**

**Returning Pass Holder Loyalties**

**2018 Pass Sales**

- Returning Pass Holders receive 3 free guest passes and 3 free drink tickets.
- Pass Holders receive packet including merchandise coupons and yardage book.
- 5% off 2 passes, 10% off 3 passes in March

**2019 Pass Sales**

- Returning Pass Holders receive 3 free guest passes.
- Pass Holders receive packet including merchandise coupons and yardage book.
- 5% off 2 passes, 10% off 3 passes in March

**2020 Pass Sales**

- Returning Pass Holders receive 3 free guest passes.
- Pass Holders receive packet including merchandise coupons and yardage book.
- 5% off 2 passes, 10% off 3 passes in March

**2021 Pass Sales**

- Returning Pass Holders receive 3 free guest passes.
- Pass Holders receive packet including merchandise coupons and yardage book.
- 5% off 2 passes, 10% off 3 passes in March

**2022 Pass Sales**

- Returning Pass Holders receive 3 free guest passes.
- Pass Holders receive packet including merchandise coupons and yardage book.
- 5% off 2 passes, 10% off 3 passes in March



# MEMORANDUM

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

TO: Dean Gazza, Director of Parks, Recreation, Facilities and Grounds

FROM: Jessica Titel, Principal Planner

DATE: November 3, 2021

RE: Request to Install Oversized Wooden Letters Spelling “RISE” within Houdini Plaza

The Appleton Public Arts Committee met on November 3, 2021 and recommended approval of the request from Creative Downtown Appleton Inc. to install oversized wooden letters spelling “RISE” on City-owned property located within Houdini Plaza at 121 W. College Avenue (Tax Id #31-2-0065-00) to be anchored into a base in the grass along the front angled walkway **as shown on the attached maps and subject to the following conditions.**

1. Agreement between the applicant and the City will be prepared by the City’s Legal Services Department and shall be executed prior to installation. This agreement will memorialize the expectations of the parties including the location of the art, installation and insurance requirements, maintenance, liability, indemnification, and the like.
2. Upon completion of the installation, a structural/professional engineer shall provide certification that the artwork was installed according to specifications and meets required structural standards.
3. The applicant shall coordinate with Parks, Recreation and Facilities Management to determine the exact location of the structure. PRFM shall be onsite for the installation of the structure.
4. Applicant shall contact Digger’s Hotline for underground utility locates and Parks, Recreation and Facilities Management for underground sprinkler line locates prior to any site work commencing.
5. Applicant is required to fully restore the grass and/or repair any damage that occurs as a result of this installation.

6. Installation will occur as soon as practical after all approvals are received and the Public Art Agreement is fully executed. RISE structure shall be removed, and the site restored, no later than March 31, 2022.

Per the Art in Public Places Policy, the recommendation from the Appleton Public Arts Committee is forwarded to the committee of jurisdiction, in this case, the Parks and Recreation Committee. Please place this item on the agenda for the November 8, 2021 Parks and Recreation Committee agenda. Their recommendation would then be forwarded to the Common Council for final consideration on November 17, 2021.

The Staff Report prepared for the Public Art Committee is attached as reference.



## REPORT TO PUBLIC ARTS COMMITTEE

**Appleton Public Arts Committee Meeting Date:** November 3, 2021

**Parks & Recreation Committee Date:** November 8, 2021

**Common Council Meeting Date:** November 17, 2021

**Item:** Together we RISE – Houdini Plaza

**Case Manager:** Jessica Titel

### GENERAL INFORMATION

**Applicant:** Creative Downtown Appleton Inc., c/o Jennifer Stephany

**Property Owner:** City of Appleton c/o Dean Gazza, Director of Parks, Recreation and Facilities Management

**Address/Parcel:** Houdini Plaza – 121 W. College Avenue (Tax Id #31-2-0065-00)

**Applicant's Request:** Applicant is requesting to display oversized wooden letters spelling "RISE" within Houdini Plaza.

### PROJECT DETAILS

**Brief Description of Project and Location:** The applicant is proposing to install oversized letters spelling the word "RISE" along the walkway in Houdini Plaza. The installation will be displayed through March 2022 and is similar to the HOPE installation last year. The letters will be made of wood and painted white. Each letter will be approximately 4 feet tall and will be anchored to a wooden base. The wooden base from the HOPE installation will be reused for this project. The letters will also be lit. The artwork will be owned and maintained by Creative Downtown Appleton, Inc.

**Reason for Choosing the Proposed Location:** Houdini Plaza offers great visibility for our community and allows people to walk up and take a picture with the RISE installation. Proximity to an electrical source was also a consideration for the chosen location.

**Description of How the Work is Installed/Anchored/Attached:** The letters will be made of wood and each letter will be approximately 4 feet tall and 4 inches deep. The letters will be anchored to a 5 foot by 14 foot base that is one foot tall. The engineering specifications for the HOPE letters are also applicable to the RISE letters since the letters are similar size and are being anchored to the same base.

**Timeline and Duration of Installation:** Installation will occur as soon as practical after approvals are received. RISE will be displayed until March 31, 2022.

**Maintenance and Cost:** The RISE installation will be maintained by Creative Downtown Appleton Inc. A Public Art Agreement will be prepared by the City's Legal Services Department and will need to be executed prior to installation.

## Together we RISE – Houdini Plaza

November 3, 2021

Page 2

**Associated Signage:** A sign will be attached to the base of the sign that recognizes supporting donors. The sign will be 10 inches tall by 8 feet long. Per the Art in Public Places Policy, any artwork signage shall meet the parameters set forth in Zoning Code Section 23-531(e), which allows each artwork one plaque/sign not to exceed nine square feet in size.

**Appleton Comprehensive Plan 2010-2030:** The City of Appleton *Comprehensive Plan 2010-2030* illustrates the importance of the arts community to Appleton and encourages the expansion and promotion of placemaking and arts in the City. The proposed public art project is consistent with the following goals and objectives of the *Comprehensive Plan 2010-2030*.

*Chapter 3 – Community Vision #12: Creative place making and public art enhance the public realm and contribute to a vibrant economy.*

*Goal 7 – Agricultural, Natural, and Cultural Resources*

*Appleton will continue to protect and enhance its environmental quality and important natural resources, preserve historic sites, and support cultural opportunities for community residents.*

*Chapter 14 – Downtown Plan*

- *Strategy 1.1 Continue development of entry features on major routes into the downtown*
- *Strategy 1.4 Install sculpture, murals, and other art in public locations throughout the downtown*
- *Strategy 2.1 Maintain and strengthen the vitality of the arts and entertainment niche*

## **RECOMMENDATION**

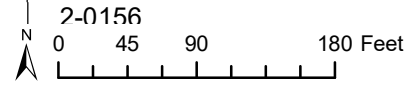
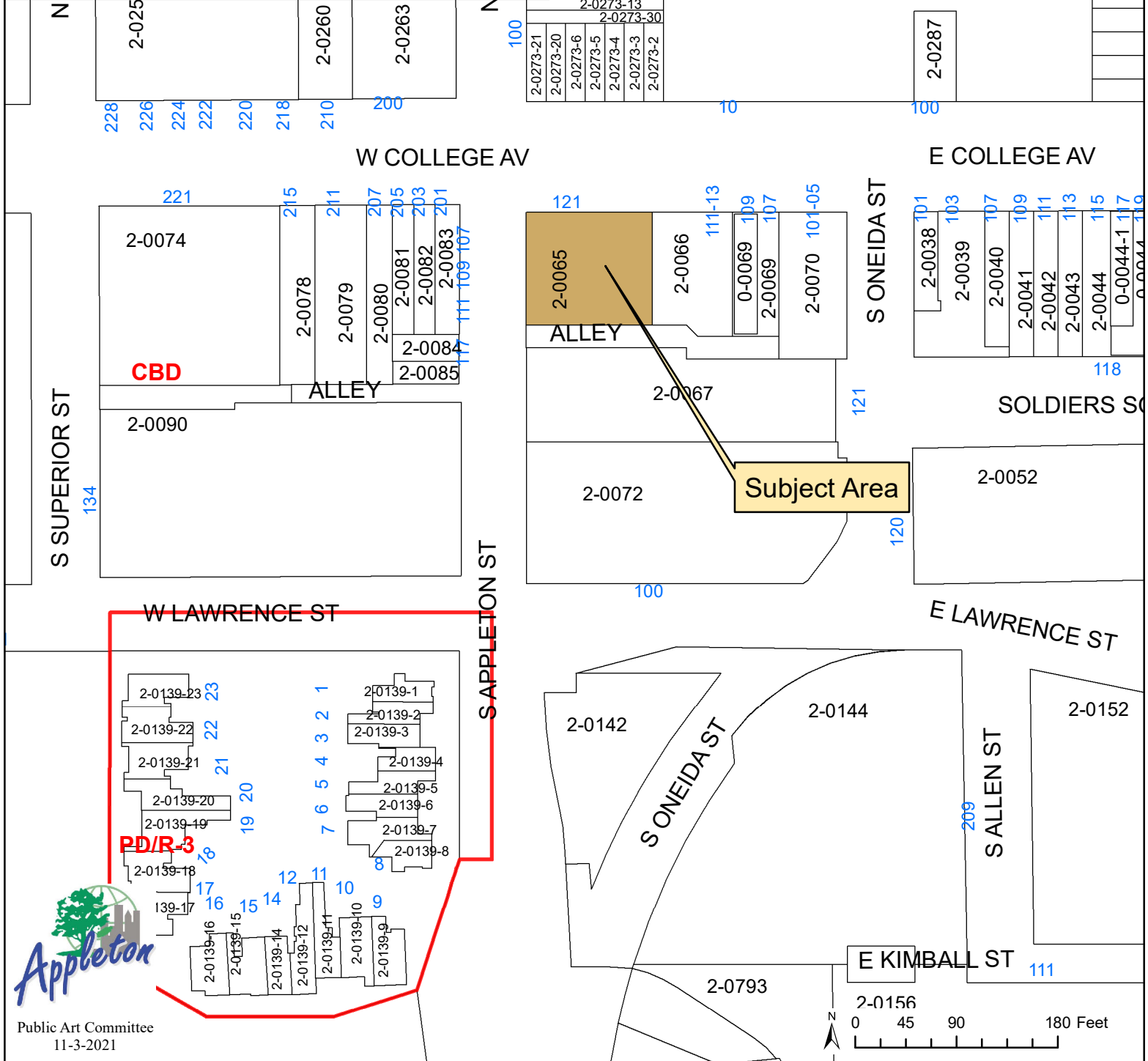
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Based upon the guidelines outlined in the Art in Public Places Policy, staff recommends that the proposed Together we RISE installation within Houdini Plaza – 121 W. College Avenue (Tax Id #31-2-0065-00), as shown on the attached maps, **BE APPROVED** subject to the following conditions:

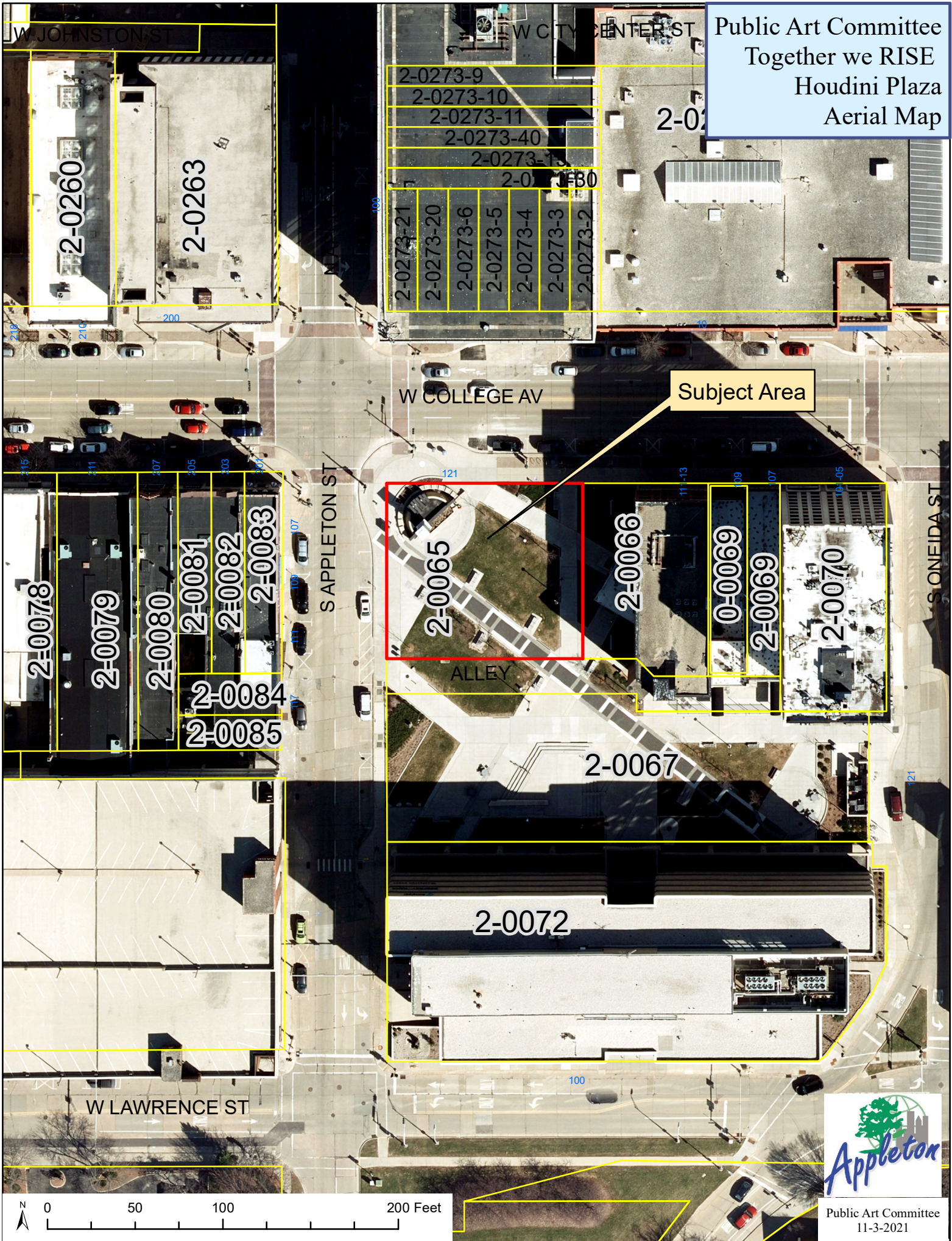
1. Agreement between the applicant and the City will be prepared by the City's Legal Services Department and shall be executed prior to installation. This agreement will memorialize the expectations of the parties including the location of the art, installation and insurance requirements, maintenance, liability, indemnification, and the like.
2. Upon completion of the installation, a structural/professional engineer shall provide certification that the artwork was installed according to specifications and meets required structural standards.
3. The applicant shall coordinate with Parks, Recreation and Facilities Management to determine the exact location of the structure. PRFM shall be onsite for the installation of the structure.
4. Applicant shall contact Digger's Hotline for underground utility locates and Parks, Recreation and Facilities Management for underground sprinkler line locates prior to any site work commencing.
5. Applicant is required to fully restore the grass and/or repair any damage that occurs as a result of this installation.
6. Installation will occur as soon as practical after all approvals are received and the Public Art Agreement is fully executed. RISE structure shall be removed, and the site restored, no later than March 31, 2022.



Public Art Committee  
Together we RISE  
Houdini Plaza  
Zoning Map



Public Art Committee  
Together we RISE  
Houdini Plaza  
Aerial Map



Subject Area



A complete submittal includes a completed application signed by the applicant with the following supplementary information:

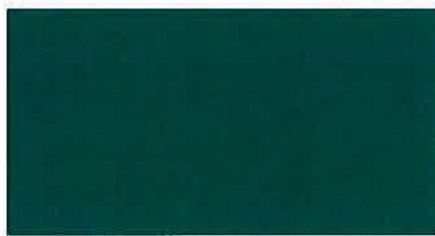
- Brief description of the proposed artwork

We would like to again display oversized letters in Houdini Plaza, this year will spell out RISE. Letters will be no greater than 4 feet high and 4 inches deep. We are working with Boldt Construction on the final design of the letters. We will be reusing the base from HOPE to install RISE.

- Photos/sketches of proposed work:

The letters will be a BLOCK type. 4 feet high, 4 inches deep attached to the existing base that has HOPE on it. 14 foot long and 5 feet wide and 1 foot tall. Letters will be painted white with small LED lights attached as we did with HOPE.

**Base Color Sample:**



RISE

- Site plan/location map showing location of proposed work – map attached
- Reason for choosing the proposed location:

Houdini Plaza offers visibility and allows people to walk up to take a picture with RISE. Close access to the power pedestal is also important to the location.

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

Boldt is building the letters and will work with the Park and Recreation Department on installation. We will use the same installation requirements as last year. Boldt will install the letter sculpture.

- Installation specifications provided by a structural engineer

THIS IS COMING from Boldt

- Timeline and duration of installation

Desired installation is November 18<sup>th</sup>. We would like the letters to remain through March of 2022, if allowed. Boldt has agreed to move them when needed.

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

Creative Downtown Appleton Inc. will maintain the letters and provide graffiti removal and paint touch ups as needed. Lighting will also be maintained by CDA.

- Description of any associated signage

Attached to the base will be a 10 inches by 8 feet sign recognizing Boldt and other supporting donors: Azco Inc. Tundraland, City of Appleton, Kimberly Clark and others – example below

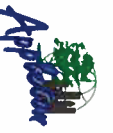
**Example image**



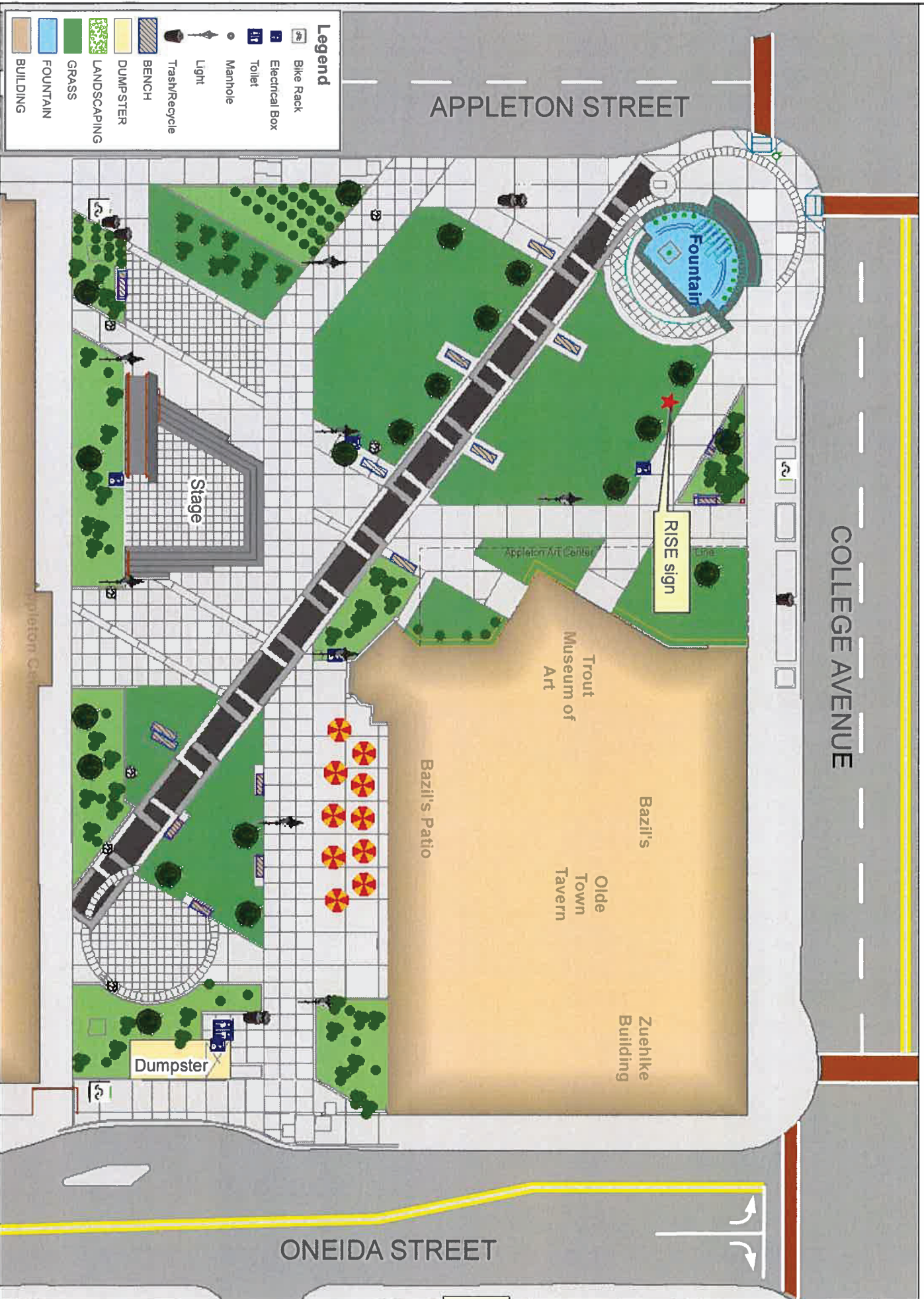
Sharing **HOPE** with the Community: **BOLDT**

In partnership with Light Up Appleton





# HOUDINI PLAZA



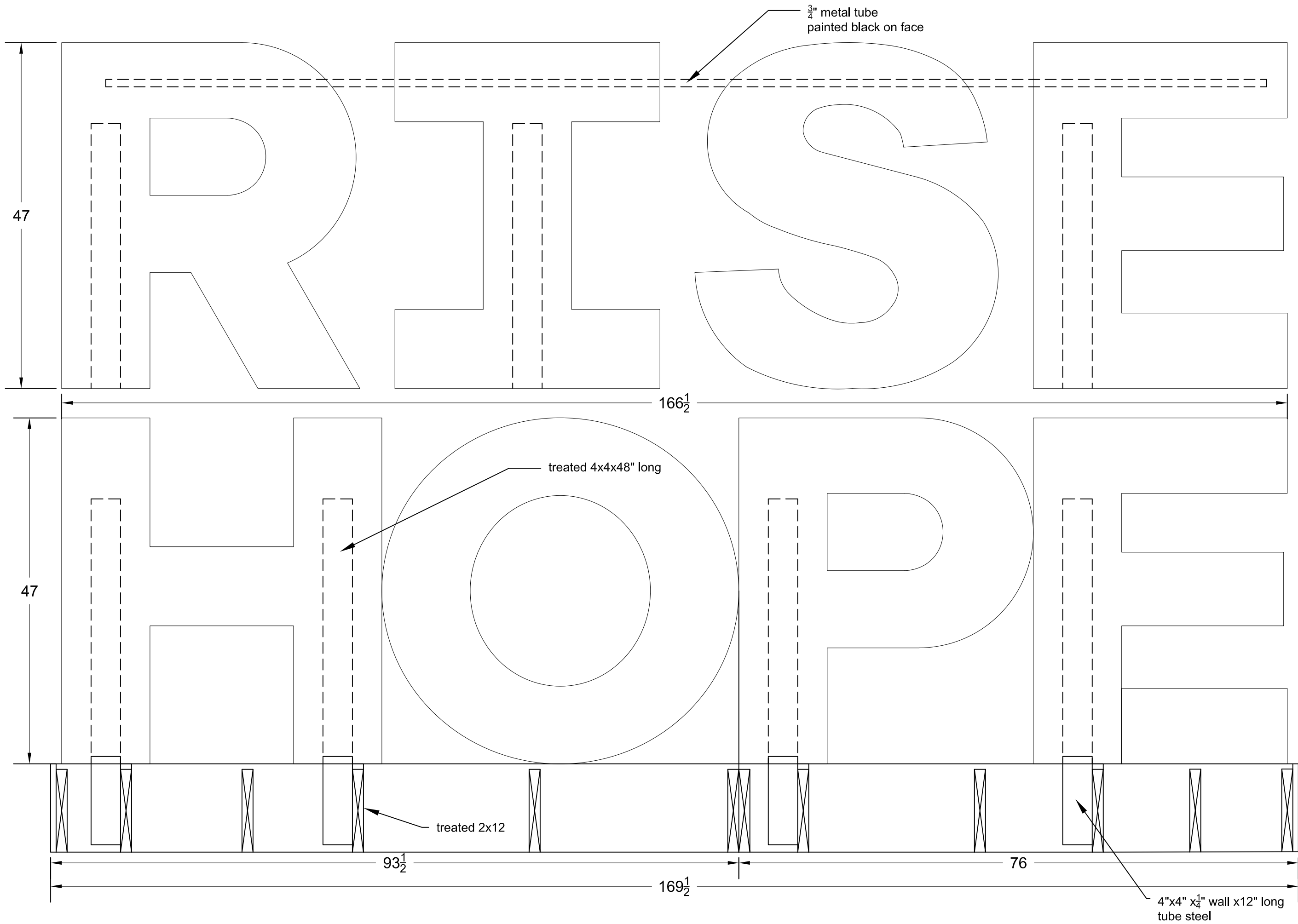
APPLETON STREET

COLLEGE AVENUE

ONEIDA STREET

### Legend

- Bike Rack
- Electrical Box
- Toilet
- Manhole
- Light
- Trash/Recycle
- BENCH
- DUMPSTER
- LANDSCAPING
- GRASS
- FOUNTAIN
- BUILDING





# MEMORANDUM

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

TO: Dean Gazza, Director of Parks, Recreation, Facilities and Grounds

FROM: Jessica Titel, Principal Planner

DATE: November 3, 2021

RE: Acre of Art Season III – Request for Extension of 2-Year Exhibition –  
“Gyan/Gesture of Conscience” Sculpture – Jones Park

The Appleton Public Arts Committee met on November 3, 2021 and recommended approval of the request from Sculpture Valley, Inc. to extend the current 2-year 2019 placement of the “Gyan/Gesture of Conscience” sculpture on City-owned property located within Jones Park at 301 W. Lawrence Street (Tax Id #31-2-0116-01) **to be removed by November 7, 2022 with no subsequent extensions granted.**

Per the Art in Public Places Policy, the recommendation from the Appleton Public Arts Committee is forwarded to the committee of jurisdiction, in this case, the Parks and Recreation Committee. Please place this item on the agenda for the November 8, 2021 Parks and Recreation Committee agenda. Their recommendation would then be forwarded to the Common Council for final consideration on November 17, 2021.

The Staff Report prepared for the Public Art Committee is attached as reference.



# MEMORANDUM

---

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

TO: Appleton Public Arts Committee (APAC)  
FROM: Jessica Titel, Principal Planner  
DATE: October 26, 2021  
RE: Extension Request – 2019 Acre of Art Sculptures

---

Please see the attached letter from Alex Schultz with Sculpture Valley requesting an extension for the 2019 Acre of Art installations listed below:

- The Collective (East College Avenue right-of-way, near the west end of the College Avenue bridge)
- Gyan/Gesture of Conscience (Jones Park)
- To the Moon Alice (Vulcan Heritage Park)

Approval of the two-year display period for the Acre of Art sculptures listed above was granted by Committee/Common Council on the following dates:

- Public Art Committee – September 3, 2019
- Parks & Recreation Committee (Gyan/Gesture of Conscience & To the Moon Alice) – September 9, 2019
- Municipal Services Committee (The Collective) – September 9, 2019
- Common Council – September 18, 2019

The Public Art Agreements for all three sculptures was fully executed on November 7, 2019. Per Section 4 of the agreement, the sculptures were to be displayed for a period of two years from the date of the agreement, which was November 7, 2019.

It is important to note that the placement of The Collective was controversial. The approval of this sculpture was re-visited several times at the Municipal Services Committee and the Common Council. A request to rescind approval of The Collective was presented at the December 9, 2019 Municipal Services Committee. Ultimately, the motion to rescind approval failed at the April 1, 2020 Common Council meeting and the sculpture was allowed to remain in this location.

If an extension is granted, Staff would recommend no subsequent extensions are granted for these three sculptures. The placement of these sculptures was meant to be temporary in nature. The bases for the sculptures were also designed by the structural engineer with the understanding that this would be a temporary installation.

Municipal Services Committee met on October 25, 2021 and granted an extension to allow The Collective sculpture to remain within the public right-of-way until April 30, 2022. Staff would recommend that, if an extension is granted, that the time frame align with the recent Municipal Services action.



Extension Timeframes (if the Art Committee approves the extension requests):

The Collective – must be removed by April 30, 2022

Gyan/Gesture of Conscience – must be removed by November 7, 2022

To the Moon Alice – must be removed by November 7, 2022

**APPLETON PUBLIC ARTS COMMITTEE ACTION:**

Review the attached request and determine if the requested extension should be granted.



October 21, 2021

Request to Extend exhibition of **ACREofART** Public Art lease placements of Season III artworks;  
*Gesture of Consciences, To the Moon Alice* and *The Collective* .

Dear Appleton Arts Commission,

Three public artworks; *Gesture of Consciences, To the Moon Alice* and *The Collective*, were selected and placed by Sculpture Valley as part of our 20129-2021 **ACREofART** III public artwork exhibition. The approved 2-year temporary lease placements of these works are due to expire on November 7th, 2021. See attached.

Sculpture Valley has been in recent communication with these artists and has discovered it is challenging to compel two of them to return to Appleton to recover their works given their discomfort with travel during the pandemic. Additionally, *Gesture of Consciences* has been sold, but transport and installation of the work has been delayed until early spring.

Sculpture Valley could comply with the approved exhibition agreements and remove these three works by the specified time-frame, but the burden to store these large pieces until the artists are comfortable to return to recover them, would be a significant challenge.

Our contract with the artists includes a clause for automatic extension of **ACREofART** leases on private property for one year to accommodate scenarios like this.

Sculpture Valley is requesting an extension of our original agreements with the City to allow these three artworks to remain in their current locations for an additional year but currently anticipates removal during the second quarter of 2022.

Sincerely,

Alex Schultz  
Executive Director  
Sculpture Valley

Sculpture Valley, Inc 501(3)c non-profit EIN: 45-2690499



Vulcan Heritage Park - Boardwalk Landing area.

Vulcan Heritage Park is a previously considered ACRE site. It will become a transition point for the future board-walk and SV likes it seclusion and scenic characteristics. Relatively little pedestrian conflict and a nice reflective space for sculpture that will capture traffic from 3 directions when future trails are implemented.



*To the Moon Alice* has been selected by John Bergstrom for its commentary on the next and vital “moon-shot” mission to a renewable energy future. The ties to Appleton’s historical harnessing of the Fox River’s raw energy for power as our pioneering first source of electricity make this location and this subject matter and ideal location for this solar-lit work.

This sculpture requires no concrete pads or other at-grade support. It will be soft-anchored into the earth. This manner of installation is common for soft-scaped surfaces and was employed for *Lessons Learned* in Season I of the ACREofART.



## College Ave - Old Green Bay Road

Green Bay Road and College Ave transitional space is a previously considered ACRE site. SV considers this the most visible opportunity for vehicular viewing of ACREofART. Safe distance from traffic rights-of-way, excellent vantage points from every approach and large enough to accommodate a monumental scale sculpture.



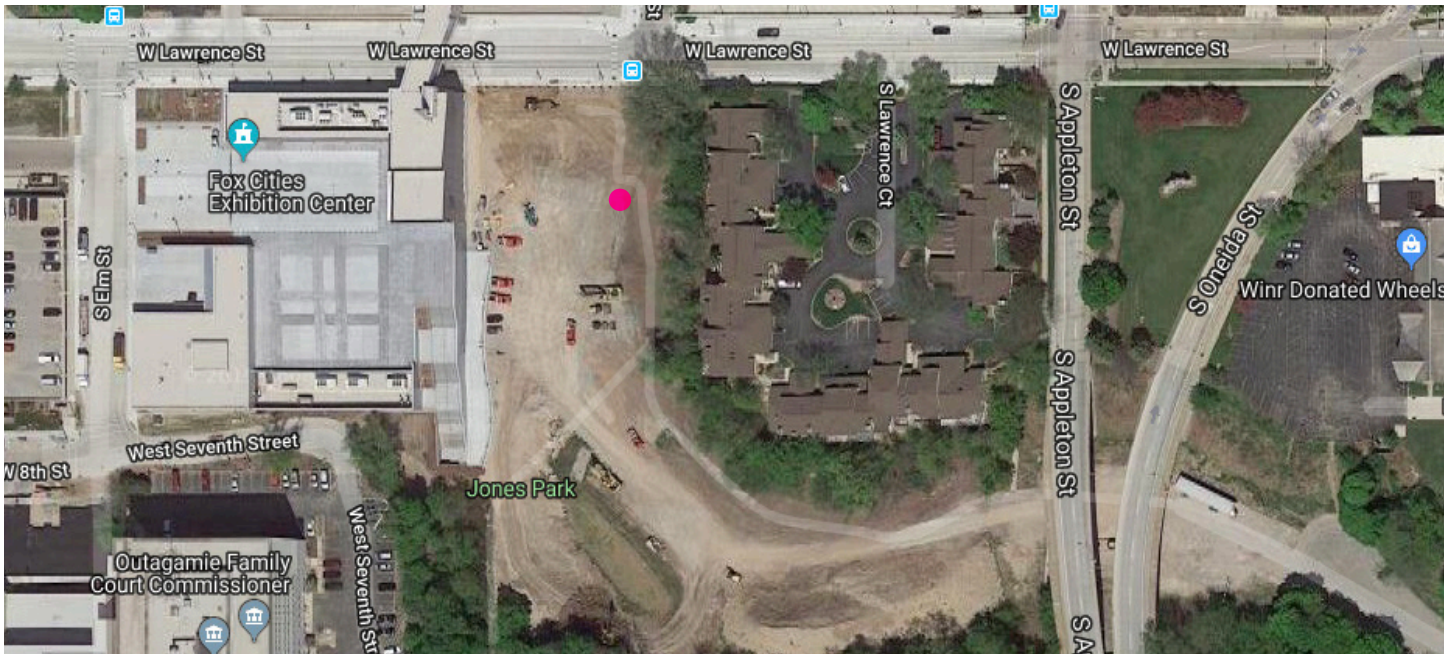
*The Collective* was chosen by the family of Linda Moore, a Fox Valley artist and lifelong advocate for outsider art. This site is the optimal location for this work, among the few locations reviewed, based on scale and communication of a City which embraces diversity of race, creed, sexual orientation and more.

Mounted on 6' round 6" high concrete pedestal. Sits just below grade. Minimal excavation of 3-4" necessary to stabilize base. Utilities confirmed enough clearance for placement.



## Jones Park - Staircase Termination

Jones Park will host works of art and perhaps permanent sculpture in the future. SV feels that timing and location presents a perfect opportunity to showcase the ACRE with one of 2019-2021 works.



***Gesture of Consciousness:*** Mudras, or representation of the ancient Gyan hand gestures, have specific intent in public exhibition.

Mounted on 6' round 4" high concrete pedestal. Sits just below grade. Minimal excavation required.





# MEMORANDUM

---

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

TO: Dean Gazza, Director of Parks, Recreation, Facilities and Grounds

FROM: Jessica Titel, Principal Planner

DATE: November 3, 2021

RE: Acre of Art Season III – Request for Extension of 2-Year Exhibition – “To the Moon Alice” Sculpture – Vulcan Heritage Park

The Appleton Public Arts Committee met on November 3, 2021 and recommended approval of the request from Sculpture Valley, Inc. to extend the current 2-year 2019 placement of the “To the Moon Alice” sculpture on City-owned property located within Vulcan Heritage Park (Tax Id #31-3-1478-00) **to be removed by November 7, 2022 with no subsequent extensions granted.**

Per the Art in Public Places Policy, the recommendation from the Appleton Public Arts Committee is forwarded to the committee of jurisdiction, in this case, the Parks and Recreation Committee. Please place this item on the agenda for the November 8, 2021 Parks and Recreation Committee agenda. Their recommendation would then be forwarded to the Common Council for final consideration on November 17, 2021.

The Staff Report prepared for the Public Art Committee is attached as reference.



# MEMORANDUM

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Please see the attached letter from Alex Schultz with Sculpture Valley requesting an extension for the 2019 Acre of Art installations listed below:

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Approval of the two-year display period for the Acre of Art sculptures listed above was granted by Committee/Common Council on the following dates:

- Public Art Committee – September 3, 2019
- Parks & Recreation Committee (Gyan/Gesture of Conscience & To the Moon Alice) – September 9, 2019
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The Public Art Agreements for all three sculptures was fully executed on November 7, 2019. Per Section 4 of the agreement, the sculptures were to be displayed for a period of two years from the date of the agreement, which was November 7, 2019.

It is important to note that the placement of The Collective was controversial. The approval of this sculpture was re-visited several times at the Municipal Services Committee and the Common Council. A request to rescind approval of The Collective was presented at the December 9, 2019 Municipal Services Committee. Ultimately, the motion to rescind approval failed at the April 1, 2020 Common Council meeting and the sculpture was allowed to remain in this location.

If an extension is granted, Staff would recommend no subsequent extensions are granted for these three sculptures. The placement of these sculptures was meant to be temporary in nature. The bases for the sculptures were also designed by the structural engineer with the understanding that this would be a temporary installation.

Municipal Services Committee met on October 25, 2021 and granted an extension to allow The Collective sculpture to remain within the public right-of-way until April 30, 2022. Staff would recommend that, if an extension is granted, that the time frame align with the recent Municipal Services action.

Extension Timeframes (if the Art Committee approves the extension requests):

The Collective – must be removed by April 30, 2022

Gyan/Gesture of Conscience – must be removed by November 7, 2022

To the Moon Alice – must be removed by November 7, 2022

**APPLETON PUBLIC ARTS COMMITTEE ACTION:**

Review the attached request and determine if the requested extension should be granted.





October 21, 2021

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***Gesture of Consciences, To the Moon Alice and The Collective*** .

Dear Appleton Arts Commission,

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Sculpture Valley has been in recent communication with these artists and has discovered it is challenging to compel two of them to return to Appleton to recover their works given their discomfort with travel during the pandemic. Additionally, ***Gesture of Consciences*** has been sold, but transport and installation of the work has been delayed until early spring.

Sculpture Valley could comply with the approved exhibition agreements and remove these three works by the specified time-frame, but the burden to store these large pieces until the artists are comfortable to return to recover them, would be a significant challenge.

Our contract with the artists includes a clause for automatic extension of **ACREofART** leases on private property for one year to accommodate scenarios like this.

Sculpture Valley is requesting an extension of our original agreements with the City to allow these three artworks to remain in their current locations for an additional year but currently anticipates removal during the second quarter of 2022.

Sincerely,

Alex Schultz  
Executive Director  
Sculpture Valley

Sculpture Valley, Inc 501(3)c non-profit EIN: 45-2690499



Vulcan Heritage Park - Boardwalk Landing area.

Vulcan Heritage Park is a previously considered ACRE site. It will become a transition point for the future board-walk and SV likes it seclusion and scenic characteristics. Relatively little pedestrian conflict and a nice reflective space for sculpture that will capture traffic from 3 directions when future trails are implemented.



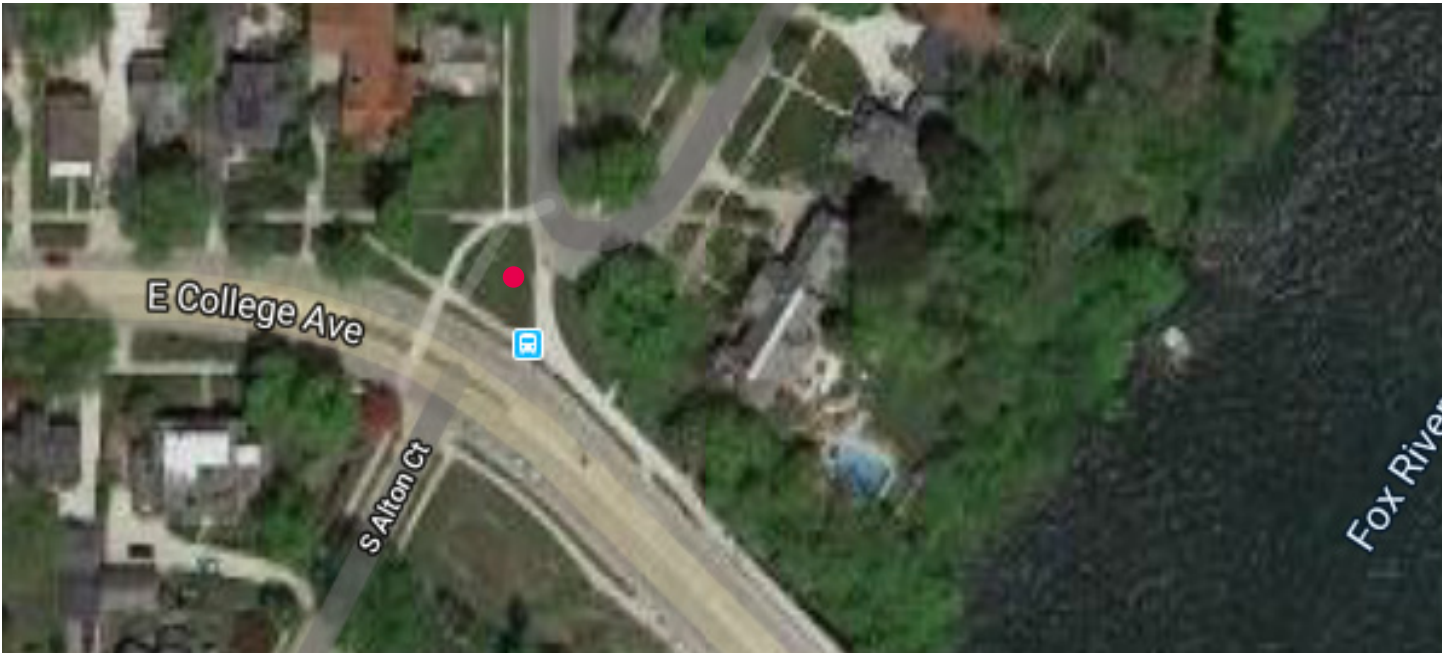
*To the Moon Alice* has been selected by John Bergstrom for its commentary on the next and vital “moon-shot” mission to a renewable energy future. The ties to Appleton’s historical harnessing of the Fox River’s raw energy for power as our pioneering first source of electricity make this location and this subject matter and ideal location for this solar-lit work.

This sculpture requires no concrete pads or other at-grade support. It will be soft-anchored into the earth. This manner of installation is common for soft-scaped surfaces and was employed for *Lessons Learned* in Season I of the ACREofART.



## College Ave - Old Green Bay Road

Green Bay Road and College Ave transitional space is a previously considered ACRE site. SV considers this the most visible opportunity for vehicular viewing of ACREofART. Safe distance from traffic rights-of-way, excellent vantage points from every approach and large enough to accommodate a monumental scale sculpture.



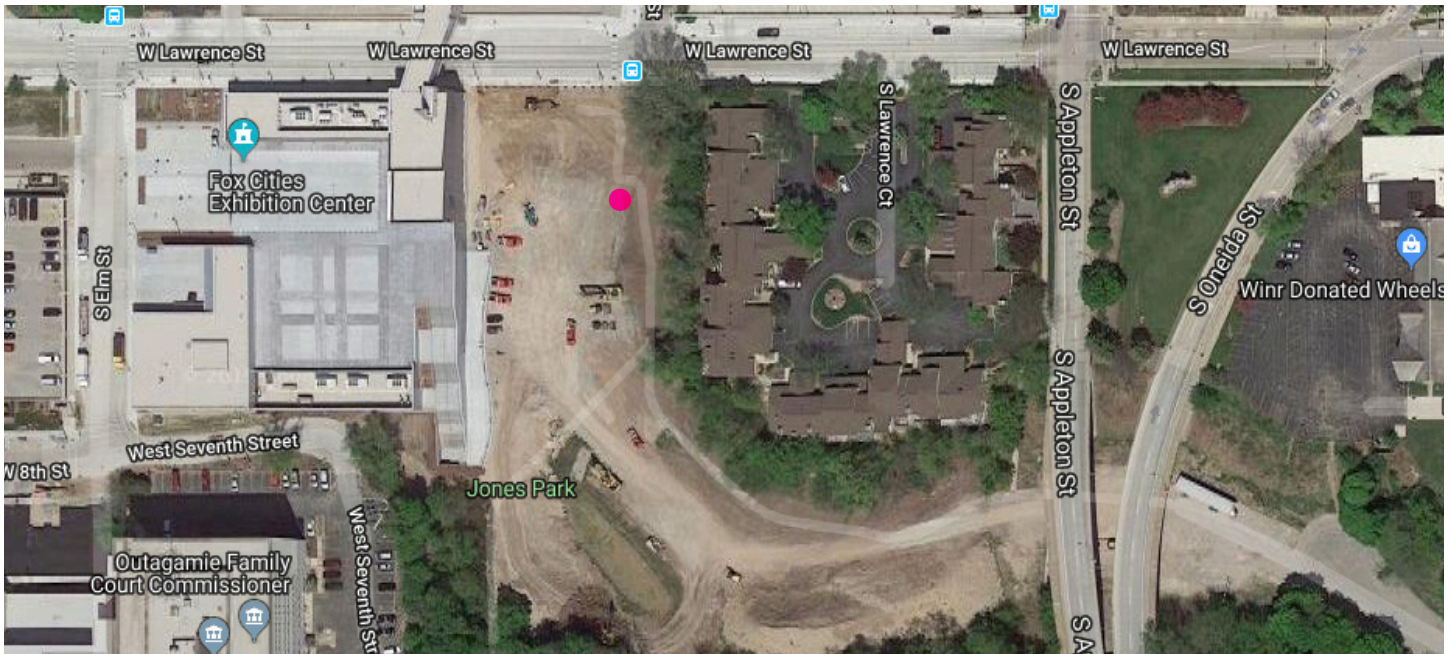
*The Collective* was chosen by the family of Linda Moore, a Fox Valley artist and lifelong advocate for outsider art. This site is the optimal location for this work, among the few locations reviewed, based on scale and communication of a City which embraces diversity of race, creed, sexual orientation and more.

Mounted on 6' round 6" high concrete pedestal. Sits just below grade. Minimal excavation of 3-4" necessary to stabilize base. Utilities confirmed enough clearance for placement.



## Jones Park - Staircase Termination

Jones Park will host works of art and perhaps permanent sculpture in the future. SV feels that timing and location presents a perfect opportunity to showcase the ACRE with one of 2019-2021 works.



***Gesture of Consciousness:*** Mudras, or representation of the ancient Gyan hand gestures, have specific intent in public exhibition.

Mounted on 6' round 4" high concrete pedestal. Sits just below grade. Minimal excavation required.





# MEMORANDUM

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

TO: Community and Economic Development Committee

FROM: Nikki Gerhard, Community Development Specialist

DATE: November 10, 2021

RE: Recommendations for 2022 Community Development Block Grant Funding

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**Background.** The estimated 2022 CDBG award listed in the 2022 City budget was \$599,710. This amount was estimated based on the most recent three years of awards. Staff determined the allocations for the Homeowner Rehabilitation Loan Program, Appleton Housing Authority, and administrative costs. The remaining amount was available for department projects and community partners through a competitive application process.

**Application Information.** CDBG applications from City Departments were due to the Community and Economic Development Department on August 31, 2021. No applications were received. CDBG applications from community partners for the 2022 program year were due to the Community and Economic Development Department on September 30, 2021.

Ten applications were submitted under the routine annual allocation process. After awards were allocated for City programs, administration, and the City Department project, the amount available to allocate to the community partner applicants was \$321,231. Only 15 percent of a grantee's allocation may be used for public service activities, per HUD regulations. In this instance, only a maximum of \$89,956 is projected to be available for public service activities. The total amount requested by community partner applicants whose activities fell under the public service category was \$85,000; while the total amount requested by community partner applicants whose activities did not fall under the public service category was \$1,133,873. Refer to the attachments for a specific breakdown of the allocations.

**Application Review.** The CDBG Advisory Board met on October 26, 2021. Members were asked to review the applications and decide upon allocation amounts prior to the meeting. The allocation amounts made by each board member were compiled and discussed at the meeting. Allocation recommendations were agreed upon pursuant to this discussion.

**Allocation Approval.** The funding allocation recommendations from the CDBG Advisory Board for community partners are presented in the attached table for CEDC approval.

Staff recommends approval of the preliminary allocations, as presented.

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

**Attached Documents:**

- 1.) 2022PY CDBG Advisory Board Membership
- 2.) CDBG Policy
- 3.) 2022PY Community Partner Application Award Recommendations
- 4.) 2022PY Simple Summary of Award Recommendations

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

City of Appleton  
COMMUNITY DEVELOPMENT BLOCK GRANT

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**2022 CDBG ADVISORY BOARD**

<b>Name</b>	<b>Title</b>	<b>Organization</b>	<b>Contact</b>
Jacob Woodford	Mayor	City of Appleton	<a href="mailto:jake.woodford@appleton.org">jake.woodford@appleton.org</a>
Matthew Reed	President	Common Council	<a href="mailto:District8@appleton.org">District8@appleton.org</a>
Nate Wolff	Vice Chair	CEDC Committee	<a href="mailto:District12@appleton.org">District12@appleton.org</a>
Marissa Downs	Chair	ARA	<a href="mailto:marissadowns@gmail.com">marissadowns@gmail.com</a>
Rhonda Hannemann		United Way Fox Cities	<a href="mailto:Rhonda.Hannemann@UnitedWayFoxCities.org">Rhonda.Hannemann@UnitedWayFoxCities.org</a>
Isaac Uitenbroek	Citizen Commissioner	City Plan Commission	<a href="mailto:iduitenbroek@gmail.com">iduitenbroek@gmail.com</a>

**City of Appleton Staff**

<b>Name</b>	<b>Title</b>	<b>Contact</b>
Monica Stage	Deputy Director of Community & Economic Development	<a href="mailto:Monica.stage@appleton.org">Monica.stage@appleton.org</a>
Nikki Gerhard	Community Development Specialist	<a href="mailto:Nikki.gerhard@appleton.org">Nikki.gerhard@appleton.org</a>
Ryne Lodi	Coordinated Entry Specialist	<a href="mailto:Ryne.lodi@appleton.org">Ryne.lodi@appleton.org</a>

**Community Partner Application AWARD RECOMMENDATIONS  
for the 2022 CDBG Program Year**

<b>NON-PUBLIC SERVICE</b>	<b>PROJECT ACTIVITY</b>	<b>PROJECTED OUTPUT</b>	<b>FUNDS WILL BE USED TO...</b>	<b>AMOUNT REQUESTED</b>	<b>CDBG ADVISORY BOARD \$ REC</b>
Apricity, Inc (DBA Mooring Programs)	public facility	Rehabilitation of 5 Mooring Program houses & the main facility	Rehabilitation of 5 program houses & main facility	\$87,000	\$ 66,231
B.A.B.E.S., Inc Child Abuse Prevention Programs-Priority #1 Project	public facility	acquisition of new public facility	acquisition of new public facility building	\$200,000	\$ -
B.A.B.E.S., Inc Child Abuse Prevention Programs-Priority #2 Project	public facility	renovation of public facility	renovation of current public facility building	\$174,850	\$ -
Fox Valley Lutheran Homes	housing	rehabilitation of senior housing facility	replacement of 72 windows & 42 patio doors to senior community housing facility	\$340,023	\$ -
Greater Fox Cities Area Habitat for Humanity	housing	2 properties rehabilitated and sold to qualified homebuyers	acquire 2 properties to do full house rehabilitation and then sell to qualified low or moderate income homebuyers	\$180,000	\$ 120,000
Pillars, Inc.	housing	rehabilitation of door security	affordable housing door security improvements	\$27,000	\$ -
Rebuilding Together Fox Valley- Priority #1 Project	housing	rehabilitation of 10 units	Community Revitalization Partnership project to the West Appleton neighborhood	\$100,000	\$ 80,000
Rebuilding Together Fox Valley- Priority #2 Project	housing	rehabilitation of 5 units	offer additional modifications & repairs beyond CRP (above)	\$25,000	\$ -
				\$ 1,133,873.00	\$ <b>266,231.00</b>
<b>PUBLIC SERVICE</b>	<b>PROJECT ACTIVITY</b>	<b>PROJECTED OUTPUT</b>	<b>FUNDS WILL BE USED TO...</b>	<b>AMOUNT REQUESTED</b>	<b>CDBG ADVISORY BOARD \$ REC</b>
Harbor House DV Shelter Program	public service	500 persons served	fund salaries & fringes for shelter case managers & advocates	\$25,000	\$ 25,000
LEAVEN, Inc	public service	188 households served	provide rental assistance to those at risk of homelessness through the Emergency Assistance Program	\$60,000.00	\$ 30,000
				\$85,000.00	\$ <b>55,000.00</b>

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

**\$278,479.00**

**CDBG Advisory Board Recommendations**

**\$321,231.00**

**\$599,710**



# AWARD RECOMMENDATIONS FOR 2022 CDBG PROGRAM YEAR

	Awarded	
<b>City Programs/Appleton Housing Authority/Administration</b>		
City of Appleton Homeowner Rehabilitation Loan Program	\$	120,000
Fair Housing Services	\$	25,000
Appleton Housing Authority	\$	75,000
CDBG Program Administration Costs	\$	58,479
<b>Non-Public Service</b>		
Greater Fox Cities Habitat for Humanity	\$	120,000
Rebuilding Together Fox Valley	\$	80,000
The Mooring Programs	\$	66,231
<b>Public Service</b>		
Harbor House	\$	25,000
LEAVEN, Inc.	\$	30,000
<b>TOTAL</b>	<b>\$</b>	<b>599,710</b>



# City of Appleton COMMUNITY DEVELOPMENT BLOCK GRANT



## Community Development Block Grant (CDBG) Policy

Adopted 9/8/2008

Amended 5/24/2010, 10/3/2012, 12/19/2012, 7/15/2015, 10/21/2020, 11/17/2021

### I. PURPOSE

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

### II. POLICY

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

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

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

### III. FEDERAL REGULATIONS

*The citation reference from Title 24 Part 570 – Community Development Block Grants can be found in parentheses next to each heading below. Please view that section for more information on the respective item. This Policy will be revised periodically as required to fulfill related Federal, State, and/or local funding requirements.*

#### A. Federal Eligibility (24 CFR 570.201)

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

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

#### B. Ineligible Activities (24 CFR 570.207)

The following activities may not be assisted with CDBG funds:

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



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



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

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

**C. Special Economic Development Projects (24 CFR 570.203)**

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

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

**D. National Objectives (24 CFR 570.208)**

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

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



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**E. Categorical Limits**

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

**F. Program Income (24 CFR 570.426)**

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

As defined in 24CFR Part 570.500, program income includes, but is not limited to, the following:

- Proceeds from the disposition by sale or long-term lease of real property purchased or improved with CDBG funds;
- Proceeds from the disposition of equipment purchased with CDBG funds;
- Gross income from the use or rental of real or personal property acquired by subrecipients with CDBG funds, less costs incidental to generation of the income;
- Gross income from the use or rental of real property, owned by subrecipients that was constructed or improved with CDBG funds, less costs incidental to generation of the income;
- Payments of principal and interest on loans made using CDBG funds, except as provided in 24CFR 570.500(a)(3); and
- Interest earned on program income pending its disposition.

Program income must be tracked in a chart of accounts, using a segregated account for managing sources and uses. By the 15<sup>th</sup> day of the month following the end of the quarter, the City's Finance Department will review each transaction that generated program income and the subsequent transaction for which program income was applied. The program income will then be entered into the City's Chart of Accounts so that it is reflected in the general ledger, as well as receipting the program income in IDIS so that draws can be made against the balance accordingly. The City maintains the discretion to enter program income more frequently as deemed necessary.

CDBG regulations require that, at the end of each program year (March 31), the City of Appleton must determine whether there is excess program income on hand, and return any excess to the line of credit.

**G. Fair Housing (24 CFR 570.601)**

The Secretary of HUD requires that:

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



## City of Appleton COMMUNITY DEVELOPMENT BLOCK GRANT

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reflecting the analysis and related actions taken.

**H. Environmental Review Procedures (24 CFR 570.604)**

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

**I. Faith-Based Activities (24 CFR 570.200)**

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

**J. Submission Requirements (24 CFR 570.302)**

CDBG entitlement communities must submit the following documents:

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

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

**K. Location of Activities (24 CFR 570.309)**

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



## City of Appleton COMMUNITY DEVELOPMENT BLOCK GRANT



### **L. Conflict of Interest (24 CFR 570.611)**

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

### **IV. LOCAL PROGRAM GUIDELINES**

#### **A. Program Oversight**

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

#### **B. Consolidated Plan Submission**

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

#### **C. Definitions**

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

#### **D. Local Categorical Limits**

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

- (1). At least 70 percent of CDBG funds utilized over three program years must be expended for LMI benefit; this excludes planning/CDBG administration activities.
- (2). The amount of CDBG funds obligated for public service activities in each program year may not exceed 15 percent of the adjusted award for that year unless otherwise specified under the pertinent Federal regulation or applicable waivers to prevent the spread of infectious disease and mitigate economic impacts caused by infectious disease.
- (3). The amount of CDBG funds obligated for planning/CDBG administration activities in each program year may not exceed 20 percent of the total entitlement grant for that year.
- (4). Any single award will not be less than \$10,000.

#### **E. Audit Requirements**

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



**City of Appleton**  
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estimates of the adjusted award.

**F. Fair Housing Services**

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

**G. Program Administration**

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

**H. Annual Allocation of CDBG Funding**

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

**I. City Allocation Process**

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

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

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

**J. Community Partner Subrecipient Allocation Process**

The community partner application process will begin after allocations for City applications have been approved, and end with recommended allocations being announced after Council approval. Applications



## City of Appleton COMMUNITY DEVELOPMENT BLOCK GRANT



will be made available for approximately one month and should be submitted to the CEDD. All applications must be received by the announced deadline; no exceptions will be made. CEDD staff will perform an administrative review of each proposal, per HUD rules and regulations, to ensure the four standards listed under letter E. above, will be met if proposed activities are funded.

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

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

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

During efforts to prevent the spread of infectious disease and mitigate economic impacts caused by infectious disease, the community partner subrecipient allocation process will be waived. Final approval of allocations and projects will be presented to Common Council, subsequent to the completion of the required public comment period.

### **K. Estimated vs. Actual Entitlement Award**

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

### **L. Subrecipient Agreement/Letter of Understanding/Training Session**

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

### **M. Statement of Work**





## City of Appleton COMMUNITY DEVELOPMENT BLOCK GRANT

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

### **N. Report Submissions**

All subrecipients and City Programs are required to submit a report of their accomplishments with each payment request during the program year when applicable, as well as an Annual Report by April 15th, which is a comprehensive report covering the agreed upon objectives, activities and expenditures for the entire contract period. If said reports are not attached to payment requests when required, payments will be withheld until the report is submitted.

### **O. Change of Use**

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

### **P. Displacement/Relocation**

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

### **Q. Procurement**

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

### **R. Audits**

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

### **S. Disputes**

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

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## City of Appleton COMMUNITY DEVELOPMENT BLOCK GRANT



If any unspent grant funds remain after September 30, CEDD staff will meet with the subrecipient to determine if further action needs to be taken to expedite the expenditure of funds.

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

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

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## City of Appleton COMMUNITY DEVELOPMENT BLOCK GRANT



### **Z. CDBG Activity Promotion**

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

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

### **V. APPLICATION/PROPOSAL EVALUATION CRITERIA**

#### **A. General**

In order to receive CDBG funding, subrecipient and City Programs must meet a priority need, as identified in the Five-Year Consolidated Plan. Additional preference, however, will be given to CDBG applicant activities that meet one or more of the following criteria:

- (1). Seek a one-time use of CDBG funding
- (2). Benefit residents of LMI census tracts (population at least 46.7 percent LMI)
- (3). Will result in additional housing units being placed on the tax roll
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- (5). Serve special needs populations, including, but not limited to:
  - a. Elderly/frail elderly
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#### **B. Public Services (subject to 15 percent cap)**

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

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



# MEMORANDUM

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

TO: Community and Economic Development Committee  
FROM: Nikki Gerhard, Community Development Specialist  
DATE: November 10, 2021  
RE: Community Development Block Grant (CDBG) Policy Amendment

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Staff is proposing an amendment to the City’s CDBG Policy, updating policies and processes related to CDBG program income.

The amendment addresses the following:

- Incorporating the HUD definition of program income, per 24CFR Part 570.500;
- Establishing a quarterly timeline for receipt of program income;
- Identifying the process of receipting for the quarterly recording of program income.

Attached is the proposed CDBG policy, with additional language highlighted in red.

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



# City of Appleton COMMUNITY DEVELOPMENT BLOCK GRANT



## Community Development Block Grant (CDBG) Policy

Adopted 9/8/2008

Amended 5/24/2010, 10/3/2012, 12/19/2012, 7/15/2015, 10/21/2020, 11/17/2021

### I. PURPOSE

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

### II. POLICY

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

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

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

### III. FEDERAL REGULATIONS

*The citation reference from Title 24 Part 570 – Community Development Block Grants can be found in parentheses next to each heading below. Please view that section for more information on the respective item. This Policy will be revised periodically as required to fulfill related Federal, State, and/or local funding requirements.*

#### A. Federal Eligibility (24 CFR 570.201)

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

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

#### B. Ineligible Activities (24 CFR 570.207)

The following activities may not be assisted with CDBG funds:

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



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



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

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

**C. Special Economic Development Projects (24 CFR 570.203)**

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

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

**D. National Objectives (24 CFR 570.208)**

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

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



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**E. Categorical Limits**

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

**F. Program Income (24 CFR 570.426)**

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

As defined in 24CFR Part 570.500, program income includes, but is not limited to, the following:

- Proceeds from the disposition by sale or long-term lease of real property purchased or improved with CDBG funds;
- Proceeds from the disposition of equipment purchased with CDBG funds;
- Gross income from the use or rental of real or personal property acquired by subrecipients with CDBG funds, less costs incidental to generation of the income;
- Gross income from the use or rental of real property, owned by subrecipients that was constructed or improved with CDBG funds, less costs incidental to generation of the income;
- Payments of principal and interest on loans made using CDBG funds, except as provided in 24CFR 570.500(a)(3); and
- Interest earned on program income pending its disposition.

Program income must be tracked in a chart of accounts, using a segregated account for managing sources and uses. By the 15<sup>th</sup> day of the month following the end of the quarter, the City's Finance Department will review each transaction that generated program income and the subsequent transaction for which program income was applied. The program income will then be entered into the City's Chart of Accounts so that it is reflected in the general ledger, as well as receipting the program income in IDIS so that draws can be made against the balance accordingly. The City maintains the discretion to enter program income more frequently as deemed necessary.

CDBG regulations require that, at the end of each program year (March 31), the City of Appleton must determine whether there is excess program income on hand, and return any excess to the line of credit.

**G. Fair Housing (24 CFR 570.601)**

The Secretary of HUD requires that:

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



## City of Appleton COMMUNITY DEVELOPMENT BLOCK GRANT

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reflecting the analysis and related actions taken.

**H. Environmental Review Procedures (24 CFR 570.604)**

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

**I. Faith-Based Activities (24 CFR 570.200)**

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

**J. Submission Requirements (24 CFR 570.302)**

CDBG entitlement communities must submit the following documents:

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

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

**K. Location of Activities (24 CFR 570.309)**

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





# City of Appleton COMMUNITY DEVELOPMENT BLOCK GRANT



## L. Conflict of Interest (24 CFR 570.611)

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

## IV. LOCAL PROGRAM GUIDELINES

### A. Program Oversight

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

### B. Consolidated Plan Submission

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

### C. Definitions

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

### D. Local Categorical Limits

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

- (1). At least 70 percent of CDBG funds utilized over three program years must be expended for LMI benefit; this excludes planning/CDBG administration activities.
- (2). The amount of CDBG funds obligated for public service activities in each program year may not exceed 15 percent of the adjusted award for that year unless otherwise specified under the pertinent Federal regulation or applicable waivers to prevent the spread of infectious disease and mitigate economic impacts caused by infectious disease.
- (3). The amount of CDBG funds obligated for planning/CDBG administration activities in each program year may not exceed 20 percent of the total entitlement grant for that year.
- (4). Any single award will not be less than \$10,000.

### E. Audit Requirements

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



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estimates of the adjusted award.

**F. Fair Housing Services**

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

**G. Program Administration**

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

**H. Annual Allocation of CDBG Funding**

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

**I. City Allocation Process**

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

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

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

**J. Community Partner Subrecipient Allocation Process**

The community partner application process will begin after allocations for City applications have been approved, and end with recommended allocations being announced after Council approval. Applications



## City of Appleton COMMUNITY DEVELOPMENT BLOCK GRANT



will be made available for approximately one month and should be submitted to the CEDD. All applications must be received by the announced deadline; no exceptions will be made. CEDD staff will perform an administrative review of each proposal, per HUD rules and regulations, to ensure the four standards listed under letter E. above, will be met if proposed activities are funded.

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

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

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

During efforts to prevent the spread of infectious disease and mitigate economic impacts caused by infectious disease, the community partner subrecipient allocation process will be waived. Final approval of allocations and projects will be presented to Common Council, subsequent to the completion of the required public comment period.

### **K. Estimated vs. Actual Entitlement Award**

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

### **L. Subrecipient Agreement/Letter of Understanding/Training Session**

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

### **M. Statement of Work**



## City of Appleton COMMUNITY DEVELOPMENT BLOCK GRANT



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

### **N. Report Submissions**

All subrecipients and City Programs are required to submit a report of their accomplishments with each payment request during the program year when applicable, as well as an Annual Report by April 15th, which is a comprehensive report covering the agreed upon objectives, activities and expenditures for the entire contract period. If said reports are not attached to payment requests when required, payments will be withheld until the report is submitted.

### **O. Change of Use**

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

### **P. Displacement/Relocation**

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

### **Q. Procurement**

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

### **R. Audits**

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

### **S. Disputes**

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

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## City of Appleton COMMUNITY DEVELOPMENT BLOCK GRANT

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

### V. **Examination of Records/Monitoring**

The policy of the City of Appleton is to monitor its subrecipients in a manner consistent with the requirements of 24 CFR 570.2, 2 CFR 200.328, and 2 CFR 200.331(d). The subrecipient and City Program shall maintain records (including books, documentation and other evidence) pertaining to the costs of carrying out their activity to the extent of detail that will adequately reflect net costs, direct and indirect labor, materials, equipment, supplies/services, and other expenses. Authorized representatives of the City or HUD shall have access to subrecipient and City Program records at reasonable times of the business day for inspection, audit or reproduction. Subrecipients and City Programs must make these records available throughout the program year and four years after it expires. Furthermore, CEDD staff may schedule monitoring visits with the subrecipient to evaluate the progress/performance of the program and provide technical assistance. The City of Appleton's Grant Administration Procedures manual should be referenced for further guidance on subrecipient tracking and monitoring requirements.

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### Y. **Program Income**

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



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

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

### **V. APPLICATION/PROPOSAL EVALUATION CRITERIA**

#### **A. General**

In order to receive CDBG funding, subrecipient and City Programs must meet a priority need, as identified in the Five-Year Consolidated Plan. Additional preference, however, will be given to CDBG applicant activities that meet one or more of the following criteria:

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

#### **B. Public Services (subject to 15 percent cap)**

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

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



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

## MEMORANDUM

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TO: Community and Economic Development Committee

FROM: Matt Rehbein, Economic Development Specialist

DATE: November 10, 2021

RE: Planning Option Agreement Extension for the Blue Ramp Site – Merge, LLC

---

The City of Appleton entered into a Planning Option Agreement with Merge, LLC to provide a 9-month initial term to conduct due diligence for a potential mixed-use development on the Blue Ramp and Conway Hotel sites on March 1, 2020. In return for this option Merge paid the City \$1,000.

This Option was mutually extended to May 31, 2021. Per Section 2 of the Original Option, Merge, LLC paid the City an additional \$5,000 for the first mutually extended 6-month extension; a second extension reflects the same option fee of an additional \$5,000. The City and Merge entered into a Development Agreement for the Conway Hotel site on September 9, 2021, and Merge closed on the purchase of the Conway Hotel site on October 7, 2021. Construction on Phase I is scheduled to begin in Spring 2022.

Merge has submitted a TIF Application for Phase II (Former Blue Ramp Site) and is working with staff to finalize a Development Agreement; however, it will not be approved and signed by the time the current Option expires (November 30, 2021). Merge Urban Development Group would like the continued assurance that the City would be interested in selling these parcels for a mixed-use development that is aligned with our Comprehensive Plan. In return for a 1-month extension, Merge would pay an additional \$1,000 option fee for the Blue Ramp site.

### **Staff Recommendation:**

An extension to the Planning Option Agreement for the Blue Ramp site through December 31, 2021 to Merge, LLC **BE APPROVED**.


**PLANNING OPTION AGREEMENT – SECOND TERM EXTENSION**

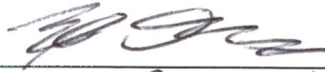
Merge, LLC (the "Developer"), an Iowa limited liability company d/b/a Merge Urban Development Group, with a business office of 604 Clay Street, Cedar Falls, IA 50613 and the City of Appleton (the "City") having its office as 100 North Appleton Street, Appleton, WI 54911; and, Developer and the City (hereinafter collectively "Parties") AGREE AS FOLLOWS:

1. Parties previously entered into an Agreement, attached hereto, granting Developer's requested planning option to allow time to complete all due diligence necessary to determine the physical and financial feasibility of constructing a mixed-use development with rental units and light- retail space; and
2. The Agreement, and rights conveyed therein, terminated on November 30, 2020 and a First Term Extension, attached hereto, extended the Agreement, which is set to expire on May 31, 2021, unless further extended in accordance with the Extended Term option contained within the Agreement.
3. The Parties mutually agree that the Agreement's termination date shall be extended to November 30, 2021, in accordance with the Extended Term option contained within the Agreement.
4. In order to secure extension, the Developer agrees to pay an additional non-refundable payment of \$5,000 to the City as provided in Section 2 of the Agreement.
5. All other terms, conditions and the like of the Agreement shall remain unchanged.


IN WITNESS WHEREOF, the undersigned parties have executed this Term Extension Agreement dated this 10<sup>th</sup> day of ~~May~~, 2021.  
June

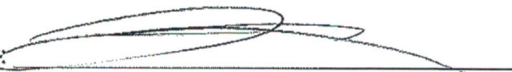
**MERGE, LLC**


Witness:   
Printed Name: Jill Kraayenbrink

By:   
Printed Name: Brent Dahlstrom  
Title: Manager

**CITY OF APPLETON**

Witness:   
Printed Name: Amy Molitor

By:   
Jacob A. Woodford, Mayor

Witness:   
Printed Name: Amy Molitor

By:   
Kami Lynch, City Clerk



## PLANNING OPTION AGREEMENT

This PLANNING OPTION AGREEMENT (this "Agreement"), made and entered into this March 1, 2020 (the "Effective Date"), by and between the City of Appleton having its office at 100 N. Appleton Street, Appleton, WI 54911 (hereinafter the "CITY"), and Merge, LLC, an Iowa limited liability company d/b/a Merge Urban Development Group, having its office at 604 Clay Street, Cedar Falls, Iowa 50613 (hereinafter "DEVELOPER").

### WITNESSETH:

WHEREAS, the CITY owns property located at \_\_\_\_\_, in the City of Appleton, County of Outagamie, WI (Tax Parcel(s) 312027200, 312027201, 312027202, 312028101), and more fully described in the legal description, which is attached hereto and incorporated herein as Exhibit A (hereinafter "Project Site"); and

WHEREAS, the DEVELOPER has requested a planning option to allow time to complete all due diligence necessary to determine the physical and financial feasibility of constructing a mixed-use development with rental units and light- retail space; and

WHEREAS, CITY desires to see the Project Site developed in an active mixed-use development that generates economic activity and increases assessed land value, thereby generating additional property tax base for the community; and

WHEREAS, CITY is willing to negotiate a sale of the Project Site with the DEVELOPER upon a determination by both parties of the economic and physical viability of proposed future uses.

NOW, THEREFORE, for good and valuable consideration, the parties mutually agree and state as follows:

1. The CITY hereby grants to DEVELOPER an exclusive Planning Option for an initial term expiring nine (9) months after the Effective Date for the Project Site (the "Initial Term"). This period is required in order to complete all due diligence necessary to determine the physical and financial feasibility of proposed future uses. The Initial Term of this Agreement may be extended by mutual written agreement of the parties, and, if so, such extended term will be known and is hereinafter referred to as the "Extended Term").
2. To secure the Initial Term, DEVELOPER shall pay CITY a non-refundable payment in the amount of One Thousand Dollars (\$1,000.00). If DEVELOPER is awarded the Extended Term, DEVELOPER shall pay to CITY an additional non-refundable payment in the amount of Five Thousand Dollars (\$5,000.00).
3. CITY, during the Initial Term, or any Extended Term, shall provide that the Project Site shall not be sold/conveyed or leased to any other legal entity and hereby agrees to grant to the DEVELOPER exclusive negotiating rights for the purchase or lease of said real property during the Initial Term and any Extended Term.
4. CITY hereby grants DEVELOPER full access to the site for purposes of completing due diligence including, but not limited to, soil testing, engineering analysis, environmental assessments and inspections (including invasive assessments and inspections in the discretion of the DEVELOPER), other inspections and other needs for ingress and egress upon the land. This access is subject to any preexisting easements and licenses on the Project Site. However,

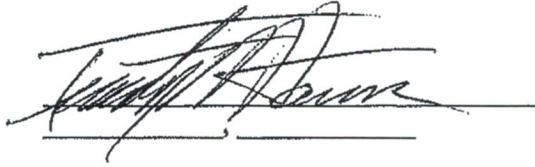
any such licenses will be terminated by CITY in the event the DEVELOPER determines that termination is reasonably necessary for completion of the due diligence necessary for this Agreement, and, in that event, DEVELOPER will be granted a day-by-day/day-to-day extension of the Initial Term or the Extended Term, if any, for the number of days that it takes for CITY to terminate such licenses.

5. CITY shall make available all known environmental reports and activity upon the Project Site. By entering into this Agreement, the DEVELOPER in no way assumes any responsibility or liability for site remediation.
6. During the pendency of this Agreement and upon determination of the feasibility of proposed future uses, the parties shall work in good faith to negotiate and execute a Development Agreement, and any other associated documentation, that shall provide for the acquisition and development of the Project Site to DEVELOPER. Such Development Agreement is subject to the approval of City of Appleton Common Council.
7. It is agreed and understood by the parties that all proposed future uses in the Development Agreement shall complement existing uses on adjacent properties and comply with City of Appleton Comprehensive Plan 2010-2030. The City of Appleton shall coordinate the public agency participation in planning, obtaining data from public records as may be available, reviewing and commenting on aspects of proposed future uses in a timely manner.
8. DEVELOPER shall demonstrate the ability to obtain financing for the proposed future uses prior to the expiration of this Agreement.
9. DEVELOPER understands that CITY shall approve any final design plans as a condition of receiving any financial assistance from CITY. CITY financial assistance may be in the form of Tax Increment Financing or other governmental grants paid to DEVELOPER in accordance with the Development Agreement.
10. If the parties agree upon and execute a Development Agreement prior to the expiration of this Agreement, CITY shall convey the Project Site to the DEVELOPER in accordance with the terms and conditions of the Development Agreement, and any associated documentation.
11. If a Development Agreement is not agreed to by the parties prior to the expiration of this Agreement, and no extension has been agreed to by the parties, this Agreement is hereby terminated and the DEVELOPER shall furnish to CITY all environmental reports and studies, and surveys relating to the Project Site.
12. In the event the DEVELOPER determines that the proposed use on the Project Site is not feasible during the pendency of this Agreement, DEVELOPER may terminate this Agreement and shall notify CITY in writing of the termination.
13. CITY and DEVELOPER shall pay all of their own legal fees, third party fees, customary closing costs and other costs related to this Agreement, the Development Agreement, and any lease or sale associated with this Agreement.

IN WITNESS WHEREOF,

this Agreement has been duly executed as of the Effective Date.

City of Appleton



A handwritten signature in black ink, appearing to read "Timothy A. Brown", is written over a horizontal line. Below this line is another horizontal line, and below that, a third horizontal line.

Merge, LLC



A handwritten signature in black ink, appearing to read "Brent Dahlstrom", is written over a horizontal line. Below this line is another horizontal line.

Brent Dahlstrom, Manager

EXHIBIT A

Parcel 31-2-0272-00

Part of Lots One (1), Two (2) and Three (3), in Block Twenty-seven (27), APPLETON PLAT, City of Appleton, Outagamie County, Wisconsin, according to the recorded Assessor's Map of said City, bounded and described as follows: Commencing at the Northwest corner of said Lot 1; thence S 0°20'12" E, 34.06 feet along the East right of way line of Appleton Street to the point of beginning; thence N 89°33'28" E, 90.83 feet; thence N 0°26'32" W, 13.00 feet; thence N 89°33'28" E, 193.56 feet; thence S 0°22'55" E, 131.67 feet along the West right of way line of Oneida Street; thence S 89°36'00" W, 185.54 feet along the North right of way line of Midway; thence N 0°22'08" W, 65.17 feet; thence S 89°33'28" W, 98.89 feet; thence N 0°20'12" W, 53.36 feet along the East right of way line of Appleton Street to the point of beginning.

Parcel 31-2-0272-01

Lot One (1) of Certified Survey Map No. 2447, filed in Volume 13 of Certified Survey Maps on page 2447, as Document No. 1177602 of the Outagamie County Register of Deeds, City of Appleton, Outagamie County, Wisconsin.

Parcel 31-2-0272-02

Lot One (2) of Certified Survey Map No. 2447, filed in Volume 13 of Certified Survey Maps on page 2447, as Document No. 1177602 of the Outagamie County Register of Deeds, City of Appleton, Outagamie County, Wisconsin.

Parcel 31-2-0281-01

Being the North 97.17 Feet of Lots One (1) and Two (2) and the North 97.17 Feet of the West 30 Feet of Lot Three (3), Block Twenty-eight (28), Appleton Plat, City of Appleton, Outagamie County, State of Wisconsin, according to the Recorded Assessor's Map of said City.

**PLANNING OPTION AGREEMENT – TERM EXTENSION**

Merge, LLC (the "Developer"), an Iowa limited liability company d/b/a Merge Urban Development Group, with a business office of 604 Clay Street, Cedar Falls, IA 50613 and the City of Appleton (the "City") having its office as 100 North Appleton Street, Appleton, WI 549121; and, Developer and the City (hereinafter collectively "Parties") AGREE AS FOLLOWS:

1. Parties previously entered into an Agreement, attached hereto, granting Developer's requested planning option to allow time to complete all due diligence necessary to determine the physical and financial feasibility of constructing a mixed-use development with rental units and light-retail space; and
2. The Agreement, and rights conveyed therein, terminates on November 30, 2020 unless extended by mutual agreement.
3. The Parties mutually agree that the Agreement's termination date shall be extended to May 31, 2021, in accordance with the Extended Term option contained within the Agreement.
4. In order to secure extension, the Developer agrees to pay an additional non-refundable payment of \$5,000.00 to the City as provided in Section 2 of the Agreement.
5. All other terms, conditions and the like of the Agreement shall remain unchanged.

IN WITNESS WHEREOF, the undersigned parties have executed this Term Extension Agreement dated this 24<sup>th</sup> day of November, 2020.

**MERGE, LLC**

Witness: [Signature]  
Printed Name: Jill Kraayenbrink

By: [Signature]  
Printed Name: Brent Dahlstrom  
Title: Manager

**CITY OF APPLETON**

Witness: [Signature]  
Printed Name: Jamie Thiesbach

By: [Signature]  
Jacob A. Woodford, Mayor

Witness: [Signature]  
Printed Name: Jamie Thiesbach

By: [Signature]  
Kamí Lynch, City Clerk

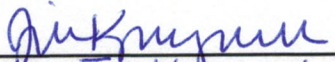
**PLANNING OPTION AGREEMENT – TERM EXTENSION**

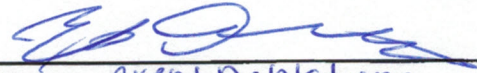
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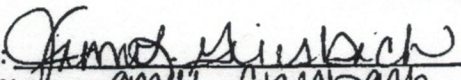
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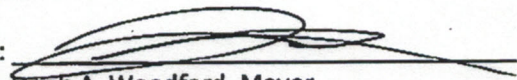
**MERGE, LLC**

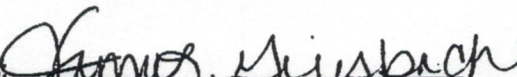
Witness:   
Printed Name: Jill Krdayenbrink

By:   
Printed Name: Brent Dahlstrom  
Title: manager

**CITY OF APPLETON**

Witness:   
Printed Name: Jamil Erisbach

By:   
Jacob A. Woodford, Mayor

Witness:   
Printed Name: Jamil Erisbach

By:   
Kami Lynch, City Clerk

## PLANNING OPTION AGREEMENT

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any such licenses will be terminated by CITY in the event the DEVELOPER determines that termination is reasonably necessary for completion of the due diligence necessary for this Agreement, and, in that event, DEVELOPER will be granted a day-by-day/day-to-day extension of the Initial Term or the Extended Term, if any, for the number of days that it takes for CITY to terminate such licenses.

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11. If a Development Agreement is not agreed to by the parties prior to the expiration of this Agreement, and no extension has been agreed to by the parties, this Agreement is hereby terminated and the DEVELOPER shall furnish to CITY all environmental reports and studies, and surveys relating to the Project Site.
12. In the event the DEVELOPER determines that the proposed use on the Project Site is not feasible during the pendency of this Agreement, DEVELOPER may terminate this Agreement and shall notify CITY in writing of the termination.
13. CITY and DEVELOPER shall pay all of their own legal fees, third party fees, customary closing costs and other costs related to this Agreement, the Development Agreement, and any lease or sale associated with this Agreement.



IN WITNESS WHEREOF,

this Agreement has been duly executed as of the Effective Date.

**City of Appleton**



\_\_\_\_\_

**Merge, LLC**



\_\_\_\_\_

Brent Dahlstrom, Manager

EXHIBIT A

Parcel 31-2-0272-00

Part of Lots One (1), Two (2) and Three (3), in Block Twenty-seven (27), APPLETON PLAT, City of Appleton, Outagamie County, Wisconsin, according to the recorded Assessor's Map of said City, bounded and described as follows: Commencing at the Northwest corner of said Lot 1; thence S 0°20'12" E, 34.06 feet along the East right of way line of Appleton Street to the point of beginning; thence N 89°33'28" E, 90.83 feet; thence N 0°26'32" W, 13.00 feet; thence N 89°33'28" E, 193.56 feet; thence S 0°22'55" E, 131.67 feet along the West right of way line of Oneida Street; thence S 89°36'00" W, 185.54 feet along the North right of way line of Midway; thence N 0°22'08" W, 65.17 feet; thence S 89°33'28" W, 98.89 feet; thence N 0°20'12" W, 53.36 feet along the East right of way line of Appleton Street to the point of beginning.

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Parcel 31-2-0272-02

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Parcel 31-2-0281-01

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## PROPOSED REVISIONS TO WEIGHTS AND MEASURES FEE SCHEDULE

Base rates for Appleton Health Department Environmental Health and Weights & Measures fees were established in an independent Study authorized and funded by the Common Council in 1993. The final report was referred to as the Griffith Study.

Annually since 1993 we have evaluated the actual cost of services provided, reviewed our current fees for those services rendered, and made recommendations for increases where justified. The Board of Health has acted upon and approved these recommendations when submitted.

In recent years we have used the federally established and nationally recognized Consumer Price Index (CPI) as the factor in determining appropriate fee increases.

In 2003 we did an exhaustive study of the Weights and Measures Section to evaluate feasibility and costs of contracting with several area municipalities. From this study and with the assistance of John Hoft-March of our Finance Department, we recalculated our actual operating cost for operations within the City of Appleton. These figures are now updated annually.

Our device license fee rates are based upon the standardized, average amount of time spent to inspect, test and certify a device times the current operating cost per hour. With the new hourly rate and with special consideration to each fee I have developed the new Recommended Fees shown. Weights and Measures fees are calculated to the nearest whole dollar amount.

With the rate changes submitted we estimate a revenue increase of \$2,300 or approximately 3.7%.

Respectfully submitted,

APPLETON HEALTH DEPARTMENT

Eric Maggio, Chief Sealer  
Weights and Measures

## PROPOSED REVISIONS TO WEIGHTS AND MEASURES FEE SCHEDULE

NO. OF FEE	LICENSEABLE ITEM DESCRIPTION	CURRENT FEE	AVERAGE CITY LICENSE FEE 2021*	RECOMMENDED FEE	DOLLAR CHANGE	Number Of Device
1	Base Licensing Processing Fee	\$45.00	\$81.67	\$45.00	0	
2	Portion Scale – Low Capacity	\$11.00	\$17.50	\$11.00	0	
3	Scales 0 – 30 lbs	\$19.00	\$32.71	\$20.00	0	
4	Scales 31 – 1000 lbs	\$32.00	\$54.50	\$33.00	0	
5	Scales 1001 – 10,000 lbs	\$53.00	\$65.11	\$53.00	0	
6	Scales 10,001 – 20,000 lbs	\$70.00	\$76.13	\$70.00	0	
7	Point of Sale Systems	\$20.00	\$32.71	\$20.00	0	
8	Prepack Scale	\$20.00	\$32.71	\$20.00	0	
9	Person Weighing Scale	\$30.00	\$30.45	\$30.00	0	
10	High Accuracy Scale with Weights or Pill Counter System	\$45.00	\$56.19	\$45.00	0	
11	Hopper Scales	\$110.00	\$119.35	\$110.00	0	
12	Linear Meter	\$15.00	\$15.75	\$15.00	0	
13	Rules	\$3.00	\$3.15	\$3.00	0	
14	Timing Device	\$8.00	\$16.43	\$8.00	0	
15	Petroleum Pump	\$20.00	\$34.40	\$22.00	\$2.00	870
16	Vehicle Tank and Bulk Meter	\$40.00	\$81.00	\$45.00	\$5.00	110
17	Postal Scales	\$11.00	\$15.00	\$11.00	0	
18	Estimating Dough Scale and Weights	\$14.00	\$32.71	\$14.00	0	
19	Firewood Dealer	\$20.00	No Others	\$20.00	0	
20	Retail Price Scanner	1 – 8 \$60.00 9 or more \$7.50 each	\$22.00 Each	1 – 8 \$60.00 9 or more \$7.50 each	0	
21	Unclassified Devices and Consultations to Government and Industry	\$52.00 Per Hour	Not Available	\$52.00 Per Hour	0	
22	Late Payment Fee	\$60.00	\$94.33	\$60.00		
23	Penalty Fee for Nonregistration	Triple the Per Device Fee	Not Available	Triple the Per Device Fee	0	
24	Taxi Meters	\$19.00	\$18.90	\$19.00	0	
25	Farm Market Scale	No Charge	\$32.71	\$19.00	0	
26	Reinspection Fee	\$50.00	\$100.00	\$58.00	0	
27	Reinspection Fee 2 <sup>nd</sup> Visit	N/A	N/A	\$100.00	0	
28	Reinspection Fee 3 <sup>rd</sup> Vist	N/A	N/A	\$150.00	0	

Note: Last fee increase was in September 2019

\*Cities (Green Bay, De Pere, Menasha, Milwaukee, and Oshkosh)



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

---

Appleton Health Department  
100 North Appleton Street  
Appleton, WI 54911-4799  
(920) 832-6429  
[www.appleton.org](http://www.appleton.org)



Date: November 5, 2021

To: Board of Health

From: Eric Maggio, City Sealer Weights & Measures

Re: East Central Weights and Measures Consortium

The City of Neenah reached out in early May 2021 about the possibility of in the East Central Weights and Measures consortium. A survey was conducted, and it was determined that Neenah would require 35 days per year. The City of Neenah would like a start date of 1/1/2022. The 2022 daily rate is going to be \$446 per day. There will not be any additional staff needed.

Y = Keep it where it is. I = Indifferent N = Move it

Sculpture Valley Thank you all for your positive comments. For those of you with divergent opinions, you should also feel welcome to share them here. This is about community dialogue and the collective arts experience. Keep the conversations going and please share this post with others who have options about this work, we want to hear from everyone :)

I Jessy Glaser What is the artist trying to express through this sculpture? I live very close to this artwork and there's been a lot of discussion about it.

Sculpture Valley Jessy Glaser so, first I'll share some info that was posted by Lee Snodgrass about the sponsors and who the artwork is honoring;

My dear friend Jeni Moore and her dad, retired Dr. Brian Moore sponsored this as a tribute to her mom who passed away afte...See More



FINDAGRAVE.COM

Linda Kuplic Moore (1944-2006) - Find A Grave...

Lauren Gougeon Diedrich Who is the artist?

Sculpture Valley Lauren Gougeon Diedrich Paul Bobrowitz Jr.

Y Eric Stadler I love the sculpture at the west end of the College Avenue bridge! So cool. Nice work out there by you and your band of volunteers and sponsors.

Y Tinna R. Carper I love this sculpture. It sparked a conversation with my grandkids. Ages 3,7,10 and 13. Everyone had something to add. The most amazing thing is they all appreciated the piece.

Y Lisa Grosz I really love and appreciate this sculpture!

Y Shawn Van Deusen We loved this piece when we saw it the other day!!

Y John Nebel Worthy Work result ALEX ?

I Adrienne Fuhrmann Is there a statement or story that goes with it?

Sculpture Valley Adrienne Fuhrmann and then I'll share some insight into the artists inspiration and how we, the ACRE jury, thought it would say about our community.

The artist described the work as an amalgamation of the many voices that spoke to him as he works to come up with ideas for sculpture. A collection of divergent thoughts distilled into something more defined.

Y Kristi Lyn Thank you so much for this awesome piece of art. My kids and I loved every inch of it. The minute we seen it we had to stop and have a close look!!! My oldest loves his nose while I thought the eyes were very curious!!!!!! Thanks again!!!!



Y Judy Gaines I look forward to seeing this as I drive across the bridge. I haven't been able to look long enough so will soon walk over. Thanks for the gift.

Y Brian Leone Tracy I drove past it this weekend and it surprised me and made me smile. Happy to see this one make a home in Appleton, for a few years at least.

I Kimberly Ann I noticed it this morning on the way to work! Looking forward to getting a closer look at it this weekend.

Y Adrianna Thank you for making this happen! I'm so excited to see it in person. My mom would have absolutely loved it.

Y Jim Denney Knowing the name helps a lot with some understanding of the meaning. It is a beautiful piece and I enjoy driving past it a number of times each day.

Y Jeni Moore It's magnificent! She would have absolutely loved this. Can't wait to see it in person! Thank you Sculpture Valley and Acre of Art!

Chelsea Jean Judy Cahee

I Samantha Patterson I will be honest, this creeped me out when i saw it. I understand it is art, it is also creepy seeing all those faces staring back at you. I can only imagine how long it took the artist to make it. I do enjoy learning the history behind it and will be sharing this with my family and friends. Thank you

Kristi Ross-Clausen That is positively ugly - how fun!

Y Jeni Moore Linda Moore would have loved this. She would have found a way to photograph it, make it into amulets and silkscreen it on gift bags. It would have been our family holiday card (sent in February) and must-see destination for out-of-town guests. This year would have been her 75th birthday and my parents 50th wedding anniversary. A magnificent tribute indeed. #sculpturevalley #acreofart

Y Laurie Kuplic Love it...  
yes she would

Y Patti Yugovich Beltz Beautiful

Y Trish Kuplic It is magnificent in person!



Abby SchmidtShelley Nulton Have you heard about this sculpture in Appleton? It was commissioned in honor of a local artist named Linda Moore.  
<https://www.facebook.com/539622322790557/posts/2546947542058015?d=n&sfns=mo>

I Nulton kind of strange?

Y Linda Moore Priestap I think it's cool. Colorful. Evoking discussion. Obviously honoring a very special woman. ( Linda was the #1 or #2 name for girls that year I think.)

I have received a lot of contacts about this sculpture between College Avenue and Green Bay Road on the southeast corner of District 2. In response to these contacts, I have requested that the location of this sculpture be returned to committee for more discussion. On December 9th at 4:30pm, the Municipal Services Committee will consider revoking the current location of the statue. The committee meeting is open to the public and will allow public comment. The meeting will be in Council Chambers at City Hall, on the 6th floor of City Center off Appleton Street.

Y Kathy Flores Encourage public art!!! Not everyone will like it or agree about art, but it's already doing what art does.....making people think and now discuss. ð

Y Christoph Wahl I suppose the immediate neighborhood should have some say in what is done with common public space, but I'd urge the neighbors to keep this where it is and enjoy it.

I Ronna Jean Swift I would like to see it in a park where folks can read and find out what it represents. I found it confusing and distracting to drive by. I agree that music and art feed the soul and lead to discussion.

Y Jennifer L. Arndt That is a great spot for it!

Y Dottie LeClair I love it - it speaks to diversity.

Lee Snodgrass Jeni Moore

I Donna Gasbarro This is near a property that once belonged to my great grandfathers family. Is this artwork included in a walking tour? Lovely neighborhood.

I Donna Gasbarro I'd like to see it up close & in person. Haven't had the chance yet.

Y Karen Bruno What have the complaints been about? I think it's great to have more public art and hope it can stay where it is for the predetermined time.

✍ Author

District 2 Alderperson in Appleton - Vered MeltzerSome say it scares their children. Complaints include that the installation generally feels invasive and disruptive in their neighbourhood; no one ever got their input or informed them of the committee approval process, it just appeared all of a sudden. One contact mentioned concern that it would lower their property value.

Y Becky Stahl I love public art and would encourage more of it. That being said, my first encounter with this sculpture was certainly a surprise. It is a giant head after all? But it's an interesting piece and we enjoy having art in this spot. I did initially worry that it may distract drivers from the pedestrian crossing however. I think it may just take a little time for the community to grow used to the piece.

District 2 Alderperson in Appleton - Vered MeltzerFrom a traffic engineering standpoint, attention-getting installations generally slow traffic down.

Y John Keller I think it looks awesome and should stay...can you lend some context to the referenced "contacts"

✍ Author

District 2 Alderperson in Appleton - Vered Meltzer I've received emails, phone calls, and text messages. Some say it scares their children. Generally feels invasive and disruptive in their neighbourhood. No one ever got their input or informed them of the committee approval process, it just appeared all of a sudden. One contact mentioned concern that it would lower their property value.

Y Mary Hatch What a cool piece! Each of us is the dna from all of our ancestors, and each of our descendants share our dna. Our face and bodies are a family tree. It's lovely!

Y Karon Sandberg What a beautiful tribute to Linda, thank you Moore family!

Y Matt Troge What are the complaints? It's a cool art piece that breathes some uniqueness to Appleton and it's in a spot where folks can see as they enter downtown. Why waste time talking about moving it? Personally, I'm gonna reach out with complaints if gets moved so might as well just

leave it be.

 Author

District 2 Alderperson in Appleton - Vered Meltzer I shared the input I've received in a couple other comments on this thread.

Y Emily Tseffos We live on the 800 block of College Ave and my two year old loves it! Hoping it will stay in our neighborhood ?

Y Amy Karner King I've been enjoying this piece! I discover additional unexpected details the more I experience it. Appreciate the public art displays in our city and the hard work from those who make it reality.

I Julie Keller My daughter saw it as we were driving home last week and we are taking a walk this morning to get a closer look!

Y Dean Wolf Awesome piece of art, leave it where it is.

Y Emily Reetz I love this. Right where it is, in my neighborhood.

Y Mary Beth Pritzl Not sure why the location needs to be changed. This is in our neighborhood and we like it.

Y Marsha Dawson It's public art, enjoy it and encourage more.

Y Jennifer Schneider We love it!!!! We live on the 900 block of East Franklin.

Y R.c. Mac I love it. It's amazing. What kind of asshole would complain about this and for what reason?

Y Tru Em Now that is a cool piece of art

Y William Baxter Nothing like disrespecting an amazing piece of artistic work and talent because certain members of the community don't understand its message. How would you feel as an artist to have your work approved and then later removed due to local politics? If you didn't think the location

through in the first place that should be the fault of the community planners.... not the artist!

 Author

District 2 Alderperson in Appleton - Vered Meltzer I can only speculate that the neighbours might have been more receptive and supportive of the installation if they had been informed of the proposal before the art was installed. In the future the city will notify adjacent property owners about proposa...See

Isabel Fevola



Y Isabel Fevola I think it's awesome Clever how they made them metals tanks and made it in to a face. I seen other face sculptures and adults and kids like them so why is this one any different ?

Y Tara Firkus Jordana and I go passed this twice a day on the way to 4k. She loves it. Calls it "the Big Man".

I Sandi England Rohde What's the main concerns?

Vered Meltzer People don't want it to be there. Some say it scares their children. Generally feels invasive and disruptive in their neighbourhood. No one ever got their input or informed them of the committee approval process, it just appeared all of a sudden. One contact mentioned concern that it would lower their property value.

Lee Snodgrass Vered Meltzer ?

Y Julie Haurykiewicz I saw it in person for the first time yesterday and think it is awesome!

Y Nora Johnston I love this sculpture! I was pleasantly surprised to see it when I came over the bridge. I find it curious, somewhat whimsical and oddly charming.

Y Nate Wolff I think it's really cool and is in a good spot.

Y Ann Gain For what is worth I live in this neighborhood and I really like it. And it's only there for 2 years if I understand correctly

Y Polly Snodgrass Put it in my yard!

Y Helen Kramer i'd love it in front of my house.

Y Matt Lederer My first reaction was basically, "What the heck is that scary thing?" Followed by a closer look. Then I drove by a few times and was intrigued. And now, the more I look at this sculpture, the more I like it.

I hope it isn't moved, but if it is, I hope it'll be somewhere with high visibility.

Y Matt Lederer Also, as the "owner operator" of 2 kids (aged almost 9 and almost 6), they are decidedly not scared by it. They like that "there are faces that make a face, and all the faces are funny and strange."

I Trisha Fischer Kostelny Coming off the bridge you have to be careful because you want to look at it, but need to keep your eyes on the road- especially with the curve.

Y Babette Doll I think it's really cool! I hope it does not get moved out of my neighborhood!!!

Y Emily Tseffos We live a block from the sculpture and love it ?  
Manage

N Christina Marie Rappel Thank goodness! Unfortunately, art is not always beautiful. That said, the city should try to focus on beautification. This is rather an eyesore.

John De Bruin <https://www.prageru.com/video/why-is-modern-art-so-bad/>  
Manage

Y Julie Keller My daughter saw it as we were driving home last week and we are going to walk this morning to get a closer look as she thought it was "super cool". So that's the feedback from a 16 year old!

Y John Nebel Grt PC of Art ? Art serves all as inviting human response to biggest tent in each viewer/participant ?

### **Matt Troge**

Y This is so quintessentially the mindset of a majority of Appleton. One tiny little change is

complained about because it's change and instead of being able to enjoy something like an art installation that brings some unique character to our community, now the local government has to take time to discuss where it could go and if they should move it. ? super frustrating

Sculpture Valley Thanks Matt Troge, we share your sentiments and are looking forward to a robust and lively discussion about public art and placement of it on the 9th. Art should stimulate discussion, I think this piece has ?

Y Matt Troge It's a super interesting piece and while a tad strange, it made my wife and I really happy to see something pop up like that! I hope it stays

Y Chris Burns I am a fan of community art projects like this one. However, 100% confident that people will complain about anything if given a soapbox to voice their opinion. #NoTimeForNegativity

### **Brad Knapp**

Y This first time I saw this sculpture I said outloud to everyone in the car (I was alone) "that thing is badass".

Y Terry Phelan I was coming across bridge about three weeks ago and saw this for first time. Needless to say I almost took the curb out in awe!

Y Michelle Eilers I love this installation. I hope it gets to stay in its current location.

N Jared Huber It's grotesque!!! ?

Y Mandy Holm Love it! I drive past it twice a day, and think that it adds unique character to that location. I hope it stays also.

Y Jeni Moore I can't be at this meeting can I be present via FaceTime?!?

Y Adrianna I would also like to be present via phone or facetime, if possible.

Concerned citizens have asked their district alderperson, Vered Meltzer, to introduce a reconsideration of the approved placement of The Collective, the 2019 Jury's Choice for ACREofART III at this Municipal Services meeting.

Whether you support the idea of relocation or are in favor of leaving it in place, it is important that we hear from the public, particularly from those residents who live in the neighborhood or in close proximity to it. We welcome all perspectives as it brings about a healthy discussion of the merits of our public art program and the boundaries it operates in.



MON, DEC 9 AT 4:30 PM

Vote to rescind approved placement of The Collective

Sculpture Valley From a Private property-owner standpoint, a piece of public artwork at this location is introducing a significant feature into what have always been an open green space. Particularly for the few properties adjacent to the site, that space is ostensibly ...See More

Y Deb Forslund Sculpture Valley I see nothing wrong with the placement; as stated, it's a gateway into and out of the downtown area. And unless adjacent property owners, who consider this space an extension of their yards, are paying property taxes on this parcel, t...See More

Sculpture Valley This is a discussion about the appropriateness of the location and we can see both sides of this unique public / private site. From a public standpoint, the location is a highly visible gateway sculpture opportunity which gets a significant amount of traffic into and out of the downtown. It's an ideal location, which is why an ACRE work has been placed there.

Y Rachel Pieper We love it! We look for it every time we pass off Er bridge.

Y Sara Duroy I admit the first time I saw it I jumped cuz it scared me but its cool... I always see something new in it... I like it and vote for it stays

Y Molly Trochta-Van Landghen Wait people are upset about the placement of this?

Y Cody Bob-Los Deisenroth Molly Trochta-Van Landghen lol that's what I'm confused about

N Nikki Jackson That thing is so ugly!

Y Jennifer Feagans Thompson I love this..

N Ian Keberlein Def move that stupid thing

N J Robert Oliver YES !!!!

Y Rochelle Isaacson Max and I have named this piece "Schnozzle"



## Jessica L. Titel

---

**From:** Vered Meltzer  
**Sent:** Friday, October 29, 2021 7:05 PM  
**To:** Jessica L. Titel  
**Subject:** "Collective" Sculpture

Please forward this to the Appleton Public Arts Committee. Thank you!

Sent from my Galaxy

----- Original message -----

**From:** Lesley McKee <mckee.lesley@gmail.com>  
**Date:** 10/29/21 6:43 PM (GMT-06:00)  
**To:** Vered Meltzer <District2@Appleton.org>  
**Subject:** Re: Appleton, WI: Contact Your Alderpersons email

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Vered - My husband, Charles, and I are very much in favor of supporting those who wish keep the Collective in place until the proper arrangements can be made to ship it to its new home. We will try to make it to the meeting, but in case not, please express our opinions for us.

Lesley McKee

## Jessica L. Titel

---

**From:** Vered Meltzer  
**Sent:** Saturday, October 30, 2021 3:57 PM  
**To:** Jessica L. Titel  
**Subject:** Fw: Sculpture

Please share this with the Public Arts Committee. Thank you!

Vered Meltzer  
Alderson, Appleton District 2  
(Pronouns: he, him, his)  
920-809-6669  
[facebook.com/votevered](https://www.facebook.com/votevered)

Please note: Wisconsin has a very broad public records law. Most written communications to or from government employees and officials regarding city/county business are public records available to the public and media upon request. Your e-mail communication may be subject to public disclosure.

---

**From:** Mark D. Breseman <[mark.d.breseman@lawrence.edu](mailto:mark.d.breseman@lawrence.edu)>  
**Sent:** Friday, October 29, 2021 8:10 PM  
**To:** Vered Meltzer <[District2@Appleton.org](mailto:District2@Appleton.org)>  
**Subject:** Re: Sculpture

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I fully support the sculpture staying there until the end of April!

Mark Breseman  
Lawrence University  
920-419-6675



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

REQUEST for

# Alcohol License Premise Amendment

<b>FEES ARE NON-REFUNDABLE</b>		Date Recv'd <u>10/11/21</u>
License Fee	\$10.00/event	Acct: CLCAGP
Receipt	<u>2694-2</u>	

## SECTION 1 – LICENSE INFORMATION

Name of Establishment <u>River Tyme Bistro</u>	
Address of Establishment <u>425 W Water Street, Appleton 54915</u>	
Name of Agent <u>Candice Mortara</u>	Phone Number

## SECTION 2 – PREMISE AMENDMENT

Please describe the change in premises:  
**\*A drawing/diagram of the proposed area must also be submitted with this application\***  
 Due to instability of the ground under the patio, and subsequent closing of our current patio, we would like to extend our liquor license to the ground level area to the West, East and South of the patio. (The area highlighted in green) This allows us to offer our customers outdoor dining with the option of cocktails, as well as allows us the flexibility of accommodating private event customers who need outdoor seating. Once the patio is stabilized, it will allow for much sought after additional outdoor seating. The closing of the patio has cut our revenue in half. Also, we request to extend to the rest of Unit 1. Again, we have private event requests for that room, and being able to accommodate them would help immensely. We greatly appreciate your consideration.

Is this change Permanent?  <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	If this is temporary please specify the reason for the amendment:
--	---

Please list the date(s) and time(s) that this temporary premise amendment will be utilized:

## SECTION 3 – PENALTY NOTICE

I certify that I am familiar with Section 9-52 of the Municipal Code of the City of Appleton and agree that any license granted under this application may be suspended for cause at any time by the Common Council.  
 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 of Applicant: Candice L Mortara

## FOR OFFICE USE ONLY

Department	Approve	Deny	By	Reason
Comm. Dev.				
Finance				
Fire				
Health				
Inspections				
Police				

**WATER**

RIGHT-OF-WAY

C.S.M. LOT 1

NO. 7627

RETAINING WALL

CONCRETE SIDEWALK

BITUMINOUS

LANDSCAPE 118.50'

STAIRS  
SEE SHEETS 2 AND 3  
FOR DETAIL  
53.89'

CONCRETE

CONCRETE

**UNIT 2**  
FIRST FLOOR  
DIMENSIONS SHOWN

**UNIT 1**  
FIRST FLOOR  
DIMENSIONS SHOWN

**LCE UNIT 2**

**LCE UNIT 1**

S49°41'03"W  
(S49°54'37"W)

**FOX**

1°40'24"E

35°2'11"E

05°(W)  
0°31'W

4.09'

BUILDING

WAY

S39°59'09"E  
(S39°45'35"E)

11.93'

N75°19'56"W  
(N75°06'22"W)

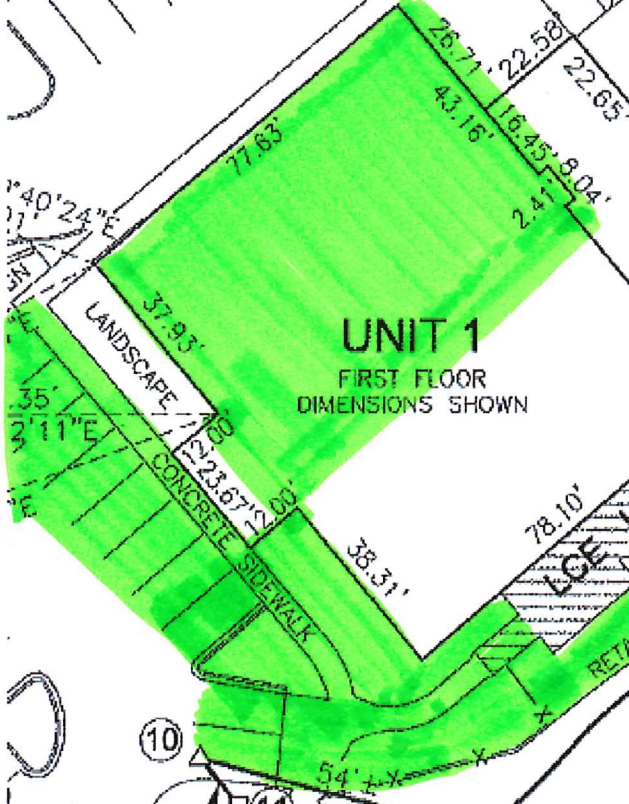
76.50'

9

10

11

22'±





## REPORT TO SAFETY AND LICENSING COMMITTEE

**Meeting Date:** October 27, 2021

**Premise Amendment Request Received from City Clerk's Office:**  
October 11, 2021

**Item:** Reserve "Class B" Liquor and Class "B" Beer License Permanent Premise Amendment Application for Fox River Boat Holdings Co. d/b/a River Tyme Bistro, Candice Mortara, Agent, Located at 425 W. Water Street Unit 100

**From:** Don Harp, Principal Planner

Pursuant to Section 9-77 of the Municipal Code and Section V. Procedures of the current General Policy Statement on Beer/Liquor Licensing, the Community and Economic Development Department investigation determines the following:

### **Outdoor Dining Request With or Without Alcohol Service**

1. Currently, the site has 128 off-street parking spaces to accommodate customer and employee parking for the Atlas Mill building and Fratello's Riverfront Restaurant. In accordance with Sections 23-42(c) and 23-172(m) of the Zoning Ordinance, all existing off-street parking spaces shall be maintained as parking spaces. The proposed expansion of the outdoor dining into the 10 off-street parking spaces (highlighted green) located on the west side of the building will cause a deficiency of 10 parking spaces on the site.
2. The proposed expansion of the outdoor dining into the interior parking lot landscape island (highlighted green) located on the west side of the building will cause a deficiency in the required amount of interior parking lot landscape islands. In accordance with Section 23-172(f)(1)a. of the Zoning Ordinance, the interior parking lot landscape islands shall be maintained as is for their intended purpose.

**Recommendation:** Based on the above findings, staff recommends the request for alcohol license permanent premise amendment for the expansion of the outdoor dining with or without alcohol service within the 10 off-street parking spaces and the interior parking lot landscape islands (highlighted green) be **DENIED** because request causes the property to be **NOT** in compliance with Section(s) 23-42(c), 23-172(m) and 23-172(f)(1)a. of the Zoning Ordinance as specified above.

### **Interior Expansion Within Unit 1**

3. Special Use Permit #01-06 was transferred to River Tyme Bistro on January 20, 2020 (see attached). Condition Number 2 of said transfer states, " Any future expansions into any area of building/property not part of this approval for the purpose of serving and/or consumption of

alcohol will require a *new Special Use Permit* application or a minor amendment request to be applied for and approved.”

*Note: A new Special Use Permit has not been applied for by the owner/applicant. Approval of a new Special Use Permit for a restaurant with alcohol sales is required prior to the issuance of the amended liquor license.*

Section III of the General Policy Statement on Beer/Liquor Licensing states, “Where required, no corporation, partnership or individual will be issued a beer/liquor license for the premises until a Special Use Permit application has been submitted. This would allow for the Community and Economic Development Department to review and determine whether or not the applicant must apply for and receive approval of a Special Use Permit pursuant to the current Zoning Code.”

**Recommendation:** Based on the above findings, the owner/applicant shall apply for and receive approval of a new Special Use Permit from the Common Council prior to the issuance of the request to expand alcohol service into the remaining area of Unit 1 located inside the building and the expanded outdoor premises area in compliance with all applicable Municipal Codes.

We recommend applicant/owner contact the Community and Economic Development Department at (920) 832-6468 to discuss the Special Use Permit approval process and assist with working out a solution to develop a proposal that satisfies the applicable Municipal Code regulations regarding the outdoor dining area.



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

REQUEST for

## Alcohol License Premise Amendment

<b>FEES ARE NON-REFUNDABLE</b>		Date Recv'd <u>10/11/21</u>
License Fee	\$10.00/event	Acct: CLCAGP
Receipt	<u>2694-2</u>	

### SECTION 1 – LICENSE INFORMATION

Name of Establishment <u>River Tyme Bistro</u>	
Address of Establishment <u>425 W Water Street, Appleton 54915</u>	
Name of Agent <u>Candice Mortara</u>	Phone Number <u>920-209-7789</u>

### SECTION 2 – PREMISE AMENDMENT

Please describe the change in premises:  
**\*A drawing/diagram of the proposed area must also be submitted with this application\***  
 Due to instability of the ground under the patio, and subsequent closing of our current patio, we would like to extend our liquor license to the ground level area to the West, East and South of the patio. (The area highlighted in green) This allows us to offer our customers outdoor dining with the option of cocktails, as well as allows us the flexibility of accommodating private event customers who need outdoor seating. Once the patio is stabilized, it will allow for much sought after additional outdoor seating. The closing of the patio has cut our revenue in half. Also, we request to extend to the rest of Unit 1. Again, we have private event requests for that room, and being able to accommodate them would help immensely. We greatly appreciate your consideration.

Is this change Permanent?  <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	If this is temporary please specify the reason for the amendment:
---	---

Please list the date(s) and time(s) that this temporary premise amendment will be utilized:

### SECTION 3 – PENALTY NOTICE

I certify that I am familiar with Section 9-52 of the Municipal Code of the City of Appleton and agree that any license granted under this application may be suspended for cause at any time by the Common Council.  
 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 of Applicant: Candice L Mortara

### FOR OFFICE USE ONLY

Department	Approve	Deny	By	Reason
Comm. Dev.				
Finance				
Fire				
Health				
Inspections				
Police				

**WATER**

RIGHT-OF-WAY

C.S.M.

LOT 1

NO. 7627

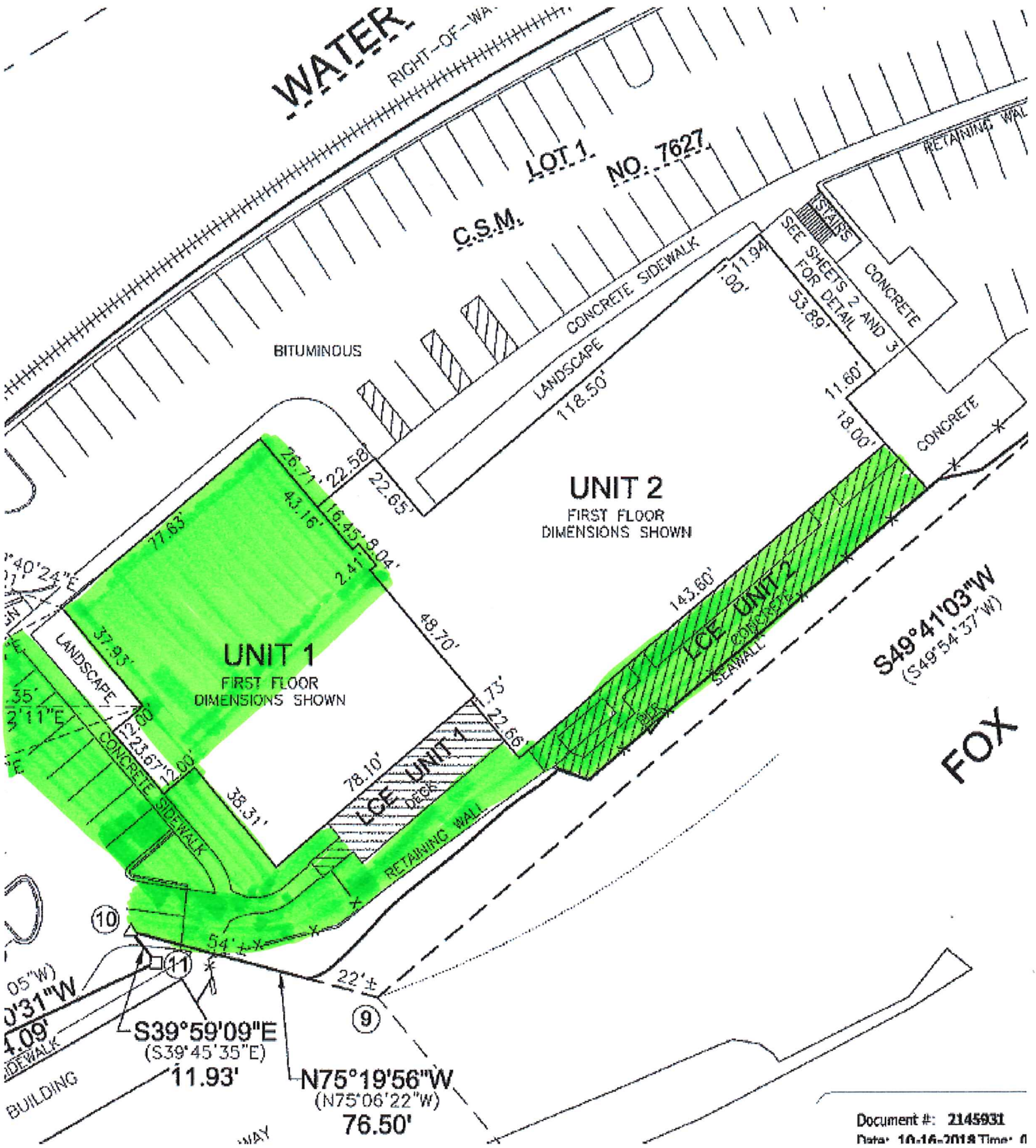
RETAINING WALL

**UNIT 2**  
FIRST FLOOR  
DIMENSIONS SHOWN

**UNIT 1**  
FIRST FLOOR  
DIMENSIONS SHOWN

S49°41'03"W  
(S49°54'37"W)

**FOX**





**Special Use Permit #01-06**  
**Restaurant/Outdoor Deck with onsite alcohol sales and consumption**  
**425 West Water Street, Suite #100**

The previous tenant (Atlas Coffee Mill & Cafe) was allowed to operate a restaurant with alcohol sales and consumption, including the use of the deck (outside space) on the south side of the building located at 425 West Water Street, Suite #100 per Special Use Permit #01-06.

**Conditions of Special Use Permit #01-06:**

1. The applicant shall apply for and receive a Liquor License from the City Clerk prior to serving alcohol on the subject site and shall conform to the standards established in Chapter 9, Article III, Alcoholic beverages, of the Appleton Municipal Code.
2. Any future expansions into any area of building/property not part of this approval for the purpose of serving and/or consumption of alcohol will require a new Special Use Permit application or a minor amendment request to be applied for and approved.
3. The applicant shall install a building code compliant emergency exit gate between the existing level #2 outside dining deck and future level #1 outside dining deck prior to the City Clerk issuing the Liquor License for the level #2 and #3 outside dining decks. *(Building Permit B10-0186 was reviewed and approved for single level deck located on the south side of the building. Deck levels #2 and #3 have not been constructed)*
4. The applicant shall install a building code compliant emergency exit gate, a minimum 42" inch high railing to enclose the level #1 outside dining deck, and install the landscape areas (barberry species) as shown on the development plan prior to the City Clerk issuing the Liquor License for the level #1 outside dining deck.

**Analysis:**

The Plan of Operation/Floor Plan submitted for River Tyme Bistro, appears to meet the general intent and character of previously approved Special Use Permit #01-06. Therefore, Special Use Permit #01-06 can be transferred from Atlas Coffee Mill & Cafe to the owner of River Tyme Bistro for the operation of a restaurant with alcohol sales and consumption, including the use of the deck (outside space) on the south side of the building located at 425 West Water Street, Suite #100 within the highlighted area shown on the attached floor plan Sheet A-2, provided the above listed conditions are complied with.

Contact the Community and Economic Development Department at (920)832-6468 to discuss the amendment approval, if alcohol sales and consumption is being proposed outside of the highlighted area shown on the attached floor plan Sheet A-2.

January 20, 2020

**ONSITE ALCOHOL CONSUMPTION  
PLAN OF OPERATION AND LOCATIONAL INFORMATION**

**Business information:**

Name of Business: River Tyme Bistro

(Check applicable proposed business activity(s) proposed for the building or tenant space)

Restaurant     Bar/Night Club     Wine Bar     Microbrewery     Other event space

Provide detailed explanation of the type of business occupying the building or tenant space:

Coffee shop, breakfast + lunch items, meeting + event space. Liquor license for liquor, wine + beer for events

**Any planned remodeling of the building or tenant space proposed (please describe):**

Kitchen being moved from current location to location on architectural drawing

**Proposed Hours of Operation for Indoor Space:**

Day	From	To
Week Days: Monday thru Thursday	7 am	3pm (midnight if events)
Friday	7 am	3 pm (midnight if events)
Saturday	8 am	3 pm (midnight if events)
Sunday	9 am	2pm (midnight if events)

**Building capacity and area:**

Anticipated maximum number of persons occupying the building or tenant space: 150 persons.

Gross floor area of the existing building or tenant space the business will occupy: 4325 sq.ft.

**Describe any potential noise emanating from the proposed use:**

A. Describe the noise levels anticipated from all equipment/amplified music.

dishwasher noise (minimum)  
amplified music (will be contained within walls)

B. How will the noise be controlled to comply with the Municipal Code Regulations?

It will not be loud enough to not be  
(contained in walls)

**Outdoor Space uses:**

(Check applicable proposed area)

None  Patio  Sidewalk Café  Deck  Other \_\_\_\_\_

Is there any alcohol service incorporated within the outdoor space? Yes  No \_\_\_

Are there plans for outdoor music/entertainment? Yes \_\_\_ No maybe  acoustic)

If yes, describe how will the noise be controlled: will not be loud enough to leave  
property - acoustic only)

Is there any food service incorporated in the outdoor space? Yes  No \_\_\_

**Hours of Operation for Outdoor Uses (Sidewalk Café with Alcohol):**

\*\*\*\*\*Municipal Code Section 9-262(b)(4): The permit holder can begin serving alcoholic beverages in the sidewalk café at 4:00 p.m. Monday through Friday and 11:00 a.m. on Saturday and Sunday. All alcoholic beverages must be removed from the sidewalk café by 9:30 p.m.

**Proposed Hours of Operation for the Outdoor Space:**

Day	From	To
Week Days: Monday thru Thursday	7 AM	3pm (midnight if event)
Friday	7 AM	3pm (midnight if event)
Saturday	8 AM	3pm (midnight if event)
Sunday	9 AM	2pm (midnight if event)

**Number of Employees:**

Number of Proposed Employees: max. 6

Number of employees scheduled to work on the largest shift: max. 6

**Number of off-street parking spaces:**

Total Number of off-street parking space located on-site: 170

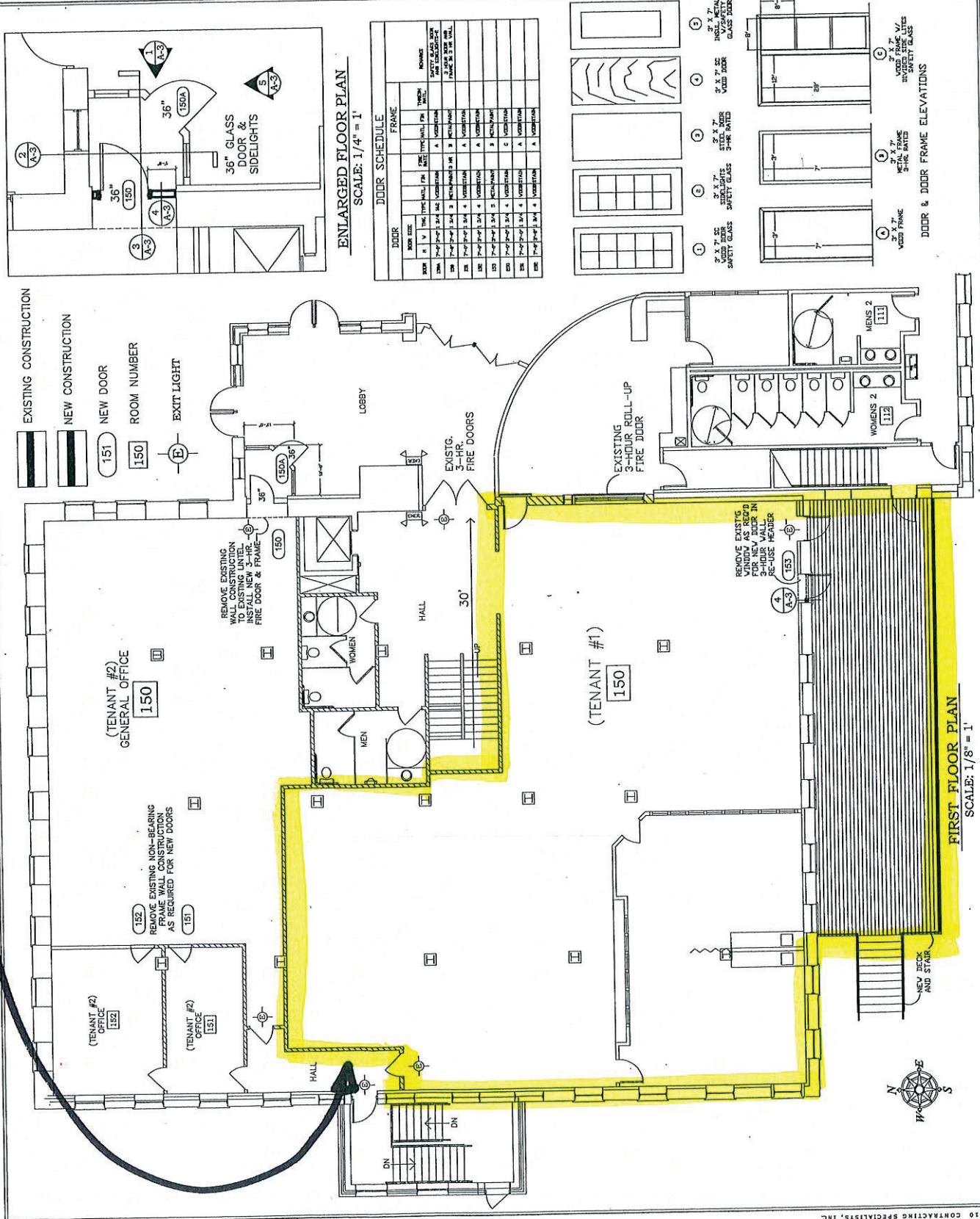
REVISIONS  
SEE SHEET A-0 FOR REVISION

CONTRACTING SPECIALISTS INC.  
333 N. COMMERCIAL STREET  
SUITE 175  
NEENAH, WI 54956

PHONE: (920) 886-8700  
FAX: (920) 886-8703  
EMAIL: info.cs@newst.com

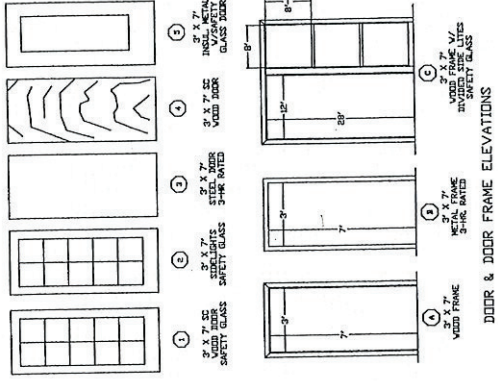
PROPOSED TENANT BUILD-OUTS & DECK FOR  
ATLAS MILL  
425 W. WATER STREET  
APPLETON, WI 54911

DATE: 05 APR 10  
PROJECT NUMBER: 2010-01  
SHEET: A-2



ENLARGED FLOOR PLAN  
SCALE: 1/4" = 1'

DOOR SCHEDULE		
DOOR	FRAME	REMARKS
100	100	3' X 7' 0" 3-HR. RATED SAFETY GLASS
101	101	3' X 7' 0" 3-HR. RATED SAFETY GLASS
102	102	3' X 7' 0" 3-HR. RATED SAFETY GLASS
103	103	3' X 7' 0" 3-HR. RATED SAFETY GLASS
104	104	3' X 7' 0" 3-HR. RATED SAFETY GLASS
105	105	3' X 7' 0" 3-HR. RATED SAFETY GLASS
106	106	3' X 7' 0" 3-HR. RATED SAFETY GLASS
107	107	3' X 7' 0" 3-HR. RATED SAFETY GLASS
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198	198	3' X 7' 0" 3-HR. RATED SAFETY GLASS
199	199	3' X 7' 0" 3-HR. RATED SAFETY GLASS
200	200	3' X 7' 0" 3-HR. RATED SAFETY GLASS



FIRST FLOOR PLAN  
SCALE: 1/8" = 1'

Building permit: 610-01810

Sup #01-06

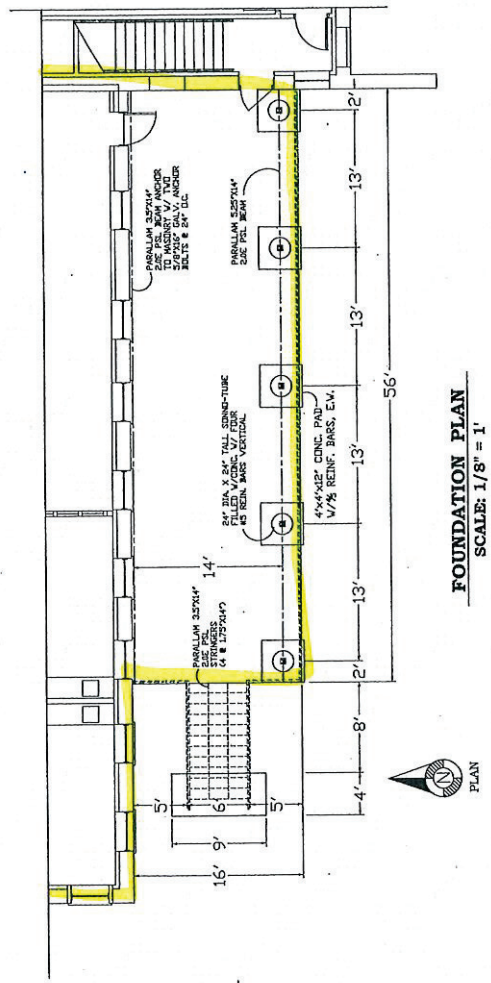
REVISIONS  
 SEE SHEET A-20 FOR REVISION

PHONE: (920) 886-8700  
 FAX: (920) 886-8703  
 EMAIL: info-cs@sew-tr.com

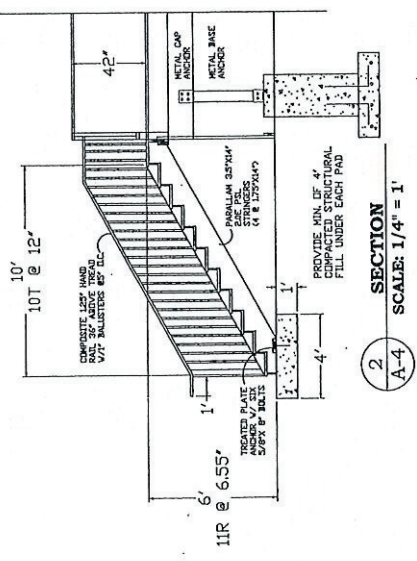
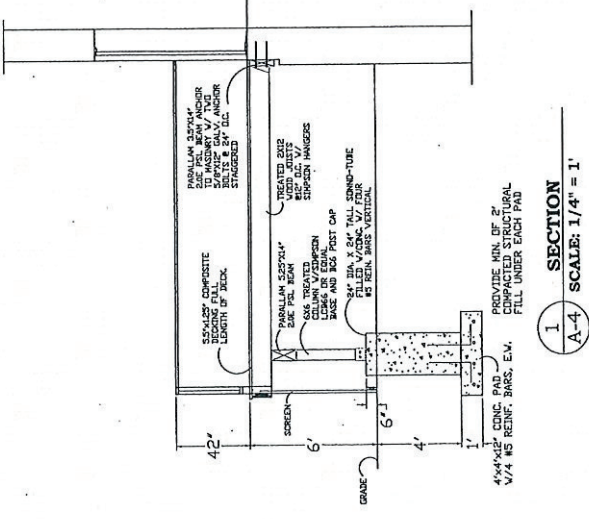
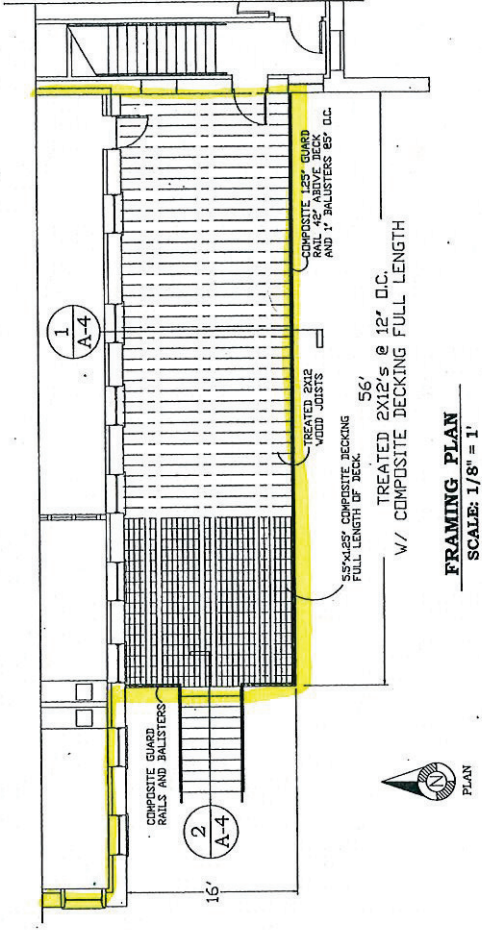
CONTRACTING SPECIALISTS INC.  
 333 N. COMMERCIAL STREET  
 SUITE 175  
 NEENAH, WI 54956

PROPOSED TENANT BUILD-OUTS & DECK FOR  
**ATLAS MILL**  
 425 W. WATER STREET  
 APPLETON, WI 54911

DATE: 05 APR 10  
 PROJECT NUMBER: 2010-01  
 SHEET: A-4



STRUCTURAL NOTES  
 MOVABLE SEAT ASSEMBLY = 100PSF  
 ASSUMED SOIL BEARING STIFF SOIL PROFILE = 1000PSF  
 5/8" BOLT = 2750# SHEAR  
 2X12 FLOOR JOISTS @ 1,200 FIBER STRESS MINIMUM



Building Permit: B10-0186

Sup # 01-06

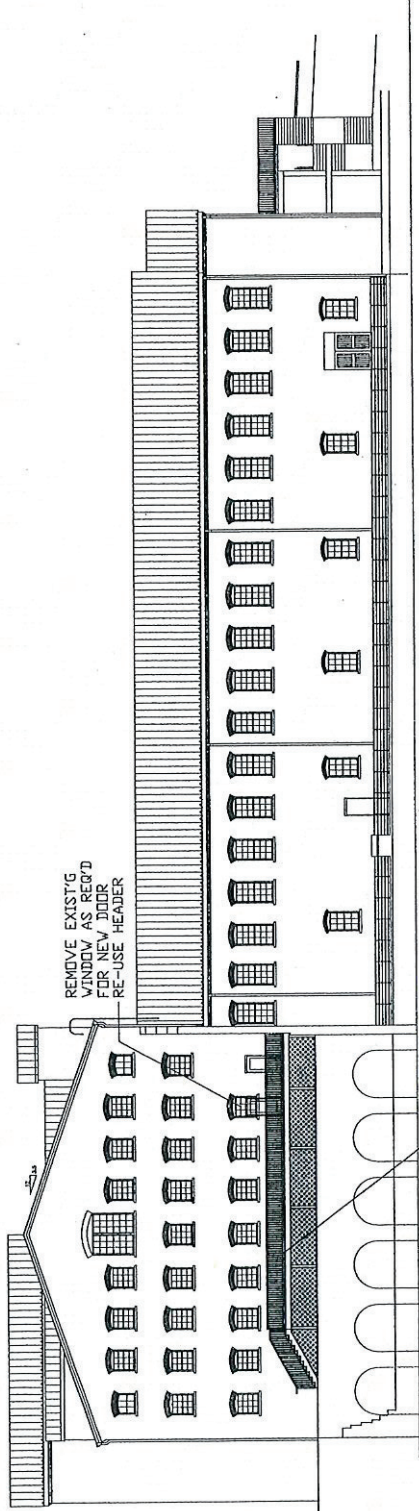
REVISIONS  
SEE SHEET A2.0  
FOR REVISION

PHONE: (920) 886-8700  
FAX: (920) 886-8703  
EMAIL: info-ca@new.r.com

CONTRACTING SPECIALISTS INC.  
333 N. COMMERCIAL STREET  
SUITE 175  
NEENAH, WI 54956

PROPOSED TENANT BUILD-OUTS & DECK FOR:  
ATLAS MILL  
425 W. WATER ST/885F  
APPLETON, WI 54911

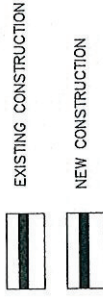
DATE: 05 APR 10  
PROJECT NUMBER: 2010-01  
SHEET: A-5



NEW COMPOSITE WOOD DECK AND STAIR

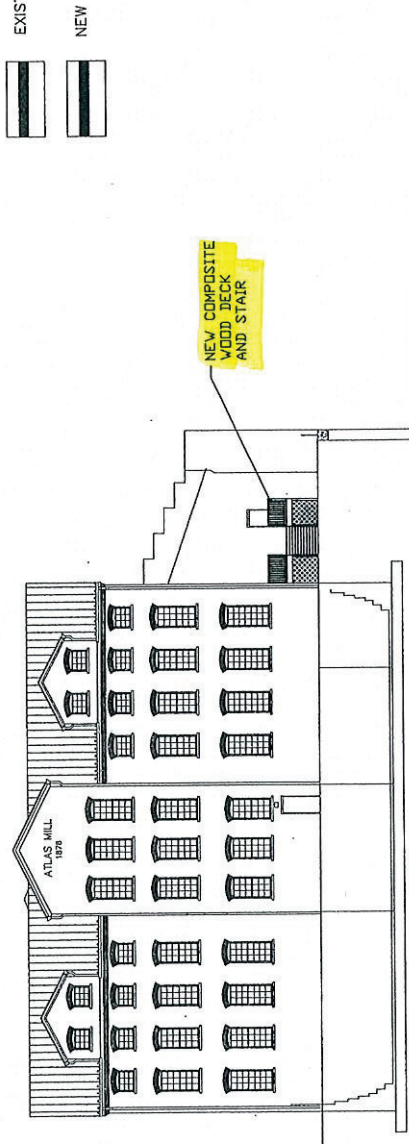
REMOVE EXIST'G WINDOW AS REQ'D FOR NEW DOOR RE-USE HEADER

SOUTH ELEVATION  
SCALE: 1/16" = 1'



EXISTING CONSTRUCTION

NEW CONSTRUCTION



NEW COMPOSITE WOOD DECK AND STAIR

WEST ELEVATION  
SCALE: 1/16" = 1'

Building permit: B10-0186

**76-21**

**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 11-17-2021)

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 included in the "Lightning Drive/C.T.H. JJ (Right-of-Way) Annexation", generally located in the vicinity of North Lightning Drive and East Edgewood Drive intersection and north thereof, from temporary AG Agricultural District to P-I Public Institutional District. (Rezoning #11-21 – Lightning Drive/C.T.H. JJ (Right-of-Way) Annexation)

**LEGAL DESCRIPTION:**

A part of the Fractional Southwest ¼ of Section 6, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin, containing 551,568 Square Feet 12.6622 acres of land and being further described as follows:

Commencing at the South ¼ corner of said Section 6;

Thence South 00°15'22" West 41.25 feet coincident with the current City of Appleton corporate limits;

Thence South 89°44'38" West 1,312.94 feet coincident with the current City of Appleton corporate limits;

Thence North 00°09'19" West 695.75 feet coincident with the current City of Appleton corporate limits to the Westerly boundary of Transportation Project Plat No: 0000-0G-17-4.02;;

Thence North 00°27'27" East 27.61 feet coincident with said Westerly boundary of Transportation Project Plat

No: 0000-0G-17-4.02 to a North line thereof;

Thence Southeasterly 162.67 feet along the arc of a curve to the right having a radius of 230.00 feet and the chord of which bears South 61°16'46" East 159.30 feet coincident with the boundary of Transportation Project Plat

No: 0000-0G-17-4.02;

Thence South 79°18'14" East 46.36 feet coincident with the boundary of Transportation Project Plat

No: 0000-0G-17-4.02;

Thence North 56°36'28" East 28.01 feet coincident with the boundary of Transportation

Project Plat

No: 0000-0G-17-4.02;

Thence North 58°51'13" East 127.60 feet;

Thence North 56°36'28" East 300.63 feet;

Thence Northeasterly 602.86 feet along the arc of curve to the left having a radius of 965.00 feet and the chord of which bears North 38°42'38" East 593.11 feet;

Thence North 89°51'14" West 156.83 feet to the Southeast corner of Outlot 10 of Apple Ridge 2;

Thence North 13°52'54" East 307.18 feet coincident with the East line of Outlot 10 of Apple Ridge 2;

Thence North 03°30'35" West 188.39 feet coincident with the East line of Outlot 10 of Apple Ridge 2 to the Southerly line of Baldeagle Drive;

Thence North 76°55'16" East 145.11 feet;

Thence Northwesterly 201.39 feet along the arc of curve to the left having a radius of 965.00 feet and the chord of which bears North 16°31'22" West 201.02 feet;

Thence Northerly 408.87 feet along the arc of a curve to the right having a radius of 1,035.00 feet and the chord of which bears North 11°11'03" West 406.21 feet;

Thence North 00°07'58" East 192.71 feet to the North line of the Fractional SW ¼ of said Section 6;

Thence South 89°27'19" East 70.00 feet coincident with the North line of the Fractional SW ¼ of said Section 6;

Thence South 00°07'58" West 192.20 feet;

Thence Southerly 381.21 feet along the arc of curve to the left having a radius of 965.00 feet and the chord of which bears South 11°11'03" East 378.74 feet;

Thence Southerly 1,429.04 feet along the arc of a curve to the right having a radius of 1,035.00 feet and the chord of which bears South 17°03'12" West 1,318.20 feet;

Thence South 56°36'28" West 300.63 feet;

Thence South 54°21'43" West 127.60 feet;

Thence South 56°36'28" West 85.86 feet coincident with the boundary of Transportation Project Plat

No: 0000-0G-17-4.02;

Thence Southwesterly 41.28 feet along the arc of a curve to the left having a radius of 310.00 feet and the chord of which bears South 52°49'13" West 41.25 feet coincident with the boundary of Transportation Project Plat

No: 0000-0G-17-4.02;

Thence Southeasterly 241.12 feet along the arc of a curve to the left having a radius of 238.50 feet and the chord of which bears South 61°43'30" East 230.98 feet coincident with the boundary of Transportation Project Plat

No: 0000-0G-17-4.02;

Thence South 00°28'26" West 266.19 feet coincident with the boundary of Transportation Project Plat

No: 0000-0G-17-4.02;

Thence North 89°44'38" East 214.97 feet coincident with the boundary of Transportation Project Plat

No: 0000-0G-17-4.02;

Thence South 00°28'26" West 35.00 feet coincident with the boundary of Transportation



Project Plat

No: 0000-0G-17-4.02;

Thence North 89°44'38" East 751.25 feet coincident with the boundary of Transportation Project Plat

No: 0000-0G-17-4.02 to the East line of the Fractional SW ¼ of said Section 6;

Thence South 00°27'14" West 61.25 feet coincident with the East line of the Fractional SW ¼ of said Section 6 to the point of beginning.

**COMMON DESCRIPTION:**

Lands included in the “Lightning Drive/C.T.H. JJ (Right-of-Way) Annexation”, generally located in the vicinity of N. Lightning Drive and E. Edgewood Drive intersection and north thereof.

**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.

**77-21**

**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 11-17-2021)

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 at N2883 County Road EE, Tax Id Number 31-1-9315-00, included in the “Ziegler Mackville Road & EE Annexation” including to the centerline of the adjacent N. Ballard Road right-of-way, from temporary AG Agricultural District to R-1B Single-Family District. (Rezoning #12-21 – Ziegler Mackville Road & EE Annexation)

**LEGAL DESCRIPTION:**

A part of the Northeast ¼ of the Northeast ¼ of Section 36, Township 22 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 62,759 Square Feet 1.4407 acres of land and being further described as follows:

Commencing at the Northeast corner of said Section 36;

Thence South 00°06'21" West 117.18 feet coincident with the East line of the Northeast ¼ of said Section 36 to the point of beginning;

Thence continue South 00°06'21" West 222.82 feet coincident with the East line of the Northeast ¼ of said Section 36 to the South line of lands described in Warranty Deed Document No. 679131 of the Outagamie County Register of Deeds Office;

Thence North 89°51'03" West 225.00 feet coincident with the South line of lands described in Warranty Deed Document No. 679131 of the Outagamie County Register of Deeds Office;

Thence North 00°06'21" East 307.00 feet coincident with the West line of lands described in Warranty Deed Document No. 679131 and then the West line of lands described in Warranty Deed Document No. 544576 to the South line of Mackville Road.

Thence South 89°51'03" East 107.95 feet coincident with the South line of Mackville Road to a highway vision corner;

Thence South 44°49'45" East 119.00 feet coincident with said highway vision corner to the West line of Ballard Road (aka C.T.H. "EE");

Thence South 89°51'03" East 33.00 feet to the point of beginning.

**COMMON DESCRIPTION:**

N2883 County Road EE, Tax Id Number 31-1-9315-00, including in the "Ziegler Mackville Road & EE Annexation" including to the centerline of the adjacent N. Ballard Road 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.