



# City of Appleton

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

## Meeting Agenda - Final Common Council

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Wednesday, February 2, 2022

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

[22-0062](#) Common Council Meeting Minutes of January 19, 2022

**Attachments:** [CC Minutes 1-19-22.pdf](#)

- G. BUSINESS PRESENTED BY THE MAYOR

[22-0068](#) Appleton Housing Authority Appointment

**Attachments:** [2-2-22 AHA Appt Memo to Council.pdf](#)

[22-0069](#) Proclamations:

- Transit Equity Day
- Career and Technical Education Month
- Gun Violence Survivor Week
- Burn Awareness Week
- Black History Month

**Attachments:** [Transit Equity Day Proclamation.pdf](#)

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

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

[Burn Awareness Week Proclamation.pdf](#)

[Black History Month Proclamation.pdf](#)

[22-0070](#) COVID-19 Report

H. PUBLIC PARTICIPATION

I. PUBLIC HEARINGS

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

L. COMMITTEE REPORTS

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

[22-0009](#) Approve Intergovernmental Agreement with the Town of Grand Chute and Outagamie County for the sanitary sewer servicing the Outagamie County Northwest Landfill.

**Attachments:** [Interdepartmental Agreement with Town of Grand Chute and Outagamie Cty.pdf](#)

**Legislative History**

1/24/22 Municipal Services recommended for approval  
Committee

[22-0010](#) Approve City of Appleton On-Street Parklet Policy.

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

**Legislative History**

1/24/22 Municipal Services recommended for approval  
Committee

[22-0011](#) Request from Appleton Downtown Inc. for a street occupancy permit to place ice carvings throughout the downtown beautification strips for the weekend of February 18, 2022 for "Avenue of Ice"

**Attachments:** [Appleton Downtown Inc Avenue of Ice.pdf](#)

**Legislative History**

1/24/22 Municipal Services recommended for approval  
Committee

[22-0012](#) Award 2022 Bridge Inspections Contract (Unit R-22) to Collins Engineers, Inc. in an amount not to exceed \$30,000.

**Attachments:** [Award 2022 Bridge Inspections Contract.pdf](#)

**Legislative History**

1/24/22          Municipal Services          recommended for approval  
    Committee

[22-0013](#)

Award Contract for Memorial Drive Bridge Infrared Thermographic Survey and Ultrasonic Testing of the pins (Unit L-22) to AECOM Technical Services, Inc. in an amount not to exceed \$28,250.

**Attachments:** [Memorial Drive Bridge Contract Recommended for Award.pdf](#)

**Legislative History**

1/24/22          Municipal Services          recommended for approval  
    Committee

[22-0036](#)

Request from AT&T for a street occupancy permit to place a cabinet in the W. Fourth Street terrace at 703 S. Walnut Street.

**Attachments:** [AT&T Street Occupancy Permit.pdf](#)

**Legislative History**

1/24/22          Municipal Services          recommended for approval  
    Committee

## 2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[21-1744](#)

Class "B" Beer and "Class C" Wine License application for Alpine Swift LLC, Adam Marty, Agent, located at 1016 E Pacific St, contingent upon approval from all departments.

**Attachments:** [Alpine Swift LLC.pdf](#)

[StaffReport AlpineSwift SUP For01-12-22.pdf](#)

[Resolution AlpineSwift SUP#4-21 SIGNED.pdf](#)

**Legislative History**

1/12/22          Safety and Licensing          held  
    Committee

1/26/22          Safety and Licensing          recommended for approval  
    Committee

[21-1789](#)

"Class A" Liquor License application for Bane Corporation d/b/a Appleton Mobil, Parmeet Arora, Agent, located at 1717 W College Ave, contingent upon approval from all departments.

**Attachments:** [Appleton Mobil.pdf](#)

**Legislative History**

1/26/22          Safety and Licensing          recommended for approval  
    Committee

[22-0007](#) Reserve "Class B" Liquor License application for Souvannapha Chomsisengphet d/b/a Basil Cafe, located at 1513 N Richmond St, contingent upon approval from all departments.

**Attachments:** [Basil Cafe.pdf](#)

**Legislative History**

1/26/22 Safety and Licensing Committee recommended for approval

[22-0050](#) Proposal to Modify the Duration of Farm Market Licenses.

**Attachments:** [1-26-22 Farm Market License Change.pdf](#)

**Legislative History**

1/26/22 Safety and Licensing Committee recommended for approval

[22-0061](#) Request for Nuisance Ordinance Update

**Attachments:** [Nuisance Ordinance Memo revised .pdf](#)

**Legislative History**

1/26/22 Safety and Licensing Committee recommended for approval

### 3. MINUTES OF THE CITY PLAN COMMISSION

[22-0006](#) Request to approve Special Use Permit #1-22 for a car wash located at 3040 East College Avenue (Tax Id #31-4-5704-01), as shown on the attached materials and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (2/3 vote of Common Council required for approval)

**Attachments:** [StaffReport 3040ECollegeAve SUP For01-26-22.pdf](#)

**Legislative History**

1/26/22 City Plan Commission recommended for approval  
*Director Karen Harkness read a comment from Alderperson Brad Firkus who was having difficulty joining the virtual Teams meeting. She read his comment into the record of the meeting as follows, "The feedback he has been getting from 1/2 dozen people or so is that they feel that with three car washes within a 1/2 mile of this location, that it is unnecessary to add a fourth one. It may not be the most valid reason to deny, but he wanted to make sure that at a minimum, that his constituents had the opportunity to share their opinion."*

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

[22-0044](#) Action Item: Request Adoption of Resolution 2022-02 for Wisconsin DOT TAP Grant

**Attachments:** [Resolution 2022-02 for WI DOT Tap.pdf](#)

**Legislative History**

1/24/22 Parks and Recreation recommended for approval  
Committee

[22-0045](#) Action Item: Approval of Reciprocity Agreement with the City of Menasha and the City of Neenah

**Attachments:** [Memo - Reciprocity Agreement with Menasha and Neenah 2022-2023.doc](#)  
[Amendment No 1 to Menasha PR Reciprocity Agrm 2022-2023.pdf](#)  
[Amendment No 1 to Neenah PR Reciprocity Agrm 2022-2023.pdf](#)  
[2017-2021 Reciprocity Agreement with Menasha.pdf](#)  
[2017-2021 Reciprocity Agreement with Neenah.pdf](#)

**Legislative History**

1/24/22 Parks and Recreation recommended for approval  
Committee

## 5. MINUTES OF THE FINANCE COMMITTEE

[22-0038](#) Request to award the City of Appleton's 2022 Pierce Park Hardscapes Reconstruction Project contract to Vinton Construction Co., in the amount of \$628,036 with a contingency of 11% for a project total not to exceed \$697,120

**Attachments:** [2022 Pierce Park Hardscape Renovation Project.pdf](#)

**Legislative History**

1/24/22 Finance Committee recommended for approval

[22-0053](#) Request to award the City of Appleton's 2022 City Hall Common Space Remodel contract to Milbach Construction Services, Co in the amount of \$1,535,058 with a contingency of 10% for a contract total not to exceed \$1,688,564

**Attachments:** [2022 City Hall Remodel Project.pdf](#)

**Legislative History**

1/24/22 Finance Committee recommended for approval

[22-0059](#) Request to approve the following 2022 Budget amendment:

**General Fund - Human Resources Department**

Consulting Services	+\$ 35,000
2021 Carryover Funds (General Fund Balance)	-\$ 35,000

to fund the cost of professional recruitment fees for the Public Works Director position (2/3 vote of Council required)

**Attachments:** [HR Memo.pdf](#)

**Legislative History**

1/24/22	Finance Committee	recommended for approval
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6. **MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE**

7. **MINUTES OF THE UTILITIES COMMITTEE**

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

[22-0056](#) Request to approve contract with Baker Tilly to complete an updated comprehensive compensation study.

**Attachments:** [Compensation Study.pdf](#)

**Legislative History**

1/26/22	Human Resources & Information Technology Committee	recommended for approval
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[22-0057](#) Request to approve contract with Employment Resource Group, Inc. in order to conduct a national search for the Director of Public Works vacancy.

**Attachments:** [DPW Director Recruitment Process.pdf](#)

**Legislative History**

1/26/22	Human Resources & Information Technology Committee	recommended for approval
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9. **MINUTES OF THE FOX CITIES TRANSIT COMMISSION**

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

M. **CONSOLIDATED ACTION ITEMS**

N. ITEMS HELD

O. ORDINANCES

[22-0063](#) Ordinance #13-22

**Attachments:** [Ordinances to Council 2-2-22.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.*



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## Meeting Minutes - Final Common Council

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Wednesday, January 19, 2022

7:00 PM

Council Chambers

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A. CALL TO ORDER

*The meeting was called to order by Mayor Woodford at 7:02 p.m.*

B. INVOCATION

*The Invocation was offered by Alderperson Schultz*

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

**Present:** 15 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, 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

**Excused:** 1 - Alderperson Matthew Reed

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

*All departments were represented.*

F. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[21-1737](#)

Common Council Meeting Minutes of December 15, 2021

**Attachments:** [CC Minutes 12-15-21.pdf](#)

**Alderperson Hartzheim moved, seconded by Alderperson Smith, that the Minutes 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 Alex Schultz, Alderperson Michael Smith, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Joe Prohaska and Alderperson Chad Doran

**Excused:** 1 - Alderperson Matthew Reed



**Abstained:** 1 - Mayor Jake Woodford

G. BUSINESS PRESENTED BY THE MAYOR

[22-0001](#) Health Officer Recommendation

**Attachments:** [Health Officer Recommendation.pdf](#)  
[C Sepers Resume.pdf](#)  
[City of Appleton Health Officer Qualification Approval Letter 01 2022.pdf](#)

**Alderson Meltzer moved, seconded by Alderson Hartzheim, that the Health Officer Recommendation be approved. Roll Call. Motion carried by the following vote:**

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

**Excused:** 1 - Alderson Matthew Reed

**Abstained:** 1 - Mayor Jake Woodford

[22-0003](#) Proclamations:  
- Human Trafficking Awareness Day  
- Martin Luther King Jr. Day

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

[22-0002](#) COVID-19 Report

**Attachments:** [COVID -19 Common Council Update 01192022.pdf](#)

H. PUBLIC PARTICIPATION

*No one signed up to speak during public participation.*

I. PUBLIC HEARINGS

J. SPECIAL RESOLUTIONS

## K. ESTABLISH ORDER OF THE DAY

## L. COMMITTEE REPORTS

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

**Aldersperson Hartzheim moved, Aldersperson Meltzer seconded, to approve the balance of the agenda. The 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 Alex Schultz, Aldersperson Michael Smith, Aldersperson Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim, Aldersperson Joe Prohaska and Aldersperson Chad Doran

**Excused:** 1 - Aldersperson Matthew Reed

**Abstained:** 1 - Mayor Jake Woodford

## 1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

## 2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[21-1735](#)

Class "B" Beer and "Class C" Wine License application for Home Run Pizza LLC d/b/a Home Run Pizza, Jennifer M Cook, Agent, located at 1216 W Wisconsin Ave, contingent upon approval from all departments.

**Attachments:** [Home Run Pizza.pdf](#)  
[Home Run Pizza SUP 6-14 Transfer\\_Report\\_1-3-22Final.pdf](#)

**This Report Action Item was approved.**

[21-1736](#)

Class "B" Beer and "Class B" Liquor License application for Fox River House LLC d/b/a Fox River House, Cassidy Evers, Agent, located at 211 S Walnut St, contingent upon approval from all departments.

**Attachments:** [Fox River House.pdf](#)  
[Fox River House SUP 17-03 Transfer\\_Report\\_1-3-22Final.pdf](#)

**This Report Action Item was approved.**

[21-1779](#)

Request from Fire Department to enter a contract with Purina Animal Nutrition to provide confined space services for their organization.

**Attachments:** [0029 - Purina Confined Space Agrm 12.22.21.pdf](#)  
[01-08-22\\_Purina\\_Contract\\_Memo.pdf](#)

**This Report Action Item was approved.**

### 3. MINUTES OF THE CITY PLAN COMMISSION

[21-1747](#)

Request to approve Special Use Permit #4-21 for a restaurant with alcohol sales and consumption located at 1016 East Pacific Street (Tax Id #31-1-0843-00), as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (2/3 vote of Common Council required for approval)

**Attachments:** [StaffReport\\_AlpineSwift\\_SUP\\_For01-12-22.pdf](#)

**This Report Action Item was approved.**

[21-1749](#)

Request to approve Special Use Permit #5-21 for an indoor recreation use with alcohol sales and consumption located at 2009/2011 North Richmond Street (Tax Id #31-5-2326-00), as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (2/3 vote of Common Council required for approval)

**Attachments:** [StaffReport\\_Breaking Point\\_SUP\\_For01-12-22.pdf](#)

**This Report Action Item was approved.**

[21-1750](#)

Request to approve the Stone Ridge Estates West Preliminary Plat as shown on the attached maps and subject to the conditions in the attached staff report

**Attachments:** [StaffReport\\_StoneRidgeEstatesWest\\_PreliminaryPlat\\_For01-12-22.pdf](#)

**This Report Action Item was approved.**

[21-1751](#)

Request to approve the Extraterritorial Final Plat for Center Valley at 3800 located in the Town of Grand Chute as shown on the attached maps

**Attachments:** [StaffReport\\_CenterValleyat3800\\_FinalPlat\\_For 01-12-22.pdf](#)

**This Report Action Item was approved.**

[21-1752](#)

Request to approve the dedication of land for public right-of-way for Spartan Drive, generally located 600' east of Haymeadow Avenue to 800' west of Meade Street, connecting existing East Spartan Drive right-of-way to the west and east, (part of Tax Id #31-6-6100-62), as shown on the attached maps

**Attachments:** [StaffReport\\_SpartanDrive\\_StreetDedication\\_For01-12-22.pdf](#)

**This Report Action Item was approved.**

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

**5. MINUTES OF THE FINANCE COMMITTEE**

[21-1753](#)

Request to approve the Relocation Order for N8770 Firelane 1 for water main construction

**Attachments:** [0938 - Relocation Order.pdf](#)

**This Report Action Item was approved.**

[21-1754](#)

Request to approve the Relocation Order for Appleton Street from Washington Street to Packard Street for sidewalk construction and signal modification

**Attachments:** [0934-0937 - Relocation Order.pdf](#)

**This Report Action Item was approved.**

[21-1755](#)

Request to approve the following 2021 Budget amendments:

**Vaccination Clinic Grant Fund**

Health Grants and Aids	+\$118,000
Salaries and Wages	+\$ 62,100
Fringes	+\$ 15,200
Parking Permits	+\$ 300
Office Supplies	+\$ 500
Other Miscellaneous Supplies	+\$ 11,900
Outside Printing	+\$ 2,500
Miscellaneous Equipment	+\$ 500
Other Contracts/Obligations	+\$ 25,000

to record grant funds from the State Department of Health Services for 2021-2024 COVID-19 vaccination costs

**Vaccination Clinic Grant Fund**

Other Reimbursements	+\$104,835
Outside Printing	+\$ 7,889
Medical/Lab Supplies	+\$ 900
Other Contracts/Obligations	+\$ 96,046

to record reimbursement from Outagamie County for 60% of non-staff costs for the Fox Cities Vaccination Clinic

**Vaccination Clinic Grant Fund**

Miscellaneous Revenue	+\$ 18,131
Overtime	+\$ 15,411
Fringes	+\$ 2,720

to record revenue received from sale of beds used to cover costs of Fire overtime and fringes for EMS

**ELC (Epidemiology & Laboratory Capacity) COVID Grant Fund**

Health Grants and Aids	+\$625,900
Salaries and Wages	+\$260,000
Fringes	+\$ 30,000
Other Miscellaneous Supplies	+\$150,000
Outside Printing	+\$ 5,000
Facilities Charges	+\$ 10,000
Other Contracts/Obligations	+\$170,900

to record additional grant funds from the State Department of Health Services for 2021-2022 COVID-19 pandemic response costs

**ELC (Epidemiology & Laboratory Capacity) COVID Grant Fund**

Health Grants and Aids - ELC	- \$166,622
Salaries and Wages - ELC	- \$ 85,000
Fringes - ELC	- \$ 11,000
Other Contracts/Obligations - ELC	- \$ 70,622
Health Grants and Aids - Vac Clinic	+\$166,622
Salaries and Wages - Vac Clinic	+\$ 82,535
Fringes - Vac Clinic	+\$ 12,480
Miscellaneous Supplies - Vac Clinic	+\$ 65,641
Outside Printing - Vac Clinic	+\$ 5,966

to transfer ELC Grant funds to Vaccination Clinic budget to cover January - June expenses

**Attachments:** [Finance Committee - 2021 Health Grant Budget Amendments.pdf](#)

This Report Action Item was approved.

**21-1775**

Request to sole a source contract to McMahon for professional services needed to complete the 2022 Wastewater Hardscapes Improvement Project, for a contract fee of \$49,800 and a contingency of 5% to not exceed a total contract of \$52,290.

**Attachments:** [2022 AWWTP Hardscapes Design.pdf](#)

This Report Action Item was approved.

**21-1778**

Request to award the “2022 Telulah Park Pickleball Complex” to Northeast Asphalt, Inc. in the amount of \$484,862 with a contingency of \$15,138 for a total not to exceed \$500,000.

**Attachments:** [2022 Telulah Pickleball.pdf](#)

This Report Action Item was approved.

**6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE****21-1768**

Request to approve the Development Agreement (Phase II) with Merge LLC for a mixed-use development located on the southeast corner of W. Washington Street and N. Appleton Street (Tax Id #31-2-0272-00, 31-2-0272-01, and 31-2-0272-02) in Tax Increment Financing District No. 11

**Attachments:** [Merge Ph II DA Memo to CEDC 1-12-22.pdf](#)  
[0871 - Merge - Phase 2 Dev Agrm - 2022-01-05.pdf](#)

This Report Action Item was approved.

**7. MINUTES OF THE UTILITIES COMMITTEE**

[21-1783](#) Approve 2022 Private Lead / Galvanized Service Replacement Program.

**Attachments:** [2022 Private Lead Galvanized Service Replacement Program.pdf](#)

This Report Action Item was approved.

[21-1784](#) Award Contract Amendment 3 to Jacobs Engineering for the Water Treatment Facility Optimized Corrosion Control Treatment (OCCT) Studies in the amount of \$31,740 and a total revised contract of \$190,790.

**Attachments:** [OCCT Project 01-05-21.pdf](#)

This Report Action Item was approved.

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

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

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

[21-1766](#) #15-R-21 Honeybee Rescue Resolution

**Attachments:** [Memo to Board of Health with Attachments.pdf](#)  
[#15-R-21 Amendment.pdf](#)

This Report Action Item was approved.

**M. CONSOLIDATED ACTION ITEMS**

**N. ITEMS HELD**

**O. ORDINANCES**

[21-1788](#) Ordinances #1-22 to #12-22

**Attachments:** [Ordinances to Council 1-19-22.pdf](#)

Aldersperson Hartzheim moved, seconded by Aldersperson Smith, that the Ordinances 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 Alex Schultz, Alderperson Michael Smith, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Joe Prohaska and Alderperson Chad Doran

**Excused:** 1 - Alderperson Matthew Reed

**Abstained:** 1 - Mayor Jake Woodford

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION



Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

*Resolution #1-R-22  
Intoxicated Bartender Ordinance*

*Submitted By: Alderperson Smith  
Date: 1/19/2022  
Referred To: Safety & Licensing Committee*

*Whereas a need has been identified,  
Be it resolved that the following resolution is submitted,  
It shall be unlawful for the licensee or any employee of a licensed establishment to be under the influence of an intoxicant while performing alcohol beverage services on the licensed premises. Under the influence means that the individual has a blood alcohol content of 0.08 or more or otherwise has consumed a sufficient amount of alcohol, controlled substance, or combination of alcohol and controlled substances or any other drug, to cause the individual to be less able to exercise clear judgement and reasonable care in the exercise of services performed. If a law enforcement officer has probable cause that a violation of this section has occurred, the officer, prior to an arrest, may request the individual to provide a sample of his or her breath for a preliminary breath screening test using a device approved by the State of Wisconsin for this purpose. The officer may request the individual to provide subsequent sample(s) of his or her breath if the officer has probable cause to conduct further preliminary breath screening test(s). The result of the preliminary breath screening may be used by the law enforcement officer for the purpose of deciding whether or not the person shall be arrested for a violation of this section. Refusal to submit to a requested test may be considered by the Common Council as grounds for revocation, suspension, non-issuance, or non-renewal of the server's operator's license.*

*Resolution #2-R-22  
RESOLUTION TO IMPROVE COMMUNICATION, TECHNOLOGY, & PEDESTRIAN SAFETY*

*Submitted By: Alderperson Katie Van Zeeland - District 5, Alderperson Brad Firkus - District 3, Alderperson Denise Fenton - District 6, Alderperson Nate Wolff, District 12 & Alderperson Joe Prohaska - District 14  
Date: January 19, 2022  
Referred To: Finance Committee*

*WHEREAS Appleton.org is an important means of communication between city officials and the public and the current website is not meeting the needs of our citizens; and  
WHEREAS it is important that city communication materials are consistent in language and voice; and  
WHEREAS staff has identified an unfunded need to upgrade computers and technology; and  
WHEREAS the safety of pedestrians and bicyclists is of utmost importance, and the need for enhanced crosswalks has grown significantly due to increased concerns about reckless driving;  
THEREFORE BE IT RESOLVED THAT city staff will create a style guide to ensure the city logo and stamp are used appropriately; and  
BE IT FURTHER RESOLVED THAT funding previously set aside for city rebranding*

*be reallocated as follows: \$100,000 for an Appleton.org website re-design, \$225,000 added to the enhanced crosswalk program, and \$150,000 to address much needed technology upgrades and committees of jurisdiction and staff work together to appropriate these funds accordingly.*

R. OTHER COUNCIL BUSINESS

S. ADJOURN

**Aldersperson Hartzheim moved, seconded by Aldersperson Meltzer, that the meeting be adjourned at 7:28 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 Alex Schultz, Aldersperson Michael Smith, Aldersperson Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim, Aldersperson Joe Prohaska, Aldersperson Chad Doran and Mayor Jake Woodford

**Excused:** 1 - Aldersperson Matthew Reed


Kami Lynch, City Clerk



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

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

**TO:** Members of the Common Council  
**FROM:** Mayor Jacob A. Woodford   
**DATE:** January 28, 2022  
**RE:** Confirmation of Committee Appointment

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It is with pleasure that I present the following appointment for your confirmation at the February 2, 2022, Common Council meeting.

**APPLETON HOUSING AUTHORITY** – Appointment

Ariela Rosa

Remainder of 5-year Term

Term Expires December 2026

Ariela Rosa is a New York City native, born and raised in the Bronx with roots in Puerto Rico and Costa Rica. After graduating from Bronx Community College, Ariela moved to Appleton WI to finish her undergraduate education at Lawrence University. She earned her Bachelor of Arts degree in English and began her career in grant writing and management in 2016 by joining Lawrence's foundation and corporate relations team. As a grants professional, Ariela supports institutional goals and academic scholarship and artistry by working closely with faculty, staff, and Lawrence administration to secure gifts and grants from organizational donors. She has supported projects in a wide range of disciplines, including STEM, social sciences, conservatory, arts, and religion. Ariela currently leads the fundraising committee of the Fox Valley Literacy board and chairs a subcommittee of the President's Committee on Diversity Affairs at Lawrence. She also has served in a leadership role on the Wisconsin Chapter of the Grant Professionals Association board and as an advisory board member of the Pulse Young Professionals Network.

# PROCLAMATION



## Office of the Mayor

**WHEREAS**, Rosa Parks was an iconic figure in the movement for equal access, social justice, and racial equality, playing a major role in the inception of the Civil Rights movement that ended legal segregation and the unequal access of African-Americans to public transportation in the United States; and

**WHEREAS**, Valley Transit provides public transit and paratransit to Appleton and the entire Fox Cities area; and

**WHEREAS**, paratransit with the same timeliness and reliability standards is a necessary component for any public transit system to ensure equal access for people with disabilities; and

**WHEREAS**, Valley Transit has developed standards and best practices to maintain reliability of the transit system as well as developed technology to help riders determine the location of buses in the system; and

**WHEREAS**, Valley Transit and its member communities have sought out grants and have consistently funded the transit system to ensure affordable access to riders; and

**WHEREAS**, providing a balanced transportation system to all community members reduces automobile dependence and helps transition our economy from fossil fuels to renewable energy, lower emissions, and improved air quality; and

**WHEREAS**, public transit plays an important role in addressing climate change and provides an opportunity to continue the advancement of civil rights by ensuring that all people have access to transit services.

**NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD**, Mayor of the City of Appleton, Wisconsin, do hereby proclaim February 4, 2022 as

## Transit Equity Day

in Appleton and encourage residents to recognize that equal access to reliable, affordable, and environmentally sound public transportation plays an important part in reducing carbon emissions, remedying racial, economic, and other inequalities, and improving the social and economic wellbeing of all.



Signed and sealed this 26<sup>th</sup> day of January 2022.

  
**JACOB A. WOODFORD**  
MAYOR OF APPLETON

# PROCLAMATION



## Office of the Mayor

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

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

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

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

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


**NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD**, Mayor of the City of Appleton, Wisconsin, do hereby proclaim February 2022 as

## Career and Technical Education Month

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



Signed and sealed this 28<sup>th</sup> day of January 2022.

  
**JACOB A. WOODFORD**  
MAYOR OF APPLETON

# PROCLAMATION



## Office of the Mayor

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

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

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

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

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

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

**NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD**, Mayor of the City of Appleton, Wisconsin, do hereby proclaim February 1-7, 2022 as

## Gun Violence Survivor Week

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

Signed and sealed this 28<sup>th</sup> day of January 2022.



**JACOB A. WOODFORD**  
MAYOR OF APPLETON

# PROCLAMATION



## Office of the Mayor

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

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

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

**WHEREAS**, burn safety education and prevention efforts continue to reduce the number of people who suffer burns each year; and

**WHEREAS**, the American Burn Association's initiative, National Burn Awareness Week, is a collaboration of burn, fire, and life safety educators working to bring awareness to the frequency, devastation, and causes of burn injuries, how best to care for those who are injured, and most importantly, prevention of burns.

**NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD**, Mayor of the City of Appleton, Wisconsin, does hereby proclaim February 6-12, 2022 as

## **Burn Awareness Week**

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



Signed and sealed this 28<sup>th</sup> day of January 2022.

  
**JACOB A. WOODFORD**  
MAYOR OF APPLETON

# PROCLAMATION



## Office of the Mayor

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

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

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

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

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

**NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD**, Mayor of the City of Appleton, Wisconsin, do hereby proclaim February 2022 as

## Black History Month

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

Signed and sealed this 28<sup>th</sup> day of January 2022.



**JACOB A. WOODFORD**  
MAYOR OF APPLETON



**CITY OF APPLETON/TOWN OF GRAND CHUTE/OUTAGAMIE COUNTY**  
**E. First Avenue and N. French Road**

**INTERGOVERNMENTAL AGREEMENT**

DATE: January 2022

Sanitary Sewer in E. First Avenue and N. French Road

PROJECT TITLE: NW Landfill

The Town of Grand Chute, hereinafter called the "Town", through its undersigned duly authorized officers or officials, hereby enters into an agreement with the City of Appleton, through its Public Works Department, hereinafter called the "City", and Outagamie County, through its Recycling and Solid Waste Department, herein called "County" to install sanitary sewer to serve the Outagamie County Northwest Landfill.

**PROPOSED IMPROVEMENT**

Installation of 15" gravity sanitary sewer from existing City sewer in Zuehlke Drive, eastward beneath WI 441 continuing along E. First Avenue and across N. French Road (attached Exhibit A). The sanitary sewer is necessary to provide a direct connection for discharge of leachate from the future County Northwest Landfill.

**TERMS AND CONDITIONS:**

1. The County will be the lead agency for the sanitary sewer project in 2022 and will be responsible for all design, permitting and construction related costs.
2. The County will be responsible for obtaining all necessary permits and easements including all fees.
3. The County will be responsible for restoration of all construction disturbances following completion of construction.
4. The City will assume ownership and maintenance of all piping, manholes and accessories from the manhole on the west edge of French Road to the manhole connection in Zuelhke Drive. These features are shown in red on the attached Exhibit A. The City will provide construction inspection for this segment of the project.
5. The City will contribute a lump sum of \$112,000 to the County upon completion of the project.
6. The 15" sanitary sewer will be installed along the north side of E. First Avenue right-of-way minimizing damage to the E. First Avenue pavement. All restoration will be to Town standards and be County responsibility. Upon completion and acceptance of sanitary sewer, the gravity sewer will become public infrastructure owned and maintained by the City.
7. The sanitary lateral across N. French Road will be installed via jack and bore methods with specifications for restoration of bore and receiving pits per Town requirements. Upon completion and acceptance, the sanitary lateral will be the County's ownership and maintenance responsibility.
8. The Town will permit the County to utilize E. First Avenue for access to their jacking location for STH 441. In return the County will pulverize and pave the binder layer of E. First Avenue upon completion of their sanitary work. The County will be responsible for all costs associated with sanitary project including pulverizing the entire road surface and placing a 2-1/2" binder surface. The County will also surface and shoulder the roadway with a 2" HMA layer at the Town's expense. Interim repair and maintenance of the roadway up until surface paving and shouldering is complete is the County's responsibility.

9. All sewer and street plans and specifications for the improvements will be provided for the City's and Town's approval and records.

**City of Appleton**

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

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

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

By: \_\_\_\_\_  
Kami L. Lynch, City Clerk

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

Approved as to form:

\_\_\_\_\_  
Anthony D. Saucerman, Finance  
Director

\_\_\_\_\_  
Christopher R. Behrens, City  
Attorney

**Town of Grand Chute**

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

By: \_\_\_\_\_  
Jason Van Eperen, Town Chairman

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

By: \_\_\_\_\_  
Angie M. Cain, Town Clerk

Approved as to form:

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

**Outagamie County**

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

By: \_\_\_\_\_  
Thomas M. Nelson, County Executive

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

By: \_\_\_\_\_  
Jeff King, County Clerk

Approved as to form:

\_\_\_\_\_  
Kyle J. Sargent  
Corporation Counsel



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

January 2022

## **CITY OF APPLETON ON-STREET PARKLET POLICY**

The objective of this policy is to establish the guidelines in which on-street parking spaces may be reallocated to provide amenities and green space for the general public to sit and enjoy.

### PROCEDURE

All requests for on-street parklets shall be submitted by a not-for-profit organization representing businesses to the Department of Public Works to be reviewed against the criteria set forth in this policy. Requests not meeting the criteria shall be denied administratively. Requests meeting the criteria shall be forwarded to the Municipal Services Committee and Common Council for consideration.

All written submittals shall contain the following information:

1. Name of sponsoring organization.
2. Location of requested parklet.
3. Number of parking stalls to be reallocated for parklet.
4. Dimensioned site plan including all details of parklet such as load bearing and railing force rating specifications, finishes, plant species, furniture, parklet covering(s), etc.
5. Maintenance plan including responsible party and how drainage will be provided along existing street gutter.
6. Documentation of support from immediately adjacent property/business owners.

### APPROVAL CRITERIA

1. On-street parklets shall be permitted from May 1<sup>st</sup> through October 31<sup>st</sup>, unless they need to be removed for pre-determined special events.
2. On-street parklets shall be located at least one parking spot in from a corner or protected by bollards, sidewalk bump-out, or other city approved barrier.
3. Street has an existing parking lane.
4. Street is a two-lane roadway with a posted speed limit of 25 MPH or slower.
5. On-street parklets shall be required to provide a minimum of one square foot of city-approved reflective tape or other similar reflective material on each of the two corners that are adjacent to traffic.
6. On-street parklets shall include a minimum of one city-approved reflective soft hit post and one wheel stop on each end.
7. On-street parklets shall not be allowed in front of a fire hydrant, a maintenance hole, or public utility valve cover, or otherwise obstruct access to city infrastructure.
8. On-street parklets shall not extend more than 7 feet into the roadway.
9. On-street parklet deck must be flush with the curb and may not have more than a ½" gap from the curb.
10. On-street parklets shall not be allowed immediately adjacent to a sidewalk café.

11. On-street parklet must be ADA accessible with a minimum 36" ADA accessible entryway.
12. Platform of the on-street parklet may not impede street drainage and should have a 6" gap maintained between the body of the deck and the curb to facilitate the movement of water.
13. The perimeter of the parklet shall be enclosed utilizing planters, railings or cables. The enclosure system shall be visually permeable. If cables are used, vertical spacing between cables may not exceed 6".
14. All on-street parklet rails must be capable of withstanding a 200-pound horizontal force.
15. On-street parklet platform shall not exceed a 2% cross slope.
16. All furniture must be contained within the parklet.

#### PURCHASED PARKING FEE

1. A daily fee equal to that charged to bag a parking meter per purchased stall will be charged Monday through Saturday, for the duration of the parklet.
2. This fee will be billed to the sponsoring organization upon approval by the Common Council and is non-refundable.
3. Rates are subject to change by the Common Council.

#### PERMIT ISSUANCE

On-Street Parklet Permit shall be issued upon receipt of the following:

1. Common Council approval.
2. Purchased Parking Fee and Street Occupancy Permit Fee.
3. All other approvals and permits must be in place, including a Special Use Permit for alcohol consumption in city right-of-way.
4. Applicant shall provide a certificate of insurance to the City. The certificate of insurance shall name the "City of Appleton, its officers, council members, agents, employees and authorized volunteers" as additional insureds under applicant's commercial general liability insurance coverage. Applicant's commercial general liability policy must contain the following minimum coverages and limits:
  - a. Bodily Injury and Property Damage Liability, Each Occurrence Limit - \$1,000,000
  - b. Personal and Advertising Injury Limit - \$1,000,000
  - c. General Aggregate Limit - \$2,000,000
  - d. Product Liability (if food or drink will be sold by the applicant), each occurrence limit - \$1,000,000
  - e. Products Completed/Operations Aggregate - \$2,000,000
  - f. Medical Expense Limit (any one person) - \$5,000

If applicant will be permitting, selling, or serving alcoholic beverages in relation to the parklet use, applicant must carry liquor liability insurance with a minimum limit of \$1,000,00 each occurrence / \$1,000,000 aggregate limit.

Applicant agrees to maintain these minimum insurance coverages and limits for the duration of their permit.



December 16, 2021

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

Re: Avenue of Ice, February 18-20, 2022

Dear Ms. VandeHey:

Please accept this request for a Sidewalk Occupancy permit for our upcoming "Avenue of Ice", featuring ice carvings throughout downtown. The carvings would need to be placed on Friday, February 18, for a weekend opportunity for the community to be able to view. Spacing the carvings throughout downtown, will eliminate a chance of congregating in one area.

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

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

Thank you for your time and consideration.

A handwritten signature in cursive script that reads "Meghan Warner".

Meghan Warner  
Event Coordinator  
Appleton Downtown Inc.  
[meghan@appleatondowntown.org](mailto:meghan@appleatondowntown.org)



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

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**Department of Public Works – Engineering Division**

**MEMO**

**TO:** Municipal Services Committee

**FROM:** Chad Weyenberg, Project Engineer

**DATE:** January 10, 2022

**RE:** Notification of Award of Contract for 2022 Bridge Inspections (Unit R-22) to Collins Engineers, Inc., in an amount not to exceed \$30,000.

---

The State of Wisconsin requires that the City inspect, record and report to the State on the condition of its bridges every two years. The Department of Public Works requested proposals from five qualified Wisconsin consulting firms. The City received one qualified proposal from Collins Engineers, Inc. (\$29,941.60)

Collins Engineers, Inc. demonstrated the related experience and personnel necessary to complete the required tasks. In addition, they also demonstrated a good project understanding and approach.

**Therefore, staff recommends award of the 2022 Bridge Inspection Services Contract to Collins Engineers, Inc. in an amount not to exceed \$30,000.00**



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

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**Department of Public Works – Engineering Division**

**MEMO**

**TO:** Municipal Services Committee

**FROM:** Chad Weyenberg, Project Engineer

**DATE:** January 10, 2022

**RE:** Recommended of Award of Contract for Memorial Drive Bridge Infrared Thermographic Survey and Ultrasonic Testing of the Pins (Unit L-22) to AECOM Technical Services, Inc. in an amount not to exceed \$28,250

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The Department of Public Works is contracting with AECOM Technical Services, Inc.( AECOM), in an amount not to exceed \$28,250 to provide Memorial Drive Bridge Infrared Thermographic Survey and Ultrasonic Testing of the Pins for the City of Appleton in 2022. The Wisconsin Department of Transportation (WisDOT) recommends Infrared Thermographic Surveys every ten years and Ultrasonic Testing of the Pins every five years. WisDOT requires us to report the condition of the pins into their HSI database. This contract will authorize AECOM to provide services enabling the City to meet these requirements.

The Department of Public Works requested proposals from five qualified consulting firms located in Wisconsin and Michigan. The City received two qualified proposals from AECOM and Collins Engineers, Inc. (\$29,500).

AECOM demonstrated the experience and personnel necessary to complete the required tasks. In addition, they also demonstrated a good project understanding and approach.

AECOM performed the last Infrared Thermographic Survey on the Memorial Drive Bridge, so they are familiar with the bridge and the City of Appleton requirements.

Based on this, we recommend awarding the contract to AECOM in an amount not to exceed \$28,250.

ELECTRIC IN THE AREA IS AERIAL  
THERE IS NO BURIED ELECTRIC AT  
THIS LOCATION



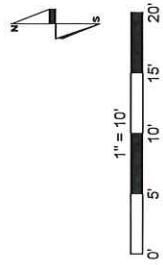
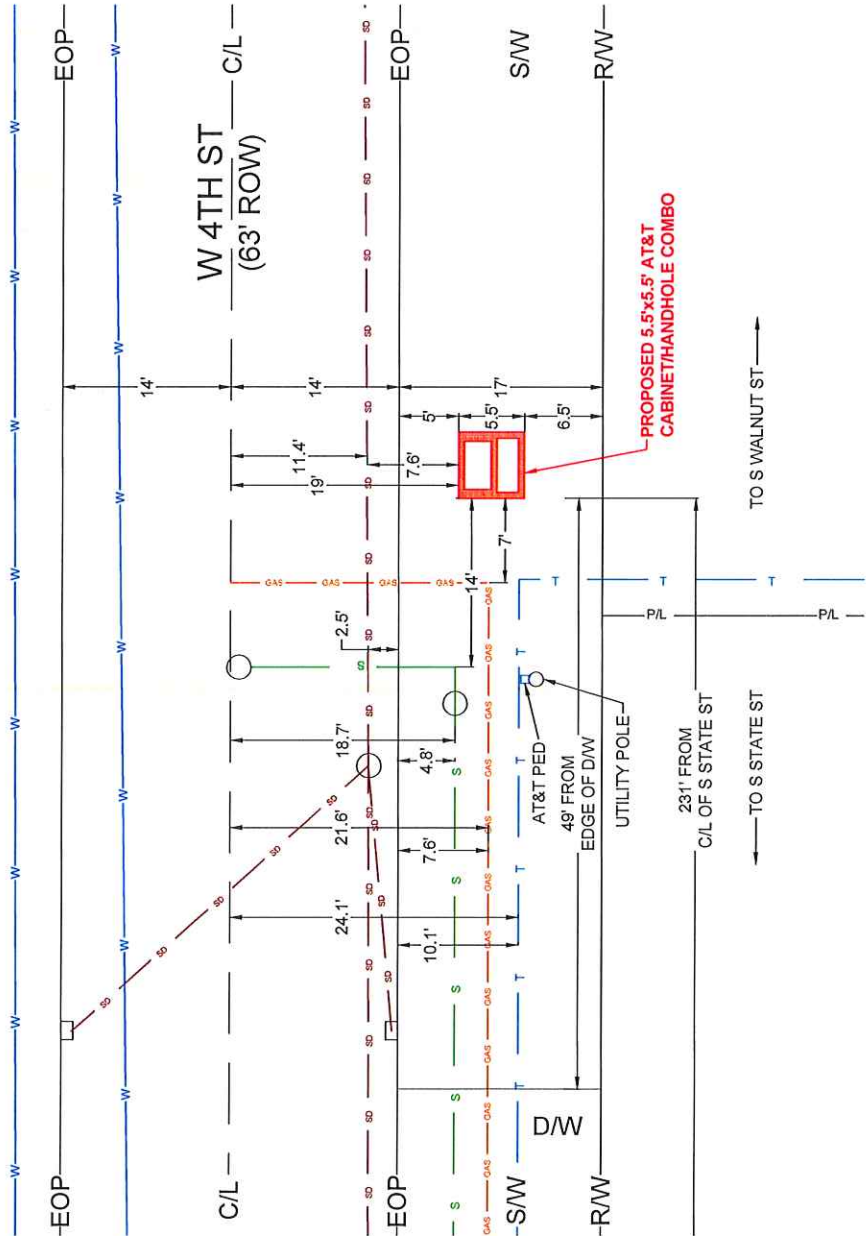
ISSUE	DATE
1	01-2022

LEGEND	
	SAN CABINET
	VARD CABINET
	SUB BOX
	STREETLIGHT (STANDALONE)
	MONUMENT
	FIRE HYDRANT
	POLE
	ROAD SIGN
	BOLLARD
	POTHOLE
	FENCELINE
	TREE
	HEDGE
	DIG PIT
	ROW
	RIGHT OF WAY
	BOC
	LP OF CUTTER
	FOW
	BACK OF WALK
	EOD
	EDGE OF WALKWAY
	EOW
	SIDEWALK
	PS
	PARKSTRIP
	DIW
	DRIVEWAY
	C/L
	CENTERLINE
	UTILITIES
	WATER
	TELEPHONE
	ELECTRIC
	SANITARY SEWER
	STORM DRAIN
	GAS
	WATER VALVE
	WATER METER

CALL USA TOLL FREE  
48 HRS PRIOR TO DIGGING  
FOR ALL SUBSTRUCTURE  
LOCATIONS  
**800-227-2600 or 811**

**PEARCE SERVICES**  
1222 VINE ST. SUITE 301  
PASO ROBLES, CA 93448  
Tel: (805) 467-2528 Fax: (805) 467-2529

DA # 4731PA  
GEOICO IN09  
EXCHANGE APPLW01  
ENGR. MATUSZAK, KYM TEL. 720-617-0948  
ENGR. ARC  
TYPE OF CONSTRUCTION SIGAPOWER PROJECT  
PERMIT PLAN  
ROJEST. NO. A01YENE  
DWG. 1 OF 1







PERMIT TO OCCUPY THE PUBLIC RIGHT-OF-WAY

Permit #: Effective Date: Expiration Date: Fee: Paid (yes or no):

Rev. 04-10-15

Applicant Information: Name (print): Lisa Suprenand, Company: AT&T, Address: 70 E Division St, Fond du Lac, WI, Telephone: 920-202-0652, FAX: e-mail: ad5647@att.com, Applicant Signature: Date: 1-19-22

Occupancy Information: General Description: 5.5' X 5.5' CABINET & HANDHOLE COMBO PLACED IN RIGHT OF WAY, Street Address: Approx 519 4th St, Tax Key No., Street: From: To: Multiple Streets:

(Department use only) Occupancy Type, Sub-Type, Location. Includes checkboxes for Permanent, Temporary, Amenity/Annual, Blanket/Annual, Block Party, Sandwich Board, Tables / Chairs, Dumpster, POD / Container, Obstruction / Other, Sidewalk, Terrace, Roadway.

Additional Requirements: Plan/Sketch, Certificate of Insurance, Bond, Other:

Traffic Control Requirements: Type of Street, Proposed Traffic Control, Contact Traffic Division (832-2379) 1 business day prior to any lane closure, or 2 business days prior to a full road closure. Approved by: Date:

- This permit approval is subject to the following conditions: 1. Permittee is responsible to obtain any further permits that may be required as part of this occupancy. 2. Permittee shall adhere to any plan(s) that were submitted to the City of Appleton as part of this application. 3. This permit is subject to IMMEDIATE REVOCATION and/or issuance of a MUNICIPAL CITATION if conditions of the permit are not met. 4. This permit is subject to IMMEDIATE REVOCATION if unfavorable traffic conditions develop during the period the occupancy is permitted. 5. 6.

This permit is issued to the applicant upon payment of the permit fee and is expressly limited to the location and type described herein. The applicant, in exchange for receiving this permit, warrants that all street occupancies will be performed in conformity to City ordinances, standards and policies, be properly barricaded and lighted, and be performed in a safe manner.

The Grantee shall guarantee at their expense, the repair or replacement of pavement, sidewalk and any other facilities within the public right-of-way damaged or destroyed by the Grantee or any sub-contractor working for them.

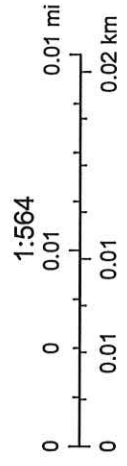
APPROVED BY: (Department of Public Works) DATE:

# ArcGIS Web Map



1/19/2022, 10:12:12 AM

-  City Parcels
-  CityLimits



# Original Alcohol Beverage Retail License Application

(Submit to municipal clerk.)

07/01/2021

For the license period beginning: ~~04/01/2022~~ ending: 06/30/2022  
(mm dd yyyy) (mm dd yyyy)

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

County of Outagamie Aldermanic Dist. No. 2  
(if required by ordinance)

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

Applicant's Wisconsin Seller's Permit Number ●●●●●●●●●●●●●●●●●●●●	
FEIN Number ●●●●●●●●●●●●●●●●●●●●	
TYPE OF LICENSE REQUESTED	FEE
<input type="checkbox"/> Class A beer	\$
<input checked="" type="checkbox"/> Class B beer	\$ 100
<input checked="" type="checkbox"/> Class C wine	\$ 100
<input type="checkbox"/> Class A liquor	\$
<input type="checkbox"/> Class A liquor (cider only)	\$ N/A
<input type="checkbox"/> Class B liquor	\$
<input type="checkbox"/> Reserve Class B liquor	\$
<input type="checkbox"/> Class B (wine only) winery	\$
Publication fee	\$ 60
<b>TOTAL FEE</b>	<b>\$ 260</b>

Name (individual / partners give last name, first, middle; corporations / limited liability companies give registered name)  
Marty, Adam, John

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

President / Member Last Name <u>Marty</u>	(First) <u>Adam</u>	(Middle Name) <u>John</u>	Home Address (Street, City or Post Office, & Zip Code) <u>429 E Roosevelt St, Appleton, WI, 54911</u>
Vice President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Secretary / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Treasurer / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Agent Last Name <u>Marty</u>	(First) <u>Adam</u>	(Middle Name) <u>John</u>	Home Address (Street, City or Post Office, & Zip Code) <u>429 E Roosevelt St, Appleton 54911</u>
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

1. Trade Name Alpine Swift Business Phone Number 920-840-0880  
 2. Address of Premises 1016 E Pacific St Post Office & Zip Code 54911

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

Restaurant  
During open restaurant hours wine + beer will be stored at the counter area in a cooler or a shelf. Also wine + beer will be stored on the lower level on shelves and racking.

4. Legal description (omit if street address is given above): \_\_\_\_\_  
 5. (a) Was this premises licensed for the sale of liquor or beer during the past license year? .....  Yes  No  
 (b) If yes, under what name was license issued? \_\_\_\_\_

6. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? **If yes, explain** .....  Yes  No  
*serve safe Alcohol*
7. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? .....  Yes  No  
**If yes, explain.**
8. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? **If yes, explain** .....  Yes  No
9. (a) **Corporate/limited liability company applicants only:** Insert state WI and date 11-23-21 of registration.
- (b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? **If yes, explain** .....  Yes  No
- (c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? **If yes, explain.**  Yes  No
10. Does the applicant understand they must register as a Retail Beverage Alcohol Dealer with the federal government, Alcohol and Tobacco Tax and Trade Bureau (TTB) by filing (TTB form 5630.5d) before beginning business? [phone 1-877-882-3277] .....  Yes  No
11. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776] .....  Yes  No
12. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? .....  Yes  No

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

Contact Person's Name (Last, First, M.I.) <i>Marty, Adam, J</i>	Title/Member <i>President</i>	Date <i>11/23/21</i>
Signature <i>Ad Marty</i>	Phone Number ●●●●●●●●	Email Address ●●●●●●●●

**TO BE COMPLETED BY CLERK**

Date received and filed with municipal clerk <b>11/24/21</b>	Date reported to council / board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license Issued	License number issued	



## City of Appleton Alcohol License Questionnaire

1. Name of Applicant: Adam Marty

2. Name of Business: Alpine Swift

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

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

3. Address of Business: 1016 E Pacific st

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

AND/OR been convicted of a felony? Yes \_\_\_\_\_ No X

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

<u>Adam</u>	<u>J</u>	<u>Marty</u>	● / ● / ●
First name	M.I.	Last name	Date of Birth
First name	M.I.	Last name	Date of Birth
First name	M.I.	Last name	Date of Birth
First name	M.I.	Last name	Date of Birth

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

Name: NICK Van Grinsven

First name                      Middle Initial                      Last name

Address: 920 E Hyland ave Kaukaunoi WI 54130

City                      State      ZIP

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

Name: PPP

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

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

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

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

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

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

N/A months ago.

10. Seating capacity: Inside 30 Outside 0

11. Operating hours (Inside the building): 4-9  
Operating hours (Outdoor seating areas): N/A

12. Employees/Staff

Number of floor personnel 5 Number of door checkers 1

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

a. Gross floor building area of the premises to be licensed: 1000 square feet.

b. Gross outdoor seating areas of the premises to be licensed: 0 square feet.

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

we plan to open a community based restaurant open for  
dinner 4 nights a week. We will serve pizza, shareables,  
salad and dessert.

Ad Mart  
Signature

11-23-21  
Date

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

Submit to municipal clerk.

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

To the governing body of:  Town  
 Village of APPLETON County of Outagamie  
 City

The undersigned duly authorized officer/member/manager of Alpine Swift  
(Registered Name of Corporation / Organization or Limited Liability Company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as Alpine Swift  
(Trade Name)

located at 1016 E Pacific st, Appleton, WI, 54911

appoints Adam Marty  
(Name of Appointed Agent)

429 E Roosevelt st, Appleton, WI, 54911  
(Home Address of Appointed Agent)

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

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

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

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 8 years 3 months

Place of residence last year 429 E Roosevelt st, Appleton, WI, 54911

For: Alpine Swift  
(Name of Corporation / Organization / Limited Liability Company)

By: Ad Marty  
(Signature of Officer / Member / Manager)

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

## ACCEPTANCE BY AGENT

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

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

Ad Marty 11-23-21  
(Signature of Agent) (Date)

Agent's age ●●●

429 E Roosevelt st, Appleton, WI, 54911  
(Home Address of Agent)

Date of birth ●●●●●●

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

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

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



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Public Hearing Date:** January 12, 2022

**Common Council Meeting Date:** January 19, 2022

**Item:** Special Use Permit #4-21 for restaurant with alcohol sales and service

**Case Manager:** David Kress, Principal Planner

### **GENERAL INFORMATION**

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**Owner:** SNP Enterprises, LLC

**Applicant:** Alpine Swift c/o Adam Marty

**Address/Parcel #:** 1016 East Pacific Street (Tax Id #31-1-0843-00)

**Petitioner's Request:** The applicant is requesting a Special Use Permit for alcohol sales and service in conjunction with a restaurant.

### **BACKGROUND**

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The subject area is located at the northeast corner of East Pacific Street and North Tonka Street. Based on Assessor's Office records, personal services (photography studio) was the previous use of the property. The applicant recently applied for a Liquor License that includes Class B beer and Class C wine, which is on track to go to Safety and Licensing Committee on January 12<sup>th</sup> and Common Council on January 19<sup>th</sup>.

On November 15, 2021, the Board of Zoning Appeals approved a variance for the subject property. The variance allows a restaurant with an occupancy of 30 persons to provide no off-street parking. A variance was previously approved by the Board of Zoning Appeals on August 20, 2007 to allow a photography studio at this location with one off-street parking space.

### **STAFF ANALYSIS**

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**Project Summary:** The applicant proposes to establish a restaurant with alcohol sales and service on the subject site, which would occupy the existing building that is approximately 1,008 square feet in size. Based on the attached development plan, this request will not increase existing building area. Per the Inspections Division, 30 persons (including staff) would be the maximum number of occupants for the space.

**Operational Information:** A plan of operation is attached to the staff report.

**Outdoor Seating Area:** No outdoor alcohol sales and service is requested with this application.

**Existing Site Conditions:** The existing single-story building totals approximately 1,008 square feet on the ground floor. The 0.03-acre site also includes a paved driveway east of the building, with a curb cut on East Vine Street.



**Special Use Permit #4-21**  
**January 12, 2022**  
**Page 2**

**Current Zoning and Procedural Findings:** The subject property has a zoning designation of C-2 General Commercial District. Per Section 23-113(e) of the Municipal Code, a restaurant with alcohol sales and service requires a Special Use Permit in the C-2 District. The Plan Commission makes a recommendation to the Common Council who will make the final decision on the Special Use Permit. A two-thirds vote of the Common Council is required for approval.

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

North: R-1C Central City Residential District. The adjacent land uses to the north are currently single-family residential.

South: R-2 Two-Family District and R-1C Central City Residential District. The adjacent land uses to the south are currently a mix of duplexes and single-family residential.

East: R-1C Central City Residential District and R-2 Two-Family District. The adjacent land uses to the east are currently a mix of single-family residential and duplexes.

West: R-1C Central City Residential District. The adjacent land uses to the west are currently single-family residential.

**Appleton Comprehensive Plan 2010-2030:** Community and Economic Development staff has reviewed this proposal and determined it is compatible with goals and objectives found in the City's *Comprehensive Plan 2010-2030*. Listed below are related excerpts from the City's *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 8 – Economic Development*

*Appleton will pursue economic development that retains and attracts talented people, brings good jobs to the area, and supports the vitality of its industrial areas, downtown, and neighborhood business districts.*

*OBJECTIVE 9.5 Economic Development:*

*Encourage new development and redevelopment activities that create vital and attractive neighborhoods and business districts.*

*OBJECTIVE 10.2 Land Use:*

*Encourage redevelopment to meet the demand for a significant share of future growth, and to enhance the quality of existing neighborhoods.*

*Chapter 14 Downtown Plan, Initiative 3 Neighborhood and Residential Development:*

*Strategy 3.3 – Promote development of neighborhood serving businesses and amenities to meet the basic shopping and service needs of downtown and nearby residents.*

**Technical Review Group (TRG) Report:** This item appeared on the December 7, 2021 TRG agenda.

- Inspections Division Comments: Had a chance to work with the applicant on total occupants. We determined based on code allowances that 30 would be the maximum for the space. That number includes his staff.
- Police Department Comments: There is parking available on Pacific Street eastbound and one side of Tonka Street and Vine Street; however, they will need to be aware of the possibility of patrons parking too close to driveways. On-street parking rules are as follows: Must be within one foot of the curb; Must stay four feet away from the driveway apron; Must have two feet between cars; Must be ten feet away from fire hydrant; Must be fifteen feet from a crosswalk.

**Zoning Ordinance Requirements and Substantial Evidence:** When reviewing an application for a Special Use Permit, the City must determine if the applicant's proposal satisfies Municipal Code requirements and conditions. Pursuant to Section 23-66(c)(5) of the Municipal Code, the Plan Commission and Common Council must provide substantial evidence supporting their decision to approve, approve with conditions, or deny the Special Use Permit. Substantial evidence means "facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a Special Use Permit and that reasonable persons would accept in support of a conclusion." Any requirements and conditions listed for approval must be reasonable, and to the extent practicable, measurable.

Section 23-172(m) of the Municipal Code requires a minimum number of off-street parking spaces based on the use of a property. In this case, however, the Board of Zoning Appeals approved a variance that allows a restaurant with an occupancy of 30 persons to provide no off-street parking. Therefore, off-street parking spaces are not required for the applicant's request.

**Finding of Fact:** This request was reviewed in accordance with the standards (proper zoning district, district regulations, special regulations, comprehensive plan and other plans, traffic, landscaping and screening, neighborhood compatibility, and impact on services) for granting a Special Use Permit under Section 23-66(e)(1-8) of the Municipal Code, which were found in the affirmative, as long as all stipulations are satisfied.

## **RECOMMENDATION**

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Staff recommends, based on the above analysis, that Special Use Permit #4-21 for a restaurant with alcohol sales and service located at 1016 East Pacific Street (Tax Id #31-1-0843-00), as shown on the attached maps and per attached plan of operation, along with the attached resolution, **BE APPROVED** to run with the land, subject to the following conditions:

1. The applicant shall receive approval of a Liquor License from the City Clerk prior to serving alcohol on the premises.

*Substantial Evidence: This condition provides notice to the applicant that a Liquor License is also needed prior to serving alcohol.*

2. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.

*Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(6) of the Zoning Ordinance for this particular use.*

3. The site shall be kept free of litter and debris.

*Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(6) of the Zoning Ordinance for this particular use.*

4. All Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws shall be complied with.

*Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(6) of the Zoning Ordinance for this particular use.*

5. The serving and consumption of alcohol is limited to the interior ground floor of the building, as identified on the attached development plan drawings. Any future expansions for the serving and/or consumption of alcohol may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.

*Substantial Evidence: Standardized condition that establishes parameters for the current application and identifies the process for review of any future changes to the special use.*

6. This Special Use Permit is needed for on-site alcohol sales and consumption. Compliance with the plan of operation is required at all times. Changes to the plan of operation, including any future changes to the agent/operator, shall be submitted to the Community and Economic Development Department for review and approval.

*Substantial Evidence: Standardized condition that establishes parameters for the current application and identifies the process for review of any future changes to the special use.*

**CITY OF APPLETON  
RESOLUTION FOR SPECIAL USE PERMIT #4-21  
RESTAURANT WITH ALCOHOL  
1016 EAST PACIFIC STREET**

**WHEREAS**, Adam Marty, Alpine Swift, has applied for a Special Use Permit for a restaurant with alcohol sales and service located at 1016 East Pacific Street, also identified as Parcel Number 31-1-0843-00; and

**WHEREAS**, the location for the proposed restaurant with alcohol sales and service is located in the C-2 General Commercial District, and the proposed use may be permitted by Special Use Permit within this zoning district pursuant to Chapter 23 of the Municipal Code; and

**WHEREAS**, the City of Appleton Plan Commission held a public hearing on January 12, 2022 on Special Use Permit #4-21, at which all those wishing to be heard were allowed to speak or present written comments and other materials at the public hearing; and

**WHEREAS**, the City of Appleton Plan Commission has reviewed and considered the Community and Economic Development Department's staff report and recommendation, as well as other spoken and written evidence and testimony presented at the public hearing; and

**WHEREAS**, the City of Appleton Plan Commission reviewed the standards for granting a Special Use Permit under Sections 23-66(e)(1-8) of the Municipal Code; and

**WHEREAS**, the City of Appleton Plan Commission reviewed the standards for imposing conditions on the Special Use Permit under Section 23-66(c)(5) of the Municipal Code, and forwarded Special Use Permit #4-21 to the City of Appleton Common Council with a favorable conditional or not favorable (CIRCLE ONE) recommendation; and

**WHEREAS**, the City of Appleton Common Council has reviewed the report and recommendation of the City of Appleton Plan Commission at their meeting on January 19, 2022.

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED** by the Common Council, based on Community and Economic Development Department's staff report and recommendation, as well as other spoken and written evidence and testimony presented at the public hearing and Common Council meeting, and having considered the recommendation of the City Plan Commission, that the Common Council:

1. Determines all standards listed under Sections 23-66(e)(1-8) of the Municipal Code are found in the affirmative YES or NO (CIRCLE ONE)
2. If NO, the City of Appleton Common Council hereby denies Special Use Permit #4-21 for a restaurant with alcohol sales and service located at 1016 East Pacific Street, also identified as Parcel Number 31-1-0843-00, based upon the following standards and determinations: (List reason(s) why the Special Use Permit was denied)
3. If YES, the City of Appleton Common Council hereby approves Special Use Permit #4-21 for a restaurant with alcohol sales and service located at 1016 East Pacific Street, also identified as Parcel Number 31-1-

0843-00, subject to the following conditions as they are related to the purpose of the City of Appleton Municipal Code and based on substantial evidence:

**CONDITIONS OF APPROVAL FOR SPECIAL USE PERMIT #4-21**

- A. The applicant shall receive approval of a Liquor License from the City Clerk prior to serving alcohol on the premises.
  - B. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.
  - C. The site shall be kept free of litter and debris.
  - D. All Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws shall be complied with.
  - E. The serving and consumption of alcohol is limited to the interior ground floor of the building, as identified on the attached development plan drawings. Any future expansions for the serving and/or consumption of alcohol may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.
  - F. This Special Use Permit is needed for on-site alcohol sales and consumption. Compliance with the plan of operation is required at all times. Changes to the plan of operation, including any future changes to the agent/operator, shall be submitted to the Community and Economic Development Department for review and approval.
4. The City Clerk’s Office is hereby directed to give a copy of this resolution to the owner/applicant, Community and Economic Development Department, Inspections Division, and any other interested party.

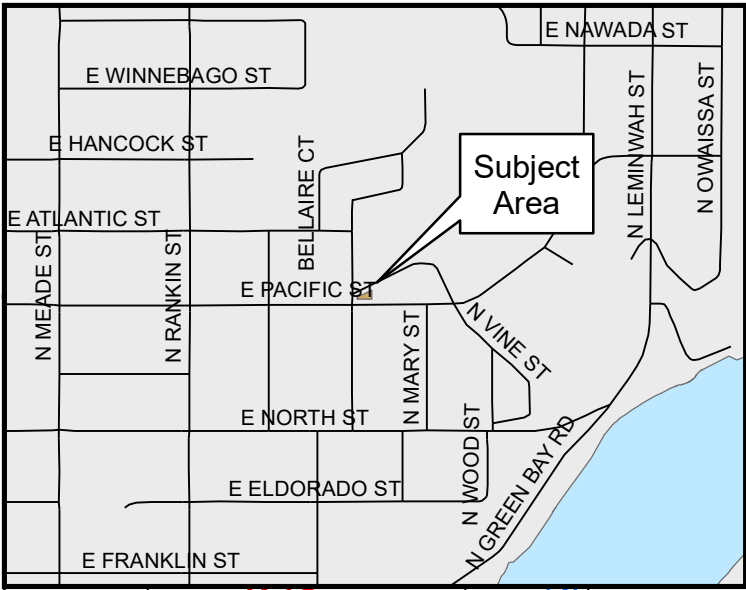
Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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

ATTEST:

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

1016 East Pacific Street  
Special Use Permit  
Restaurant with Alcohol Sales  
Zoning Map





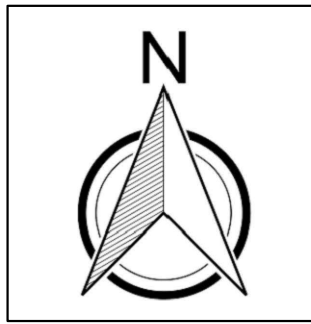
# SITE PLAN

1016 E Pacific Street  
Appleton, WI 54911

Parcel ID: 31-1-0843-00

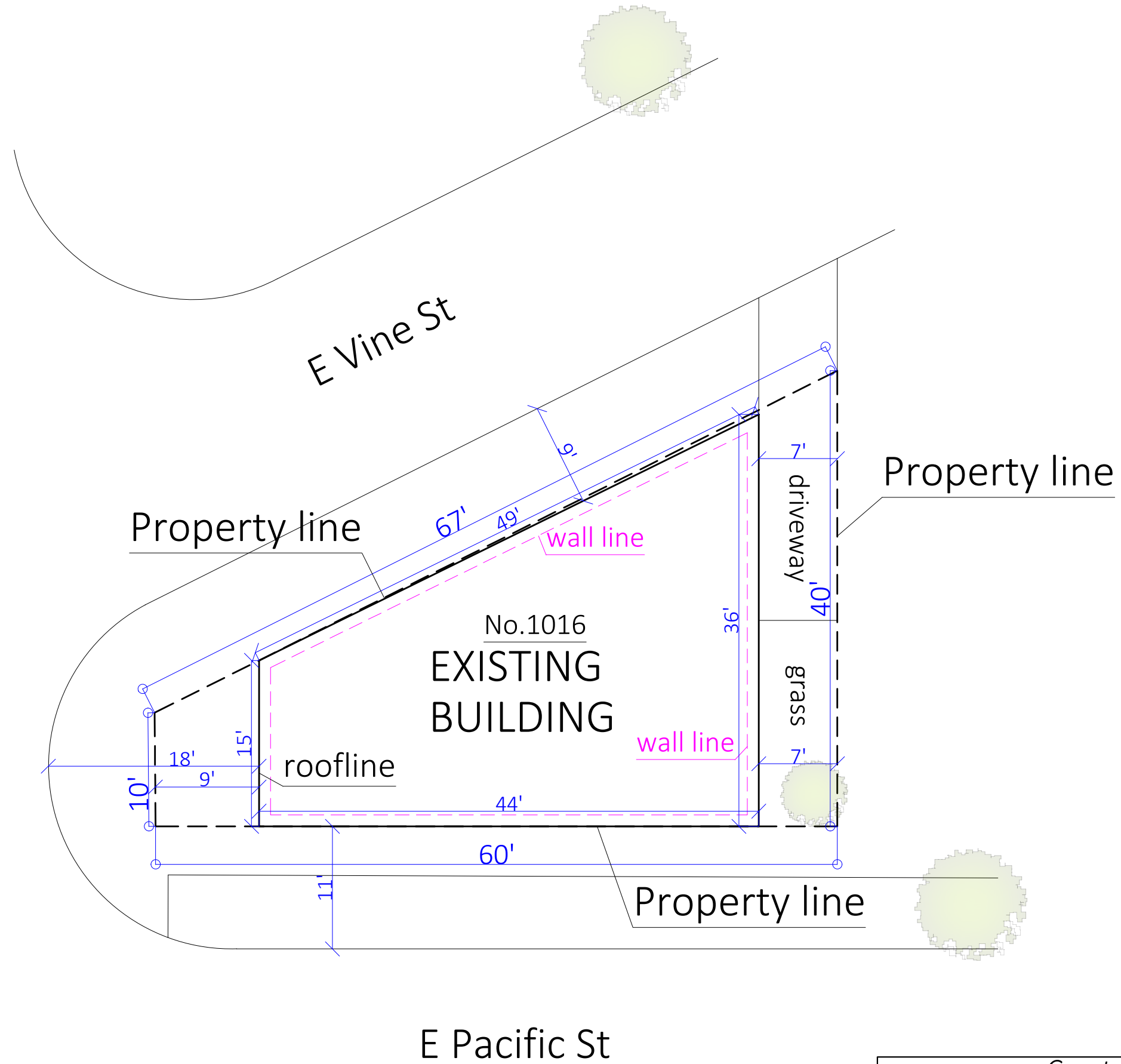
Lot area: 0.03 Acres

Plot Size: 11"x17"



scale 1"=10'

N Tonka St

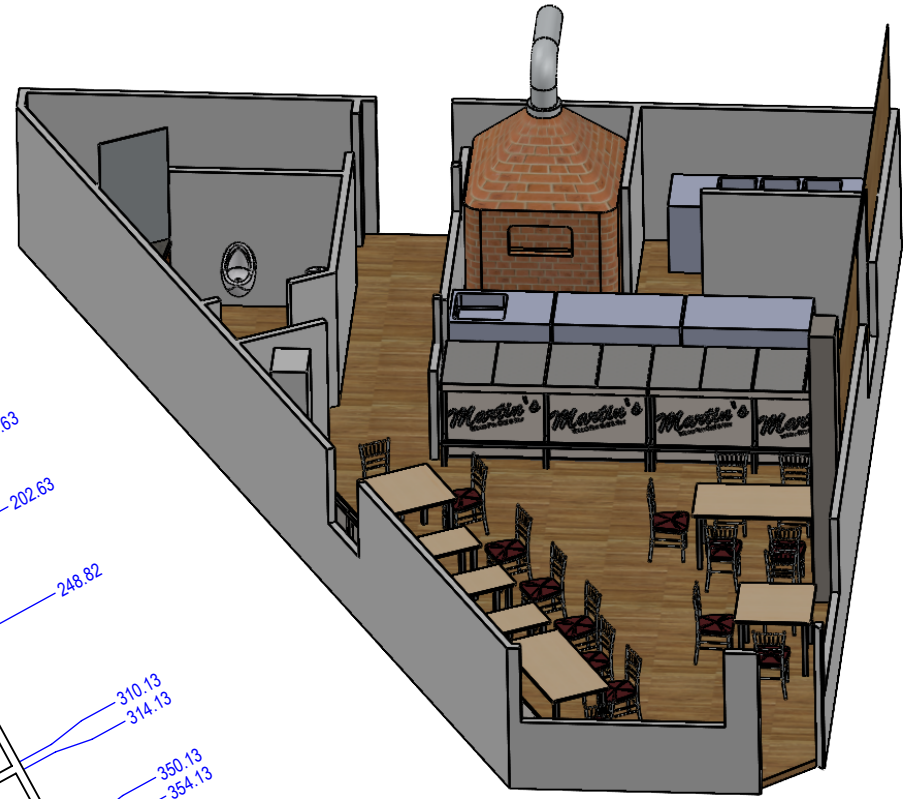
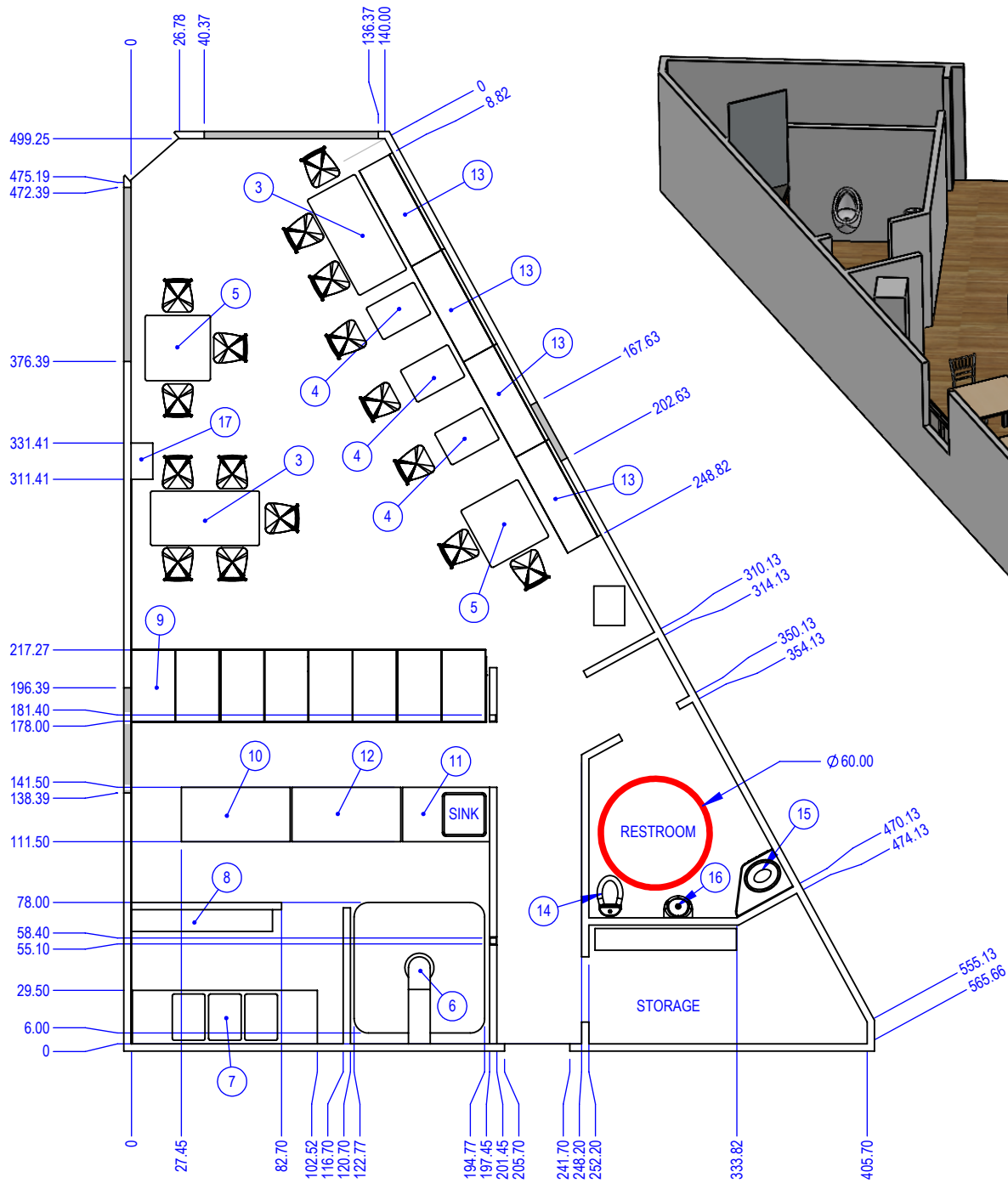


Created by:





ITEM NO.	DESCRIPTION	
1	FLOOR BASE	1
2	WALLS	1
3	TABLE ASSEMBLY 60X30	2
4	TABLE ASSEMBLY 30X20	3
5	TABLE ASSEMBLY 36X36	2
6	OVEN	1
7	TRIPPLE SINK	1
8	SHELVING	2
9	BAR ASSEMBLY	1
10	WORK TABLE - 60 X 30	1
11	WORK TABLE - 48 X 30	1
12	COOLER - 60 X 30	1
13	BENCH ASSEMBLY	2
14	TOILET	1
15	BATHROOM SINK	1
16	URINAL	1
17	AIR DUCT	1
18	WOOD PANEL WALL	1



**JD Industries LLC**  
 4330 Zane Ave N.  
 Crystal, MN 55422  
 justin@jd-industries.com

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Unless Otherwise Stated:  
 Linear Tol.: ±0.005", Angular Tol.: 1°  
 Surface Finish: 0.8µm  
 All Dimensions: INCHES

Scale: 1:90  
 Sheet: 1 of 1  
 Sheet Size: A4



Third Angle  
 Config: Default  
 Weight: 70108.0  
 65

Title **Building Assembly**  
 Assembly:  
 Location: D:\OneDrive\Solidworks\Martin's\FloorPlan\

Part No.: **NA**

Client:  
 Updated: 10/13/2021  
 Drawn By: justin  
 Drawn Date: 8/20/2021  
 Revision: 0

## PLAN OF OPERATION AND LOCATIONAL INFORMATION

### Business information:

Name of business: Alpine Swift

Years in operation: 0

(Check applicable proposed business activity(s) proposed for the premises)

- Restaurant
- Tavern/Night Club/Wine Bar
- Painting/Craft Studio
- Microbrewery/Brewpub (manufacturing a total of not more than 310,000 U.S. gallons of fermented malt beverages per calendar year)
- Brewery (manufacturing a total of more than 310,000 U.S. gallons of fermented malt beverages per calendar year)
- Winery (manufacturing of wine)
- Craft-Distillery (manufacturing a total of not more than 100,000 proof gallons of intoxicating liquor per calendar year)
- Distillery (manufacturing a total of more than 100,000 proof gallons of intoxicating liquor per calendar year)
- Tasting room offering fermented malt beverages, wine or intoxicating liquor for consumption and/or retail sales on the premises where the fermented malt beverages, wine or intoxicating liquor is manufactured and/or at an off-premises location associated with premises. Tasting rooms may include food sales.
- Other \_\_\_\_\_

Detailed explanation of proposed business activities:

We propose to open a community based restaurant serving Pizza, Shareables, Salads and dessert. We plan to be open 4 days a week serving Beer and wine only.

Existing gross floor area of building/tenant space, including outdoor spaces:

(square feet) 1000

Proposed gross floor area of building/tenant space, including outdoor spaces:

(square feet) no change

**Occupancy limits:**

Maximum number of persons permitted to occupy the building or tenant space as determined by the International Building Code (IBC) or the International Fire Code (IFC), whichever is more restrictive: 30 persons.

**Proposed Hours of Operation for Indoor Uses:**

Day	From	To
Monday thru Thursday	4 pm	9 pm
Friday	4 pm	10 pm
Saturday	4 pm	10 pm
Sunday	Closed	Closed

**Production/Storage information:**

(Check applicable proposed business activity(s) proposed for the premises)

- Current production of fermented malt beverages: \_\_\_\_\_ U.S. gallons per year
- Proposed production of fermented malt beverages: \_\_\_\_\_ U.S. gallons per year
- Current production of wine: \_\_\_\_\_ U.S. gallons per year
- Proposed production of wine: \_\_\_\_\_ U.S. gallons per year
- Current production of intoxicating liquor: \_\_\_\_\_ proof gallons per year
- Proposed production of intoxicating liquor: \_\_\_\_\_ proof gallons per year
- None. If none, leave the following 2 storage questions blank.

Identify location of grains and/or juice, grapes, other fruits or other agricultural product storage and type of storage container(s) used:

Identify the storage location of spent grains and/or grapes, other fruits or other agricultural products and type of storage container(s) used:

**Outdoor Space Uses:**

(Check applicable outdoor space uses)

- Patio
- Deck
- Sidewalk Café
- Other \_\_\_\_\_

None. If none, leave the following questions in this section blank.

Size: \_\_\_\_\_ square feet

Type of materials used and height of material to enclose the perimeter of the outdoor space:

Fencing  Landscaping  Other \_\_\_\_\_ Height \_\_\_\_\_ feet

Is there any alcohol consumption incorporated within the outdoor facility? Yes  No

If yes, please describe:

Are there plans for outdoor music/entertainment? Yes  No

If yes, describe how the noise will be controlled:

Is there any food service incorporated in this outdoor facility proposal? Yes  No

**Proposed Hours of Operation for Outdoor Space:**

Day	From	To
Monday thru Thursday		
Friday		
Saturday		
Sunday		

**NOTE: 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.**

**Describe Any Potential Noise Emanating From the Proposed Use:**

Describe the noise levels anticipated from all equipment or other mechanical sources:

A minimal exhaust fan noise

Describe how the crowd noise will be controlled inside and outside the building:

Staff will monitor crowd noise levels inside and outside premises.

**Off-Street Parking:**

Number of spaces existing on-site: 1

Number of spaces proposed on-site: 1

**Street Access:**

Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

yes, street access is adequate to minimize impacts on traffic flow.

**Other Licensed Premises:**

The number of licensed premises within the immediate geographic area of the proposed location will be considered in order to avoid an undue concentration that may have the potential of creating public safety problems or deterring neighborhood development.

List nearby licensed premises:

None

**Number of Employees:**

Number of existing employees: 1

Number of proposed employees: 5

Number of employees scheduled to work on the largest shift: 5

**CITY OF APPLETON  
RESOLUTION FOR SPECIAL USE PERMIT #4-21  
RESTAURANT WITH ALCOHOL  
1016 EAST PACIFIC STREET**

**WHEREAS**, Adam Marty, Alpine Swift, has applied for a Special Use Permit for a restaurant with alcohol sales and service located at 1016 East Pacific Street, also identified as Parcel Number 31-1-0843-00; and

**WHEREAS**, the location for the proposed restaurant with alcohol sales and service is located in the C-2 General Commercial District, and the proposed use may be permitted by Special Use Permit within this zoning district pursuant to Chapter 23 of the Municipal Code; and

**WHEREAS**, the City of Appleton Plan Commission held a public hearing on January 12, 2022 on Special Use Permit #4-21, at which all those wishing to be heard were allowed to speak or present written comments and other materials at the public hearing; and

**WHEREAS**, the City of Appleton Plan Commission has reviewed and considered the Community and Economic Development Department's staff report and recommendation, as well as other spoken and written evidence and testimony presented at the public hearing; and

**WHEREAS**, the City of Appleton Plan Commission reviewed the standards for granting a Special Use Permit under Sections 23-66(e)(1-8) of the Municipal Code; and

**WHEREAS**, the City of Appleton Plan Commission reviewed the standards for imposing conditions on the Special Use Permit under Section 23-66(c)(5) of the Municipal Code, and forwarded Special Use Permit #4-21 to the City of Appleton Common Council with a favorable conditional or not favorable (CIRCLE ONE) recommendation; and

**WHEREAS**, the City of Appleton Common Council has reviewed the report and recommendation of the City of Appleton Plan Commission at their meeting on January 19, 2022.

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED** by the Common Council, based on Community and Economic Development Department's staff report and recommendation, as well as other spoken and written evidence and testimony presented at the public hearing and Common Council meeting, and having considered the recommendation of the City Plan Commission, that the Common Council:

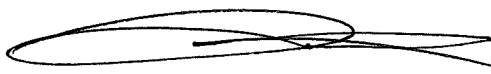
1. Determines all standards listed under Sections 23-66(e)(1-8) of the Municipal Code are found in the affirmative YES or NO (CIRCLE ONE)
2. If NO, the City of Appleton Common Council hereby denies Special Use Permit #4-21 for a restaurant with alcohol sales and service located at 1016 East Pacific Street, also identified as Parcel Number 31-1-0843-00, based upon the following standards and determinations: (List reason(s) why the Special Use Permit was denied)
3. If YES, the City of Appleton Common Council hereby approves Special Use Permit #4-21 for a restaurant with alcohol sales and service located at 1016 East Pacific Street, also identified as Parcel Number 31-1-

0843-00, subject to the following conditions as they are related to the purpose of the City of Appleton Municipal Code and based on substantial evidence:

**CONDITIONS OF APPROVAL FOR SPECIAL USE PERMIT #4-21**

- A. The applicant shall receive approval of a Liquor License from the City Clerk prior to serving alcohol on the premises.
  - B. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.
  - C. The site shall be kept free of litter and debris.
  - D. All Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws shall be complied with.
  - E. The serving and consumption of alcohol is limited to the interior ground floor of the building, as identified on the attached development plan drawings. Any future expansions for the serving and/or consumption of alcohol may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.
  - F. This Special Use Permit is needed for on-site alcohol sales and consumption. Compliance with the plan of operation is required at all times. Changes to the plan of operation, including any future changes to the agent/operator, shall be submitted to the Community and Economic Development Department for review and approval.
4. The City Clerk's Office is hereby directed to give a copy of this resolution to the owner/applicant, Community and Economic Development Department, Inspections Division, and any other interested party.

Adopted this 19th day of January, 2022.

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

ATTEST:

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

# Original Alcohol Beverage Retail License Application

(Submit to municipal clerk.)

For the license period beginning: 07/01/2021 ending: 0630/2022  
(mm dd yyyy) (mm dd yyyy)

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

County of Outagamie Aldermanic Dist. 11  
 (if required by ordinance)

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

Applicant's Wisconsin Seller's Permit Number [REDACTED]	
FEIN Number [REDACTED]	
TYPE OF LICENSE REQUESTED	FEE
<input type="checkbox"/> Class A beer	\$
<input type="checkbox"/> Class B beer	\$
<input type="checkbox"/> Class C wine	\$
<input checked="" type="checkbox"/> Class A liquor	\$ <u>360</u>
<input type="checkbox"/> Class A liquor (cider only)	\$ N/A
<input type="checkbox"/> Class B liquor	\$
<input type="checkbox"/> Reserve Class B liquor	\$
<input type="checkbox"/> Class B (wine only) winery	\$
Publication fee	\$
<b>TOTAL FEE</b>	\$ <u>360</u>

Name (individual / partners give last name, first, middle; corporations / limited liability companies give registered name)  
Banee Corporation

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

President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Arora	Parmeet	Kaur	8176 Basil CT Neenah, WI 54956
Vice President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Secretary / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Treasurer / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Agent Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

1. Trade Name Appleton Mobil Business Phone Number 920-731-4734

2. Address of Premises 1717 W College Ave Appleton Post Office & Zip Code 54914

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

Convenience Store, one building  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

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

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



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

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

Contact Person's Name (Last, First, M.I.) Arora Parmeet K	Title/Member Owner	Date 07/27/20
Signature 	Phone Number 	Email Address 

**TO BE COMPLETED BY CLERK**

Date received and filed with municipal clerk 1-10-22	Date reported to council / board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	



# City of Appleton

## Alcohol License Questionnaire

1. Name of Applicant: Parmeet K. Arora

2. Name of Business: Appleton mobil

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

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

3. Address of Business: 1717 W. College Ave Appleton, WI

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

AND/OR been convicted of a felony? Yes \_\_\_\_\_ No X

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

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

First name	M.I.	Last name	Date of Birth

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

Name: PARMEET K. ARORA  
First name Middle Initial Last name

Address: 8176 BASIL CR. NIZNAM WI 54956  
City State ZIP

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

Name: Appleton Citygo

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

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

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

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

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

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

0 months ago.

10. Seating capacity: Inside 0 Outside 0

11. Operating hours (Inside the building): 6 AM - 12 AM  
Operating hours (Outdoor seating areas): \_\_\_\_\_

12. Employees/Staff  
Number of floor personnel 3 Number of door checkers 0

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

- a. Gross floor building area of the premises to be licensed: \_\_\_\_\_ square feet.
- b. Gross outdoor seating areas of the premises to be licensed: 0 square feet.
- c. Below, identify the operational details of the proposed establishment:

store with no seating area, we currently sell beer.

[Signature]  
Signature

7/28/21  
Date

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

Submit to municipal clerk.

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

To the governing body of:  Town  
 Village of Appleton County of Outagamie  
 City

The undersigned duly authorized officer/member/manager of Banee Corp  
(Registered Name of Corporation / Organization or Limited Liability Company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as Appleton Mobil  
(Trade Name)

located at 1717 W College Ave Appleton, WI 54914

appoints Parmeet Kaur Arora  
(Name of Appointed Agent)  
8176 Basil CT Neenah, WI 54956  
(Home Address of Appointed Agent)

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

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

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

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 6 yrs

Place of residence last year 8176 Basil CT Neenah, WI 54914

For: Banee Corp  
(Name of Corporation / Organization / Limited Liability Company)

By: [Signature]  
(Signature of Officer / Member / Manager)

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

## ACCEPTANCE BY AGENT

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

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

[Signature] 7/28/21 Agent's age 22  
(Signature of Agent) (Date)  
8176 BASIL CT Date of birth 01/01/99  
(Home Address of Agent)

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

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

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

# Original Alcohol Beverage Retail License Application

(Submit to municipal clerk.)

For the license period beginning: 07/01/2021 ending: 06/30/2022  
(mm dd yyyy) (mm dd yyyy)

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

County of OUTAQUAMIE Aldermanic Dist. No. \_\_\_\_\_  
 (if required by ordinance)

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

Applicant's Wisconsin Seller's Permit Number ●●●●●●●●●●	
FEIN Number ●●●●●●●●●●	
TYPE OF LICENSE REQUESTED	FEE
<input type="checkbox"/> Class A beer	\$
<input type="checkbox"/> Class B beer	\$
<input type="checkbox"/> Class C wine	\$
<input type="checkbox"/> Class A liquor	\$
<input type="checkbox"/> Class A liquor (cider only)	\$ N/A
<input checked="" type="checkbox"/> Class B liquor	\$ <u>500</u>
<input type="checkbox"/> Reserve Class B liquor	\$
<input type="checkbox"/> Class B (wine only) winery	\$
Publication fee	\$ <u>60</u>
<b>TOTAL FEE</b>	<b>\$ <u>560</u></b>

Name (individual / partners give last name, first, middle; corporations / limited liability companies give registered name)  
CHOMSEMPHET, SOUVANAPITA

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

President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Vice President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Secretary / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Treasurer / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Agent Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

1. Trade Name BASIL CAFE Business Phone Number (920) 830-6741  
 2. Address of Premises 1513 N RICHMOND ST. Post Office & Zip Code 54915

3. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.)  
FULL SERVICE RESTAURANT, APPROX 6,000 SQ FT. SERVING IN 2 DINING ROOMS AND A LOUNGE AND BAR SEATING AREA LIQUOR / BEER / WINE WILL BE STORED IN OUR DRY STORAGE INVENTORY ROOM AS WELL AS OUR BAR BACK AREA AND BEER COOLERS.

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

5. (a) Was this premises licensed for the sale of liquor or beer during the past license year?  Yes  No  
 (b) If yes, under what name was license issued? SOU CHOMSEMPHET D/B/A BASIL CAFE

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

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

Contact Person's Name (Last, First, M.I.) <b>DEWALAK CHUMSISEMWHET, SCAPALYA</b>	Title/Member <b>GENERAL MANAGER</b>	Date <b>1/11/2022</b>
Signature <i>[Handwritten Signature]</i>	Phone Number <b>[REDACTED]</b>	Email Address <b>[REDACTED]</b>

**TO BE COMPLETED BY CLERK**

Date received and filed with municipal clerk <b>1-17-22</b>	Date reported to council / board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	



# City of Appleton Alcohol License Questionnaire

1. Name of Applicant: SOUVANNAPHA CHOMSISENGPHET

2. Name of Business: BASIL CAFE

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

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

3. Address of Business: 1513 N RICHMOND ST. APPLETON, WI 54914

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

AND/OR been convicted of a felony? Yes \_\_\_\_\_ No X

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

<u>SOUVANNAPHA</u>		<u>CHOMSISENGPHET</u>	
First name	M.I.	Last name	Date of Birth
			/ /

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

Name: \_\_\_\_\_  
First name Middle Initial Last name

Address: \_\_\_\_\_  
City State ZIP

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

Name: BASIL CAFE

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

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

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

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

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

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

*CURRENTLY OPERATING* \_\_\_\_\_ months ago.

10. Seating capacity: Inside 123 Outside N/A

11. Operating hours (Inside the building): TUE-FRI 11AM-2PM | 4:30-12AM ; SAT NOON-MIDNIGHT  
Operating hours (Outdoor seating areas): \_\_\_\_\_

12. Employees/Staff  
Number of floor personnel 6-8 Number of door checkers 1-2

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

- a. Gross floor building area of the premises to be licensed: 5,000 SQ FT square feet.
- b. Gross outdoor seating areas of the premises to be licensed: N/A square feet.
- c. Below, identify the operational details of the proposed establishment:

FULL SERVICE RESTAURANT WITH A BEER/WINE LICENSE ALREADY;  
JUST LOOKING TO ADD A LIQUOR LICENSE FOR CRAFT COCKTAILS.

\_\_\_\_\_  
Signature

7 JAN 2022  
Date





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LEGAL SERVICES DEPARTMENT

Office of the City Clerk

**Kami Lynch, Clerk**

100 North Appleton Street

Appleton, WI 54911

Phone: 920/832-6443

Fax: 920/832-5823

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**To: Katie Van Zeeland, Safety & Licensing Committee Chair, Safety & Licensing Committee Members**

**From: Kami Lynch, City Clerk**

**Date: January 20, 2022**

**Re: Recommendation to change the Farmers Market License duration**

**Sec. 9-816** of the municipal code relating to Farmers Markets reads:

*License required. Each farm market shall have an individual designated as agent. Each market shall be licensed annually by the City. The term shall be the calendar year, and all licenses shall expire or terminate on December 31 of each year.*

This provision does not adequately conform to the ways in which our farm markets currently operate. For example, ADI hosts a farm market in the summer and also hosts a winter farm market. Because the nature, location, and vendors of the two farm markets are substantially different, two separate licenses are required. The winter farm market typically runs from October/November through March/April. Per our code as it is written, the winter farm market then requires two licenses as it crosses into a new calendar year.

Therefore, it is proposed that Sec. 9-816 of the municipal code relating to Farmers Markets be revised to read:

*License required. Each farm market shall have an individual designated as agent. Each market shall be licensed ~~annually~~ by the City. The term shall be a maximum duration of 6 months ~~the calendar year, and all licenses shall expire or terminate on December 31 of each year.~~*

If there are any questions related to this proposal, please do not hesitate to contact me.

Respectfully,

Kami Lynch, City Clerk



Compassion . Integrity . Courage

Appleton Police Department

222 South Walnut Street  
Appleton, WI 54911 - 5899  
(920)832-5500  
Fax: (920)832-5553  
<http://www.appleton.org/police>

**To:** Chief Thomas  
**From:** Sgt. Biese  
**Re:** Request for Nuisance Ordinance Update  
**Date:** 01/20/22

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Dear Chief Thomas:

I am writing to request consideration of an ordinance update.

Appleton Municipal Code Sec. 12-141(4) defines a Chronic Nuisance Premise as it relates to drug nuisances as:

... a premises which has had one (1) enforcement action associated with the premises resulting from the manufacture, delivery or distribution of a controlled substance(s) as defined in Chapter 961 of the Wisconsin Statutes or a premises which is used as a meeting place of a criminal gang, or that is used to facilitate the activities of a criminal gang as defined in s.939.22(9), Wis. Stats.

This ordinance seems to parallel Wis. Stat. § 823.113(1), which defines a chronic nuisance premise as (emphasis added):

Any building or structure that is ***used to facilitate*** the delivery, distribution or manufacture, as defined in s. [961.01 \(6\)](#), [\(9\)](#) and [\(13\)](#) respectively, of a controlled substance, as defined in s. [961.01 \(4\)](#), or a controlled substance analog, as defined in s. [961.01 \(4m\)](#), and any building or structure where those acts take place, is a public nuisance and may be proceeded against under this section.

It appears that our ordinance is missing inclusion of the word “facilitate.” This may have occurred because the state law appears to have been created after our municipal ordinance was created. Regardless, this omission is more constrictive than its statutory counterpart and therefore creates a higher burden of proof for enforcement purposes.

I propose Municipal Code Sec. 12-141(4) be revised to include “facilitation of”, which I have bolded and italicized below:

Is a premises which has had one (1) enforcement action associated with the premises resulting from ***facilitation of*** the manufacture, delivery or distribution of a controlled substance(s) as defined in Chapter 961 of the Wisconsin Statutes or a premises which is used as a meeting place of a criminal gang, or that is used to facilitate the activities of a criminal gang as defined in s.939.22(9), Wis. Stats.

Finally, I have reviewed this modification with Deputy City Attorney Abshire who advised that this update is consistent with state law. Thank you for your consideration.

Sincerely,

Sgt. Christopher Biese 9144

Community Liaison Officer



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Public Hearing Date:** January 26, 2022

**Common Council Meeting Date:** February 2, 2022

**Item:** Special Use Permit #1-22 for a car wash

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

### GENERAL INFORMATION

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**Owner:** John Dyke – Wolf Pack 3 Investments LLC

**Applicant:** Michael Leidig – Robert E. Lee & Associates

**Address/Parcel #:** 3040 East College Avenue (Tax Id #31-4-5704-01)

**Petitioner's Request:** The applicant is requesting a Special Use Permit for a car wash.

### BACKGROUND

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The subject parcel is developed with a restaurant with alcohol (Special Use Permit #7-96 and Site Plan #96-33) known as Applebee's which is not presently in operation.

The subject parcel (48,125 square feet) was created by CSM 2637 (File #96-15).

The subject parcel was rezoned from M-1 Industrial Park District to C-2 General Commercial District pursuant to Rezoning #14-95.

### STAFF ANALYSIS

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**Project Summary:** The applicant proposes to demolish the existing building and construct a car wash on the subject site called Club Car Wash as shown on the attached development plans. The proposed development includes the following:

- The existing building will be demolished.
- A 6,044 square foot automated car wash building with a single service bay.
- Car wash stacking spaces for 17-19 vehicles are located along the west side of the building with the service bay entrance located on the south side of the building.
- The existing driveway along the north will allowed cars to enter and leave the site while the driveway along the west lot line will be closed.
- 21 vacuum stations.
- Energy efficient LED light fixtures for all exterior lighting.
- Indoor bicycle parking.
- Green space/landscaping areas equaling 25.6%.
- Utilizing a water reclamation system.

**Special Use Permit #1-22**  
**January 26, 2022**  
**Page 2**

- Drying system located on the north side of the building adjacent to commercial uses, not residential uses.
- Proposed hours of operation are from 7:00 a.m. to 7:00 p.m./8:00 p.m. Monday thru Saturday and 8:00 a.m. to 7:00 p.m./8:00 p.m. on Sunday.

**Operational Information:** A plan of operation is attached to the staff report.

**Existing Site Conditions:** See background section.

**Surrounding Zoning and Land Uses:** The surrounding area is under the jurisdiction of the City of Appleton (north, south, east, and west). The site is surrounded on all sides by existing commercial development. The nearest residential development is the Rolling Meadows Second Addition subdivision which is approximately 325 feet south of the car wash entrance and 487 feet from the car wash exit.

**North:** C-2 General Commercial District. The adjacent land use to the north is a mix of commercial uses (restaurant, professional service, and retail).

**South:** R-1B Single-family District. The adjacent land uses to the south are C.T.H. CE and single-family residential.

**East:** C-2 General Commercial District. The adjacent land use to the east is commercial (gas station with car wash).

**West:** C-2 General Commercial District. The adjacent land use to the west is a mix of commercial uses (restaurant, professional service, and automobile repair).

**Appleton Comprehensive Plan 2010-2030:** Community and Economic Development staff has reviewed this proposal and determined it is compatible with the Commercial designation shown on the City's *Comprehensive Plan 2010-2030* Future Land Use Map. Listed below are related excerpts from the City's *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 8 – Economic Development*

*Appleton will pursue economic development that retains and attracts talented people, brings good jobs to the area, and supports the vitality of its industrial areas, downtown, and neighborhood business districts.*

**OBJECTIVE 9.4 Economic Development:**

*Ensure the continued vitality of downtown and the City's neighborhood commercial districts.*

**Zoning Standards:** The table below compares the proposed development plans (attached) with the applicable C-2 District development regulations of the Zoning Ordinance. The proposal meets all applicable requirements listed in Table 1. It's important to note, the development plans are subject to change during the formal site plan review process as a result of the project being reviewed against all applicable Municipal Code requirements.

**Table 1**

	<b>C-2 District Requirements</b>	<b>Proposed</b>
<b>Lot Area</b>	Minimum: 14,000 square feet	48,125 square feet
<b>Building Setbacks</b>		
<i>Front yard:</i>	Minimum: 10 feet, east lot line.	88 feet
<i>Front yard</i>	Minimum: 10 feet, south lot line.	42 feet
<i>Side yard:</i>	Minimum: 10 feet from residential zoned districts.	N/A
<i>Side yard:</i>	Minimum: 0 feet, west lot line.	39 feet
<i>Rear yard:</i>	Minimum: 20 feet, north lot line.	66 feet
<b>Maximum Lot Coverage</b>	75%	74.4%
<b>Maximum Building Height</b>	35 feet, unless a special use permit is approved	24.8 feet
<b>Vehicle Stacking Spaces</b>	Minimum: 6 stacking spaces per wash bay	17-19 spaces
<b>Drive-Aisle Width</b>	Minimum: 24 feet for Two Way Traffic	28 feet to 30 feet
<b>Perimeter Landscape Buffer and Materials</b>	Minimum: 5 feet, north lot line Minimum: 8 feet, south lot line Minimum: 8 feet, east lot line Minimum: 5 feet, west lot line Minimum: 1 shade or ornamental tree ever 50 feet on center: (4 trees east lot line) (3 trees south lot line) (6 trees west lot line) (3 trees north lot line) Minimum: 2-3 foot high evergreen or deciduous shrubs across 80% of the length of parking frontage (east lot line).	6.02 feet 8.8 feet 12.7 feet 12.5 feet  5 4 6 3  87%
<b>Dumpster Location</b>	Minimum: 5 feet from side or rear lot line	5 feet, side yard
<b>Bicycle Parking</b>	Indoors or outdoors	Indoors

**Current Zoning and Procedural Findings:** The subject property has a zoning designation of C-2 General Commercial District. Per Section 23-113(e) of the Municipal Code, a car wash requires a Special Use Permit in the C-2 District. The Plan Commission makes a recommendation to the Common Council who will make the final decision on the Special Use Permit. A two-thirds vote of the Common Council is required for approval.

**Zoning Ordinance Requirements and Substantial Evidence:** When reviewing an application for a Special Use Permit, the City must determine if the applicant’s proposal satisfies Municipal Code requirements and conditions. Pursuant to Section 23-66(c)(5) of the Municipal Code, the Plan Commission and Common Council must provide substantial evidence supporting their decision to approve, approve with conditions, or deny the Special Use Permit. Substantial evidence means “facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a Special Use Permit and that reasonable persons would accept in support of a conclusion.” Any requirements and conditions listed for approval must be reasonable, and to the extent practicable, measurable.

**Finding of Fact:** This request was reviewed in accordance with the standards for granting a Special Use Permit under Section 23-66(e)(1-8) of the Municipal Code: (1. *proper zoning district:* C-2 zoning allows car washes as a special use permit, 2. *zoning district regulations:* the proposed project meets all applicable requirements, see table 1 above, 3. *special regulations:* not applicable to carwashes, 4. *consistent with comprehensive plan and other plans:* yes, see above analysis, 5. *traffic:* the existing driveway along the north will allow cars to enter and leave the site, no concerns submitted by traffic engineer, 6. *landscaping and screening:* the proposed project proposes landscaping enhancements consistent with zoning ordinance standards, see table 1 above, 7. *neighborhood compatibility:* the proposed use is located adjacent to existing commercial uses and CTH CE, and 8. *impact on services:* the City has existing utilities, services and equipment in place to serve this proposed use). These standards were found in the affirmative, as long as all stipulations are satisfied.

**Technical Review Group (TRG) Report:** This item appeared on the January 18, 2022 TRG agenda. No negative comments were received from participating departments.

**RECOMMENDATION**

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Staff recommends, based on the above, that Special Use Permit #1-22 for a car wash located at 3040 East. College Avenue (Tax Id #31-4-5704-01), as shown on the attached materials and per attached plan of operation, along with the attached resolution, **BE APPROVED** to run with the land, subject to the following conditions:

1. The owner shall have twelve (12) months from the issuance of the Special Use Permit to obtain a building permit and/or occupancy permit for the proposed carwash or Special Use Permit #1-22 will expire pursuant to Sections 23-66 (f)(1) b. and c. of the Zoning Ordinance.

*Substantial Evidence: Standardized condition to ensure the use is established in a timely manner. This condition will not be applicable when the building permit and/or occupancy permit is issued.*

2. Prior to the construction of the carwash and building permits being issued, site plan review and approval is required, pursuant to Section 23-570 of the Municipal Code.

*Substantial Evidence: This condition provides notice to the owner and applicant that they are required to receive site plan approval from the Community and Economic Development Department prior to receiving building permits from the Inspection Division for the project pursuant to Section 23-570(e)4) of the Zoning Ordinance.*

3. All Zoning, Building, Fire, Engineering, Utility, Noise and other Municipal Codes, and all applicable State and Federal laws shall be complied with.

*Substantial Evidence: This condition assures the applicant understands they must follow the City's Municipal Code and all applicable State and Federal laws which they are required to follow while conducting business in the City; failure to follow City, State and Federal regulations may result in enforcement action pursuant to Sections 1-16, 1-17, 23-66(f)(5) and 23-69 of the Municipal Ordinance.*

4. Any future expansions of the carwash, changes to the development plans, plan of operation or any conditions of approval may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance. Contact the Community and Economic Development Department to discuss any proposed changes.

*Substantial Evidence: Standardized condition that establishes parameters for the current application and identifies the process for review of any future changes to the special use.*



**CITY OF APPLETON  
RESOLUTION FOR SPECIAL USE PERMIT #1-22  
CAR WASH  
3040 EAST COLLEGE AVENUE**

**WHEREAS**, John Dyke, Wolf Pack 3 Investments, has applied for a Special Use Permit for a car wash located at 3040 East College Avenue, also identified as Parcel Number 31-4-5704-01; and

**WHEREAS**, the location for the proposed car wash is located in the C-2 General Commercial District, and the proposed use may be permitted by Special Use Permit within this zoning district pursuant to Chapter 23 of the Municipal Code; and

**WHEREAS**, the City of Appleton Plan Commission held a public hearing on January 26, 2022 on Special Use Permit #1-22, at which all those wishing to be heard were allowed to speak or present written comments and other materials at the public hearing; and

**WHEREAS**, the City of Appleton Plan Commission has reviewed and considered the Community and Economic Development Department's staff report and recommendation, as well as other spoken and written evidence and testimony presented at the public hearing; and

**WHEREAS**, the City of Appleton Plan Commission reviewed the standards for granting a Special Use Permit under Sections 23-66(e)(1-8) of the Municipal Code; and

**WHEREAS**, the City of Appleton Plan Commission reviewed the standards for imposing conditions on the Special Use Permit under Section 23-66(c)(5) of the Municipal Code, and forwarded Special Use Permit #1-22 to the City of Appleton Common Council with a favorable conditional or not favorable (CIRCLE ONE) recommendation; and

**WHEREAS**, the City of Appleton Common Council has reviewed the report and recommendation of the City of Appleton Plan Commission at their meeting on February 2, 2022.

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED** by the Common Council, based on Community and Economic Development Department's staff report and recommendation, as well as other spoken and written evidence and testimony presented at the public hearing and Common Council meeting, and having considered the recommendation of the City Plan Commission, that the Common Council:

1. Determines all standards listed under Sections 23-66(e)(1-8) of the Municipal Code are found in the affirmative YES or NO (CIRCLE ONE)
2. If NO, the City of Appleton Common Council hereby denies Special Use Permit #1-22 for a car wash located at 3040 East College Avenue, also identified as Parcel Number 31-4-5704-01, based upon the following standards and determinations: (List reason(s) why the Special Use Permit was denied)
3. If YES, the City of Appleton Common Council hereby approves Special Use Permit #1-22 for a car wash located at 3040 East College Avenue, also identified as Parcel Number 31-4-5704-01, subject to the

following conditions as they are related to the purpose of the City of Appleton Municipal Code and based on substantial evidence:

**CONDITIONS OF APPROVAL FOR SPECIAL USE PERMIT #1-22**

- A. The owner shall have twelve (12) months from the issuance of the Special Use Permit to obtain a building permit and/or occupancy permit for the proposed carwash or Special Use Permit #1-22 will expire pursuant to Sections 23-66 (f)(1) b. and c. of the Zoning Ordinance.
  - B. Prior to the construction of the carwash and building permits being issued, site plan review and approval is required, pursuant to Section 23-570 of the Municipal Code.
  - C. All Zoning, Building, Fire, Engineering, Utility, Noise and other Municipal Codes, and all applicable State and Federal laws shall be complied with.
  - D. Any future expansions of the carwash, changes to the development plans, plan of operation or any conditions of approval may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance. Contact the Community and Economic Development Department to discuss any proposed changes.
4. The City Clerk’s Office is hereby directed to give a copy of this resolution to the owner/applicant, Community and Economic Development Department, Inspections Division, and any other interested party.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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

ATTEST:

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

## PLAN OF OPERATION AND LOCATIONAL INFORMATION

### Business Information:

Name of business: CLUB CAR WASH

Years in operation: 15 YEARS

Type of proposed establishment (detailed explanation of business):

The proposed project includes the construction of a 6,044 square foot car wash building and the associated paved parking lot, driveways, and outdoor vacuum stations. The proposed car wash will be open Monday to Saturday from 7:00 AM to 8:00 PM during the summer and 7:00 AM to 7:00 PM during daylight savings. The car wash will only be open 8:00 AM to 8:00 PM or 8:00 AM to 7:00 PM on Sundays. The car wash will have 3 employees on site during all hours of operation. The vacuum stalls will be self-serve but the car wash will be staffed at all times.

### Proposed Hours of Operation of Car Wash:

Day	From	To
Monday thru Thursday	7:00 AM	7:00 PM/8:00 PM
Friday	7:00 AM	7:00 PM/8:00 PM
Saturday	7:00 AM	7:00 PM/8:00 PM
Sunday	8:00 AM	7:00 PM/8:00 PM

### Building Capacity, Operations, and Storage Areas:

Maximum number of persons permitted to occupy the building or tenant space as determined by the International Building Code (IBC) or the International Fire Code (IFC), whichever is more restrictive: 825 persons

Gross floor area of the existing building(s): 4,397 SF.

Gross floor area of the proposed building(s): 6,044 SF.

(Check applicable response)

Water reclamation system:  YES  NO

Anticipated water use: 3 MILLION average gallons per year.

Anticipated noise readings at the car wash entrance: 72 dBA.

Air Drying System:  YES  NO

If yes, describe the location of the air drying system: \_\_\_\_\_

DRYING SYSTEM WILL BE LOCATED ON THE NORTH SIDE OF THE CAR WASH.

If yes, identify the anticipated noise levels at the car wash tunnel exit: 80 dBA.

How will the noise be controlled?

Sound attenuating landscaping will be implemented. Expected adequate distance from property boundaries to meet Appleton noise ordinance levels at property / adjacent property boundaries. Building and vacuums are positioned so vacuums / tunnel exit blowers are on the opposite end from residential zoning across College Ave.

Identify location, number, capacity and type of flammable and non-flammable liquid materials stored in storage tanks or containers:

There are (3) total products that are classified as Corrosive. These products are the carwash's Prep Soap, Regular Soap, and Wheel Cleaner. There will be (2) 55-gallon barrels of each of these products stored in the Equipment Room along the interior wall at any given time, for a total volume of 330 gallons of Corrosive material. Each of these 55-gallon barrels are individually labeled with Hazardous/Corrosive warnings.

**Odor:**

Describe any odors emanating from the proposed use and plans to control them:

There will be no smoke emanating from the proposed use and no significant odor.

**Outdoor Lighting:**

Type (LED): LED light pole fixtures and LED exterior wall packs on building

Location: See attached lighting plan.

**Off-Street Parking/Stacking Spaces:**

Number of spaces existing on-site: 76.

Number of spaces proposed on-site: 4.

Number of existing stacking spaces on-site: 0.

Number of proposed stacking spaces on-site: 19.

**Bicycle Parking Spaces:** Type and Location: 1 BIKE SPACE WILL BE PROVIDED IN THE INTERIOR OF THE BUILDING.

\*Bicycle Parking Spaces are required per Municipal Code Section 23-172(I)(1)a., b. and c.

**Street Access:**

Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

ACCESS IS ADEQUATE

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**Outdoor Uses:**

(Check applicable response)

Vacuum Stations:  YES     NO

If yes, identify the number of vacuum stations proposed: 21.

If yes, identify the anticipated noise levels at the vacuum stations: 80 dBA.

**Proposed Hours of Operation of the Vacuum Stations:**

Day	From	To
Monday thru Thursday	7:00 AM	7:00 PM/8:00 PM
Friday	7:00 AM	7:00 PM/8:00 PM
Saturday	7:00 AM	7:00 PM/8:00 PM
Sunday	8:00 AM	7:00 PM/8:00 PM

If applicable, describe other outdoor services provided: NONE

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**Landscaping:**

Type and height of screening of plantings/fencing/gating for outdoor storage area(s):

SEE LANDSCAPING PLAN

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**Outdoor Display:**

Type, location, size of outdoor display area(s) of merchandise for sale or other business property:

NONE

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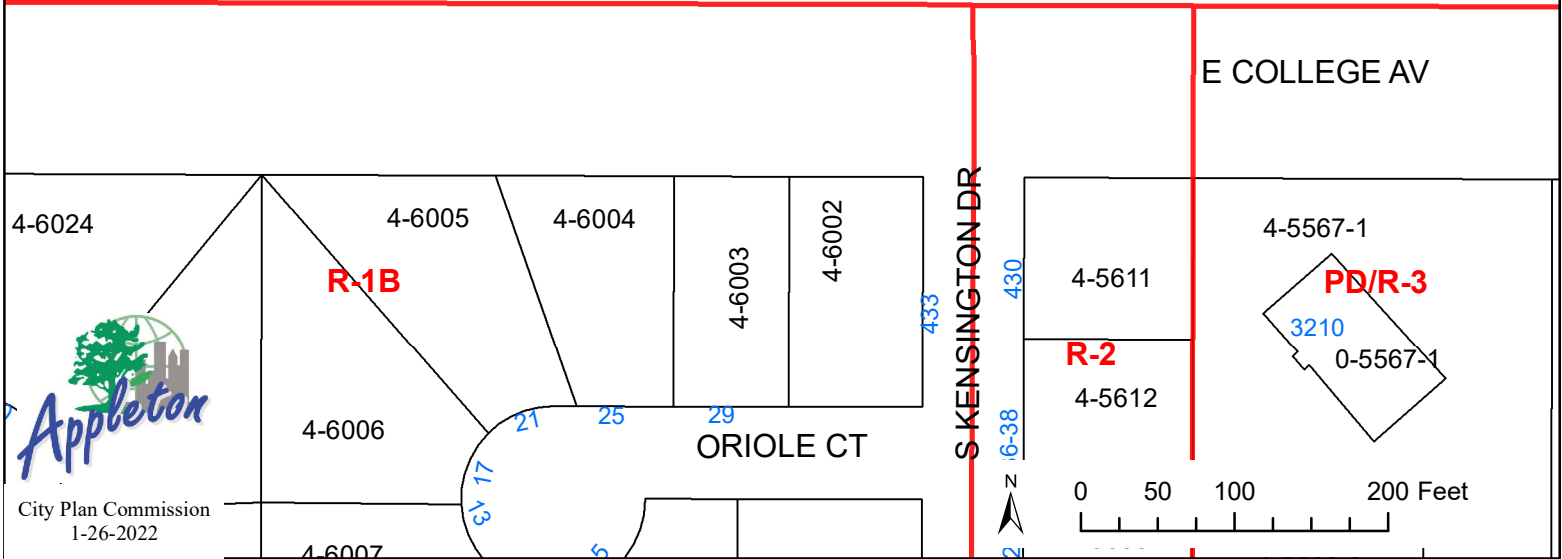
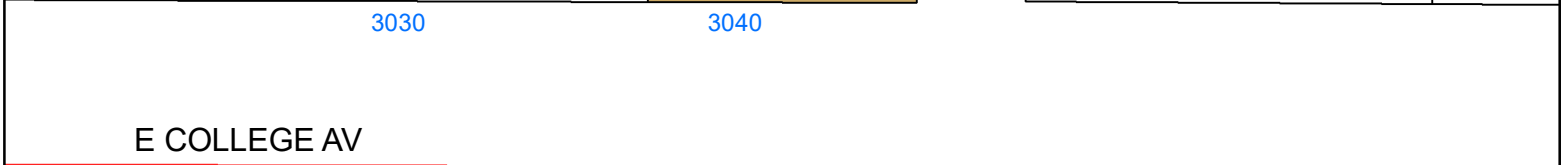
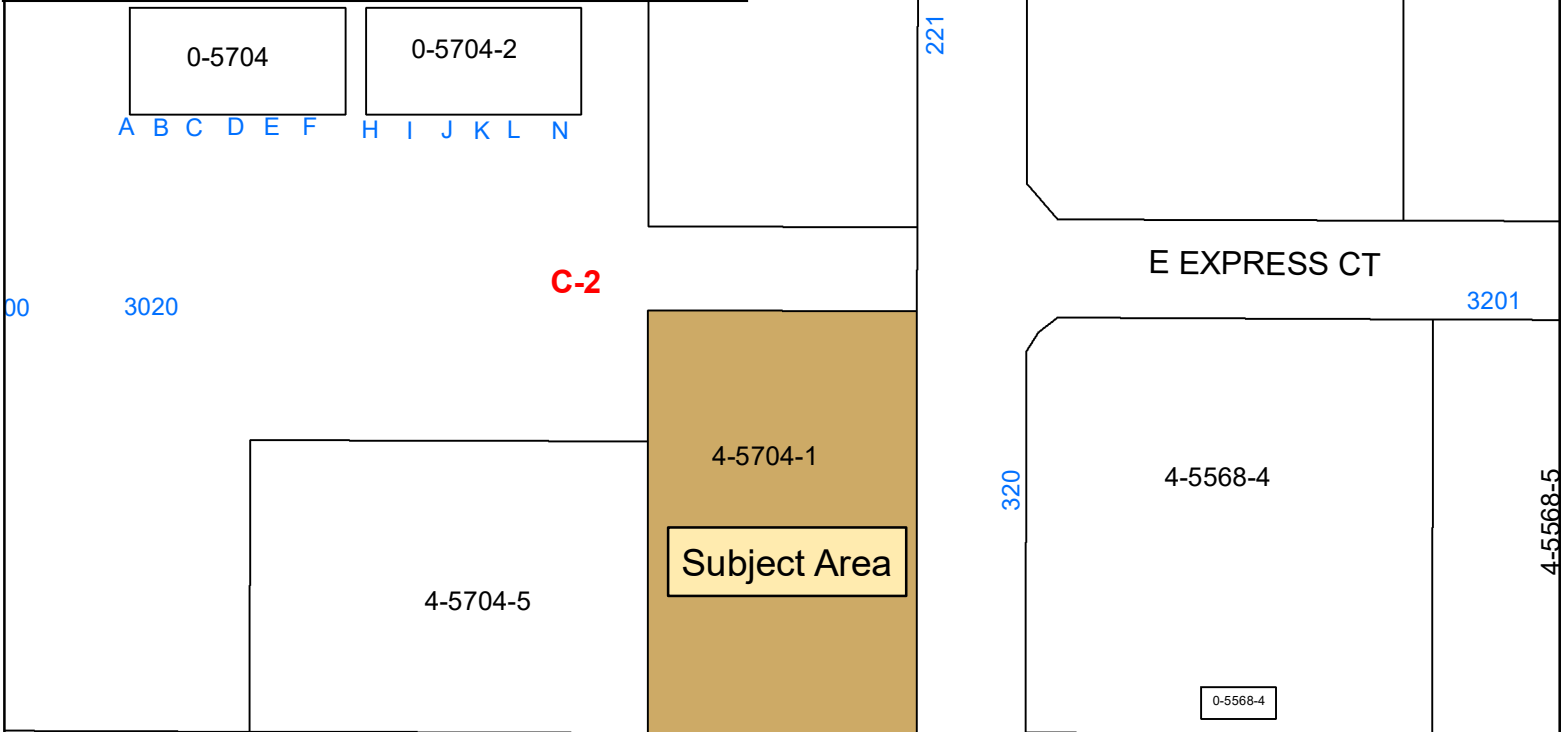
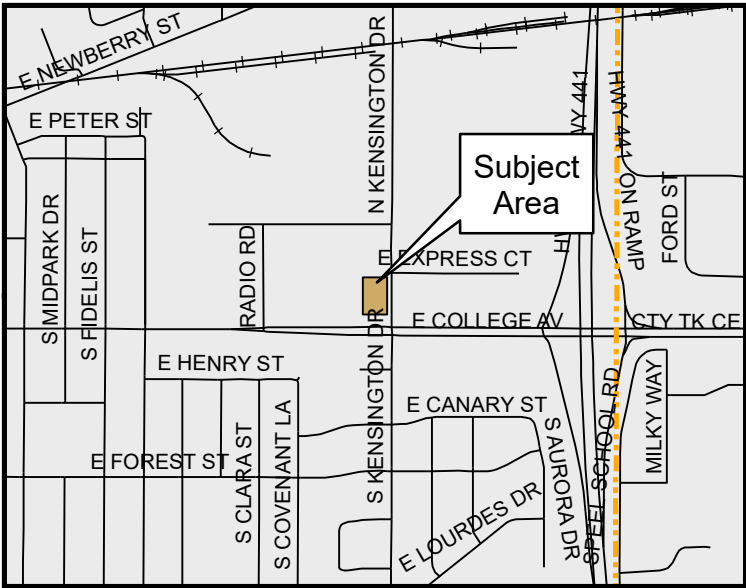
**Number of Employees:**

Number of existing employees: UNKNOWN.

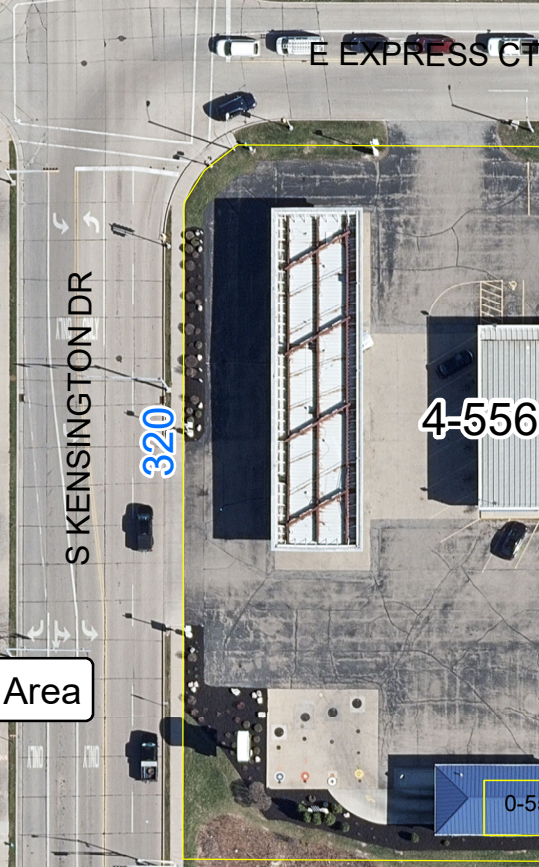
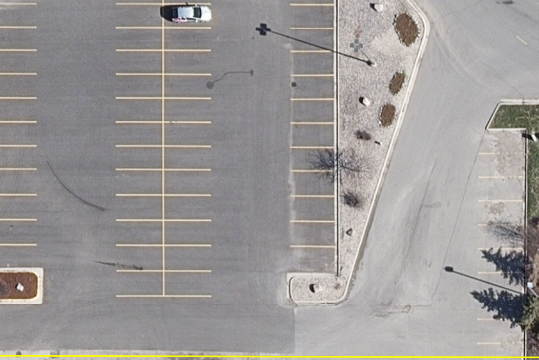
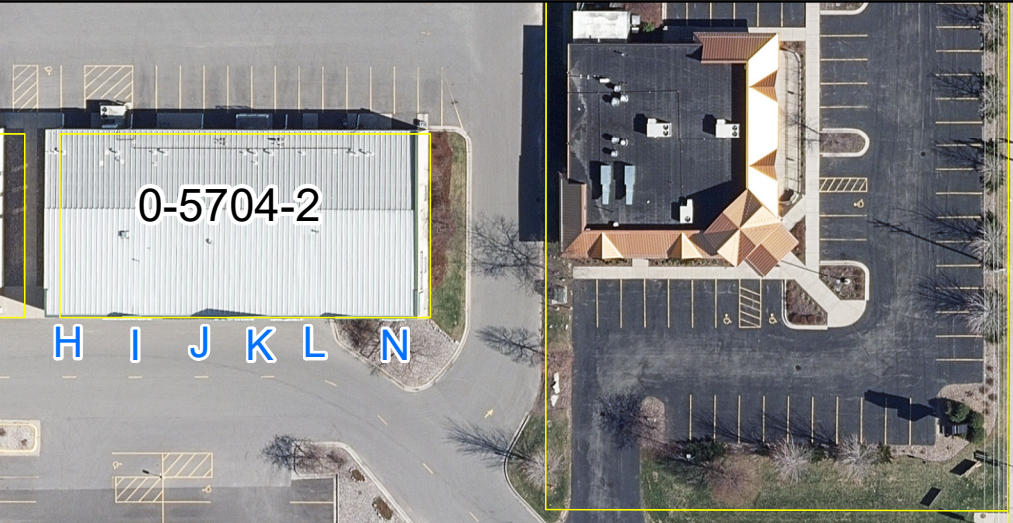
Number of proposed employees: 3.

Number of employees scheduled to work on the largest shift: 3.

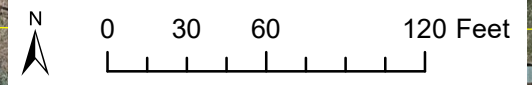
Special Use Permit  
Car Wash  
3040 East College Avenue  
Zoning Map



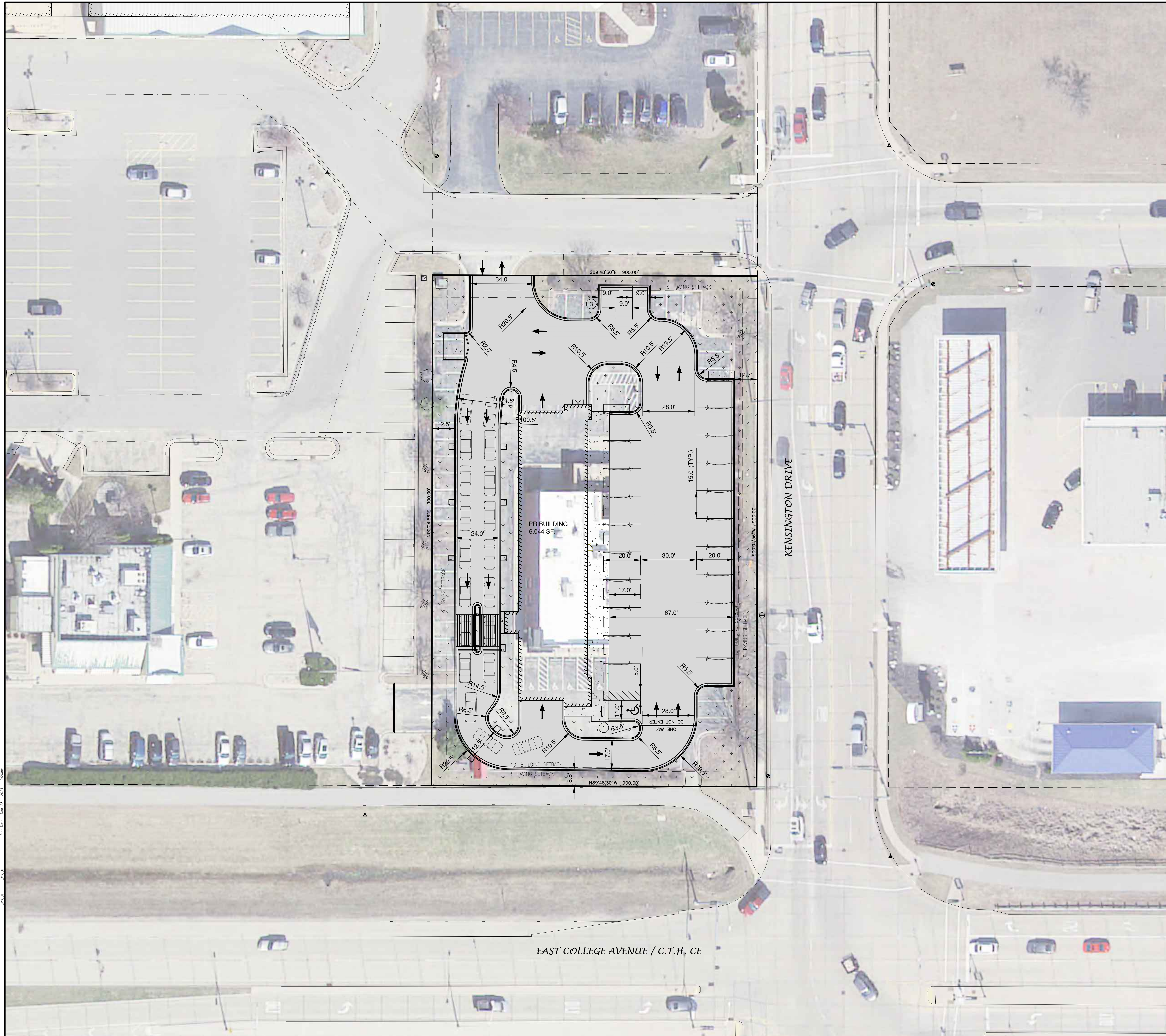
Special Use Permit  
Car Wash  
3040 East College Avenue  
Aerial Map













City Plan Commission  
1-26-2022







**LEGEND**

-  CONCRETE SIDEWALK
-  CONCRETE PAVEMENT (LIGHT) (S.F.)
-  CONCRETE PAVEMENT (HEAVY) (S.F.)
-  LANDSCAPE ROCK AREA
-  GREEN SPACE
-  PROPOSED 18" STANDARD CURB AND GUTTER
-  PROPOSED 18" MOUNTABLE SHEDDING CURB AND GUTTER
-  TRAFFIC FLOW ARROW
-  HANDICAPPED PARKING
-  INDICATES NUMBER OF PARKING STALLS

\*NOTE: ALL DIMENSIONS ARE TO THE FACE OF CURB, UNLESS NOTED OTHERWISE

**NOTE**

ALL DISTURBED AREAS SHALL BE TOPSOILED TO A DEPTH OF 6 INCHES, SEEDED AND MULCHED. AREA TO BE RAKED FREE OF STONES AND CLUMPS.

**PARKING DATA**

TOTAL PARKING STALLS PROVIDED = 4  
 HANDICAP ACCESSIBLE PARKING STALLS = 1  
 TOTAL PARKING STALLS REQUIRED = 4 (3 EMPLOYEES + 1 VISITOR)  
 BIKE PARKING TO BE AVAILABLE INSIDE THE BUILDING

**SITE DATA**

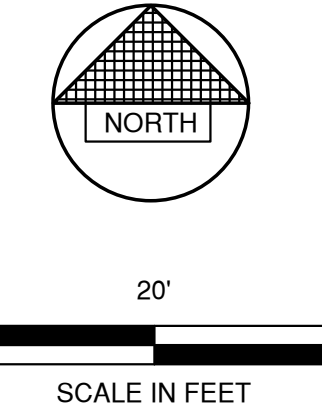
TOTAL AREA = 1.10 ACRES, 48,125 S.F.  
 BUILDING AREA = 0.14 ACRES, 6,044 S.F. (12.6%)  
 SIDEWALK/PARKING LOT AREA = 0.68 ACRES, 29,743 S.F. (61.8%)  
 GREEN SPACE = 0.28 ACRES, 12,338 S.F. (25.6%)

**ZONING**

C-2

**PARCEL NO.**

314570401



NO.	DATE	APPROV.	REVISION	NO.	DATE	APPROV.	REVISION	NO.	DATE	APPROV.	REVISION

DRAWN  
MPL  
CHECKED  
AJR  
DESIGNED  
MPL

CLUB CAR WASH  
 3040 E. COLLEGE AVENUE  
 CITY OF APPLETON  
 OUTAGAMIE COUNTY, WISCONSIN

SITE PLAN

DATE  
 FILE  
 SITE PLAN  
 JOB NO.  
 6258007

**Robert E. Lee & Associates, Inc.**  
 ENGINEERING, SURVEYING, ENVIRONMENTAL SERVICES  
 1250 CENTENNIAL CENTRE BOULEVARD HOBART, WI 54155  
 920-662-9641 www.releinc.com

SHEET NO.  
**2**

## EXTERIOR COLOR PALETTE

ARCHITECTURAL 8" CMU SMOOTH FACE BLOCK  
COLOR: Ivory

ARCHITECTURAL 8" CMU SMOOTH FACE BLOCK  
COLOR: Slate

METAL AWNINGS  
COLOR: Red

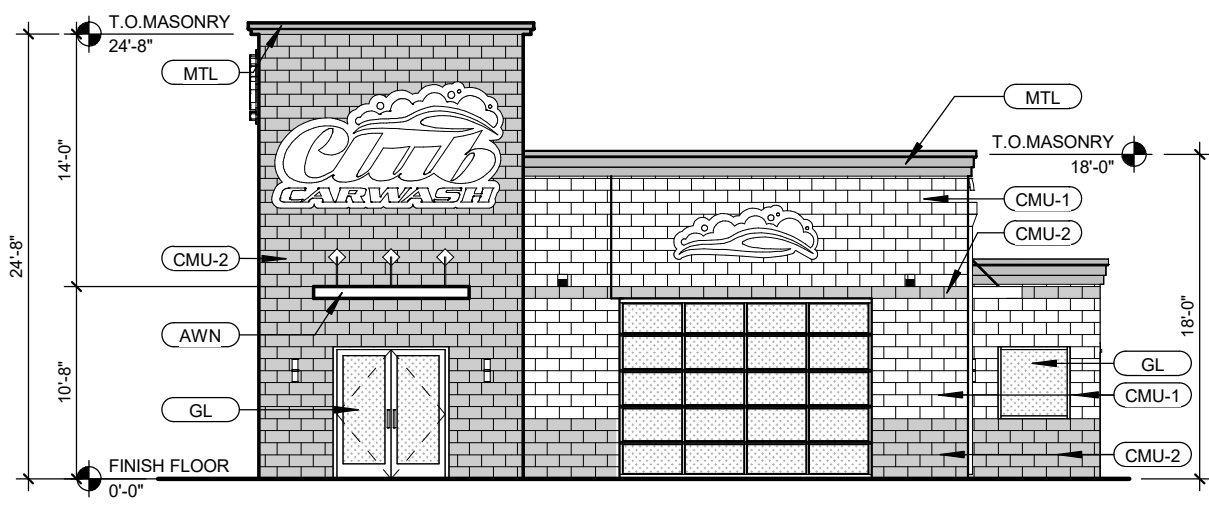
STOREFRONT  
COLOR: Black Painted

SCUPPERS, DOWNSPOUTS, AND METAL COPINGS  
COLOR: Kynar Finish Matte Black

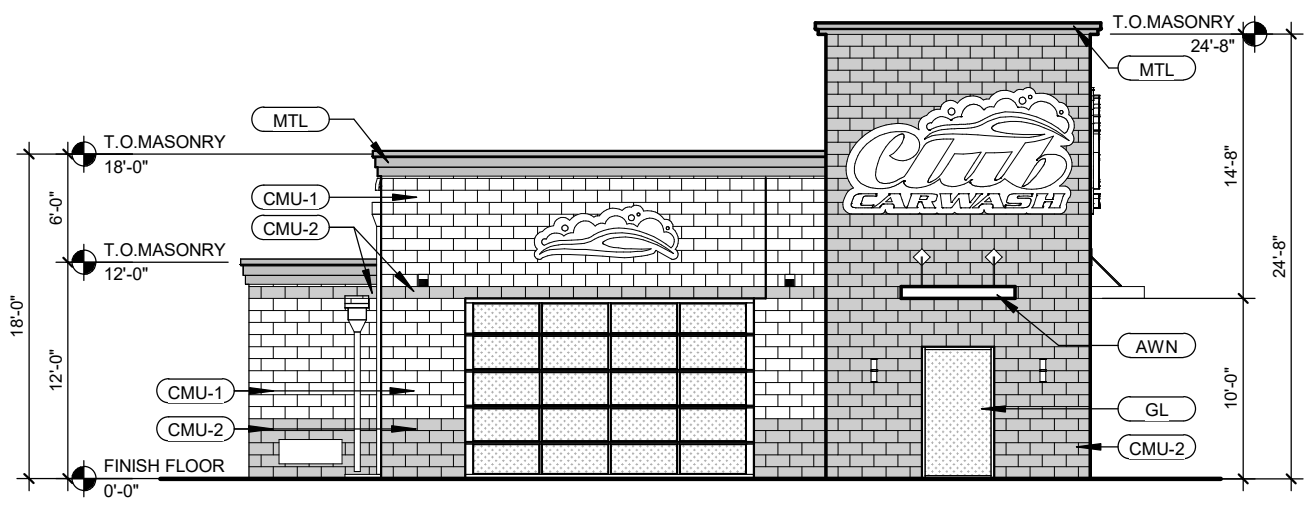


CLUB CAR WASH RENDERING



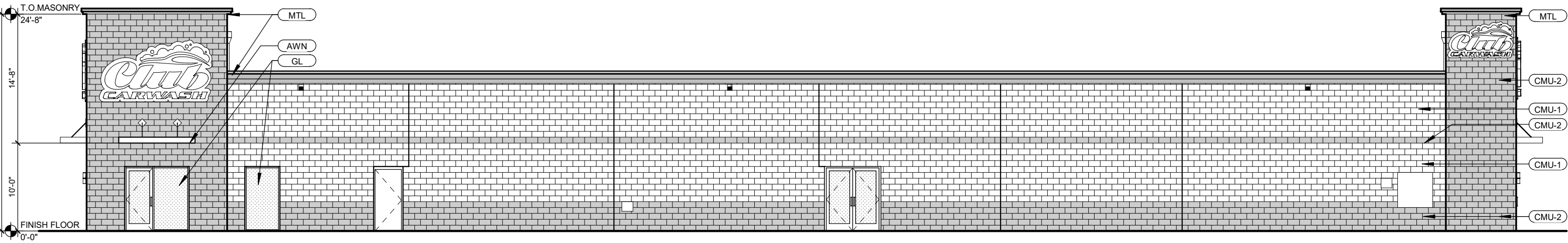


NORTH ELEVATION | 3/32" = 1'-0"

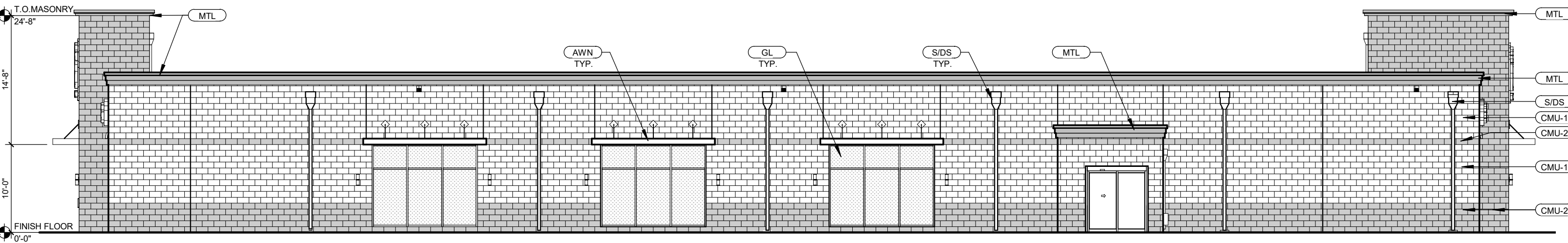


SOUTH ELEVATION | 3/32" = 1'-0"

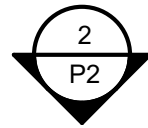
EXTERIOR MATERIAL LEGEND	
CMU-1	ARCHITECTURAL 8" CMU SMOOTH FACE BLOCK (COLOR: Ivory)
CMU-2	ARCHITECTURAL 8" CMU SMOOTH FACE BLOCK (COLOR: Slate)
GL	ALUMINUM STOREFRONT GLAZING SYSTEM 2"x4 1/2" Thermal Storefront Framing in Black Painted Aluminum, w/ 1" Insulated LOW-E Tinted Glazing Unit
AWN	PREFABRICATED PAINTED FLAT METAL AWNING (COLOR: Red)
S/DS	PREFINISHED KYNAR-COATED SHEET METAL SCUPPER AND DOWNSPOUTS (COLOR: Matte Black)
MTL	PREFINISHED KYNAR COATED METAL COPING (COLOR: Matte Black)
ROOF	SINGLE PLY TPO OVER TAPERED INSULATION (COLOR: White)



EAST ELEVATION | 3/32" = 1'-0"



WEST ELEVATION | 3/32" = 1'-0"



156'-0"

36'-0"

12'-0"

108'-0"

CASHIER

WASH BAY

EQUIPMENT

LOBBY

OFFICE

TOILET

TOILET

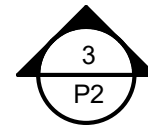
STORAGE

39'-4"

14'-8"

39'-4"

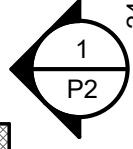
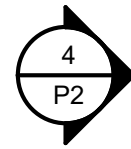
14'-8"



162'-8"

138'-8"

8'-0"



FLOOR PLAN




FINKLE + WILLIAMS ARCHITECTURE

CLUB CAR WASH - APPLETON | 12/20/2021 | 3/32" = 1'-0"

FINKLE + WILLIAMS © 2020

### D-Series Size 1 LED Area Luminaire



**Specifications**

- Beam: 1.51°
- Length: 3.31"
- Width: 1.31"
- Height H1: 7.12"
- Height H2: 3.12"
- Weight: 27.5g
- Life: 100,000 hrs

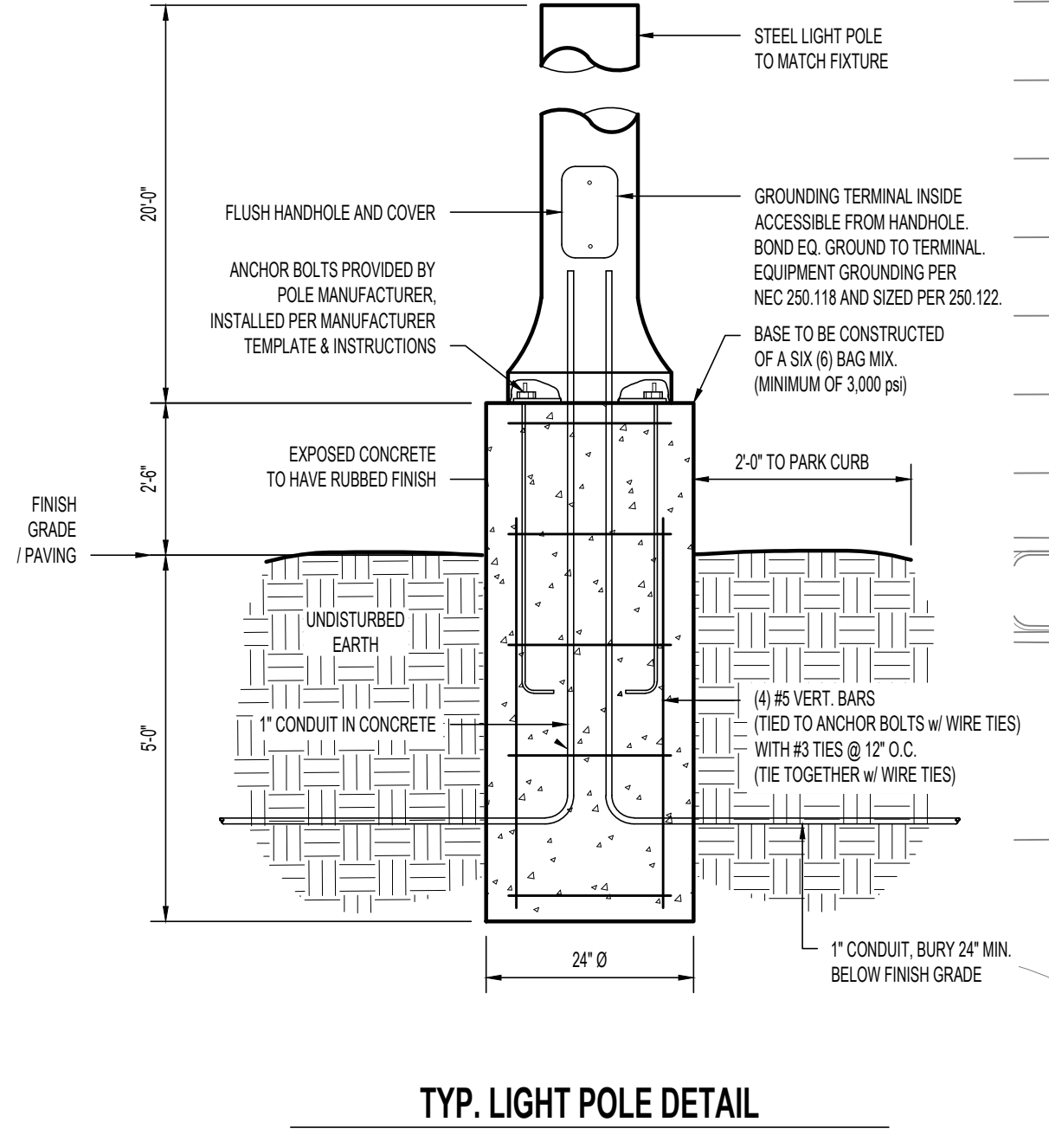
**Ordering Information**

EXAMPLE: DSX1 LED P7 40K T3M MVOLT SPA N1A2R2 P1RH DDBXD

Order	Qty	Manufacturer	Part Number	Notes	Remarks
DSX1 LED	1	P7	40K T3M MVOLT SPA N1A2R2 P1RH DDBXD		

**Substitutions**


Substitution	Part Number	Notes	Substitution	Part Number	Notes
DSX1 LED	P7	40K T3M MVOLT SPA N1A2R2 P1RH DDBXD	DSX1 LED	P7	40K T3M MVOLT SPA N1A2R2 P1RH DDBXD



### SITE LIGHTING & SOUND LEVEL GENERAL NOTES

- MAX. I/MR RATIOS CALCULATED PER LIGHTING ORDINANCES, BASED ON 95% OF POINTS, LOWER & UPPER 2.5% EXCLUDED.
- POLE LOCATIONS, LIGHT FIXTURES AND FIXTURE MOUNTING HEIGHTS HAVE BEEN CAREFULLY SELECTED IN ORDER TO MEET REQUIRED LIGHTING LEVELS. ANY REQUESTED CHANGES MUST BE IN WRITING TO THE ENGINEER AND ACCOMPANIED BY A PHOTOMETRIC PLAN INDICATING THE COMPLIANCE WITH THE OWNERS AND THE LOCAL ORDINANCE LIGHTING REQUIREMENTS. CHANGES MUST BE APPROVED IN WRITING BY THE ENGINEER. FAILURE TO COMPLY WITH THIS REQUIREMENT MAY RESULT IN THE CONTRACTOR REPLACING OR RELOCATING FIXTURES AND/OR POLES AT THEIR EXPENSE.
- EXPECTED SOUND LEVELS ARE BASED ON TYPICAL SOUND LEVELS AT EXISTING CLUB WASH SITES WITH SIMILAR SITE CONDITIONS AND EXACT TUNNEL AND VACUUM EQUIPMENT. EXACT READINGS AT FINAL SITE MAY VARY AS INDICATED LOCATIONS BASED ON EXISTING ROAD NOISE. SOUND LEVELS INDICATED TAKEN AT EXISTING SITES IN ABSENCE OF ROAD NOISE.
- SOUND MEASUREMENTS MADE 4 FEET ABOVE THE GROUND AND AT LEAST 3 FEET FROM REFLECTING SURFACES WITH A TYPE II SOUND LEVEL METER THAT MEETS OR EXCEEDS ANSI S1.4-1991. SOUND METER CALIBRATED PRIOR TO TAKING READINGS, SET TO A-WEIGHTING SCALE, AND IN FAST RESPONSE MODE.
- EXPECTED CAR WASH OPERATING HOURS TO BE 8 AM TO 8 PM.

### WPX LED Wall Packs



**Specifications**

The WPX LED wall packs are energy efficient, cost-effective, and aesthetically appealing solutions for both HID wall pack replacement and new construction opportunities. Available in three sizes, the WPX family delivers 1,550 to 9,200 lumens with a wide, uniform distribution.

The WPX full cut-off solutions fully cover the footprint of the HID glass wall packs that they replace, providing a neat installation and an upgraded appearance. Reliable IP66 construction and excellent LED lumen maintenance ensure a long service life. Photocell and emergency egress battery options make WPX ideal for every wall mounted lighting application.

**Ordering Information**

EXAMPLE: WPX2 LED 40K MVOLT DDBXD

Order	Qty	Manufacturer	Part Number	Notes	Remarks
WPX2 LED	1	40K MVOLT	DDBXD		

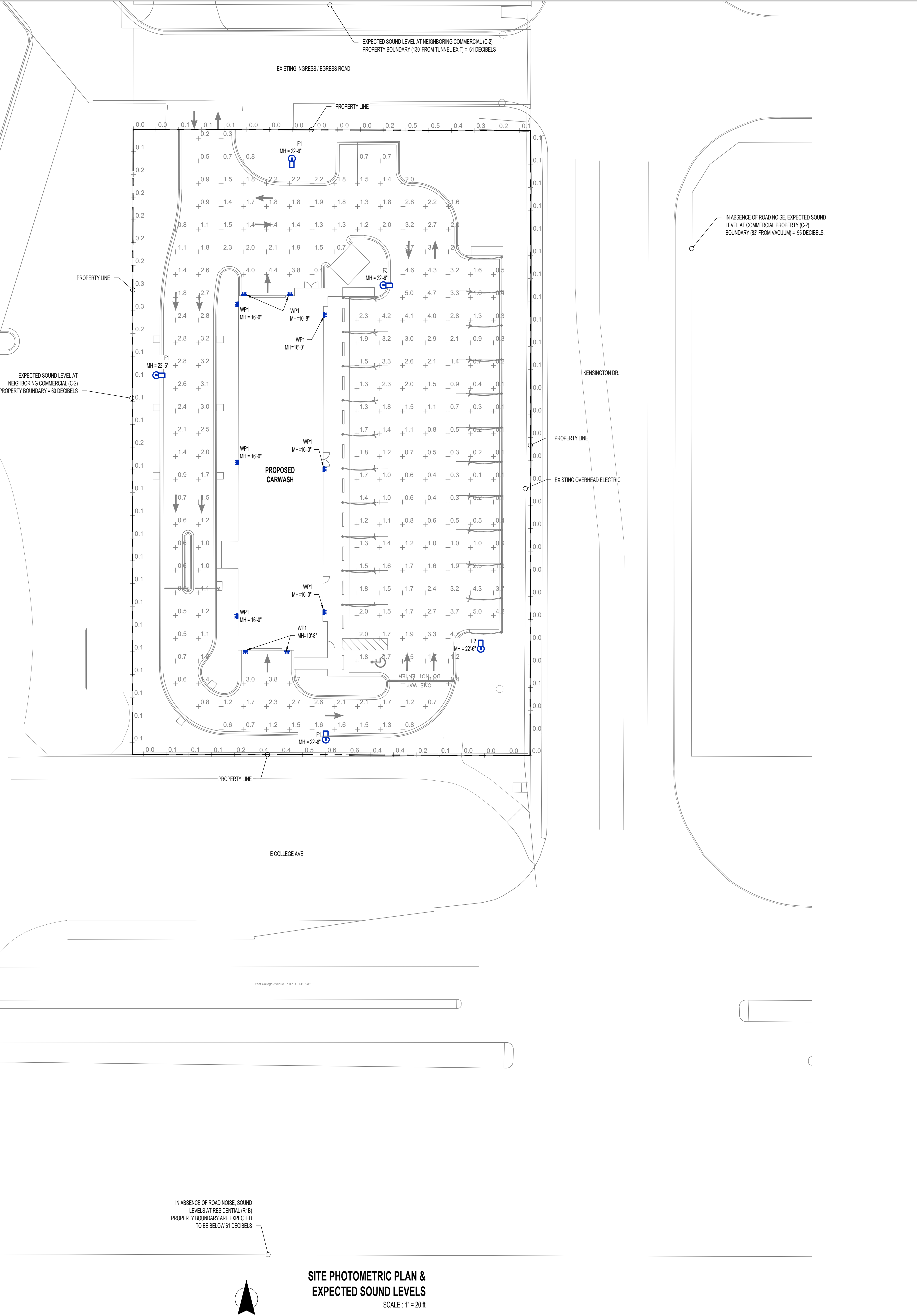
### EXTERIOR LIGHT FIXTURE SCHEDULE

MARK	MANUFACTURER*	MODEL NO.*	TYPE	VOLTS	AMPS	WATTS	LUMENS	CCT (°K)	CRI	LAMPS	MOUNTING	REMARKS
F1	LITHONIA	DSX1 LED P7 40K BLC MVOLT DBLXD	POLE LIGHT	277	0.19	54	5,769	4000	70	LED	POLE	WITH BLACK 20" SQUARE STRAIGHT STEEL POLE
F2	LITHONIA	DSX1 LED P6 40K RICO MVOLT T DBLXD	POLE LIGHT	277	0.50	138	9,857	4000	70	LED	POLE	WITH BLACK 20" SQUARE STRAIGHT STEEL POLE
F3	LITHONIA	DSX1 LED P6 40K T2M MVOLT HS DBLXD	POLE LIGHT	277	0.59	163	15,566	4000	70	LED	POLE	WITH BLACK 20" SQUARE STRAIGHT STEEL POLE, HOUSESIDE SHIELDS

\* OR EQUAL

### SITE LIGHTING STATISTICS

CALCULATION ZONE	AVERAGE	MAX	MIN	MAX/MIN
DRIVES	1.7	4	0.2	13.1
PARKING LOT	1.7	5	0.2	25.1
PROPERTY BOUNDARY	-	0.6	0	-



DRAWINGS ARE THE PROPERTY OF CUSTOM ENGINEERING AND MAY NOT BE COPIED OR USED IN WHOLE OR PART WITHOUT THE WRITTEN PERMISSION OF CUSTOM ENGINEERING.

DO NOT SCALE THIS DRAWING. SOME DEVIATION FROM SCALE MAY OCCUR.

ISSUE TITLE	DATE
PRELIMINARY	12-21-2021

THE PROFESSIONAL ENGINEER'S SEAL ON THIS DRAWING HAS BEEN AFFIXED. IN AFFIXING THIS SEAL, THE ENGINEER TAKES RESPONSIBILITY FOR THE WORK SHOWN ON THIS DRAWING ONLY, AND HEREBY DISCLAIMS ANY AND ALL RESPONSIBILITY FOR OTHER PROJECT DRAWINGS NOT DIRECTLY BEARING THIS SEAL.

**PRELIMINARY NOT INTENDED FOR CONSTRUCTION**

SARAH N. KRIETE, P.E. XXX XX, 20XX  
48756-6  
WI Certificate of Authority #4931

**Timberlake ENGINEERING**  
A Custom Engineering Company

912 Old 63 South Columbia, MO 65201  
ph: 573.875.4365

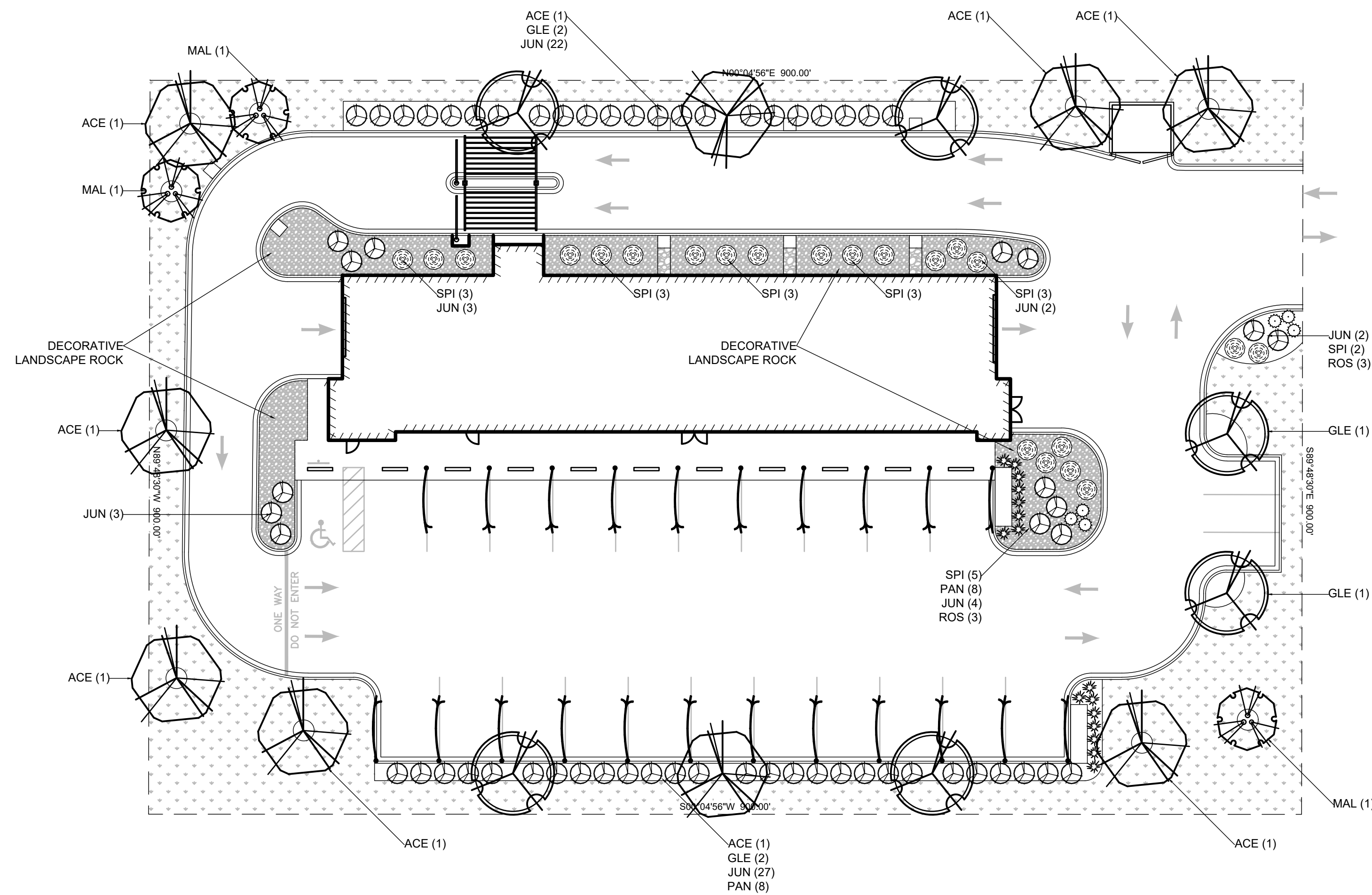
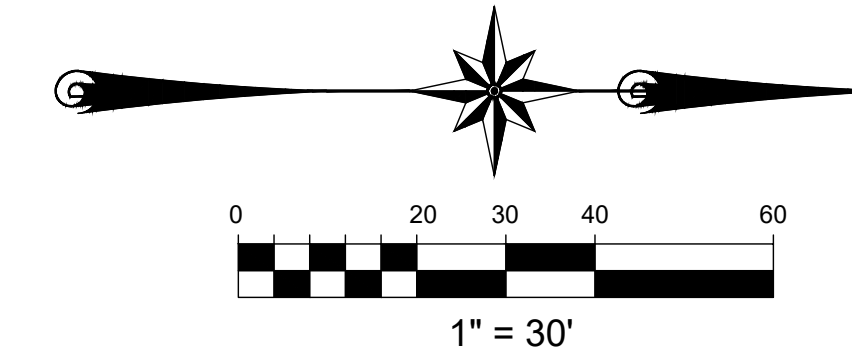
PROJECT NO: COL21124 DESIGNED BY: SNK  
DRAWN BY: SNK CHECKED BY: SNK  
PROJECT: SLP

**CLUB CARWASH**  
3040 E COLLEGE AVE  
APPLETON, WI

SHEET TITLE  
SITE PHOTOMETRIC PLAN & EXPECTED SOUND LEVELS

SHEET NUMBER  
**MEP3**

# LANDSCAPE PLAN



## LANDSCAPE INSTALLATION NOTES:

### GENERAL:

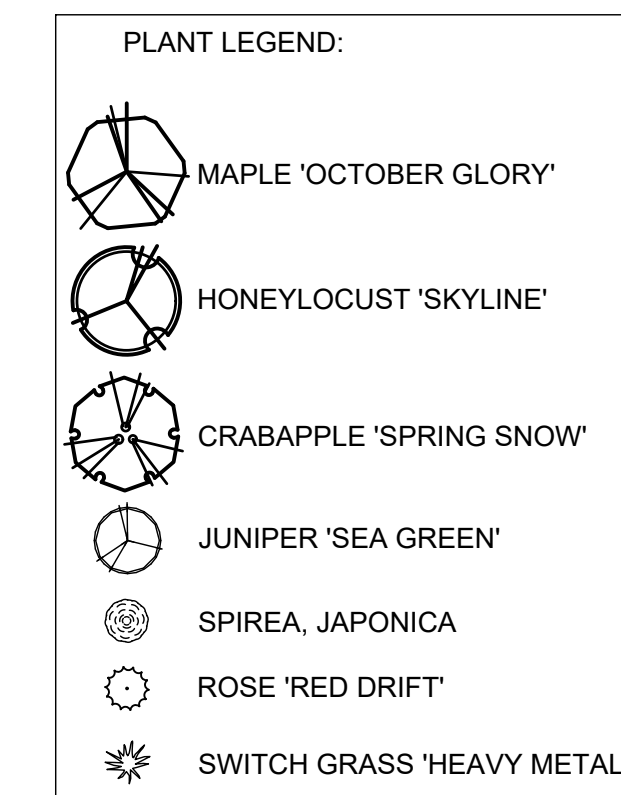
- Landscape contractor is responsible for coordinating work with general contractor to ensure the landscape scope of work doesn't interfere with existing or built conditions. They should note any discrepancies to the general contractor.
- Landscape contractor is responsible for verifying the location of underground utilities by calling their local utility marking service.
- All plant material should be inspected by Landscape Contractor prior to installation to determine overall appearance and condition. Plant material that is damaged or has clear signs of stress should be rejected.
- Quantities of material shown on plan take precedence over the specification list or legend.
- If plant substitutions are required, Landscape Contractor is responsible for submitting recommendations to the client or client's representative.

### PLANTING:

- When excavating for plant pits, any excess rock or building material should be removed and replaced with specified soil mix backfill.
- All plant tags should be removed from material by landscape contractor.
- All planting beds should receive a minimum 3" deep layer of shredded hardwood mulch, unless otherwise noted.
- Edge all beds with a spade cut edge unless otherwise noted.
- All backfill around plant material rootballs should receive a soil mix of 4 parts (pulverized) topsoil to 1 part fine, organic compost.
- All wire baskets and stakes should be removed during planting.
- Cut and remove top half of burlap around rootballs and cut and remove any twine around trunk or root flare.
- All stakes and guy wires and tree wrap are to be removed no more than 1 year after installation.

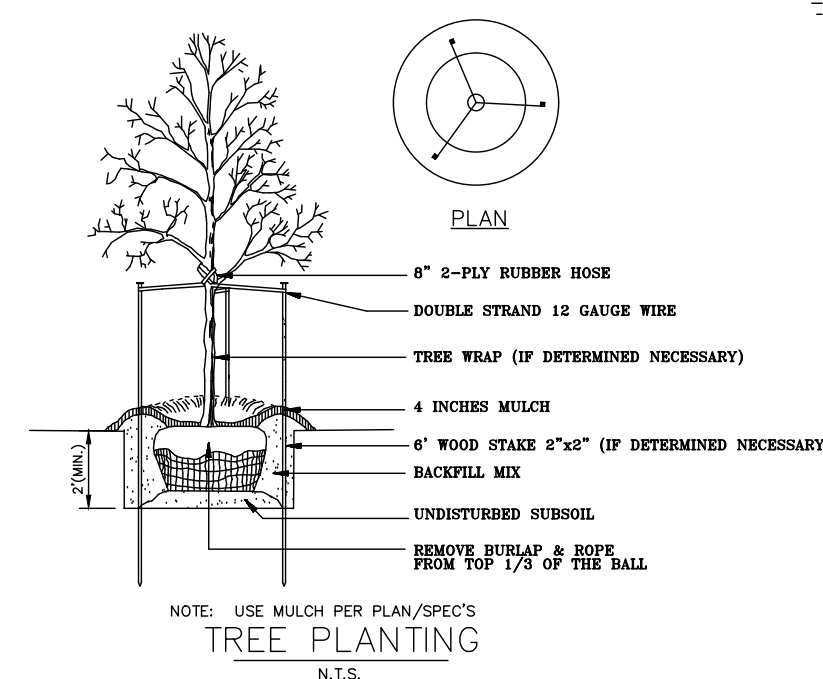
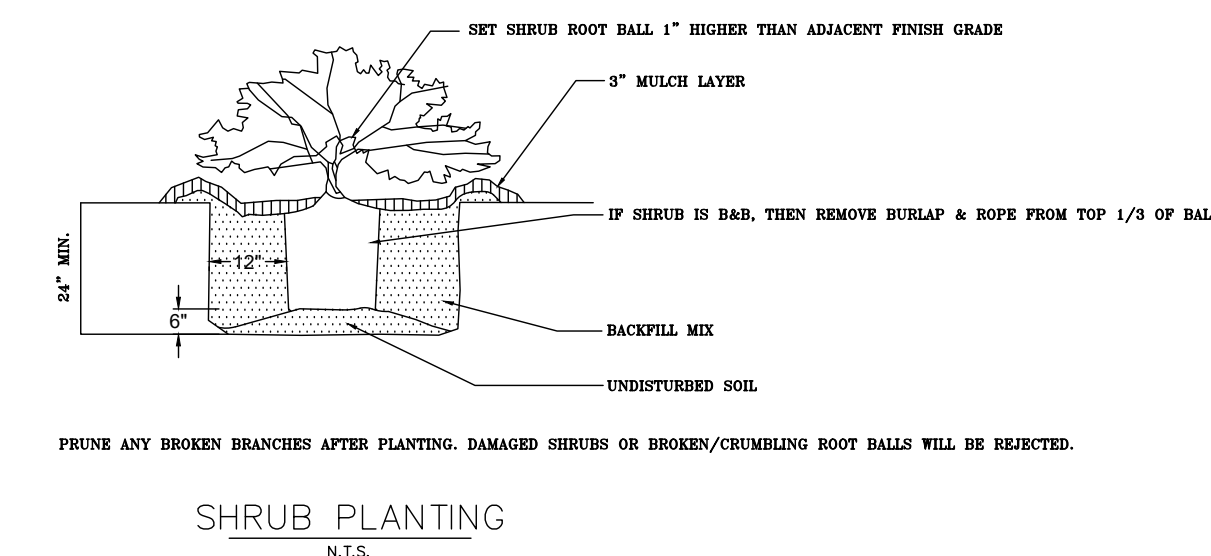
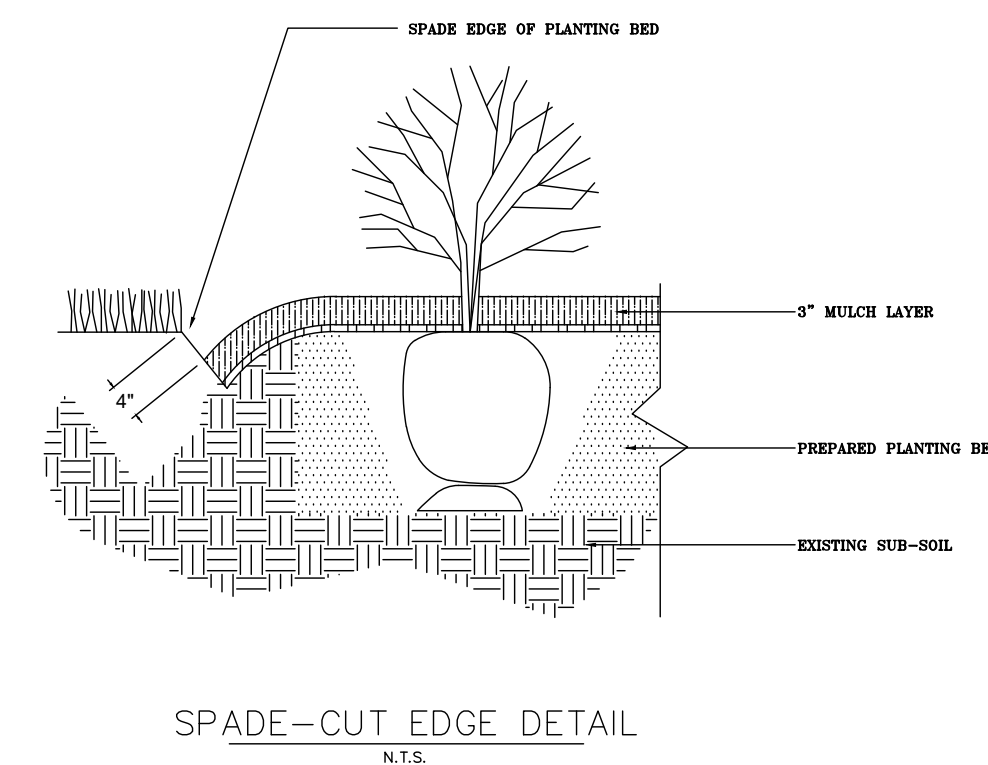
## PLANT SCHEDULE

TREES	QTY	COMMON NAME / BOTANICAL NAME	SIZE
ACE	9	Acer rubrum 'October Glory'	2.5"
GLE	6	Gleditsia triacanthos f. inermis 'Skycole' SKYLINE	2.5"
MAL	3	Malus 'Spring Snow'	2"
SHRUBS	QTY	COMMON NAME / BOTANICAL NAME	SIZE
JUN	63	Juniperus x pfitzeriana 'Sea Green'	24"
SPI	19	Spirea japonica	24"
ROS	6	Rosa 'Meigalpio' PP #17,877	#5
PAN	16	Panicum virgatum 'Heavy Metal'	#5



### LANDSCAPE REQUIREMENTS:

- ONE (1) DECIDUOUS SHADE TREE OR ORNAMENTAL TREE SHALL BE PLANTED FIFTY (50) FEET ON CENTER.
- A TWO (3) TO THREE (3) FOOT HIGH EVERGREEN ROW SHALL BE PROVIDED ACROSS 80% OF THE FRONTAGE OF THE PARKING LOT EXCLUDING DRIVEWAYS TO PROVIDE AN OPAQUE SCREEN



Club Car Wash  
 3040 E. College Ave.  
 Appleton, Wisconsin

This drawing is conceptual and is only to be used as a guide for construction. The completed project may differ from this plan in appearance and dimension.

This drawing is the instrument of service and the intellectual property of KF Landscapes. This plan is not to be reproduced, changed, or copied in any manner, nor is it to be assigned to any third party. Use of this plan or any of its elements without written permission and consent of KF Landscapes is expressly prohibited.

Drawing Completed:  
 12-28-2021

Landscape Plan

## Resolution #2022-22

WHEREAS, the City of Appleton is interested in developing lands for multimodal bicycle and pedestrian purposes as described in the application for the We Energies Trail Phase 2;

WHEREAS, financial aid is required to carry out the project;

THEREFORE, BE IT RESOLVED, that the City of Appleton has budgeted a sum sufficient to complete the project.

HEREBY AUTHORIZES Dean Gazza, Director of Parks, Recreation, and Facilities Management to act on behalf of the City of Appleton to:

- submit an application to the State of Wisconsin Department of Transportation for any financial aid that may be available;
- submit reimbursement claims along with necessary supporting documentation within 6 months of project completion date;
- submit signed documents;
- and take necessary action to undertake, direct and complete the approved project.

BE IT FURTHER RESOLVED that the City of Appleton will:

- comply with state or federal rules for the programs;
- may perform force account work;
- will maintain the completed project in an attractive, inviting and safe manner;
- will keep the facilities open to the general public during reasonable hours consistent with the type of facility;
- and will obtain from the State of Wisconsin Department of Transportation or We Energies approval in writing before any change is made in the use of the project site.

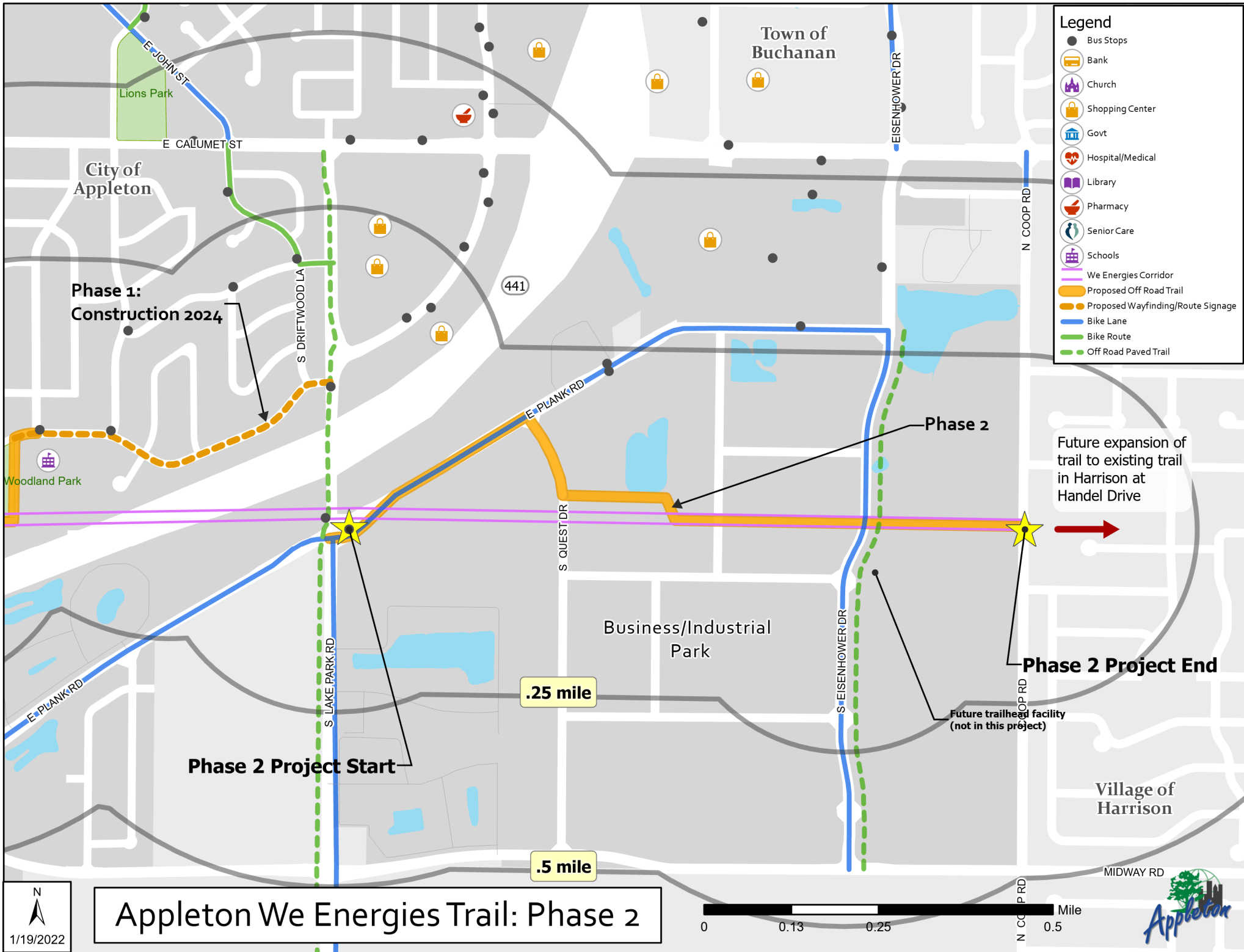
Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

I hereby certify that the foregoing resolution was duly adopted by the Appleton Common Council at a legal meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

City of Appleton

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

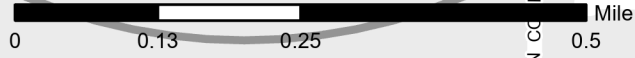
By: \_\_\_\_\_  
Kami Lynch, City Clerk



- Legend**
- Bus Stops
  - 🏦 Bank
  - 🏛️ Church
  - 🛍️ Shopping Center
  - 🏛️ Govt
  - 🏥 Hospital/Medical
  - 📖 Library
  - 🏪 Pharmacy
  - 👴 Senior Care
  - 🎓 Schools
  - 🟪 We Energies Corridor
  - 🟡 Proposed Off Road Trail
  - 🟠 Proposed Wayfinding/Route Signage
  - 🟦 Bike Lane
  - 🟩 Bike Route
  - 🟢 Off Road Paved Trail

# Appleton We Energies Trail: Phase 2

1/19/2022







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

**PARKS, RECREATION & FACILITIES  
MANAGEMENT**

**Niki Wendt, Recreation Manager**

1819 East Witzke Boulevard  
Appleton, Wisconsin 54911-8401  
(920) 832-3925 FAX (920) 993-3103  
Email – [niki.wendt@appleton.org](mailto:niki.wendt@appleton.org)

TO: Parks & Recreation Committee

FROM: Niki Wendt, Recreation Manager

DATE: January 24, 2022

RE: Action: Approval of Reciprocity Agreement Amendments with City of Menasha and City of Neenah

The attached documents are amendments to the reciprocity agreement between Appleton and the City of Menasha and the City of Neenah. These agreements have been an ongoing partnership for over fifteen years and provides the citizens of Appleton, Menasha, and Neenah the opportunity to utilize those community's Parks and Recreation services at the resident fee. Services include fee payments for recreation program registration, pool passes, boat launch permits and pavilion reservations. Representatives from these communities have mutually agreed to present a 2-year amendment to the reciprocity agreement to their respective Councils that reflect the continued cooperation of the communities.

Over the next two years Appleton, Menasha, and Neenah have agreed to collect detailed information on the usage across the communities and determine if a second amendment to the agreement will be presented or if the program has run its course and should be terminated.

Please contact me at 832-3925 or [niki.wendt@appleton.org](mailto:niki.wendt@appleton.org) with any questions.

AMENDMENT TO PARKS AND RECREATION SERVICES RECIPROCITY  
AGREEMENT BETWEEN  
APPLETON AND MENASHA  
2022-2023

**I. THE PARTIES**

- 1.01 The City of Appleton, a Wisconsin municipal corporation, doing business at 100 North Appleton Street, Appleton, Wisconsin 54911("Appleton").
- 1.02 The City of Menasha, a Wisconsin municipal corporation, doing business at 140 Main Street, Menasha, Wisconsin 54952 ("Menasha").

**II. THE RECITALS**

- 2.01 Appleton and Menasha entered into a reciprocity agreement on January 1, 2017, a copy of which is attached hereto and incorporated herein by reference ("Agreement").
- 2.02 This first addendum to the agreement ("Addendum") shall serve as an understanding and agreement between Appleton and Menasha to extend the existing Agreement.

**III. THE AGREEMENT**

***NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:***

The Recitals are hereby made a part of the Agreement.

- 3.01 The Agreement is set to expire on December 31, 2021.
- 3.02 Section 3.05 of the Agreement allowed for additional terms of the contract upon written agreement of the parties. While five (5) years was previously contemplated as an extension term, Appleton and Menasha wish to modify the extension term.
- 3.03 This Addendum shall memorialize an extension of the Agreement for a two (2) year term.
- 3.04 This Addendum shall extend the Agreement term through December 31, 2023.
- 3.05 All other previously agreed upon terms and conditions, including price, remain unchanged.

**IV. MISCELLANEOUS**

- 4.01 In the event that any part of this Agreement is found to be illegal, it shall be stricken from the Agreement and the Agreement interpreted as if that clause did not exist.
- 4.02 This Agreement may be executed in several counterparts, either by original signature or verified electronic signature, each of which shall be deemed an original, but such counterparts shall together constitute but one and the same agreement. The headings in this Agreement are inserted for convenience of reference only and shall not constitute a part hereof.
- 4.03 This Agreement may be supplemented or amended only by written instrument executed by the parties affected by such supplement or amendment.

**IN WITNESS WHEREOF**, the parties have caused the forgoing instrument to be executed on this \_\_\_\_\_ day of December, 2021.

**CITY OF MENASHA**

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

By: \_\_\_\_\_  
Don Merkes, Mayor

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

By: \_\_\_\_\_  
Haley Krautkramer, City Clerk

Approved as to form:

\_\_\_\_\_  
Pamela Captain, City Attorney

[SIGNATURES CONTINUE ON THE FOLLOWING PAGE]

**CITY OF APPLETON:**

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

Attest: \_\_\_\_\_  
Kami Lynch, City Clerk

Approved as to form:

\_\_\_\_\_  
Christopher R. Behrens, City Attorney  
City Law A21-0964

**PARKS AND RECREATION SERVICES RECIPROCITY AGREEMENT  
BETWEEN  
APPLETON AND MENASHA  
2017-2021**

**I. THE PARTIES**

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- 3.03 Each party shall retain complete control over its policies, operation, administration and funding of the facilities and services it provides.

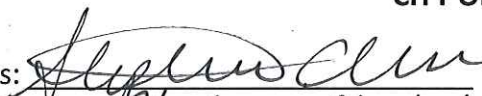

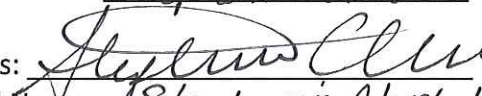
- 3.04 The home city shall supply the reciprocating city with residency information for the purpose of verifying the participant's residency status and eligibility under this Agreement.
- 3.05 This Agreement shall be in effect from January 1, 2017 through December 31, 2021. The Agreement may, upon mutual written agreement of both parties, be extended for an additional five (5) year term expiring on December 31, 2026.
- 3.06 Either party may terminate this Agreement at any time, and without penalty, by providing the other party with no less than thirty (30) days written notice of its intent to terminate the Agreement.

**IV. SEVERABILITY CLAUSE**

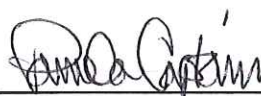
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**IN WITNESS WHEREOF**, the parties have caused the foregoing instrument to be executed in three (3) original counterparts on this \_\_\_\_ day of January, 2017.

**CITY OF MENASHA**

Witness: <u></u> Printed Name: <u>Stephanie Cheslock</u>	By: <u></u> Don Merkes, Mayor
Witness: <u></u> Printed Name: <u>Stephanie Cheslock</u>	By: <u>Deborah A. Galeazzi</u> Deborah A. Galeazzi, City Clerk

Approved as to form:

  
 Pamela Captain

[SIGNATURES CONTINUE ON THE FOLLOWING PAGE]

CITY OF APPLETON

Witness: Nancy A. Kohlman  
Printed Name: Nancy A. Kohlman

By:   
Timothy M. Hanna, Mayor

Witness: Cathy Bolwerk  
Printed Name: Cathy Bolwerk

By:   
Kami Lynch, City Clerk

Approved as to form:

  
James P. Walsh, City Attorney

J:\Attorney\WORD\CRB\PARKSREC\Reciprocity Agreement for Resident Fees - Menasha - 2017.docx

**AMENDMENT TO PARKS AND RECREATION SERVICES RECIPROCITY  
AGREEMENT BETWEEN  
APPLETON AND NEENAH  
2022-2023**

**I. THE PARTIES**

- 1.01 The City of Appleton, a Wisconsin municipal corporation, doing business at 100 North Appleton Street, Appleton, Wisconsin 54911("Appleton").
- 1.02 The City of Neenah, a Wisconsin municipal corporation, doing business at 211 Walnut Street, Neenah, Wisconsin 54956 ("Neenah").

**II. THE RECITALS**

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***IN WITNESS WHEREOF***, the parties have caused the forgoing instrument to be executed on this \_\_\_\_\_ day of December, 2021.

**CITY OF NEENAH**

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

By: \_\_\_\_\_  
Don Merkes, Mayor

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

By: \_\_\_\_\_  
Charlotte Nagel, City Clerk

Approved as to form:

\_\_\_\_\_  
Adam Westbrook, City Attorney

[SIGNATURES CONTINUE ON THE FOLLOWING PAGE]

**CITY OF APPLETON:**

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

Attest: \_\_\_\_\_  
Kami Lynch, City Clerk

Approved as to form:

\_\_\_\_\_  
Christopher R. Behrens, City Attorney  
City Law A21-0962

**PARKS AND RECREATION SERVICES RECIPROCITY AGREEMENT  
BETWEEN  
APPLETON AND NEENAH  
2017 - 2021**

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**II. THE RECITALS**

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- 2.02 Appleton and Neenah are mutually interested in maximizing the recreational opportunities of their respective citizens and wish to enter a reciprocal agreement wherein their citizens pay the resident fee for each others' recreational programs and services.

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**CITY OF NEENAH**

Witness: G. Glenn Gashman  
 Printed Name: G. Glenn Gashman

By: Dean R. Kaufert  
 Dean Kaufert, Mayor

Witness: Joni A. Heinz  
 Printed Name: Joni A. Heinz

By: Patricia A. Sturn  
 Patty A. Sturn, City Clerk

Approved as to form:  
James Godlewski  
 James Godlewski, City Attorney

[SIGNATURES CONTINUE ON THE FOLLOWING PAGE]

CITY OF APPLETON


Witness: Nancy A. Kohlman  
Printed Name: Nancy A. Kohlman

By:   
Timothy M. Hanna, Mayor

Witness: Linda Maus  
Printed Name: Linda Maus

By:   
Kami Lynch, City Clerk

Approved as to form:

  
James P. Walsh, City Attorney

J:\Attorney\WORD\CRB\PARKSREC\  
Reciprocity Agreement for Resident Fees - Neenah - 2017.docx

**PARKS AND RECREATION SERVICES RECIPROCITY AGREEMENT  
BETWEEN  
APPLETON AND MENASHA  
2017-2021**

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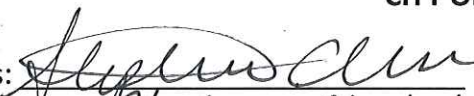

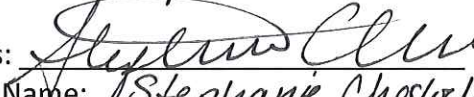
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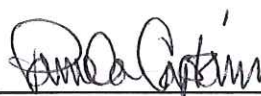
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**CITY OF MENASHA**

Witness: <u></u> Printed Name: <u>Stephanie Cheslock</u>	By: <u></u> Don Merkes, Mayor
Witness: <u></u> Printed Name: <u>Stephanie Cheslock</u>	By: <u>Deborah A. Galeazzi</u> Deborah A. Galeazzi, City Clerk

Approved as to form:

  
 Pamela Captain

[SIGNATURES CONTINUE ON THE FOLLOWING PAGE]

CITY OF APPLETON

Witness: Nancy A. Kohlman  
Printed Name: Nancy A. Kohlman

By:   
Timothy M. Hanna, Mayor

Witness: Cathy Bolwerk  
Printed Name: Cathy Bolwerk

By:   
Kami Lynch, City Clerk

Approved as to form:

  
James P. Walsh, City Attorney

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**PARKS AND RECREATION SERVICES RECIPROCITY AGREEMENT  
BETWEEN  
APPLETON AND NEENAH  
2017 - 2021**

**I. THE PARTIES**

- 1.01 The City of Appleton, a Wisconsin municipal corporation, doing business at 100 North Appleton Street, Appleton, Wisconsin 54911 ("Appleton").
- 1.02 The City of Neenah, a Wisconsin municipal corporation, doing business at 211 Walnut Street, Neenah, Wisconsin 54956 ("Neenah").

**II. THE RECITALS**

**WHEREAS,**

- 2.01 Appleton and Neenah, through their respective Parks and Recreation Departments offer their citizens a variety of services and activities, some of which require payment of a fee with the amount established based on resident or non-resident status.
- 2.02 Appleton and Neenah are mutually interested in maximizing the recreational opportunities of their respective citizens and wish to enter a reciprocal agreement wherein their citizens pay the resident fee for each others' recreational programs and services.

**III. THE AGREEMENT**

***NOW, THEREFORE, it is agreed between the parties as follows:***

- 3.01 A resident of one of the above named parties shall be granted resident status of the other party named above for the sole purpose of participating in each party's park and recreation services and determining the appropriate fee to be paid based upon the residential rate.
- 3.02 The scope of this agreement shall be limited to the granting of the privileges of residency in regard to fees only.
- 3.03 Each party shall retain complete control over its policies, operation, administration and funding of the facilities and services it provides.

- 3.04 The home city shall supply the reciprocating city with residency information for the purpose of verifying the participant's residency status and eligibility under this Agreement.
- 3.05 This Agreement shall be in effect from January 1, 2017 through December 31, 2021. The Agreement may, upon mutual written agreement of both parties, be extended for an additional five (5) year term expiring on December 31, 2026.
- 3.06 Either party may terminate this Agreement at any time, and without penalty, by providing the other party with no less than thirty (30) days written notice of its intent to terminate the Agreement.

**IV. SEVERABILITY CLAUSE**

- 4.01 In the event any part of this Agreement is found to be illegal, it shall be stricken from the Agreement and the Agreement interpreted as if that clause did not exist.

**IN WITNESS WHEREOF**, the parties have caused the foregoing instrument to be executed in three (3) original counterparts on this 20 day of January, 2017.

**CITY OF NEENAH**

Witness: G. Glenn Gashman  
 Printed Name: G. Glenn Gashman

By: Dean R. Kaufert  
 Dean Kaufert, Mayor

Witness: Joni A. Heinz  
 Printed Name: Joni A. Heinz


By: Patricia A. Sturn  
 Patty A. Sturn, City Clerk

Approved as to form:  
James Godlewski  
 James Godlewski, City Attorney

[SIGNATURES CONTINUE ON THE FOLLOWING PAGE]

CITY OF APPLETON


Witness: Nancy A. Kohlman  
Printed Name: Nancy A. Kohlman

By:   
Timothy M. Hanna, Mayor

Witness: Linda Maus  
Printed Name: Linda Maus

By:   
Kami Lynch, City Clerk

Approved as to form:

  
James P. Walsh, City Attorney  
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Reciprocity Agreement for Resident Fees - Neenah - 2017.docx



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

**PARKS, RECREATION & FACILITIES  
MANAGEMENT**

**Dean R. Gazza, Director**

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

TO: Finance Committee

FROM: Dean R. Gazza

DATE: 1/24/2022

RE: Action: Award the City of Appleton’s “2022 Pierce Park Hardscapes Reconstruction Project” contract to Vinton Construction Co., in the amount of \$628,035.98 with a contingency of 11% for a project total not to exceed \$697,120.

The 2022 Capital Improvement Plan includes \$700,000 to repair the hardscapes at Pierce Park. The project will include reconstructing the parking lot, trail, and entrance roads. The project will also address all of the site ADA concerns that were documented in the 2021 ADA audit. The ADA items will include, but are not limited to; additional ADA parking stalls, a new ADA grilling area, new accessible route to tennis court, and new accessible walkway from parking lot to pavilion. The recommendations for repairs were determined by our consulting engineer after a hardscape audit was completed at the site.

The bids were received as follows:

<b>Vinton Construction Co. (low bid)</b>	<b>\$628,035.98</b>
Northeast Asphalt, Inc.	\$680,840.00

Our consulting engineer has written the City of Appleton a formal letter of recommendation to award the contract to Vinton Construction Co. The Parks, Recreation, and Facilities Management Department has also reviewed the bids and is in agreement with the engineer’s recommendation. Therefore, we recommend awarding the contract to Vinton Construction Co. in the amount of \$628,035.98 plus a contingency of 11% only to be utilized as needed.

Please contact me at 832-5572 or at [dean.gazza@appleton.org](mailto:dean.gazza@appleton.org) with any questions.



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

**PARKS, RECREATION & FACILITIES  
MANAGEMENT**

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Email - [dean.gazza@appleton.org](mailto:dean.gazza@appleton.org)

TO: Finance Committee

FROM: Dean R. Gazza

DATE: 1/24/2022

RE: Action: Award the City of Appleton's "2022 City Hall Common Space Remodel" contract to Milbach Construction Services, Co. in the amount of \$1,535,058 with a contingency of 10% for a contact total not to exceed \$1,688,564.

The 2022 Capital Improvement Plan and 2021 carryover includes funding to upgrade the interior finishes within the 5<sup>th</sup> and 6<sup>th</sup> floors of City Hall. Also, additional funds were approved for workstation upgrades and security upgrades.

City Hall was upgraded in 1994 with no major upgrades since that time. The carpet, furniture and systems are outdated and in need of renovation. In 2020, the escalators were decommissioned as a result of failing components. The escalator had been running since 1958.

This project includes replacing carpeting, ceiling tile, lighting, painting and also upgrading the 6<sup>th</sup> floor public restrooms. In addition, a staircase will join the 5<sup>th</sup> and 6<sup>th</sup> floors to replace the obsolete escalators.

Bids were opened on January 18, 2022 where the lowest bid was provided by Milbach Construction Services, Co. Three general contractors attended the project walk-through, but only one bid was received. Our consulting engineer has written the City of Appleton a formal letter of recommendation to award the contract to Milbach Construction Services, Co. The Parks, Recreation, and Facilities Management Department has also reviewed the bids and feel this bid is competitive and is in agreement with the engineer's recommendation. Therefore, we recommend awarding the contract to Milbach Construction Services, Co. in the amount of \$1,535,058 plus a contingency of 10% only to be utilized as needed.

Please contact me at 832-5572 or at [dean.gazza@appleton.org](mailto:dean.gazza@appleton.org) with any questions.

# CITY OF APPLETON

## HUMAN RESOURCES DEPARTMENT



100 N. Appleton St.  
Appleton, WI 54911



(920) 832-6458



(920) 832-5845



[humanresources@appleton.org](mailto:humanresources@appleton.org)

To: Human Resources/IT Committee, Finance Committee, and Appleton Common Council Members

From: Jay Ratchman, Human Resources Director 

Date: January 20, 2022

Re: Public Works Director Recruitment Process

The City of Appleton Public Works Director, Paula Vandehey, will retire on June 3, 2022. In December of 2021, the Human Resources Department initiated a national search to find a successor. In performing our search, we recruited through many organizations, including the American Public Works Association, Careers in Government, Wisconsin Jobs, The League of Municipalities, Careerbuilder.com, Government Alliance on Race and Equity, various social media platforms, the Wisconsin Department of Workforce Development, and other organizations through our open positions mailing list.

The applications received for this position have been reviewed. Our findings show that, despite our best efforts, a robust applicant pool was not received. We could readvertise for the position; however, due to our prior experience advertising for the position coupled with an extremely tight labor market and the unique nature of this position, we do not believe that readvertising will bring a more positive result. For these reasons, we feel a new more aggressive approach to recruitment for this position is warranted. Therefore, we are recommending that a professional executive recruitment firm be engaged to aid us in our search.

Based on prior positive experience and results, we would like to contract with the Employment Resource Group, Inc. (ERG). Our reasons to use ERG include:

- Past and proven experience in working with ERG
- ERG is an Appleton based firm with a strong reputation in conducting executive level searches
- ERG has recruited for similar roles such as ours in other communities
- ERG's proven recruitment strategies directly target qualified candidates.

The fees for ERG are 25% of the candidate's first year salary. Because these services were not anticipated at the time the 2022 Human Resources Budget was submitted and approved, a 2022 Budget amendment will be requested. To fund these additional costs, we will be submitting a request to the Finance Committee to pre-approve the use of unspent 2021 Human Resources Budget funds (carryover) generated by carrying vacant positions for a good portion of the year. We estimate the recruitment fees to total approximately \$35,000.

Please contact me if you have any questions regarding this recommendation.

# CITY OF APPLETON

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(920) 832-5845



[humanresources@appleton.org](mailto:humanresources@appleton.org)

To: Human Resources/IT Committee and Appleton Common Council Members

From: Jay Ratchman, Human Resources Director 

Date: January 14, 2022

Re: Compensation Study Update

The City of Appleton completed a comprehensive compensation study in 2012, with a market analysis update completed in 2017. In a normal labor market, it is recommended that employers engage in a study every 5-7 years, with a market analysis every 3 years. Due to today's competitive labor market, industry recommendations are to complete a study every 3 years, with a market analysis update annually. The purpose of the study is to analyze current pay practices to determine if they are competitive for our industry and geographic location. The study also helps determine if employees' salaries remain in compliance with current state and federal laws.

After review of our current compensation practices and based on feedback from our leadership team (Department Directors), it was determined that it was time to update our compensation plan. For this reason, we engaged in a compensation study request for proposal (RFP) process. Proposals were received from BakerTilly, Carlson Dettmann Consulting, McGrath Human Resources Consulting, and USI Insurance Services. The proposals were reviewed by representatives from the departments of Public Works, Utilities, Parks/Recreation/Facilities Management, Police, and Human Resources. Presentations of the top two organizations were made to the entire leadership team.

Based on this review, it is the recommendation of the leadership team that we contract with BakerTilly to complete an updated comprehensive compensation study. Upon approval, this study will begin in February, with an anticipated completion date of July 2022.

As a supplement to this document, I am including the scope of services requested in the RFP, the RFP selection factors considered, and a score/cost summary. The cost of this study with BakerTilly will be \$62,500. Funding for this project is already included in the 2022 budget.

Please contact me if you have any questions regarding this recommendation.

## SCOPE OF SERVICES

- To review the Non-Represented Classification Compensation Grade Order to quantitatively evaluate and determine market competitiveness and to recommend updates to the grade order as determined by the market analysis. This pay plan includes approximately 188 positions comprised of executive, professional, administrative, technical and clerical positions, including elected officials in the positions of Mayor and Attorney.
- To review the Non-Represented Classification Compensation Grade Order positions for proper classification in accordance with current Fair Labor Standards Act provisions relative to exempt and non-exempt status.
- To review and make recommendations to the current pay for performance management compensation system for non-represented employees.
- To review and recommend changes to the current Performance Management and Salary Administration policies.
- To complete a DEI salary analysis of existing employees to identify areas of inequity in the Non-Represented Classification Compensation Grade Order.
- To review the Seasonal/Recreation Pay Schedule to determine market competitiveness and to recommend updates to the grade order as determined by the market analysis.
- To review positions on a continuing basis as requested by the employer in response to market pressure, turnover, and for retention purposes.

## EVALUATION OF PROPOSALS: SELECTION FACTORS

- Experience of the firm and proposed project team with regards to compensation studies, particularly with government agencies.
- Demonstrated understanding of City's needs with respect to the compensation study, quality of the firm's described approach, and the ability to meet/exceed the criteria set forth in scope of services section of the RFP.
- Compliance with Contract Terms and Conditions and overall quality and completeness of proposal submission.
- References.
- Cost of services.
- Local business advantages (if applicable).

## COST SUMMARY COMPARISON

<u>Company</u>	<u>Score</u>	<u>Cost Proposal</u>
BakerTilly	507	\$62,500
Carlson Dettmann Consulting	289	\$75,200 (plus \$6,000 for DEI analysis and \$2,500 for seasonal employee pay plan review)
McGrath Human Resources Consulting	499	\$69,875
USI Insurance Services	368	\$64,000



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Please contact me if you have any questions regarding this recommendation.

**13-22**

**AN ORDINANCE AMENDING SECTION 3-52(b) OF CHAPTER 3 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO RESTRICTED SPECIES.**

(Board of Health – 1/19/2022)

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

**Section 1:** That Section 3-52(b) of Chapter 3 of the Municipal Code of the City of Appleton, relating to restricted species, is hereby amended to read as follows:

**Sec. 3-52. Restricted species.**

(b) Upon obtaining a permit issued by the Health Department, honeybee hives in areas zoned P-I, Public Institutional District; on building rooftops within the Central Business District (CBD), and areas approved as urban farms, may be maintained subject to the requirement and limitations on file with the Health Department.

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