



City of Appleton

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

Meeting Agenda - Final Common Council

Wednesday, March 16, 2022

7:00 PM

Council Chambers

A. CALL TO ORDER

B. INVOCATION

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

F. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[22-0294](#) Common Council Meeting Minutes of March 2, 2022

Attachments: [CC Minutes 3-2-22.pdf](#)

G. BUSINESS PRESENTED BY THE MAYOR

[22-0334](#) Appointment to the Fox Cities Area Room Tax Commission & Public Arts Committee

Attachments: [Council Appointment Memo 3-16-22.pdf](#)

H. PUBLIC PARTICIPATION

I. PUBLIC HEARINGS

[22-0301](#) Public Hearing on Special Resolution 1-P-22; Concrete Pavement, Sidewalk Construction, and Driveway Aprons
Amethyst Dr (Providence Ave to Bluetopaz Dr)
Bluetopaz Dr (Providence Ave to Calmes Dr)
Tiburon Lane (Applehill Blvd to Purdy Pkwy)

Attachments: [1-P-22 Public Hearing Notice.pdf](#)

[22-0296](#) Public Hearing for Comprehensive Plan Map Amendment #1-22 Maritime Bar from R-1C Residential to C-1 Mixed Use

Attachments: [Public Hearing Notice Comp Plan Amend #1-22.pdf](#)

[22-0299](#) Public Hearing for Rezoning #1-22 for Maritime Bar from R-1C Central City Residential District & C-2 General Commercial District to C-1 Neighborhood Mixed Use District.

Attachments: [RZ #1 22 Notice of Public Hearing.pdf](#)

J. SPECIAL RESOLUTIONS

[22-0305](#) Final Resolution 1-P-22 Concrete Pavement, Sidewalk Construction, and Driveway Aprons

Attachments: [Final Resolution 1-P-22 Concrete Paving Sidewalks and Aprons.pdf](#)

K. ESTABLISH ORDER OF THE DAY

L. COMMITTEE REPORTS

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[22-0213](#) Resolution #3-R-22 regarding Municipal Code Chapter 12, Article III, Weeds and Wild Growth.

Attachments: [Resolution #3-R-22.pdf](#)

[Resolution #3-R-22-Memo.pdf](#)

Legislative History

2/21/22	Municipal Services Committee	held
3/7/22	Municipal Services Committee	recommended for denial <i>The motion to recommend for denial failed by a 2-3 vote.</i>
3/7/22	Municipal Services Committee	recommended for approval <i>The motion to recommend for approval failed by a 2-3 vote.</i>
3/7/22	Municipal Services Committee	approved as amended <i>Motion to amend by substitution to enact a No Mow May consistent with the rules that we have used the previous two years.</i>

[21-0868](#) Request from Blue Sky Contractors for a street occupancy permit for four parking stalls (CAW 310, 312, 314 & 316) for the commercial development project at 318 W. College Avenue be approved from June 14, 2021 through October 29, 2021 (except for September 24th and 25th).

Legislative History

6/21/21	Municipal Services Committee	recommended for approval
7/7/21	Common Council	approved
10/25/21	Municipal Services Committee	recommended for approval
11/3/21	Common Council	approved
3/7/22	Municipal Services Committee	recommended for approval

[22-0192](#)

Approve proposed change to Municipal Code Section 19-112, Non-metered off-street parking.

Attachments: [Municipal Code Section 19-112.pdf](#)

Legislative History

2/21/22	Municipal Services Committee	recommended for approval
---------	---------------------------------	--------------------------

[22-0289](#)

Request from Creative Downtown Appleton Inc. for a street occupancy permit for the College Avenue beautification strip between Drew Street and Badger Avenue for the following events:

May 20, 2022: Student Art
 June 17, 2022: Street Music Week Finale
 July 15-16, 2022: Chalk Walk
 August 19-20, 2022: Paint Out

Attachments: [Downtown Creates Event Series Memo.pdf](#)
[Street Occ Permit-Creative Downtown.pdf](#)

Legislative History

3/7/22	Municipal Services Committee	recommended for approval
--------	---------------------------------	--------------------------

[22-0290](#)

Request from Creative Downtown Appleton Inc. for a street occupancy permit for Sidewalk Sales on the College Avenue beautification strip (not sidewalk area) from Drew Street to Badger Avenue on May 20, 2022; June 17, 2022; July 15-16, 2022 and August 19-20, 2022.

Legislative History

3/7/22	Municipal Services Committee	recommended for approval
--------	---------------------------------	--------------------------

[22-0291](#) Request from Bolton & Menk, Inc. for a street occupancy permit for balconies to extend into the Washington Street right-of-way 3 feet, with a minimum 28 foot clearance and a canopy to extend 8" into the Washington Street right-of-way with an 8'8" clearance.

Attachments: [Street Occ Permit-Bolton & Menk Inc.pdf](#)

Legislative History

3/7/22 Municipal Services recommended for approval
Committee

[22-0302](#) Approve changes to intersection traffic control at the Lindbergh Street/Summit Street intersection. Follow-Up to Six-Month Period.

Attachments: [Lindbergh St-Summit St.pdf](#)

Legislative History

3/7/22 Municipal Services recommended for approval
Committee

[22-0303](#) Approve New parking restriction on the 1300 block of N. Summit Street (at Wisconsin Avenue). Follow-Up to Six-Month Trial Period

Attachments: [1300 N Block of N. Summit St.pdf](#)

Legislative History

3/7/22 Municipal Services recommended for approval
Committee

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[22-0046](#) Resolution #1-R-22 Intoxicated Bartender Ordinance

Attachments: [#1-R-22 Intoxicated Bartenders.pdf](#)
[Intoxicated Bartender incidents 2021.pdf](#)

Legislative History

1/26/22 Safety and Licensing held
Committee
Motion and second to deny were withdrawn.

Motion to hold until February 23rd to allow for additional revisions carried 5/0.

2/23/22 Safety and Licensing returned without recommendation
Committee
Ald. Smith stated that he would like to withdraw the Resolution. There were no objections from the Committee members.

3/9/22 Safety and Licensing recommended for denial
Committee

[22-0227](#) Class "B" Beer and Reserve "Class B" Liquor License application for Holidays Pub LLC d/b/a Holidays Pub & Grill, Corey Bringman, Agent, located at 3950 N Richmond St, contingent upon approval from the Health and Inspections departments.

Attachments: [Holidays Pub & Grill.pdf](#)

Legislative History

3/9/22 Safety and Licensing Committee recommended for approval

[22-0228](#) Class "B" Beer and "Class B" Liquor Temporary Premise Amendment application for Sangria's Mexican Grill, Sarah Gregory, Agent, located at 215 S Memorial Dr, on May 5, 7 & 8, 2022, contingent upon approvals the Community Development and Health departments.

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

Legislative History

3/9/22 Safety and Licensing Committee recommended for approval

[22-0231](#) Class "B" Beer and Reserve "Class B" Liquor License application for Foster Cocktail Company LLC d/b/a Commodore Club, Patrick Frawley, Agent, located at 231 & 233 E College Ave, contingent upon approval from the Health, Public Works and Inspections departments.

Attachments: [Commodore Club.pdf](#)

[SUP 17-15 Transfer Report 3-2-22 final Commodore Club.pdf](#)

Legislative History

3/9/22 Safety and Licensing Committee recommended for approval

[22-0236](#) Class "A" Beer and "Class A" Liquor License Change of Agent application for Walgreens Co d/b/a Walgreens #07323, Garrette Kersten, New Agent, located at 3330 E Calumet St.

Attachments: [Garrette J Kersten S&L.pdf](#)

Legislative History

3/9/22 Safety and Licensing Committee recommended for approval

[22-0317](#) Cigarette and Tobacco Products Retail License application for Tee Tees Nachos LLC d/b/a Tee Tees Nachos, Timasha Thornton, Person in Charge, located at 550 N Morrison St.

Attachments: [Tee Tees Nachos S&L.pdf](#)

Legislative History

3/9/22 Safety and Licensing Committee recommended for approval

3. MINUTES OF THE CITY PLAN COMMISSION

[22-0073](#)

Request to approve Comprehensive Plan 2010-2030 Future Land Use Map Amendment #1-22 for the subject parcel located at 1312 North Division Street (Tax Id #31-6-0598-00) from future One and Two-Family Residential land use designation to Mixed Use land use designation as shown on the attached map and approve the attached Resolution

Attachments: [StaffReport_Maritime Bar_CompPlan+Rezoning_For02-09-22.pdf](#)

Legislative History

2/9/22 City Plan Commission recommended for approval
Proceeds to Council on March 16, 2022.

[22-0075](#)

Request to approve Rezoning #1-22 for the subject parcels located at 1312 North Division Street (Tax Id #31-6-0598-00) and 336 West Wisconsin Avenue (Tax Id #31-6-0599-00), including the adjacent one-half (1/2) right-of-way of North Division Street and West Wisconsin Avenue, as shown on the attached maps, from R-1C Central City Residential District and C-2 General Commercial District to C-1 Neighborhood Mixed Use District

Attachments: [StaffReport_Maritime Bar_CompPlan+Rezoning_For02-09-22.pdf](#)

Legislative History

2/9/22 City Plan Commission recommended for approval
Proceeds to Council on March 16, 2022.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

5. MINUTES OF THE FINANCE COMMITTEE

[22-0054](#)

#2-R-22 Improve Communication, Technology, and Pedestrian Safety

Attachments: [Finance Committee Resolution 2-R-22.pdf](#)

[#2-R-22 Communication, Technology Ped. Safety.pdf](#)

[Resolution 2-R-22 memo.pdf](#)

Legislative History

1/24/22	Finance Committee	held
2/7/22	Finance Committee	held

3/7/22 Finance Committee approved as amended
The Resolution was recommended for approval as amended (3/2), following the recommendations outlined in Mayor Woodford's March 3, 2022 memo:

- Allocate and authorize \$75,000 for a consultant to evaluate the Enhanced Crosswalk Program
- Allocate and authorize \$60,000 for IT systems upgrades

The following allocation/authorization will be held and taken up by the Finance Committee in the future:

- Hold \$100,000 for website re-design
- Hold remaining \$150,000 for Enhanced Crosswalk program
- Hold remaining \$90,000 for technology upgrades

[22-0272](#) Change Order No 7 to Staab Construction contract as part of the 2019 AWWTP Improvements Projects totaling \$57,614 resulting in a decrease in contingency from \$216,845 to \$159,231

Attachments: [2019 AWWTP Improvements Staab Change Order No7.pdf](#)
[CO-07-Cost to provide six 12in SS Knife Gate Valves.pdf](#)

Legislative History

3/7/22 Finance Committee recommended for approval
Moved up to action item 5-0.

[22-0267](#) Request to award Unit C-22 Sidewalk Sawcutting to ASTI Sawing, Inc in an amount not to exceed \$30,000 (year 2 of 3-year agreement)

Attachments: [Award of Contract Unit C-22.pdf](#)

Legislative History

3/7/22 Finance Committee recommended for approval

[22-0268](#) Request to award Unit B-22 Asphalt Pavement Reconstruction to Peters Concrete Company in the amount of \$1,445,674 with a 7% contingency of \$100,000 for a project total not to exceed \$1,545,674. This is contingent upon the approval of the \$275,000 budget adjustment/carryover request.

Attachments: [Award of Contract Unit B-22.pdf](#)

Legislative History

3/7/22 Finance Committee recommended for approval

[22-0269](#) Request to approve Finance Committee Report 2-P-22 for Sanitary Laterals, Storm Laterals and Storm Main

Attachments: [Report 2-P-22.pdf](#)

Legislative History

3/7/22 Finance Committee recommended for approval

[22-0273](#)

Request to approve the 2021-2022 Budget carryover appropriations:

1. Items not under contract \$24,152,421
2. Items requesting Special Consideration \$686,626

(2/3 vote of Council required)

Attachments: [Not Under Contract 2021-2022 Carryover.pdf](#)
[Special Consideration 2021-2022 Carryover.pdf](#)

Legislative History

3/7/22 Finance Committee recommended for approval

[22-0274](#)

Request to award the 2022 AWWTP Electrical Distribution Upgrades - Phase 5 Project contract to Van Ert Electric, Inc in the amount of \$1,595,000 with a contingency of 10% for a project total not to exceed \$1,754,500

Attachments: [2021 AWWTP Electrical Distribution Upgrades Phase 5 \(Final\).pdf](#)

Legislative History

3/7/22 Finance Committee recommended for approval

[22-0278](#)

Request to award the 2022 Green Meadows Tennis and Basketball Court Reconstruction to Northeast Asphalt, Inc in the amount of \$230,550 with a contingency of \$20,850 for a total not to exceed \$251,400

Attachments: [2022 Green Meadows Tennis and Basketball Court Action Items.pdf](#)

Legislative History

3/7/22 Finance Committee recommended for approval

[22-0282](#)

Request approval to participate in the Solar Now Program at the Library, Municipal Services Building and Valley Transit

Attachments: [2022 SolarNOW.pdf](#)

Legislative History

3/7/22 Finance Committee recommended for approval

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

[22-0244](#) Request approval of engineering services for final engineering and stormwater management in Southpoint Commerce Park to be performed by R.A. Smith at a cost not to exceed \$53,000

Attachments: [RA Smith Final Eng + Stormwater in SPCP Memo to CEDC 3-9-22.pdf](#)
[DRAFT RA Smith 2022 Southpoint Commerce Park Task Order.pdf](#)
[Southpoint Commerce Park Map 2 23 2022.pdf](#)

Legislative History

3/9/22 Community & Economic Development Committee recommended for approval

[22-0245](#) Request to approve the City of Appleton maintain its current selling prices for business/industrial park land and hold option fees as described in the attached documents

Attachments: [Business-Industrial Park Land Value Memo 3-9-22.pdf](#)
[Exhibit A-Ind Land Sales Comparison.pdf](#)
[Exhibit B-Ind Land Sales Ask Price Comparison.pdf](#)
[Southpoint Commerce Park Map 2 23 2022.pdf](#)
[NE Business Park Map 7 2021.pdf](#)

Legislative History

3/9/22 Community & Economic Development Committee recommended for approval

[22-0246](#) Request to approve the recommended allocation of American Rescue Plan Act (ARPA) grant funds as specified in the attached documents

Attachments: [ARPA Grant Distribution Memo to CEDC 3-9-22.pdf](#)
[Recommended Awards for ARPA Phase One Nonprofit Grant Apps.pdf](#)
[ARPA Phase One Matrix.pdf](#)

Legislative History

3/9/22 Community & Economic Development Committee recommended for approval

7. MINUTES OF THE UTILITIES COMMITTEE

[22-0276](#) Preliminary Resolution 2-P-22 for Sanitary Laterals, Storm Laterals and Storm Main be adopted and refer the matter to the Finance Committee to determine the assessment rate.

Attachments: [2-P-22 Sanitary Laterals Storm Laterals Storm Main.pdf](#)

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

[22-0297](#) Request to sole source an IT network assessment to Heartland Business Systems in the amount of \$60,000.

Attachments: [2022 Heartland Assessment Sole Sourcing.pdf](#)

Legislative History

3/9/22 Human Resources & Information Technology Committee recommended for approval

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

10. MINUTES OF THE BOARD OF HEALTH

M. CONSOLIDATED ACTION ITEMS

[22-0335](#) **Consolidated Action Items for Preliminary Resolution 2-P-22 Sanitary Laterals, Storm Laterals & Storm Main**

Item# 22-0269 Finance Committee

Item# 22-0276 Utilities Committee

N. ITEMS HELD

O. ORDINANCES

[22-0330](#) Ordinances #16-22 to #21-22

Attachments: [Ordinances to Council 3-16-22.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.



City of Appleton

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

Meeting Minutes - Final-revised Common Council

Wednesday, March 2, 2022

7:00 PM

Council Chambers

A. CALL TO ORDER

The meeting was called to order by Mayor Woodford at 7:00 p.m.

B. INVOCATION

The Invocation was offered by Alderperson Wolff.

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

Present: 15 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matthew Reed, Alderperson Alex Schultz, Alderperson Michael Smith, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Joe Prohaska, Alderperson Chad Doran and Mayor Jake Woodford

Excused: 1 - Alderperson Joe Martin

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

All Departments were represented.

F. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[22-0214](#)

Common Council Meeting Minutes of February 16, 2022

Attachments: [CC Minutes 2-16-22.pdf](#)

Alderperson Prohaska moved, seconded by Alderperson Hartzheim, 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 Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matthew Reed, Alderperson Alex Schultz, Alderperson Michael Smith, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Joe Prohaska and Alderperson Chad Doran

Excused: 1 - Alderperson Joe Martin

Abstained: 1 - Mayor Jake Woodford

G. BUSINESS PRESENTED BY THE MAYOR

[22-0239](#)

Proclamations:

- Age-friendly Community
- Be Active Wisconsin Month
- Colorectal Cancer Awareness Month

Attachments:

[Age-Friendly Community Proclamation.pdf](#)

[Be Active Wisconsin Month Proclamation.pdf](#)

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

[22-0240](#)

COVID-19 Report

Attachments:

[2022.03.02_CouncilReport.pdf](#)

H. PUBLIC PARTICIPATION

There was no one signed up to speak during public participation.

I. PUBLIC HEARINGS

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

[22-0194](#)

Request to replace hotel signage on the College Avenue Skywalk with sign for Vince Lombardi's Steakhouse.

Attachments:

[Vince Lombardi's.pdf](#)

Alderson Prohaska moved, seconded by Alderson Hartzheim, that the Signage Request be approved. Roll Call. Motion carried by the following vote:

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

Excused: 1 - Alderson Joe Martin

Abstained: 2 - Alderson Alex Schultz and Mayor Jake Woodford

[22-0212](#)

Preliminary Resolution 1-P-22 for Concrete Pavement, Driveway Aprons and Sidewalk Construction be adopted and refer the matter to the Finance Committee to determine the assessment rate.

Attachments: [Resolution 1-P-22.pdf](#)

Aldersperson Prohaska moved, seconded by Aldersperson Hartzheim, that the Preliminary Resolution be approved. Roll Call. Motion carried by the following vote:

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

Excused: 1 - Aldersperson Joe Martin

Abstained: 1 - Mayor Jake Woodford

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

Aldersperson Fenton moved, Aldersperson Hartzheim 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 Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Matthew Reed, Aldersperson Alex Schultz, Aldersperson Michael Smith, Aldersperson Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim, Aldersperson Joe Prohaska and Aldersperson Chad Doran

Excused: 1 - Aldersperson Joe Martin

Abstained: 1 - Mayor Jake Woodford

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[22-0191](#)

Approve Plan Review Services Contract for Large Projects to E-Plan Exam.

Attachments: [Plan Review Services for Large Projects.pdf](#)

This Report Action Item was approved.

[22-0193](#)

Approve modifications to the Downtown Parking Policy for City Employees.

Attachments: [Downtown Parking Policy-City Employees.pdf](#)

This Report Action Item was approved.

[22-0195](#)

Request from Greenfire for a street occupancy permit for a crane and construction staging area to extend 30 feet into the Oneida Street right-of-way at 103 W. College Avenue through December 31, 2022.

Attachments: [Street Occupancy-103 W College Ave.pdf](#)

This Report Action Item was approved.

[22-0201](#)

Approve parking restriction change on the 800 block of W. Eighth Street (Badger Avenue to Pierce Avenue). Follow-up to six-month trial period.

Attachments: [800 Block of W. Eighth St.pdf](#)

This Report Action Item was approved.

[22-0202](#)

Approve parking restriction change on the 100 block of W. College Avenue adjacent to Houdini Plaza. Follow-up to six-month trial period.

Attachments: [100 Block of W. College Avenue.pdf](#)

This Report Action Item was approved.

[22-0203](#)

Approve installation of STOP signs on Locust Street at Oklahoma Street. Follow-up to six-month trial period.

Attachments: [Locust St-Oklahoma Street intersection.pdf](#)

This Report Action Item was approved.

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[22-0047](#)

Reserve "Class B" Liquor and Class "B" Beer License application for Jackson Investment Group d/b/a Jimmy's on the Ave, April Anderson, Agent, located at 409 W College Ave, contingent upon approval from the Community Development, Health and Inspections departments.

Attachments: [Jimmys on the Ave.pdf](#)

This Report Action Item was approved.

[22-0067](#)

Class "B" Beer License application for The Breaking Point d/b/a Breaking Point, Courtney J Hayden, Agent, located at 2011 N Richmond St, contingent upon approval the Health and Inspections departments.

Attachments: [Breaking Point.pdf](#)
[Resolution The Breaking Point SUP#5-21 SIGNED.pdf](#)
[StaffReport_Breaking Point_SUP_For01-12-22.pdf](#)

This Report Action Item was approved.

[22-0083](#)

Cigarette License application for Fox River House LLC d/b/a Fox River House, Cassidy Evers, Agent, located at 211 S Walnut St.

Attachments: [Fox River House S&L.pdf](#)

This Report Action Item was approved.

[22-0129](#)

Class "B" Beer License application for Taco House LLC d/b/a Taco House, Roberto Martinez, Agent, located at 135 E Wisconsin Ave, contingent upon approval from the Finance and Inspections departments.

Attachments: [Taco House.pdf](#)
[Resolution 135 E Wisconsin Ave SUP#3-20 SIGNED attached to liquor license.pdf](#)

This Report Action Item was approved.

[22-0188](#)

Change of Agent application for Aldi Inc d/b/a Aldi #69, Jamison Pierce, New Agent, located at 2310 S Kensington Dr.

Attachments: [Jamison Pierce S&L.pdf](#)

This Report Action Item was approved.

[22-0189](#)

Change of Agent application for Aldi Inc d/b/a Aldi #68, Michael J Haash, New Agent, located at 116 N Linwood Ave.

Attachments: [Michael J Haasch S&L.pdf](#)

This Report Action Item was approved.

[22-0208](#)

Auto-Aid Addendum with the Neenah/Menasha Fire Rescue

Attachments: [Auto-Aid_Neenah_Menasha_Memo.pdf](#)
[22-0078 - Addendum to Automatic Aid Agrm.pdf](#)
[2011 Auto Aid Agreement MOU.pdf](#)
[2010 Shared Response.pdf](#)

This Report Action Item was approved.

[22-0209](#)

Urban Search and Rescue Contract

Attachments: [Urban Search and Rescue Memo.pdf](#)
[Urban Search and Rescue 2022-2024 Agreement.pdf](#)
[2021 Act 104.pdf](#)

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION

[22-0162](#)

Request to approve the dedication of land for public right-of-way for a portion of Appleton Street, generally located east of Appleton Street and south of Washington Street (parts of Tax Id #31-2-0272-00 and #31-2-0272-01), as shown on the attached maps

Attachments: [StaffReport_AppletonStIndentedArea_StreetDedication_For02-23-22.pdf](#)

This Report Action Item was approved.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

5. MINUTES OF THE FINANCE COMMITTEE

[22-0197](#)

Request to award Unit A-22 Concrete Paving to Vinton Construction in the amount of \$4,382,958 with a 2.5% contingency of \$107,000 for a project total not to exceed \$4,489,958

Attachments: [Award of Contract Unit A-22.pdf](#)

This Report Action Item was approved.

[22-0198](#)

Request to award Unit Z-22 Sewer & Water Reconstruction to Calnin & Goss, Inc in the amount of \$1,380,182 with a 7.5% contingency of \$103,514 for a project total not to exceed \$1,483,695

Attachments: [Award of Contract Unit Z-22.pdf](#)

This Report Action Item was approved.

[22-0199](#)

Request to approve Finance Committee Report 1-P-22 for Concrete Pavement, Sidewalk Construction and Driveway Aprons

Attachments: [Report 1-P-22.pdf](#)

This Report Action Item was approved.

[22-0215](#)

Request to deny Manos Holdings (Dental Associates) request for refund of 2021 real estate property taxes for 2115 E Evergreen Dr, Appleton, WI (parcel 31-1-6510-39)

Attachments: [Requests for refund of property taxes.pdf](#)
 [Manos Holdings.pdf](#)

This Report Action Item was approved.

[22-0216](#)

Request to deny Vantage Financial Leasing request for refund of 2020 personal property taxes for parcel 31-2-99-4280-50

Attachments: [Requests for refund of property taxes.pdf](#)
 [Vantage Financial 2020.pdf](#)

This Report Action Item was approved.

[22-0217](#)

Request to approve Vantage Financial Leasing request to rescind 2021 personal property taxes for parcel 31-2-99-4280-50

Attachments: [Requests for refund of property taxes.pdf](#)
 [Vantage Financial 2021.pdf](#)

This Report Action Item was approved.

[22-0218](#)

Request to approve Smart Choice MRI request to rescind 2021 personal property taxes for parcel 31-9-99-0132-30

Attachments: [Requests for refund of property taxes.pdf](#)
 [Smart Choice MRI.pdf](#)

This Report Action Item was approved.

[22-0219](#)

Request to approve the following 2022 Budget amendment:

COVID-19 Response Grant Fund

Health Grants & Aids	+\$120,900
Salaries	+\$ 66,407
Fringes	+\$ 35,128
Travel/Training	+\$ 12,059
Office Supplies	+\$ 2,787
Other Contracts/Obligations	+\$ 4,519

to record additional grant funds from the State Department of Health Services for 2022-2023 to establish, expand, train, and sustain the public health workforce to support COVID-19 activities

Attachments: [2022 PHEP Workforce Grant.pdf](#)

This Report Action Item was approved.

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

[22-0170](#)

Request to approve recommended funding of \$15,000 for 2022 sponsorships for Appleton Downtown Inc. (ADI) programs as outlined in the attached document

Attachments: [Memo to CEDC on ADI Sponsorships 2022.pdf](#)
[ADI Support Proposal to City 2022.pdf](#)
[CompPlan_ADIRelatedExcerpts.pdf](#)

This Report Action Item was approved.

7. MINUTES OF THE UTILITIES COMMITTEE

[22-0165](#)

Approve updates to Municipal Code Chapter 20, Article VI, Stormwater Management Standards and Planning.

Attachments: [2022 Ordinance changes to UC combined.pdf](#)

This Report Action Item was approved.

[22-0166](#)

Approve 2021 Annual Stormwater Report to the Wisconsin Department of Natural Resources.

Attachments: [2021 MS4 Annual Report to UC .pdf](#)

This Report Action Item was approved.

[22-0167](#)

Approve Sole Source Organic Recycling Contractor Services contract to Hsu Growing Supply for a three-year term ending December 31, 2024 in the amount not to exceed \$247,500.

Attachments: [220209_UCM_Hsu_contract_2022-24.pdf](#)

This Report Action Item was approved.

[22-0168](#)

Permit transfer approval from Appvion Operations, Inc. n/k/a Appleseed Operations, Inc. (the Prior Owner) to Appvion, LLC (the New Owner) - Pretreatment Program Permit No. 21-03.

Attachments: [220214_memo_action_item_Permit_transfer_Letter.pdf](#)
[Transfer of Industrial User Wastewater Discharge Permit Letter.pdf](#)

This Report Action Item was approved.

[22-0178](#)

Award of Unit K-22 Native Landscape Management Contract to RES, Inc., in an amount not to exceed \$192,385.00.

Attachments: [K-22_Contract_Award_Util_Memo_02-15-2022_Final.pdf](#)

This Report Action Item was approved.

[22-0179](#)

Award of Single Source Contract to NES Ecological Services for 2022 Wetland Delineation Services in an amount not to exceed \$20,137.00

Attachments: [2022C_Wetland_Delineations_Contract_Award_Memo_Util_Cmte_02-15-2022_Final.pdf](#)

This Report Action Item was approved.

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

[22-0184](#)

Request to approve Pool Manager position to pay grade 8 in Seasonal Pay Plan.

Attachments: [Pool_Manager_Pay_Grade_Memo.pdf](#)
[Seasonal_Pay_Plan_draft.pdf](#)

This Report Action Item was approved.

[22-0185](#)

Request to approve over-hire for Benefits Coordinator position in H.R.

Attachments: [HR Overhire memo.pdf](#)

This Report Action Item was approved.

[22-0186](#)

Request to approve change to Information Technology table of organization.

Attachments: [IT Table of Organization Change Memo.pdf](#)
[Information Technology TO draft 2-23-22.pdf](#)

This Report Action Item was approved.

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

10. MINUTES OF THE BOARD OF HEALTH

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

#4-R-22

RESOLUTION ON CLEAN WATER AND TREATY RIGHTS

Submitted by: Alderperson Meltzer – District 2, Alderperson Schultz – District 9, & Alderperson Wolff – District 12

Date: March 2, 2022

Referred To: Special Session of the Common Council

WHEREAS the Upper Mississippi watershed and the western Great Lakes, as well as the rights and sovereignty of Indigenous people, along with many historic cultural sites, are threatened by Enbridge Energy's construction of Line 3, an expanded, rerouted, tar sands pipeline passing through northern Minnesota, and portions of Line 5, a reroute of an old, corroding crude oil pipeline that crosses many sensitive and vulnerable environmental and cultural areas in Northern Wisconsin, and threatens the safety and wellbeing of not just Northern Wisconsin but our entire state including Appleton; and

WHEREAS, Enbridge has a history of catastrophic oil spills in the upper midwest, including in in 1991 in Minnesota when 1.7 million gallons of oil spilled near the Prairie River, and in 2010 in Michigan when 1.1 million gallons of tar sands oil spilled into the Kalamazoo River; and,

WHEREAS, from 2002 to 2018, Enbridge and its joint ventures and subsidiaries reported 307 hazardous liquids incidents to federal regulators - one incident every 20 days on average - which released a total of 2.8 million gallons of hazardous liquids; and,

WHEREAS, in June 2021, Enbridge employees were arrested and charged in human trafficking while working on Enbridge Line 3; and,

WHEREAS, on May 3, 2021, Mayor Woodford commemorated the lives of those missing and murdered Indigenous women and girls and acknowledged that resource extraction is directly related to human trafficking;

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Appleton support the rights of the Anishinaabe to hunt, fish and gather established by treaties, including their actions to protect the land and waters of the Upper Mississippi and Great Lakes watersheds on which those rights are practiced, by opposing the construction of Enbridge Lines 3 and 5.

BE IT FURTHER RESOLVED that the Common Council of the City of Appleton call on all residents of Appleton to raise awareness about this important struggle for Indigenous sovereignty and environmental justice by learning from Indigenous leaders, Native organizations and other organizations such as stopline3.org, narf.org, oilandwaterdontmix.org and to support water protection efforts in any way they can.

BE IT FURTHER RESOLVED that the Common Council of the City of Appleton call upon the Wisconsin DNR to reject Enbridge's permit application for the construction of Line 5 across so many vulnerable environmental and cultural areas in Northern Wisconsin.

BE IT FURTHER RESOLVED that the Common Council of the City of Appleton call upon every elected leader at the local, state and federal level with the authority to stop

the construction of Lines 3 and 5 to do so immediately.

BE IT FINALLY RESOLVED that the Common Council of the City of Appleton hereby recommend that the city of Appleton reject any request for mutual aid by Enbridge Inc. for the purpose of constructing and operating Lines 3 and 5.

R. OTHER COUNCIL BUSINESS

S. ADJOURN

Aldersperson Smith moved, seconded by Aldersperson Hartzheim, that the meeting be adjourned at 7:22 p.m. Roll Call. Motion carried by the following vote:

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

Excused: 1 - Aldersperson Joe Martin

Abstained: 1 - Mayor Jake Woodford


Kami Lynch, City Clerk



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

OFFICE OF THE MAYOR

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

TO: Members of the Common Council
FROM: Mayor Jacob A. Woodford 
DATE: March 11, 2022
RE: Confirmation of Commission Appointments

I present the following appointment for your confirmation at the March 16, 2022, Common Council meeting.

FOX CITIES AREA ROOM TAX COMMISSION – Appointment

Jeri Ohman	1-year Term	Term Expires May 2023
------------	-------------	-----------------------

APPLETON PUBLIC ART COMMITTEE – Appointment

Callista Buchen	3-year Term	Term Expires December 2024
-----------------	-------------	----------------------------

Callista Buchen is a native of the Fox Valley and an Appleton resident. She is the author of three books of poetry published by national presses, including two chapbooks, *The Bloody Planet* (2015) and *Double-Mouthed* (2016), and the full-length collection *Look Look Look* (2019), which debuted at number 3 on Small Press Distribution's bestseller list. A widely published poet in national and international literary journals, she holds an MA in English literature from the University of Oregon, an MFA in creative writing from Bowling Green State University, and a PhD in English literature and creative writing from the University of Kansas. Before returning to Appleton, she was awarded tenure as a professor at Franklin College in Indiana, where she directed the creative writing program and founded the Carlson-Stauffer creative writing reading series, as well as won two state grants in support of the public humanities programming she developed. She has served on the committee to select the Indiana State Poet Laureate and as a mentor in AWP's (the Association of Writers and Writing Programs) writer-to-writer program, and is the winner of an Indy Arts Creative Renewal Fellowship (a \$10,000 individual artist award), the C.D. Wright Emerging Writer Award, and Franklin College's Faculty Scholarship award, which recognizes research and artistic achievement (she is the only pre-tenure faculty member to ever win the award). She lives in Appleton with her husband and two children.

NOTICE OF PUBLIC HEARING ON SPECIAL ASSESSMENTS
(Final Resolution 1-P-22)

PLEASE TAKE NOTICE THAT the Common Council hereby declares its intention to exercise its powers under Section 66.0703, Wisconsin Statutes, to levy special assessments upon property within the following described area for benefits conferred upon such property by improvement of the following area.

CONCRETE PAVEMENT, SIDEWALK CONSTRUCTION AND DRIVEWAY APRONS

- Amethyst Dr (Providence Ave to Bluetopaz Dr)
- Bluetopaz Dr (Providence Ave to Calmes Dr)
- Tiburon Lane (Applehill Blvd to Purdy Pkwy)

The assessment area consists of all property fronting upon both sides of the named streets from intersection to intersection or point to point described herewith including the full width of said intersection of said limits.

The Report of the Finance Committee showing preliminary and/or Final Plans and Specifications, estimated cost of improvements, schedule of proposed assessments is on file in the Department of Public Works, Fifth Floor, 100 North Appleton Street, Appleton, WI 54911. Please call 832-5592 to discuss specific questions or amounts to be assessed to your property or to view said documents, Monday through Friday, between the hours of 7:30 A.M. to 3:00 P.M.

You are further notified that the Common Council will hear all persons interested or their agents or attorneys concerning matters contained in the final resolution authorizing such improvements and assessments at a regular meeting of the Common Council to be held on **March 16, 2022 at 7:00 P.M.** or as soon thereafter as can be heard, in the Council Chambers at the City Hall, 100 North Appleton Street, Appleton, Wisconsin. All objections will be considered at said hearing and thereafter the amount of the assessments will be finally determined.

March 3, 2022

RUN: March 7, 2022

KAMI LYNCH, City Clerk

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

CITY OF APPLETON

NOTICE OF PUBLIC HEARING

PROPOSED COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT

NOTICE IS HEREBY GIVEN of a Public Hearing to be held before the Appleton Common Council on Wednesday, March 16, 2022, at 7:00 P.M. in Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, or as soon thereafter as can be heard, for the purpose of considering a Comprehensive Plan Future Land Use Map Amendment request.

Pursuant to Chapter 12: Implementation of the City of Appleton Comprehensive Plan 2010-2030, to consider a request by Two Bucks Only II LLC, owner, and Mach IV Engineering & Surveying LLC, applicant, for the parcel located at 1312 North Division Street (Tax Id #31-6-0598-00) to amend the Comprehensive Plan Future Land Use Map from future One and Two-Family Residential land use to Mixed Use land use.

A copy of the proposed amendment to the Comprehensive Plan Future Land Use Map is available in the Appleton Community and Economic Development Department or the Office of the City Clerk from 8:00 a.m. until 4:30 p.m., Monday through Friday.

All persons interested are invited to express your views or concerns regarding the above-described request. The Common Council meeting is open to the public. Feedback can also be shared with Common Council members via written letter, email, or phone call. Alternatively, you can also contact the Mayor's Office at mayor@appleton.org and your comments will be forwarded to the Common Council.

Any questions regarding this matter should be directed to Jessica Titel, Principal Planner, in the Community and Economic Development Department at 920-832-6476 or by email at jessica.titel@appleton.org.

KAMI LYNCH
CITY CLERK

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

RUN: February 14, 2022

NOTICE OF PUBLIC HEARING

#1-22

RE: Proposed Zone Change

A public hearing will be held in the Council Chambers, City Hall, Appleton, Wisconsin, on March 16, 2022, at 7:00 P.M., or as soon thereafter as can be heard, to consider the following proposed zone change:

Rezoning #1-22: A rezoning request has been initiated by Two Bucks Only II LLC, owner, and Mach IV Engineering & Surveying LLC, applicant, in the matter of amending Chapter Twenty-three (Zoning Ordinance) of the Municipal Code of the City of Appleton for the following described real estate. The owner requests to rezone Parcel # 31-6-0598-00 located at 1312 North Division Street and Parcel #31-6-0599-00 located at 336 West Wisconsin Avenue, including the adjacent one-half (1/2) right-of-way of North Division Street and West Wisconsin Avenue, from R-1C Central City Residential District and C-2 General Commercial District to C-1 Neighborhood Mixed Use District.

Legal Description:

PARCEL #6-0599: PART OF LOT 2, BLOCK 1 OF THE PLAT OF HARRIMAN AND PARKHURST'S ADDITION TO APPLETON, SAID PLAT LOCATED IN THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 23, T21N-R17E, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS: COMMENCING AT SOUTH 1/4 CORNER OF SECTION 23, T21N-R17E; THENCE S89°38'52"W, 1147.00 FEET ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION; THENCE N00°06'37"W, 37.02 FEET TO THE NORTH RIGHT OF WAY OF WEST WISCONSIN AVENUE AND THE POINT OF BEGINNING; THENCE S89°40'40"W, 62.20 FEET ALONG SAID RIGHT OF WAY; THENCE N00°02'15"W, 106.95 FEET ALONG THE WEST LINE OF LOT 2 OF THE PLAT OF HARRIMAN AND PARKHURST'S ADDITION TO APPLETON; THENCE N89°40'59"E, 62.07 FEET TO THE EAST LINE OF SAID LOT 2; THENCE S00°06'37"E, 106.94 FEET ALONG THE EAST LINE OF SAID LOT 2 TO THE POINT OF BEGINNING, INCLUDING THE ADJACENT ONE-HALF (1/2) RIGHT-OF-WAY OF WEST WISCONSIN AVENUE. PARCEL CONTAINS 6,645 SQUARE FEET / 0.15 ACRES, MORE OR LESS.

PARCEL #6-0598: PART OF LOTS 1 AND 2, BLOCK 1 OF THE PLAT OF HARRIMAN AND PARKHURST'S ADDITION TO APPLETON, SAID PLAT LOCATED IN THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 23, T21N-R17E, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS: COMMENCING AT SOUTH 1/4 CORNER OF SECTION 23, T21N-R17E; THENCE S89°38'52"W, 1147.00 FEET ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION; THENCE N00°06'37"W, 143.96 FEET TO THE POINT OF BEGINNING; THENCE S89°40'59"W, 123.87 FEET TO THE EAST RIGHT OF WAY OF NORTH DIVISION STREET; THENCE N00°07'12"W, 50.00 FEET ALONG SAID RIGHT OF WAY TO THE NORTH LINE OF LOT 1 OF THE PLAT OF HARRIMAN AND PARKHURST'S ADDITION TO APPLETON; THENCE N89°40'59"E, 123.88 FEET ALONG NORTH LINE

OF LOTS 1 AND 2 OF SAID PLAT; THENCE S00°06'37"E, 50.00 FEET ALONG THE EAST
LINE OF SAID LOT 2 TO THE POINT OF BEGINNING, INCLUDING THE ADJACENT
ONE-HALF (1/2) RIGHT-OF-WAY OF NORTH DIVISION STREET.
PARCEL CONTAINS 6,194 SQUARE FEET / 0.14 ACRES, MORE OR LESS.

February 17, 2022

RUN: February 22, 2022
March 1, 2022

KAMI LYNCH
City Clerk

RESOLUTION 1-P-22

FINAL RESOLUTION DECLARING INTENT TO EXERCISE SPECIAL ASSESSMENT POWERS UNDER SECTION 66.0703 (7) (a), WISCONSIN STATUTES OF 2011-2012.

WHEREAS, the Common Council of the City of Appleton, Wisconsin, held a Public Hearing at the Council Chambers in City Hall at 7:00 P.M. on the 16th day of March, 2022, for the purpose of hearing all interested persons concerning the proposed improvements and construction in the following streets or portion of streets:

CONCRETE PAVEMENT, SIDEWALK CONSTRUCTION AND DRIVEWAY APRONS

- Amethyst Dr (Providence Ave to Bluetopaz Dr)
- Bluetopaz Dr (Providence Ave to Calmes Dr)
- Tiburon Lane (Applehill Blvd to Purdy Pkwy)

And has heard all persons desiring an audience at such hearing.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Appleton as follows:

1. That the report of the Finance Committee pertaining to the construction of the above described public improvements including plans and specifications therefor, is hereby adopted and approved.
2. That the Finance Committee is directed to advertise for bids to carry out the work of such improvement in accordance with the report of the Finance Committee.
3. That payment for said improvements be made by assessing the cost to the property benefited as indicated in said report.
4. The schedule of proposed assessments made under the police power and the amount assessed against each parcel are true and correct and are hereby confirmed.
5. That the assessment for all projects included on said report are hereby combined as a single assessment but any interested property owner shall be entitled to object to each assessment separately or both assessments jointly for any purpose or purposes.
6. The assessment against any parcel may be paid to the Finance Department on receipt of Special Assessment Notice by one of the following:
 - a. In cash, or if entered on the Tax Roll.
 - b. One installment, if the assessment is \$1000 or less.
 - c. In five equal installments, if the assessment is greater than \$1000;Deferred payment will bear an interest at the rate of 8.5% per annum on the unpaid balance.
7. The City Clerk is directed to publish this resolution in the Appleton Post Crescent, the Official Newspaper of the City.
8. The Clerk is further directed to mail a copy of this resolution to every affected property owner whose name appears on the assessment roll and whose post office address is known or can with diligence be ascertained.

S/JACOB A. WOODFORD (Mayor)

Attest: KAMI LYNCH (City Clerk)

Adopted: March 16, 2022

Published: March 21, 2022

RESOLUTION #3-R-22

Modify Appleton Weed Ordinance to accommodate No Mow May best practices.

Date: February 16, 2022

Submitted By: Alderperson Meltzer-District 2, Alderperson Fenton-District 6, **Alderperson Schultz-District 9**, Alderperson Alheim-District 11, Alderperson Wolff-District 12

Referred To: Municipal Services Committee

WHEREAS; No Mow May Resolution #2-R-20, which established the pilot community-wide initiative to support emerging pollinator insects, including the delayed enforcement of the City's Weed Ordinance until June 1st, was approved by Common Council in May of 2020 and subsequently renewed for 2021, resulting in no substantial additional burden on city staff and resources; and,

WHEREAS; a study published by Professor Del Toro, et.al., of Lawrence University which analyzed the effects of No Mow May participation in Appleton in 2020, demonstrated that both delayed and reduced frequency mowing and use of pollinator-friendly alternatives to harmful chemical lawn applications dramatically improved bee population numbers and species diversity; and,

WHEREAS; No Mow May has been adopted by a majority of neighboring municipalities, many of which establish allowable lawn heights as 12" for both commercial and residential lots, and by adjusting Appleton's allowed residential height from 8" to 12" will clarify community participation and simplify enforcement, allowing residents to mow less frequently while still maintaining their yards which has many environmental benefits; and,

WHEREAS; the City of Appleton's Weed Commissioner maintains authority to address noxious weeds throughout the year, as authorized by Municipal Code sections 12-58 and 12-59; as well as control rank and unmanaged growth; now therefore,

THEREFORE BE IT RESOLVED; that the City of Appleton amend Municipal Code section 12-58c(3), striking (1) and (2), which define separate height categories for lot types, and amend c(3) to read "The Weed Commissioner shall destroy or cause to be destroyed noxious weeds, and is further empowered to enter upon public and private lands, **on or after June 1**, to cut or remove the accumulation or growth of weeds, grass, brush or otherrank or offensive vegetation which has grown to a height **greater than 12"** and amend Municipal Code section 12-59c(3), to read "Yards, including any area between the installed sidewalk and the curb, with a common stand of turf grass is higher than ~~eight (8)~~ **twelve (12)** inches is declared to be in a state of neglect and a public nuisance.



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

MEMO

TO: Municipal Services Committee

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

DATE: February 28, 2022

SUBJECT: Resolution #3-R-22 regarding Municipal Code chapter 12, Article III, Weeds and Wild Growth.

Public Works staff appreciates the extra time to provide the Municipal Services Committee with feedback on the proposed changes to the Weed and Wild Growth Ordinance. City staff's thoughts are as follows:

1. Our experience over the past few years of No Mow May has been mostly positive, with fewer overall complaints than we feared would transpire.
2. The annual request provides a perfect opportunity to promote the program and educate on the "WHY" behind No Mow May.
3. The current ordinance language provides staff with some beneficial discretion that could be eliminated with the proposed ordinance changes.

Therefore, staff recommends that Resolution #3-R-22 be denied and that we continue with an annual review of No Mow May.



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

MEMO

TO: Municipal Services Committee

FROM: Paula Vandehey, Director of Public Works

DATE: February 17, 2022

SUBJECT: **Proposed changes to Municipal Code Section 19-112, Non-Metered Off-Street Parking.**

In order to ensure that there will be adequate short-term parking in the lower levels of the Yellow Ramp, we are recommending that overnight parking occur on levels 6 and 7. Because a majority of the customers that park overnight have monthly permits, we recommend that this change occurs effective January 1, 2023. This provides substantial notice to our overnight parking customers and creates the desired short-term parking opportunities well before the new Library opens in 2023.

Therefore, City staff is recommending that the following section of Municipal Code Section 19-112 be amended to add (d):

Yellow Ramp: Overnight parking in the Yellow Ramp is permitted only on levels 6 and 7.

Attachment

ADOPTED:
PUBLISHED:
Office of the City Clerk

XX-22

AN ORDINANCE AMENDING SECTION 19-112 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO NON-METERED OFF-STREET PARKING.

(Municipal Services Committee – XX-XX-2022)

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

Section 1: That Section 19-112 of Chapter 19 of the Municipal Code of the City of Appleton, relating to non-metered off-street parking, is hereby amended to read as follows:

Sec. 19-112. Non-metered off-street parking.

(a) The rates and regulations for non-metered off-street parking facilities owned by the City may be established by the Common Council and shall be on file in the office of the Department of Public Works.

(b) Any vehicle which has not been moved and/or is left unattended in any City-owned non-metered off-street parking facility for more than thirty (30) days shall be considered to be abandoned, and shall be dealt with pursuant to the provisions of Chapter 12, Article V of this Municipal Code.

(c) Jones Park Parking Lot: 5 a.m. – 11 p.m. 2-hour time limit. No parking 11 p.m. – 5 a.m.

(d) Yellow Ramp: Overnight parking in the Yellow Ramp is permitted only on levels 6 and 7.

Section 2: This ordinance shall be in full force and effect as of January 1, 2023.

Dated: _____, 2022

Jacob A. Woodford, Mayor

Kami Lynch, City Clerk



MEMORANDUM

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

TO: Paula Vandehey, Director of Public Works

FROM: Jessica Titel, Principal Planner

DATE: March 2, 2022

RE: Request from Creative Downtown Appleton Inc. for the 2022 Downtown Creates Event Series

The Appleton Public Arts Committee met on March 2, 2022 and recommended approval of the request from Creative Downtown Appleton Inc. for the Downtown Creates Event Series to be located within the College Avenue amenity strip and planters (Badger Avenue to Drew Street) **as described in the attached documents and subject to the following conditions.**

1. Per the Art in Public Places Policy, any artwork signage shall meet the parameters set forth in Zoning Code Section 23-531(e), which allows each artwork one plaque/sign not to exceed nine square feet in size.
2. A street occupancy permit is required.
3. The applicant shall provide the Department of Public Works with a final placement map prior to the event. DPW shall have the ability to modify any locations that are not acceptable.
4. Artists will use the sidewalk in the amenity strip on May 20, 2022 from 9:00 AM through 9:00 PM (AASD Student Walk) and June 17, 2022 from 4:00 PM through 9:00 PM (Street Music Week). Applicant is responsible to collect any remaining items left behind by the end of each event.

Per the Art in Public Places Policy, the recommendation from the Appleton Public Arts Committee is forwarded to the committee of jurisdiction, in this case, the Municipal Services Committee. Please place this item on the agenda for the March 7, 2022 Municipal Services Committee agenda. Their recommendation would then be forwarded to the Common Council for final consideration on March 16, 2022.

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



REPORT TO PUBLIC ARTS COMMITTEE

Appleton Public Arts Committee Meeting Date: March 2, 2022

Municipal Services Committee Date: March 7, 2022

Common Council Meeting Date: March 16, 2022

Item: 2022 Downtown Creates Series

Case Manager: Jessica Titel, Principal Planner

GENERAL INFORMATION

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

Property Owner: City of Appleton – Public Right-of-Way

Address/Parcel: College Avenue Amenity Strip - 900 West to 300 East blocks of College Avenue (Badger Avenue to Drew Street)

Applicant's Request: Applicant is requesting approval to use the College Avenue amenity strip for the 2022 Downtown Creates monthly event series.

PROJECT DETAILS

Brief Description of Project and Location: The applicant is proposing to hold four events as part of the Downtown Creates event series. The events will occur on the sidewalk within the College Avenue amenity strip. The events are as follows:

- Appleton Area School District Student Walk (May): this event will showcase talents from AASD students. Artwork will be displayed in the amenity strip and/or planters and will include painted chairs, 3D wire sculptures, display tables, window displays and other student artwork.
- Street Music Week (June): This event will highlight the conclusion of Street Music week. Friday night will be an extension of that event and will feature local musicians playing music within the amenity strip.
- *The 2022 Downtown Creates series will also include Chalk Walk (July) and Paint on the Town (August). These events are exempt from review by the Public Art Committee because they were previously reviewed and approved by Municipal Services Committee and/or Common Council prior to the adoption of the Art in Public Places Policy and establishment of the Public Art Committee.*

Reason for Choosing the Proposed Location: The walkability of downtown makes it accessible to all and allows the artwork to be spaced apart to promote distancing the full mile stretch of College Avenue.

2022 Downtown Creates Event Series

March 2, 2022

Page 2

Description of How the Work is Installed/Anchored/Attached: Artwork will be temporary, freestanding displays located within the amenity strip and planters. Appleton Downtown, Inc.'s certificate of insurance is on file with the City.

Timeline and Duration of Installation:

AASD Student Walk: May 20, 2022 from 9:00 AM through 9:00 PM

Street Music Week: June 17, 2022 from 4:00 PM through 9:00 PM

Maintenance and Cost: Creative Downton Appleton, Inc. will provide volunteers and staff at each event to assist with removal of any items that may have been left behind. No other clean-up is expected.

Associated Signage: Temporary signs (2'W x 1.5' H) will be placed out during the event. Per the Art in Public Places Policy, any artwork signage shall meet the parameters set forth in Zoning Code Section 23-531(e), which allows each artwork one plaque/sign not to exceed nine square feet in size.

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

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

Chapter 14 – Downtown Plan

- *Strategy 1.4 Install sculpture, murals, and other art in public locations throughout the downtown*
- *Strategy 2.1 Maintain and strengthen the vitality of the arts and entertainment niche*

Staff Comments:

- The planter outlet lock keys are maintained by ADI. Those needing power will have to arrange access thru them. Our electricians currently do a test of all outlets on College Avenue twice a year; 1) Spring before Farmers Market and 2) Fall before License to Cruise / Octoberfest. The City will not be doing any additional testing beyond this for these events. If an outlet is problematic, users may need to move to another planter where one works. When problems are reported to us, we will respond during normal business hours to repair (in most cases a fuse is blown and needs replacement).

RECOMMENDATION

Based upon the guidelines outlined in the Art in Public Places Policy, staff recommends that the proposed 2022 Downtown Creates Event Series, located within the College Avenue amenity strip and planters (Badger Avenue to Drew Street), as described in the attached documents, **BE APPROVED** subject to the following conditions:

1. Per the Art in Public Places Policy, any artwork signage shall meet the parameters set forth in Zoning Code Section 23-531(e), which allows each artwork one plaque/sign not to exceed nine square feet in size.
2. A street occupancy permit is required.

2022 Downtown Creates Event Series

March 2, 2022

Page 3

3. The applicant shall provide the Department of Public Works with a final placement map prior to the event. DPW shall have the ability to modify any locations that are not acceptable.
4. Artists will use the sidewalk in the amenity strip on May 20, 2022 from 9:00 AM through 9:00 PM (AASD Student Walk) and June 17, 2022 from 4:00 PM through 9:00 PM (Street Music Week). Applicant is responsible to collect any remaining items left behind by the end of each event.



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): Meghan Warner Company: Creative Downtown Appleton
 Address: 333 W College Ave Ste. 100 Telephone: 920-954-9112 FAX: _____
Appleton, WI 54911 e-mail: meghan@appletondowntown.org
 Applicant Signature: *Meghan Warner* Date: February 15, 2022

Occupancy Information

General Description: Downtown Creates is an open air, walkable, free event series that happens every 3rd Friday from May - August.
Event dates: May 20 (AASD Student Walk), June 17th (street music), July 15-16 (Chalk Walk) Aug. 19-20 (Paint Out)

Street Address: Downtown Businesses may conduct sidewalk sales during these events - weather permitting Tax Key No.: _____
 - or -
 Street: College Ave From: 900 W College Ave To: 300 E College Ave
 Multiple Streets: _____

(Department use only)

Occupancy Type	Sub-Type	Location
<input type="checkbox"/> Permanent (\$40)	<input type="checkbox"/> Sandwich Board	<input type="checkbox"/> Sidewalk
<input type="checkbox"/> Temporary - max. 35 days (\$40)	<input type="checkbox"/> Tables / Chairs	<input type="checkbox"/> Terrace
<input type="checkbox"/> Amenity/Annual (\$40)	<input type="checkbox"/> Dumpster	<input type="checkbox"/> Roadway
<input type="checkbox"/> Blanket/Annual (\$250)	<input type="checkbox"/> POD / Container	
<input type="checkbox"/> Block Party (\$15)	<input type="checkbox"/> Obstruction / Other	

Additional Requirements

Plan/Sketch Certificate of Insurance Bond
 Other: _____

Traffic Control Requirements N/A

Contact Traffic Division (832-2379) 1 business day prior to any lane closure, or 2 business days prior to a full road closure.

Type of Street:	Proposed Traffic Control:
<input type="checkbox"/> Arterial/CBD	<input type="checkbox"/> City Manual Page(s)
<input type="checkbox"/> Collector	<input type="checkbox"/> State Manual Page(s)
<input type="checkbox"/> Local	<input type="checkbox"/> Other (attach plan)

Approved by: _____ Date: _____

Additional Requirements: _____

- 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. By applying for and accepting this permit, the applicant assumes full liability and/or any costs incurred by the City for corrective work required to bring the subject area into compliance with said ordinances, standards, policies and permit conditions. No occupancy shall occur prior to approval of this permit by the Department of Public Works.

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. The Grantee shall assume complete and full liability and responsibility, in accordance with existing ordinances and policies, in the event of injury or damage to persons or property resulting from their facilities within the public right-of-way.

APPROVED BY: _____ DATE: _____
 (Department of Public Works)

Insurance and Bond Coverage:

Insurance Carrier: Currently on File

Insurance Agent Name and Phone Number: _____

Policy Number: _____

Policy Period: _____

* Bond Carrier: N/A

* Bond Agent Name and Phone Number: N/A

* Bond Number: N/A

* Bond Period: N/A

I confirm that I have the authority to sign and certify the information contained herein as the permittee/licensee or duly authorized representative of the entity obtaining this permit/license. I have reviewed and understand the insurance and bonding requirements of the City of Appleton. I hereby certify that I, or the company I represent have insurance and a bond in the amounts required to obtain this permit/license. I have named the City of Appleton as an additional insured for purposes of this permit/license and have provided the name of my insurance and bond carriers, the policy numbers and policy periods above. Further, I agree to maintain appropriate insurance coverage for the duration of this permit/license and to indemnify against any and all liability, loss, damage and expenses and costs including attorneys' fees arising out of the activities performed as described herein, caused in whole or in part by any negligent act or omission of the applicant, anyone directly or indirectly employed by any of them, which may arise from the use of city right of way or property under this permit or license.

I certify that this application, and all information and documentation provided therein, is true and accurate.

Company Name: Appleton Downtown Inc/Creative Downtown Appleton Inc.

Print Name: Jennifer Stephany

Signature: 

Date: February 14, 2022

** Bonds are required for the following types of work only:*

- *Plumbing in the public right-of-way: \$5,000.00 Performance Bond (Code Section 4-265)*
- *Sewer lateral sealing in the public right-of-way: \$5,000.00 Performance Bond (Code Section 4-188(c))*
- *Moving of Buildings: \$2,000.00 Performance Bond (Code Section 4-207(5))*
- *Cement Finisher's License: \$2,000.00 Performance Bond (Municipal Code Section 9-33)*



PUBLIC ART APPLICATION

Community and Economic Development Department
100 N. Appleton St. PH: 920-832-6468
Appleton, WI 54911 FAX: 920-832-5994

Stamp date received

ARTIST / APPLICANT	
Name	Creative Downtown Appleton Inc. C/O Jennifer Stephany
Mailing Address	333 W. College Ave. Ste 100, Appleton, WI 54911
Phone	(920) 954-9112
E-mail	jennifer@appletondowntown.org

PROJECT AND LOCATION INFORMATION	
Property Tax # (31-0-0000-00) – if applicable	
Site Address/Location	College Ave. - 900 W to 300 E blocks
Description of proposed location for artwork within the property or facility (freestanding, attached to the building, inside building, etc.)	Amenity strip/Beautification Area - free standing objects
Project Title	Downtown Creates Series: May 20:AASD Student Walk, June 17:Street Music Week, July 15-16:Chalk Walk, August 19:Paint Out
Type of Artwork (mural, statue, sculpture, fountain, etc.)	painted chairs, sculptures, pottery, music, chalk art, beautiful materpieces on canvas or storefront windows.

SUBMITTAL REQUIREMENTS	
A complete submittal includes a completed application signed by the applicant with the following supplementary information:	
<ul style="list-style-type: none">• Brief description of the proposed artwork• Photos/sketches of proposed work• Site plan/location map showing location of proposed work• Reason for choosing the proposed location• Description of how the work is installed/anchored/attached• Installation specifications provided by a structural engineer• Timeline and duration of installation• How the artwork will be maintained (including any costs associated with the maintenance and who will be responsible for those costs)• Description of any associated signage	

SIGNATURE	
2/14/2022	
Date	Applicant/Artist Signature

OFFICE USE ONLY	
Application Complete _____	Date Filed _____

WHAT IS PUBLIC ART?

Public art is any work of art or element of design that is sited in or on property that is publicly owned or controlled by the City of Appleton (parks, buildings, right-of-ways, etc.) for people to experience.

Public property is defined as a *building and/or land owned and controlled and/or in which the use is operated by the City including fire stations, City Hall, public works and park facilities, library and the like.*

Public art will be reviewed in accordance with the Art in Public Places Policy that was approved by the Common Council. The policy can be found on the City's website: <https://www.appleton.org/government/community-and-economic-development/art-in-public-places-policy>.

WHAT IS THE PROCESS?

The Appleton Public Arts Committee (APAC) is responsible for implementing the Art in Public Places Policy and reviewing artwork proposed on public property. City Staff will review the proposals, prepare a report and present the project to the APAC. The APAC will make a recommendation to the appropriate committee of jurisdiction based upon the proposed project/request. Their recommendations will then be forwarded to the Common Council for final action. Upon receiving final approval for a public art project, the appropriate documents will be drafted according to the Art in Public Places Policy.

Downtown Creates Series: May 20, June 17, July 15 and August 19

The Downtown Creates Series embraces the walkability of our downtown, connecting people with artistic expression. With your support, we would like to showcase an exploration of art displays for the community to engage in and connect with. We often hear how the last two years have impacted the mental health of our community. Providing experiences of connection, even with strangers; is valuable and important to our overall well-being. Activating the sidewalks is great way to encourage walking and boost customer traffic for businesses as well.

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

• Brief description of the proposed artwork

May 20: AASD Student Walk

The May Downtown Creates display will showcasing talents from Appleton Area School Students. We anticipate a variety of artwork including up to 100 painted chairs. One teacher is working on 3D metal wire sculptures with a music theme that are 2-3 feet tall that would be place in the planters. We have also offered teachers 6 foot tables to display pottery or other items, as well as business windows to display 2D artwork. May will also include fiber rain creations. We are requesting access to the power in the planters for LED light strands. We are requesting sidewalk occupancy.

June 17: Street Music Week

The June Downtown Creates night will highlight the conclusion of Street Music Week June 13-17. Street Music week features a variety of local musicians donating their time over the lunch hour to raise financial support for Feeding America. As a partnered event with Heid Music, Lawrence University, Mile of Music and Creative Downtown Appleton this will be the 10th annual Street Music Week. Friday night will be an extension of that programming and presented in the same busking fashion featuring local musicians on the amenity beautification strip and other areas such as the parklet next to the 222 building or behind Heid Music. We also plan to rent Houdini Plaza to have a musician behind the fountain on the small stage. We are requesting access to the power in the planters for LED light strands or small amplification. We are requesting sidewalk occupancy. We will also apply for a noise variance through the health Department. Street Music Week also applies for separate permits.

July 15-16: Chalk Walk

The July Chalk Walk is a community favorite inviting the general public and local artist to create sidewalk masterpieces. Chalk creation will take place throughout the day on Friday and also on Saturday this year. Weather permitting the artwork will be a weekend long display to enjoy.

To enhance the Chalk Walk we will also apply for a sidewalk sale permit to add on Saturday, July 16th. We are requesting access to the power in the planters for LED light strands. We are requesting sidewalk occupancy.

August 19-20: Paint Out

The August Paint on the Town feature activates private business windows with painted murals and hosts a timed canvas competition for local artist of all abilities. We are requesting sidewalk occupancy Friday and Saturday to set up easels with 20x16" canvas boards, one chair, small folding table and artist supplies while they paint. We also will have mural artists painting on private windows utilizing a narrow area of the sidewalks as they paint. We are also requesting access to the power in the planters for LED light strands.

- **Photos/sketches of proposed work: Attached**

- **Site plan/location map showing location of proposed work –**

Each month: College Avenue between Badger/Story and Drew Street including the amenity beautification strip and the planters for signage and LED light strands.

May 20th we would like to place student wire sculptures in the planters as well.

Houdini Plaza will be rented for June 17 for use of the small stage area behind the fountain.

- **Reason for choosing the proposed location:**

Sidewalk activation promotes downtown exploration and utilizing the full district allows areas to be spaced apart to promote social distancing, throughout the mile stretch of College Avenue. Free masks and hand sanitizer will be made available to attendees.

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

Displays will be mostly free standing objects like the chairs and easels, some items for the May 20th event may be staked into the ground within the planters for stability. The chalk is applied direct to the concrete.

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

N/A

- **Timeline and duration of installation**

Items would be placed during event timeframe:

- Friday, May 20 – Student art set-up beginning after 9 am with placement markings with painters tape and all items cleared by 9pm – no overnight displays,
- Friday, June 17 – set up for musicians after 4pm and all cleared up by 9pm
- Friday, July 15 – chalk installation beginning after 9am and continuing throughout Friday and Saturday. Duration will depend on weather. Images are washed away by the rain.
- Friday, August 19 – Easel set up for the canvas competition will begin after 9am on Friday and Saturday. Window painting will begin after 7am on Friday morning and Saturday morning. Sidewalk activity would end no later than 2pm on Saturday. Duration of window paint is dependent on the weather. Some are painted inside and some are painted on the outside of the windows.

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

- May 20- Student artists are invited to stay with their art during the hours of the promoted event 5pm – 8pm Students are being asked to remove their items that night. A team of ADI volunteers will be on hand to gather any remaining items.
- June 17 – N/A
- July 15 – If professional remove is necessary for any of the created artworks, CDA would provide that service.
- August 19 – Artists are required to bring their easel and canvas back to the ADI office by 8pm on Friday night and 2pm on Saturday.

Creative Downtown Appleton Inc. will provide volunteers & staff each month to assist with removal of any items that may have been left behind.

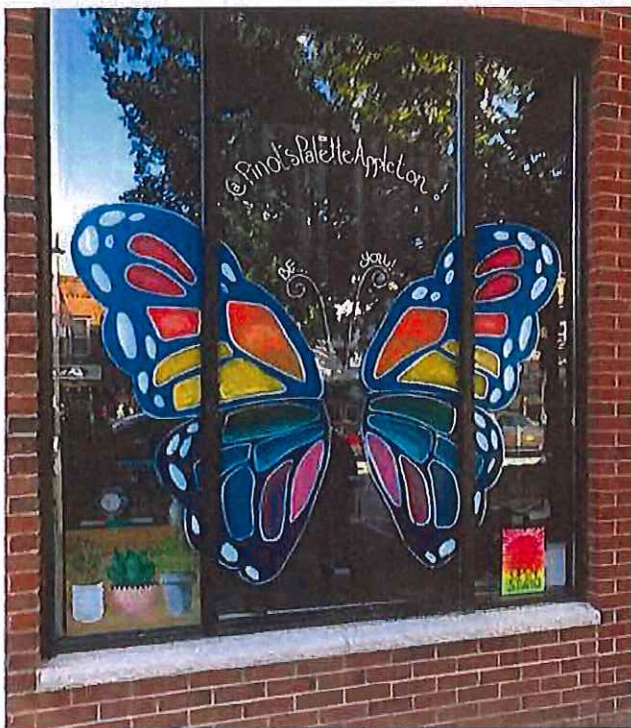
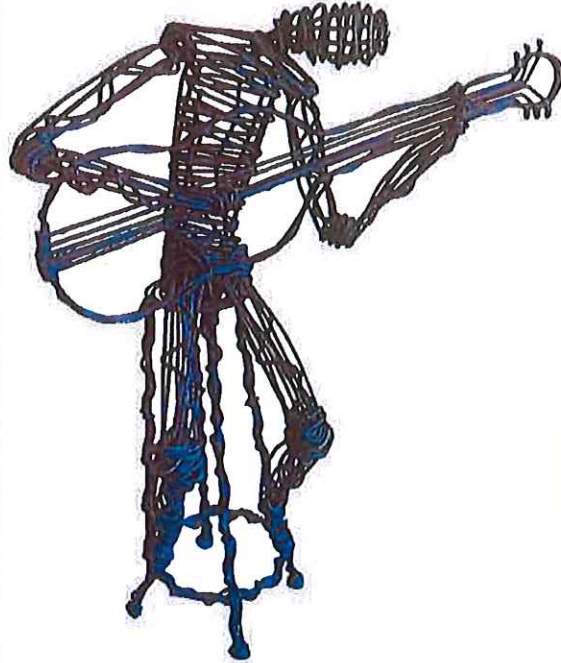
• **Description of any associated signage**

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

2 feet wide



1.5 feet height



Date: February 9, 2022

To: Department of Public Works

From Creative Downtown Appleton Inc.

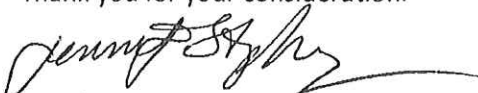
Subject: Public Right of Way temporary permit request

Please consider the following request for a permit to occupy the public right of way in Downtown Appleton for our Downtown Creates Series as follows. A copy of the public art committee application is attached.

- **May 20: Student Art:** A variety of art creations by local students: artful chairs, fiber pieces, metal wire sculptures, paintings, pottery etc...
 - Request for use of amenity beautification strip area and all tree planters on College Ave. between Drew St. and Badger St.
 - Requested use of planter for Downtown Creates sign and metal wire sculptures.
 - Request for access to power in the planters beginning at 4pm for LED light strands
- **June 17 – Street Music Week Finale:** solo to trio musician groups performing in busking style throughout downtown.
 - Request use of amenity beautification strip area and all tree planters on College Ave. between Drew St. and Badger St.
 - Requested use of planter for Downtown Creates sign
 - Request for access to power in the planters beginning at 4pm for LED light strands and small amplifiers.
- **July 15-16: Chalk Walk:** Chalk created masterpieces on the sidewalk and sidewalk sale
 - Request for use of amenity beautification strip area and all tree planters on College Ave. between Drew St. and Badger St.
 - Requested use of planter for Downtown Creates sign
 - Request for access to power in the planters beginning at 4pm. for LED light strands
 - Saturday July 16 Request for amenity beautification strip area for sidewalk sale 9am-6pm
- **August 19-20: Paint Out:** Easels for a timed painting competition as well as painted windows in private businesses.
 - Request for use of amenity beautification strip area and all tree planters on College Ave. between Drew St. and Badger St.
 - Requested use of planter for Downtown Creates sign
 - Request for access to power in the planters beginning at 4pm. for LED light strands

Please let us know if additional information is required.

Thank you for your consideration.

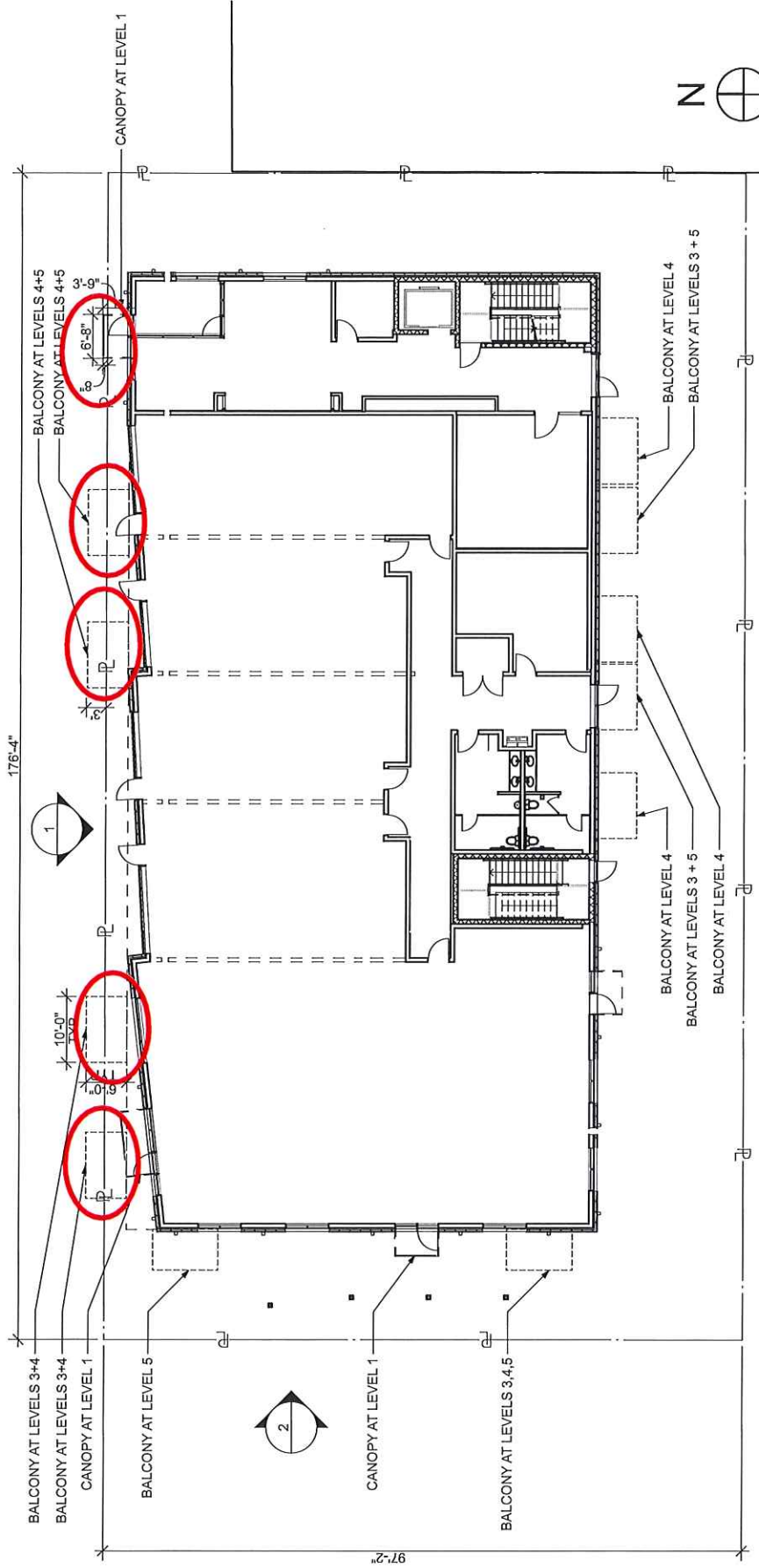


Jennifer Stephany
Executive Director

Creative Downtown Appleton Inc. and Appleton Downtown Inc.

URBANE APPLETON

BALCONY OVERHANG DIAGRAM



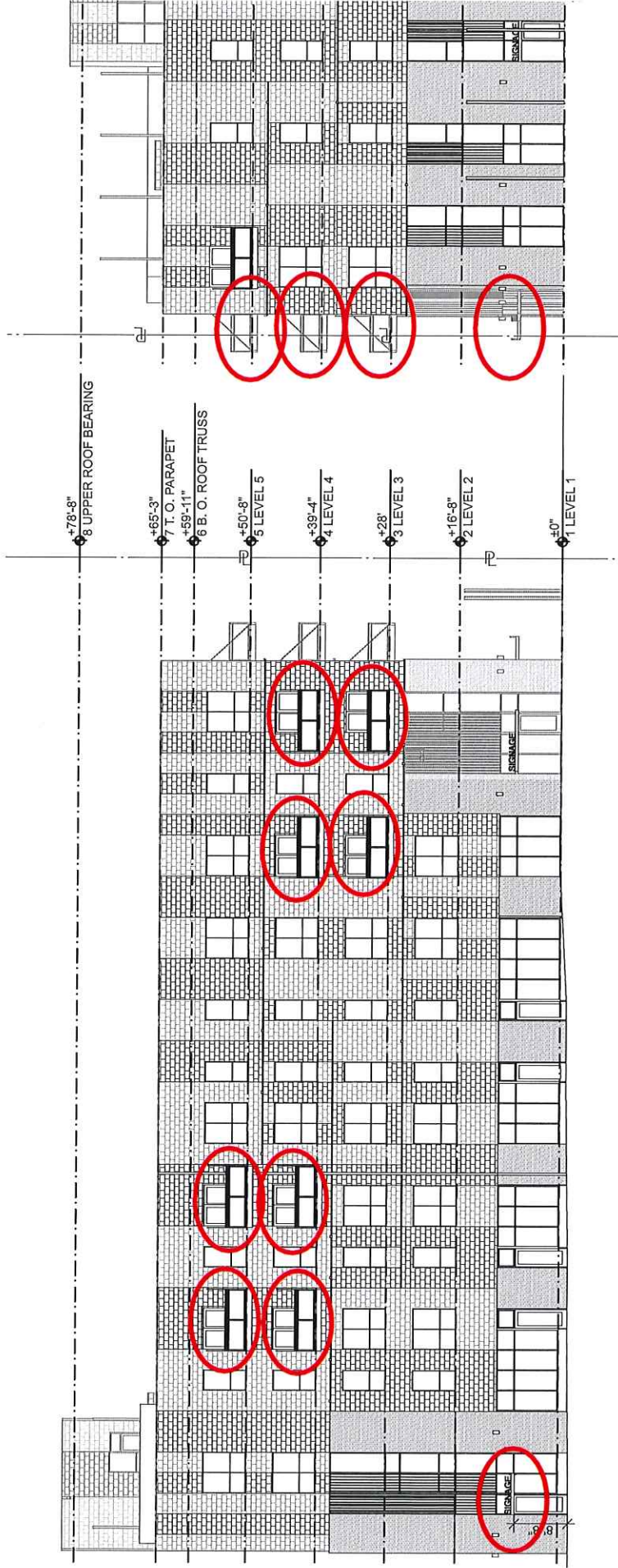
LEVEL 1 - FLOOR PLAN

SCALE: 1/16" = 1'-0"

GNITSHOT
ARCHITECTURE

URBANE APPLETON

BALCONY OVERHANG DIAGRAM



NORTH ELEVATION

SCALE: 1/16" = 1'-0"

9NITSHOT
ARCHITECTURE

WEST ELEVATION

SCALE: 1/16" = 1'-0"



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

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

To: Municipal Services Committee
From: Eric Lom, City Traffic Engineer
Date: March 2, 2022
Re: Change to intersection traffic control at the Lindbergh Street / Summit Street intersection
Follow-Up to Six-Month Trial Period

Based on a request from a concerned citizen, the Traffic Section recently reviewed the traffic control at the intersection of Lindbergh Street and Summit Street, and subsequently initiated a six-month trial period to change from yield control to two-way stop control. This intersection is located three blocks west of Richmond Street and three blocks north of Glendale Avenue. The land use in this area is primarily residential. Both streets are classified as *local*.

In a typical intersection control study, we consider traffic volumes, crash history, safe approach speeds, etc. In this case, the entering volume of this intersection is relatively low, at approximately 1,216 vehicles per day (recent traffic counts indicated 713 vehicles per day (vpd) on Lindbergh Street and 503 vpd on Summit Street). A review of crash records indicated three reportable crashes for the recent five-year period of 2016 through 2020. The critical approach speed for the intersection was found to be approximately 3 mph, due primarily to the home in the northwest quadrant of the intersection. This is indicative of severely limited sight distance.

While this intersection does not meet the volume threshold for stop control, the critical approach speed is below the standard for yield control. As such, we recommend maintaining the two-way stop control that was implemented for the trial period.

To accomplish this, the following ordinance action is required:

1. **Create:** "Install stop signs on Summit Street at Lindbergh Street."

To: Municipal Services Committee
From: Mike Hardy, Assistant Traffic Engineer
Date: February 24, 2022
Re: New parking restriction on the 1300 block of N. Summit Street (at Wisconsin Avenue)
Follow-Up to Six-Month Trial Period

In response to a concern raised by a citizen, the City implanted a new parking restriction for a 6-month trial period that began in September of 2021. The new parking restriction was placed on the east side Summit Street, just north of Wisconsin Avenue. The concern was when cars are parked on both sides of the street near Wisconsin Avenue, it complicates the safe navigation of two-way traffic on Summit Street, especially when turning off Wisconsin Avenue.



Figure 1: New NO PARKING Restriction, east side of Summit Street, extending 75-FT north of Wisconsin Avenue

The citizen who initiated the concern acknowledged the new restriction has helped. We did not receive any other feedback or complaints during the six-month trial period. Based on this, we recommend making the changes permanent.

To accomplish this, the following ordinance action is required:

1. **Create:** “Parking be prohibited on the east side of Summit Street from Wisconsin Avenue to a point 75 feet north of Wisconsin Avenue.”

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.



“Excellence in Police Service”

Chief Todd Thomas
Appleton Police Department

222 South Walnut Street • Appleton, WI 54911-5899
(920) 832-5500

To: Chairperson Katie Van Zeeland, Safety and Licensing Committee
Aldersperson Mike Smith

From: Chief Todd Thomas

Date: January 24, 2022

Subject: **Incidents involving intoxicated bartenders - 2021**

Council Members,

Lt. Adam Nagel did research into the number of incidents where we needed to act on a bartender who was intoxicated. I attached the information he was able to locate, we know there were other incidents that did not rise to the level of a report or citation.

05/17/21

Appleton Officers responded to a disturbance at a bar on N. Richmond St. The bartender and patron were both involved in a physical fight. Both the bartender and patron were cited for Disorderly Conduct. The bartender submitted to a PBT which read 0.197. The officer indicated that alcohol was a contributing factor in the fight.

05/23/21

Appleton Officer conducts a traffic stop on a downtown bartender around bar close. Bartender smelled like alcohol. He claimed it was due to bartending and he had not been drinking. Bartender was arrested for OWI. The blood test came back at 0.202.

05/28/21

Appleton Officers responded to an anonymous complaint of a “very” intoxicated bartender at N. Richmond St bar. They arrived and observed the bartender was extremely intoxicated. They described her as being in no condition to be serving alcohol. She submitted to a PBT which read 0.245.

07/25/21

Appleton Officers responded to a complaint of loud music coming from W College Ave bar. Officers arrived at the bar and observed loud noise. Officers had contact with someone identifying themselves as the owner of the bar. This person had slurred speech and appeared to be highly intoxicated. When asked to vacate the bar at bar close, they argued with officers and were eventually cited for failing to vacate the bar. A PBT sample was not obtained.



“Excellence in Police Service”

Chief Todd Thomas
Appleton Police Department

222 South Walnut Street • Appleton, WI 54911-5899
(920) 832-5500

11/04/21

Appleton Officers received a complaint for a welfare check at a College Ave. bar. An anonymous person called dispatch and had a concern about an intoxicated bartender. Officers contacted the bartender. She was described as having slurred speech, redness in her eyes and was stumbling as she walked. The bartender in this case did not submit to a PBT and closed the bar.

12/30/21

At approximately 0255hrs officers noticed that an E Wisconsin Ave bar still had its lights and the OPEN sign on. When they arrived, they found multiple intoxicated people inside the bar. This included a person walking out of the business with two 24 packs of beer. The bar manager and an underage bartender were both intoxicated and no position to safely serve alcohol. Multiple citations issued. Both refused PBTs.

Lt. Nagel also spoke with the Neenah City Attorney about their ordinance. The Neenah ordinance was passed in 2013, before the current attorney was in their position. They looked through the notes for the council meeting at the time and were not able to find a specific reason for enacting the ordinance. They were clear that they don't randomly walk into establishments and PBT bartenders, and he is not aware of any citations being given, but they have used it a few times for educational purposes.

If the ordinance is passed by the council, we would anticipate the same approach. We would investigate only on a complaint or if we are in the establishment for another reason and have probable cause to believe that a bartender is in violation of the ordinance.

Chief Todd Thomas

Original Alcohol Beverage Retail License Application

(Submit to municipal clerk.)

For the license period beginning: 7/1/2021 ending: 6/30/2022
(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. _____
 (if required by ordinance)

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

Applicant's Wisconsin Seller's Permit Number <u>[REDACTED]</u>	
FEIN Number <u>[REDACTED]</u>	
TYPE OF LICENSE REQUESTED	FEE
<input type="checkbox"/> Class A beer	\$
<input checked="" type="checkbox"/> Class B beer	\$ <u>100</u>
<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>
TOTAL FEE	\$

Name (individual / partners give last name, first, middle; corporations / limited liability companies give registered name)
Holidays Pub, ~~LLC~~ LLC

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

President / Member Last Name <u>Grishaber</u>	(First) <u>Scott</u>	(Middle Name) <u>Thomas</u>	Home Address (Street, City or Post Office, & Zip Code) <u>W6342 Ravine Ct, Menasha, WI 54952</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>Bringman</u>	(First) <u>Corey</u>	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code) <u>712 N. Hawthorne Dr. Appleton 54915</u>
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

1. Trade Name Holidays Pub & Grill Business Phone Number _____
 2. Address of Premises 3950 N. Richmond St. Post Office & Zip Code Appleton 54913

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.)

Main floor, second floor, and basement area of Holidays Pub as part of a multi-tenant retail center.

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
Agent will also bartend.
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
It is a disregarded entity under Tomsons of Appleton, Inc
- (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
Holidays Pub in Fox Crossing and Sheboygan.
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>Grishaber, Scot T.</i>	Title/Member <i>President</i>	Date <i>1/6/2022</i>
Signature <i>Scot Grishaber</i>	Phone Number 	Email Address

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk <i>1-17-22</i>	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: Scot Grishaber

2. Name of Business: Holidays Pub & Grill

(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: 3950 N. Richmond St.

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

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

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

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

<u>Scot</u>	<u>T</u>	<u>Grishaber</u>	<u> </u>
First name	M.I.	Last name	Date of Birth
			/ /
First name	M.I.	Last name	Date of Birth
			/ /
First name	M.I.	Last name	Date of Birth
			/ /
First name	M.I.	Last name	Date of Birth
			/ /

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

Name: N/A

First name	Middle Initial	Last name
------------	----------------	-----------

Address: _____
City State ZIP

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

Name: IBS - Valley Ins.

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

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

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 400 Outside 25

11. Operating hours (Inside the building): 10am - 2am
Operating hours (Outdoor seating areas): 10am - 2am

12. Employees/Staff

Number of floor personnel 15 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: 8000-12,000 square feet.

b. Gross outdoor seating areas of the premises to be licensed: 300 square feet.

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

Bar/restaurant/Entertainment Center

Scott Lushak
Signature

1/17/2022
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 Holidays Pub, LLC.
(Registered Name of Corporation / Organization or Limited Liability Company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as Holidays Pub and Grill
(Trade Name)

located at 3950 N. Richmond St.

appoints Corey Bringman
(Name of Appointed Agent)
712 N. Hawthorne Drive Appleton, WI 54915
(Home Address of Appointed Agent)

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

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

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

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 37

Place of residence last year 712 N. Hawthorne Dr. Appleton, WI 54915

For: Holidays Pub, LLC.
(Name of Corporation / Organization / Limited Liability Company)

By: Scott J. Grishaber
(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, COREY BRINGMAN, 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.

Corey Bringman 1/6/2022
(Signature of Agent) (Date)

Agent's age 37

712 N Hawthorne Dr Appleton WI 54915
(Home Address of Agent)

Date of birth 01/06/1985

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

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

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



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

REQUEST for Alcohol License Premise Amendment

FEES ARE NON-REFUNDABLE	Date Recv'd <u>2/15/22</u>
License Fee \$10.00/event	Acct: CLCAGP
Receipt <u>3212-3</u>	

SECTION 1 – LICENSE INFORMATION

Name of Establishment <u>Sangria's mexican Grill</u>	
Address of Establishment <u>215 S memorial Dr. Appleton</u>	
Name of Agent <u>Sarah Gregory</u>	Phone Number

SECTION 2 – PREMISE AMENDMENT

Please describe the change in premises:
A drawing/diagram of the proposed area must also be submitted with this application
annual outdoor cinco de mayo celebration.
We close off a section of the parking lot + have an
outdoor taqueria + party

Is this change Permanent? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	If this is temporary please specify the reason for the amendment: <u>annual party</u>
--	--

Please list the date(s) and time(s) that this temporary premise amendment will be utilized:
May 5 11am-10pm May 8 11am-8pm
May 7 11am-10pm

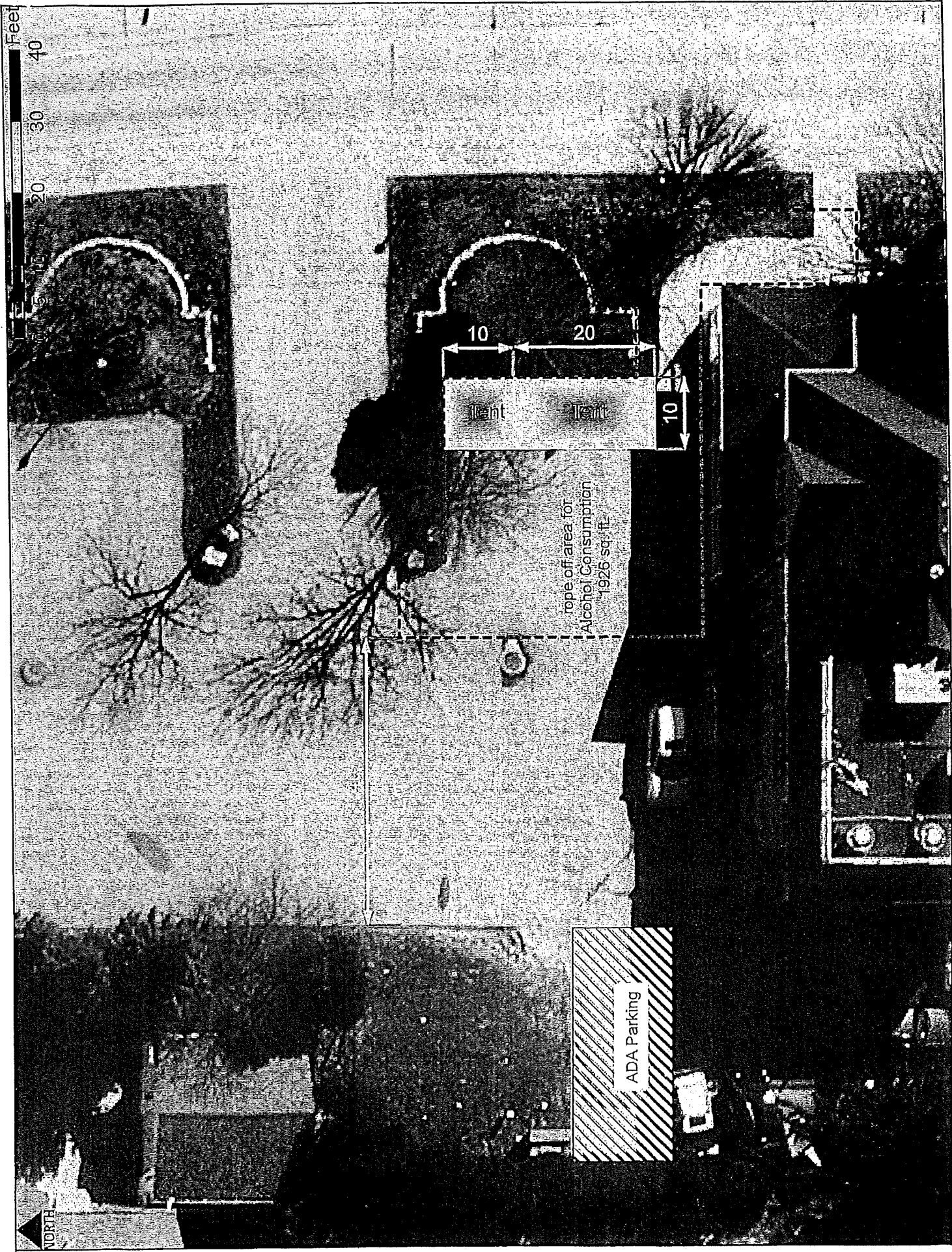
SECTION 3 – PENALTY NOTICE

I certify that I am familiar with Section 9-52 of the Municipal Code of the City of Appleton and agree that any license granted under this application may be suspended for cause at any time by the Common Council.
 Under penalty of law, I swear that the information provided in this application is true and correct to the best of my knowledge and belief.

Signature of Applicant: Sarah Gregory

FOR OFFICE USE ONLY

Department	Approve	Deny	By	Reason
Comm. Dev.				
Finance				
Fire				
Health				
Inspections				
Police				
S&L <u>3-09-22</u>	Council <u>3-16-22</u>	Date Issued	Exp. Date	License Number



Feet

40

30

20

10

0

NORTH

10

20

10

Tent

Tent

Scope of area for
Alcohol Consumption
1926 sq. ft.

ADA Parking

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

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

Applicant's Wisconsin Seller's Permit Number ●●●●●●●●●●	
FEIN Number ●●●●●●●●	
TYPE OF LICENSE REQUESTED	FEE
<input type="checkbox"/> Class A beer	\$
<input checked="" type="checkbox"/> Class B beer	\$ 100.00
<input type="checkbox"/> Class C wine	\$
<input type="checkbox"/> Class A liquor	\$
<input type="checkbox"/> Class A liquor (cider only)	\$ N/A
<input type="checkbox"/> Class B liquor	\$
<input checked="" type="checkbox"/> Reserve Class B liquor	\$ 10,500.00
<input type="checkbox"/> Class B (wine only) winery	\$
Publication fee	\$ 60.00
TOTAL FEE	\$

Name (individual / partners give last name, first, middle; corporations / limited liability companies give registered name)
Foster Cocktail Company LLC

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

President / Member Last Name <u>Frawley</u>	(First) <u>Patrick</u>	(Middle Name) <u>Joseph</u>	Home Address (Street, City or Post Office, & Zip Code) <u>803. W Winnebago St. Appleton 54914</u>
Vice President / Member Last Name <u>Jones</u>	(First) <u>Zachary</u>	(Middle Name) <u>James</u>	Home Address (Street, City or Post Office, & Zip Code) <u>181 S Riverheath Way Apt. 403 Appleton 54915</u>
Secretary / Member Last Name <u>Witchell</u>	(First) <u>Stephan</u>	(Middle Name) <u>David</u>	Home Address (Street, City or Post Office, & Zip Code) <u>161 S Riverheath Way Apt 621 Appleton 54915</u>
Treasurer / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Agent Last Name <u>Frawley</u>	(First) <u>Patrick</u>	(Middle Name) <u>Joseph</u>	Home Address (Street, City or Post Office, & Zip Code) <u>803. W Winnebago St. Appleton WI 54914</u>
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

1. Trade Name Commodore Club Business Phone Number (920) 858-9352
 2. Address of Premises 231/233 E College Ave Post Office & Zip Code ~~54914~~ 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.)
Alcohol will be served from the bar or carried to table by employee. It will be stored behind the bar on display or in cooler in prep area, as well as additional storage in secure room in the basement. It will be consumed on sidewalk cafe seating area as well as on the main floor of 231/233 E College Ave and the mezzanine on the 233 side of the building. Alcohol may occasionally be stored in kitchen for food prep.

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
Patrick Frawley has a valid Operator's License for Appleton.
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
Stephan Witchell owns Lawless Coffee Sturgeon Bay LLC and holds a class A+B license in Sturgeon Bay.
9. (a) **Corporate/limited liability company applicants only:** Insert state Wisconsin and date 6/19/2022 of registration.
- (b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? **If yes, explain** Yes No
- (c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? **If yes, explain.** Yes No
10. Does the applicant understand they must register as a Retail Beverage Alcohol Dealer with the federal government, Alcohol and Tobacco Tax and Trade Bureau (TTB) by filing (TTB form 5630.5d) before beginning business? [phone 1-877-882-3277] Yes No
11. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776] Yes No
12. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? Yes No

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

Contact Person's Name (Last, First, M.I.) <u>Frawley Patrick J</u>	Title/Member <u>Manager</u>	Date <u>02/18/22</u>
Signature <u>Patrick Frawley</u>	Phone Number <u>[REDACTED]</u>	Email Address <u>[REDACTED]</u>

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk <u>2-18-22</u>	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: Patrick J. Frawley

2. Name of Business: Foster Cocktail Company DBA Commodore Club
 (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: 231/233 E College Ave Appleton WI 54911

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

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

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

Zachary Jones - Negligent Operation of a Motor Vehicle & Operate with a Restricted Controlled Substance (not criminal offense)

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>Patrick</u>	<u>J</u>	<u>Frawley</u>	●	/	●	/	●	●
First name	M.I.	Last name		Date of Birth				
<u>Zachary</u>	<u>J</u>	<u>Jones</u>	●	/	●	/	●	●
First name	M.I.	Last name		Date of Birth				
<u>Stephan</u>	<u>D</u>	<u>Witchell</u>	●	/	●	/	●	●
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 ^{leasing}~~buying~~ the premise and equipment from?

Name: Amanda Furman (Furman Properties LLC)
 First name Middle Initial Last name

Address: 1050 N. Lynndale Drive Appleton WI 54914
 City State ZIP

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

Name: Lois Brew

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

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

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?

12+ months ago.

10. Seating capacity: Inside TBD Outside

11. Operating hours (Inside the building): 3PM - 2AM
Operating hours (Outdoor seating areas): 3PM - 9PM

12. Employees/Staff

Number of floor personnel 2-4 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: 11,100 square feet.

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

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

Preparation and sale of craft cocktails, sale of craft
beer and of wine. Preparation ^{and sale} of small simple dishes/
appetizers. Host live music (small acts), host events/fundraisers.

Pat Young
Signature

02/18/22
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 Foster Cocktail Company
(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 Commodore Club
(Trade Name)

located at 231/233 E College Ave Appleton WI 54911

appoints Patrick Joseph Frawley
(Name of Appointed Agent)

803 W. Winnebago St. Appleton WI 54914
(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 Holds Appleton Operator's License
How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 6 years 9 months

Place of residence last year 803 W Winnebago St. Appleton WI 54914

For: Foster Cocktail Company
(Name of Corporation / Organization / Limited Liability Company)

By: Pat J Frawley
(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, Patrick Joseph Frawley, 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.

Pat J Frawley 02/18/2022 Agent's age
(Signature of Agent) (Date)
803 W Winnebago St Appleton WI 54914 Date of birth
(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)



Community and Economic Development

**Transfer of Special Use Permit #17-15
231-233 East College Avenue
Zoning Classification: CBD Central Business District**

Date: March 2, 2022

Background:

Special Use Permit #17-15 was approved for a restaurant with alcohol sales at 233-231 East College Avenue. The approval allowed the serving and consumption of alcohol in the following locations:

First Floor:	3,465 sq ft (City Assessor records)
Mezzanine Level:	420 sq ft (21' x 20' per SUP #17-15 development plan)
Upper Floor Meeting Space:	644 sq ft (15' x 14' and 31' x 14' per SUP #17-15 development plan)
Sidewalk café area:	(Condition #3 below)

Special use permit #17-15 runs with the land subject to the following conditions:

On-going Condition of Special Use Permit #17-15:

1. All applicable codes, ordinances, and regulations, including but not limited to Fire, Building, and Health Codes and the Noise Ordinance, shall be complied with.
2. The applicant shall apply for and receive approval of a Liquor License from the City Clerk prior to serving or consuming alcohol on the premise.
3. The serving and consumption of alcohol is limited to the first floor, mezzanine level, upper floor meeting space, and sidewalk cafe area, as identified on the attached maps. 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.
4. Prior to establishing the sidewalk cafe, the applicant must obtain a Street Occupancy Permit from the Department of Public Works. All aspects of the sidewalk cafe, including its location, size, and hours of operation for serving alcoholic beverages, shall comply with the regulations identified in Chapter 9, Article VI, Division 4, Sidewalk Cafes, of the Municipal Code.
5. Compliance with the plan of operation is required at all times. Changes to the plan of operation shall be submitted to the Community and Economic Development Department for review and approval.

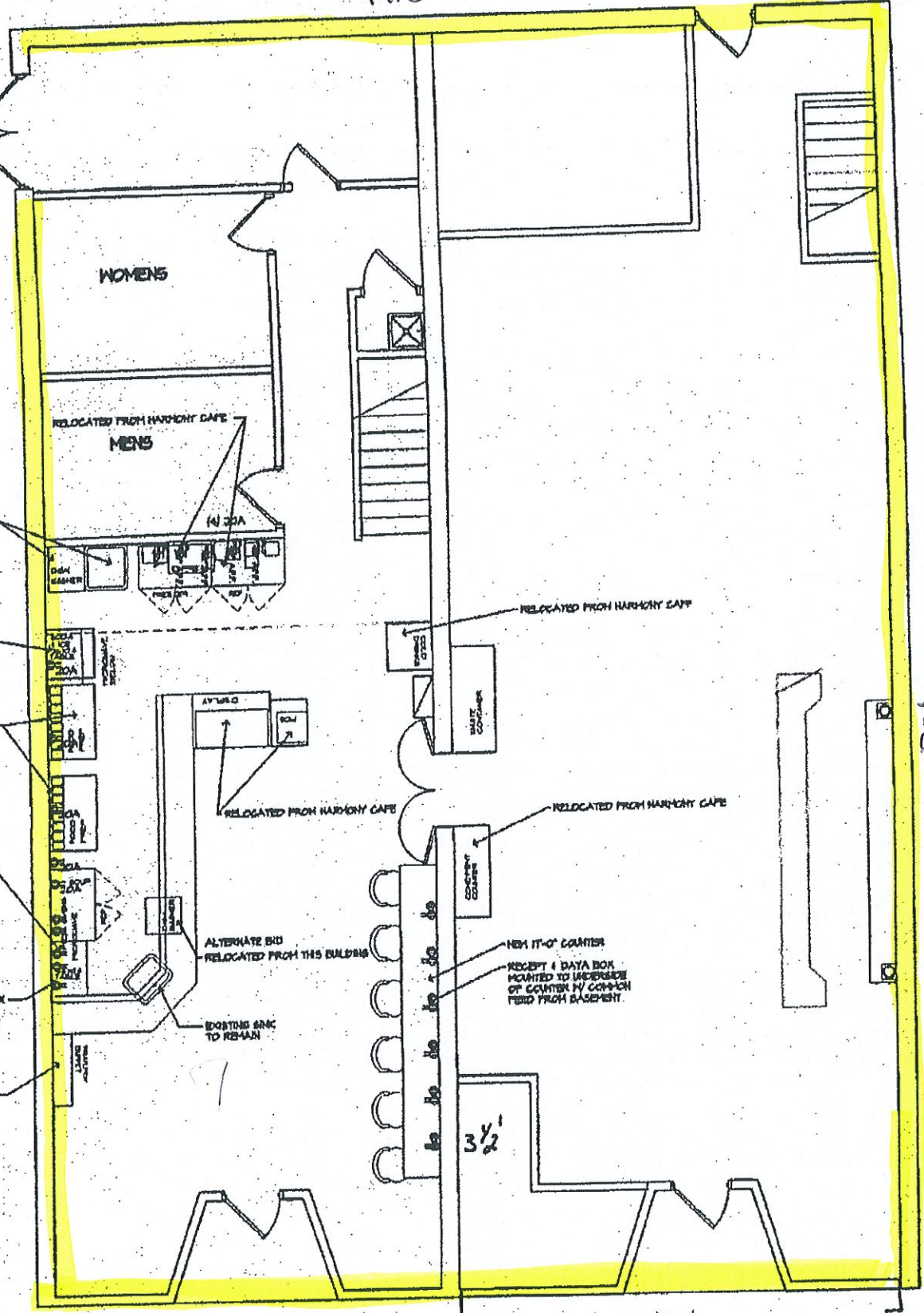
6. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Municipal Code.

Analysis:

The information listed on Liquor License and Liquor License Questionnaire dated February 18, 2022, appears to be consistent with Special Use Permit #17-15. Therefore, Special Use Permit #17-15 is transferred to the applicant upon the issuance of the Liquor License to allow for the continued use of the premises for on-site alcohol consumption with food sales including a sidewalk café with alcohol consumption subject to the conditions of SUP #17-15 being complied with. (See above)

Please contact the Community and Economic Development Department at (920)832-6468 with any questions or any proposed changes to the development plan(s) or the alcohol license questionnaire.

49.5'



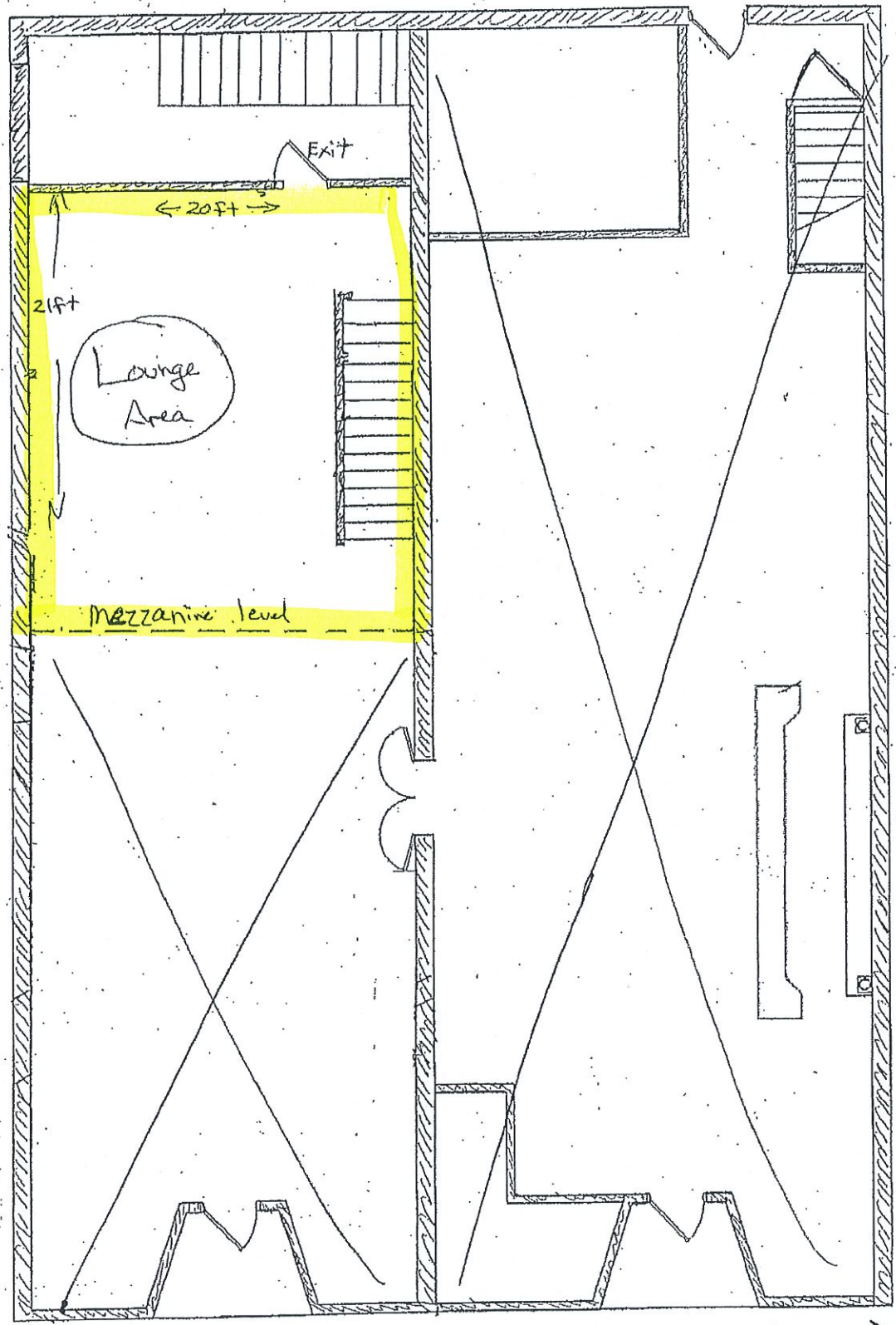
70'

1st Floor = 3465 S.F.

REMOVE EXISTING BACK BAR

OPTION A
FLOOR PLAN
1/4" = 1'-0"





Mezzanine
 Level only
 21 x 20
 420 s.f.

Sidewalk
 Cafe
 Dimensions

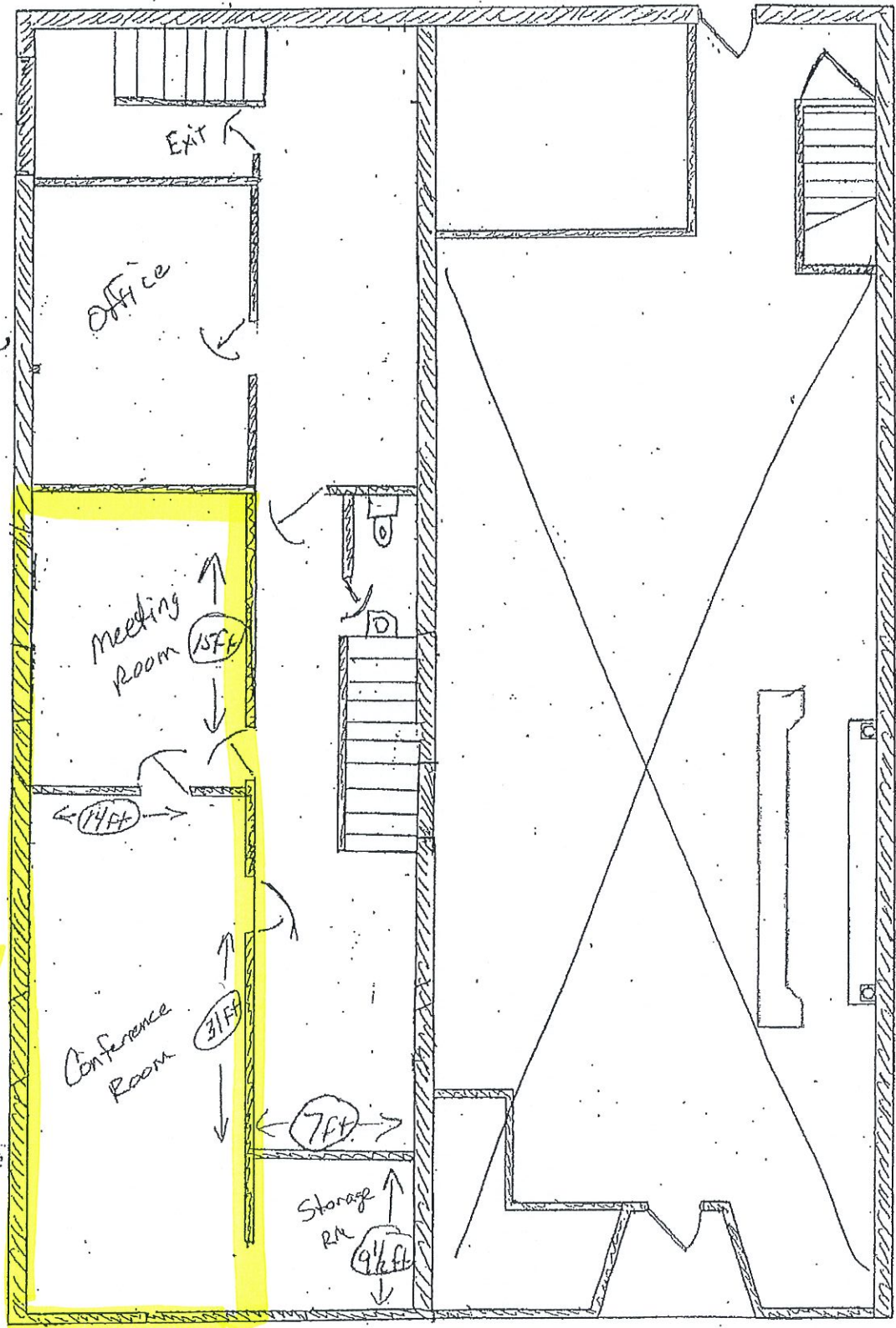
We currently have 4-5 tables
 so seating would be for
 20-30 people

MEZZANINE LEVEL

Office = Private

Meeting Rm
15 x 14

Conference Rm
31 x 14



2ND Floor

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 Walgreen Co.
(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 Walgreens #07323

(Trade Name)
located at 3330 E Calumet St, Appleton, WI 54915

appoints Garrette Kersten
(Name of Appointed Agent)

641 Grove St Menasha, 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).
Walgreens #11301, New London, WI - in process of agent change

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? 40 years

Place of residence last year 641 Grove St, Menasha, WI 54956

For. Walgreen Co.
(Name of Corporation / Organization / Limited Liability Company)

By: Susan Dwyer
(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, Garrette Kersten, 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.

Garrette Kersten 2-10-22
(Signature of Agent) (Date)
641 Grove St Menasha, WI 54956
(Home Address of Agent)

Agent's age
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)

Auxiliary Questionnaire Alcohol Beverage License Application

Submit to municipal clerk.

Individual's Full Name (please print) (last name)		(first name)		(middle name)	
Kersten		Garrette		James	
Home Address (street/route)		Post Office	City	State	Zip Code
641 Grove St			Neenah	WI	54956
Home Phone Number		Age	Date of Birth	Place of Birth	
●●●●●●●●		●	●●●●	●●●●	

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

- Applying for an alcohol beverage license as an **individual**.
- A member of a **partnership** which is making application for an alcohol beverage license.
- Agent** _____ of **Walgreen Co.**
- (Officer / Director / Member / Manager / Agent) (Name of Corporation, Limited Liability Company or Nonprofit Organization)

which is making application for an alcohol beverage license.

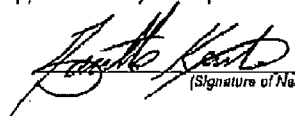
The above named individual provides the following information to the licensing authority:

1. How long have you continuously resided in Wisconsin prior to this date? 40 years
2. Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? Yes No
If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)
3. Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? Yes No
If yes, describe status of charges pending.
4. Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? Yes No
If yes, identify. _____
(Name, Location and Type of License/Permit)
5. Do you hold and/or are you an officer, director, stockholder, agent or employe of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? Yes No
If yes, identify. _____
(Name of Wholesale Licensee or Permittee) (Address By City and County)

6. Named individual must list in chronological order last two employers.

Employer's Name	Employer's Address	Employed From	To
Walgreens	3330 E. Calumet St, Appleton WI	1-26-22	Current
Walgreens	981 Shawano St New London	11-19-20	1-25-22

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



(Signature of Named Individual)

Tab to navigate within form. Use mouse to check applicable boxes, press spacebar or press Enter.

Save

Print

Clear

Rec 2650-2

MUNICIPAL USE ONLY

Application for Cigarette and Tobacco Products Retail License

Submit to municipal clerk.

Applicant's Wisconsin 15-digit Sales Tax Account Number
 [Redacted]

← This must be issued in the same Legal Name of the licensee below.

License Number
 Period Covered
 Date of Issuance

Legal Name (corporation, limited liability company, partnership or sole proprietorship) TEE TEES NACHOS LLC			Federal Employer Identification No. (FEIN) [Redacted]		
Trade or Business Name (if different than Legal Name)			Telephone Number (920) 515-4272		
Business Address (License Location) 550 Morrison Street		Business Located In <input checked="" type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> Town		Business Telephone (920) 515-4272	
Municipality Appleton	State WI	Zip Code 54911	of:		County
Mailing Address (if different than Business Address) 500 S Pierce Ave		Municipality Appleton		State WI	Zip Code 54914

Organization (check one)

- Sole Proprietor Wisconsin Corporation – Enter date incorporated: _____
- Partnership Out-of-State Corporation – Are you registered to do business in Wisconsin? Yes No
- Other (describe) _____

- Yes No 1. Does the applicant understand that they must purchase cigarettes and tobacco products only from distributors, jobbers, or subjobbers, who hold a permit with the Wisconsin Department of Revenue?
- Yes No 2. Does the applicant understand that they must obtain a Tobacco Products Distributor permit if purchasing untaxed tobacco products from an out-of-state company? (Tobacco Products Distributor permit is available from the Wisconsin Department of Revenue at 608-266-6701. See application form CTP-129, revenue.wi.gov/dor/forms/ctp-129.pdf.)
- Yes No 3. Does the applicant understand that they cannot purchase/exchange cigarettes or tobacco products from another retailer, including transferring existing stock to a new owner?
- Yes No 4. Does the applicant understand that they must provide employees with tobacco sales training approved by the Wisconsin Department of Health Services? (<https://witobaccocheck.org>)
- Yes No 5. Does the applicant understand that they may not sell, give or otherwise provide cigarettes/tobacco products and nicotine products to minors (including electronic cigarettes containing nicotine)?
- Yes No 6. Does the applicant understand that they may not sell single cigarettes?
- Yes No 7. Does the applicant understand that cigarette and tobacco products invoices must be kept on the licensed premises for two years from the date of the invoice and be available for inspection by the Wisconsin Department of Revenue/law enforcement and that failure to comply can result in criminal penalties, including loss of cigarettes/tobacco products?
- Yes No 8. Does the applicant understand that only cigarettes and roll-your-own (RYO) tobacco products listed on the Wisconsin Department of Justice's website labeled "Directory of Certified Tobacco Manufacturers and Brands" at www.doj.state.wi.us/dls/tobacco-directory may be sold in Wisconsin?

Cigarettes / Tobacco will be sold over counter through vending machine both

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 applicant. Applicant agrees to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, cannot be assigned to another. 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. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.

[Signature]
(Officer of Corporation / Member / Manager of Limited Liability Company / Partner / Individual)

Applicable Laws and Rules

This document provides statements or interpretations of the following laws and regulations in effect as of September 19, 2019: Sections 134.65, 134.66, 139.321, 139.79, 139.76, 995.10, and 995.12, Wis. Stats.



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Meeting Date: February 9, 2022

Common Council Public Hearing Meeting Date: March 16, 2022
(Public Hearing on Comprehensive Plan Amendment and Rezoning)

Items: City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map Amendment #1-22 and Rezoning #1-22

Case Manager: Jessica Titel, Principal Planner

GENERAL INFORMATION

Owner: 2 Bucks Only II, LLC (Parcel #31-6-0598-00, 1312 N. Division Street) and 2X6 Holdings, LLC (Parcel #31-6-0599-00, 336 W. Wisconsin Avenue)

Applicant: Mach IV Engineering & Surveying, LLC c/o Joel Ehrfurth

Address/Parcel: 1312 N. Division Street (Parcel #31-6-0598-00) and 336 W. Wisconsin Avenue (Parcel #31-6-0599-00)

Petitioner's Request: The applicant is requesting to amend the City's *Comprehensive Plan 2010-2030* Future Land Use Map from the One and Two-Family Residential designation to the Mixed Use designation for the property located at 1312 N. Division Street (Parcel #31-6-0598-00). In conjunction with this request, the applicant is proposing to rezone both subject parcels from C-2 General Commercial District and R-1C Central City Residential District to C-1 Neighborhood Mixed Use District. The requests are being made to establish a uniform Future Land Use Map designation and zoning classification for the subject property to allow for a shared parking lot expansion and a patio addition for the existing tavern (Maritime Tavern).

BACKGROUND

On March 15, 2017, the Common Council approved/adopted the 5-year update to the Comprehensive Plan 2010-2030 and Future Land Use Map. This plan establishes a vision for future land use, physical development, and quality of life in the City and provides a comprehensive set of goals, policies, and initiatives to achieve that vision. The Comprehensive Plan document and the accompanying Future Land Use Map also serve as a guide for future growth and development in the City. Periodically, development proposals or changing circumstances within the City may trigger consideration of an amendment to the Comprehensive Plan 2010-2030. That is the case for this request.

The property at 336 W. Wisconsin Avenue is currently being used as a tavern (Maritime Tavern) and off-street parking lot. The property at 1312 N. Division Street previously contained a single-family home that was recently razed. The home was recently purchased by the current owners with plans to construct an expansion to the existing parking lot serving Maritime Tavern at 336 W. Wisconsin and constructing an outdoor patio onto the tavern.

In conjunction with the Comprehensive Plan amendment and rezoning requests, submittal of an application for a Certified Survey Map (CSM) is anticipated to combine the subject parcels into one lot. CSMs are administratively reviewed and approved by City staff. However, per Section 23-40(b) of the Municipal Code, there shall not be more than one zoning district on any parcel of land. Therefore, uniform zoning is needed before the parcels can be combined to accommodate the anticipated improvements.

STAFF ANALYSIS

Procedural Findings: When *Comprehensive Plan 2010-2030* Future Land Use Map Amendment and Rezoning applications are required for the same development project, the respective staff reports are consolidated together as one.

Existing Site Conditions: The property at 336 W. Wisconsin Avenue is currently being used as a tavern (Maritime Tavern) and off-street parking lot. The property at 1312 N. Division Street previously contained a single-family home that was recently razed. Combined, the subject land area totals approximately 12,834 square feet. The property has frontage along North Division Street and West Wisconsin Avenue. On the City's Arterial/Collector Plan, Wisconsin Avenue is classified as an arterial street and this portion of Division Street is classified a collector street.

Surrounding Zoning Classification, Future Land Use Designation, and Current Land Uses:

North: Zoning – R-2 Two-Family District

Future Land Use Designation – One and Two-Family Residential

Current Land Use – Two-family residential home.

South: Zoning – C-2 General Commercial District

Future Land Use Designation – Mixed Use

Current Land Use – Multi-tenant buildings containing a mix of commercial uses.

East: Zoning – C-2 General Commercial District

Future Land Use Designation – Mixed Use

Current Land Use – Mix of commercial uses in a multi-tenant building.

West: Zoning – C-2 General Commercial District

Future Land Use Designation – Mixed Use

Current Land Use – Mix of commercial uses.

Proposed Future Land Use Designation: Amendments to the Comprehensive Plan are sometimes triggered by technical corrections to omissions or errors, specific development proposals, or changing circumstances in the City. In this case, a specific development proposal for the subject land area is necessitating the change to Mixed Use designation. The parcel at 336 W. Wisconsin Avenue (Parcel #31-6-0599-00) is already shown as Mixed Use designation on the Future Land Use Map, so the proposed amendment would represent an expansion of the Mixed Use designation and establish a uniform designation for the development area.

Comprehensive Plan 2010-2030 Goals and Objectives: The *Comprehensive Plan 2010-2030* and Future Land Use Map are intended to guide City growth and development in an organized, efficient manner. The Plan addresses a range of topics related to land use, housing and neighborhoods, economic development, transportation, utilities and community facilities, and more. Evaluating the proposed amendment for consistency with relevant goals, objectives, and policies is necessary in determining if changes to the Future Land Use Map are appropriate. The proposed amendment appears to be consistent with the following 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.

OBJECTIVE 9.5: Economic Development:

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

OBJECTIVE 10.1 Land Use:

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

Policy 10.1.1 Adopt, and as necessary, amend the Future Land Use Map in the Comprehensive Plan.

OBJECTIVE 10.5 Land Use:

Support the continued redevelopment and revitalization of land uses adjacent to Appleton's key transportation corridors and downtown.

Chapter 15 - Wisconsin Avenue Corridor Plan – General Plan Primary Objective 3:

Encourage private renovation and redevelopment that addresses existing limitations of platting and land assembly, site planning issues such as parking and access, and aesthetics.

Proposed Zoning Classification: The purpose of the C-1 Neighborhood Mixed Use District is to provide for mixed use areas, including a range of commercial and denser residential uses. Development is intended to be pedestrian-oriented, with businesses and services that are part of the fabric of the neighborhood and allow residents to meet daily needs on foot, bicycle, and public transit. Development standards provide added flexibility to encourage redevelopment along commercial corridors, without being detrimental to established residential neighborhoods. Per Section 23-112(h) of the Municipal Code, the development standards for the C-1 District are listed below:

- 1) **Minimum lot area:** 6,000 square feet.
- 2) **Maximum lot coverage:** 90%.
- 3) **Minimum lot width:** 40 feet.
- 4) **Minimum front yard:** None.
- 5) **Minimum rear yard:** 20 feet.
- 6) **Minimum side yard:**
 - a. None.
 - b. 10 feet if abutting a residentially zoned district.
- 7) **Maximum building height:** 60 feet.

Zoning Ordinance Review Criteria: A rezoning is often triggered by development proposals or changing circumstances in the City. In this case, the request is being made to establish uniform zoning, allow for combining of lots via CSM, and accommodate a proposed shared parking lot expansion and a patio addition for the existing tavern (Maritime Tavern). If the rezoning request is approved, any future development would need to conform to the C-1 Neighborhood Mixed Use District zoning regulations listed above and other applicable sections of the Zoning Ordinance. Ultimately, Site Plan review and approval would be required, pursuant to Section 23-570 of the Municipal Code, prior to the issuance of a building permit by the Inspections Division.

Per Section 23-112(i) of the Municipal Code, the C-1 District shall be utilized in areas identified with a future Mixed Use designation on the Comprehensive Plan Future Land Use Map. One of the subject parcels are already shown as Mixed Use designation on the Future Land Use Map, and the requested amendment would change 1312 N. Division Street (Parcel #31-6-0598-00) to Mixed Use designation as well.

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

- a. Prior to making a recommendation on a proposed rezoning, the Plan Commission shall make a finding to determine if the following conditions exist. No rezoning of land shall be approved prior to finding at least one of the following:
 1. The request for a zone change is in conformance with the Comprehensive Plan for the City of Appleton. *The Future Land Use Map already identifies parcel #31-6-0599-00 (336 W. Wisconsin Avenue) for future mixed use. If Future Land Use Map Amendment #1-22 is approved, to identify this entire area for future mixed uses, the rezoning request will be in conformance with the Comprehensive Plan 2010-2030.*
 2. A study submitted by the applicant that indicates that there has been an increase in the demand for land in the requested zoning district, and as a result, the supply of land within the City mapped as such on the Official Zoning Map is inadequate to meet the demands for such development.

3. Proposed amendments cannot be accommodated by sites already zoned in the City due to lack of transportation, utilities or other development constraints, or the market to be served by the proposed use cannot be effectively served by the location of the existing zoning district(s).
 4. There is an error in the code text or zoning map as enacted.
- b. In addition to the findings required to be made by subsection (a), findings shall be made by the Plan Commission on each of the following matters based on the evidence presented:
1. The adequacy of public facilities such as transportation, utilities and other required public services to serve the proposed site. *The subject area is served by existing infrastructure, and the transportation network should be able to accommodate the proposed rezoning.*
 2. The effect of the proposed rezoning on surrounding uses. *Commercial zoning already exists on one of the subject parcels. A mix of commercial uses are already located west, south and east of the subject site. C-1 District development standards, such as setbacks, and perimeter parking lot landscape buffers would be reviewed in accordance with Zoning Ordinance requirements at the time of Site Plan review. Therefore, the proposed rezoning request is unlikely to create adverse impacts in the surrounding neighborhood.*

Review Criteria: Based upon the above analysis, it would appear the criteria established by Section 23-65(d)(3) Zoning Amendments has been satisfied, provided Comprehensive Plan Future Land Use Map Amendment #1-22 is approved.

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

RECOMMENDATION

Based upon the above analysis, staff recommends the proposed City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map Amendment #1-22 for the property located at 1312 N. Division Street (Tax Id #31-6-0598-00) from One and Two-Family Residential designation to Mixed Use designation and resolution, **BE APPROVED**; and

Staff recommends, based upon the standards for zoning map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning Application #1-22 to rezone the subject parcels located at 1312 N. Division Street (Parcel #31-6-0598-00) and 336 W. Wisconsin Avenue (Parcel #31-6-0599-00) from C-2 General Commercial District and R-1C Central City Residential District to C-1 Neighborhood Mixed Use District, including to the centerline of the adjacent North Division Street and West Wisconsin Avenue right-of-way, as shown on the attached map, **BE APPROVED**.

NOTE: If approved, Rezoning #1-22 will be reported out at the same Common Council meeting as the proposed Comprehensive Plan Amendment #1-22 to accurately reflect the change in future land use from One and Two-Family Residential designation to Mixed Use designation.

Maritime Bar Expansion
Rezoning
R-1C Central City Residential District and
C-2 General Commercial District to
C-1 Neighborhood Mixed Use District

Subject Area

R-2

R-1C

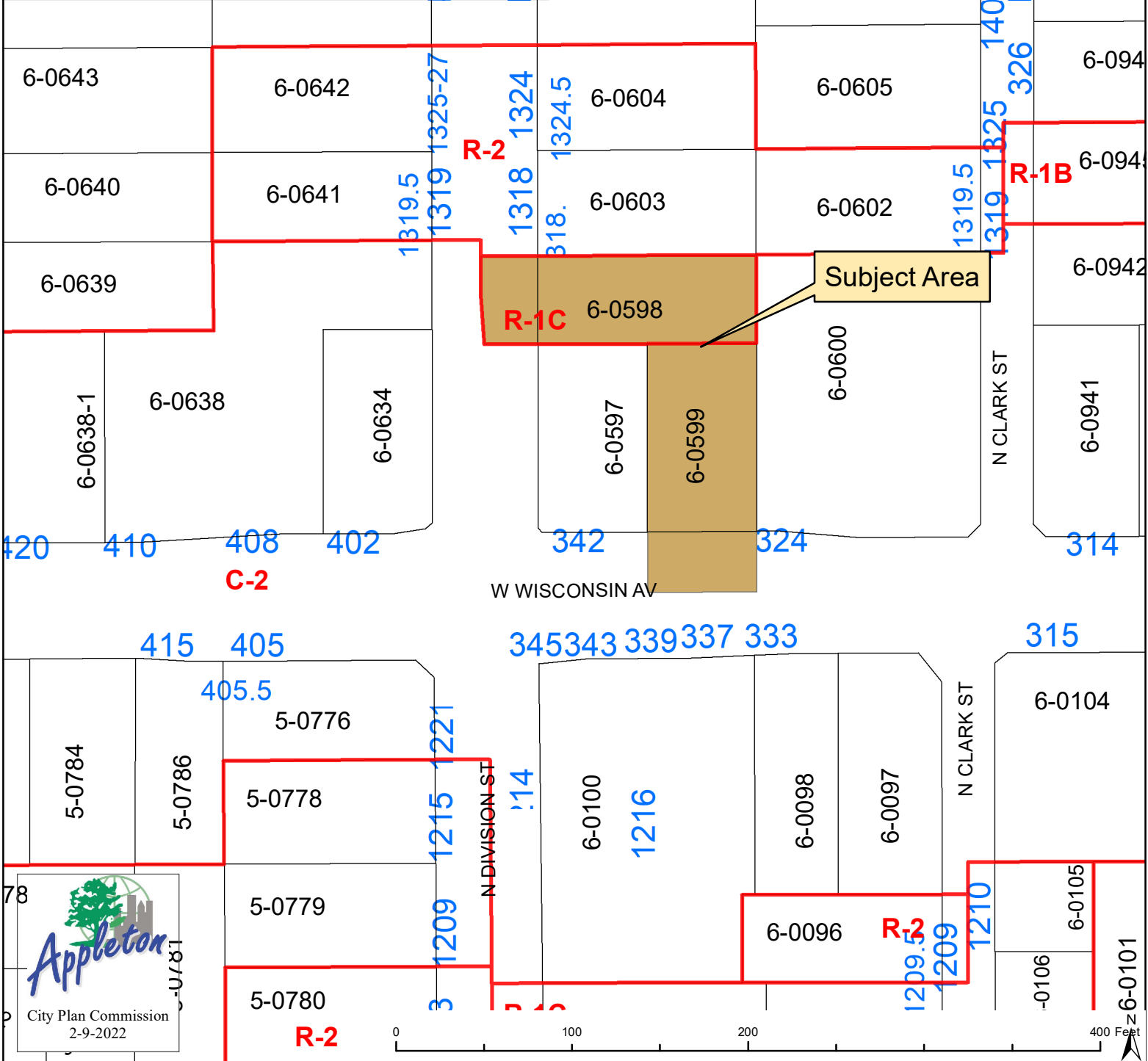
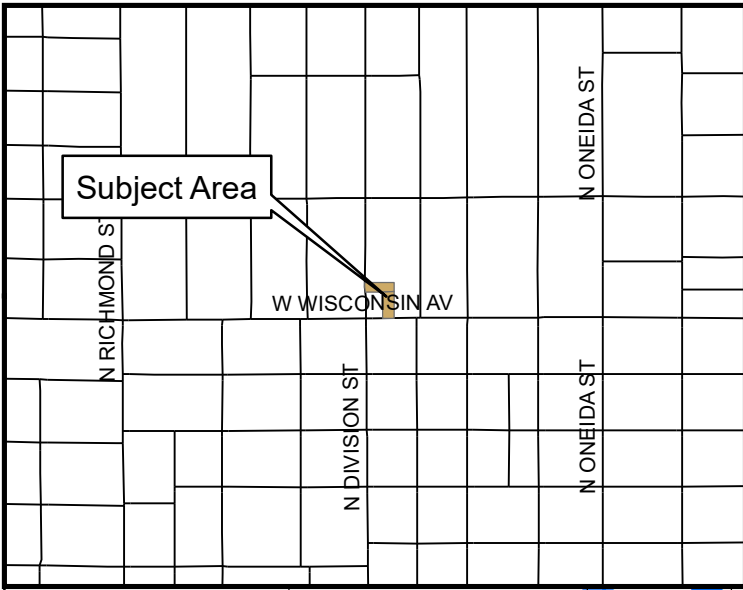
R-1B

Subject Area

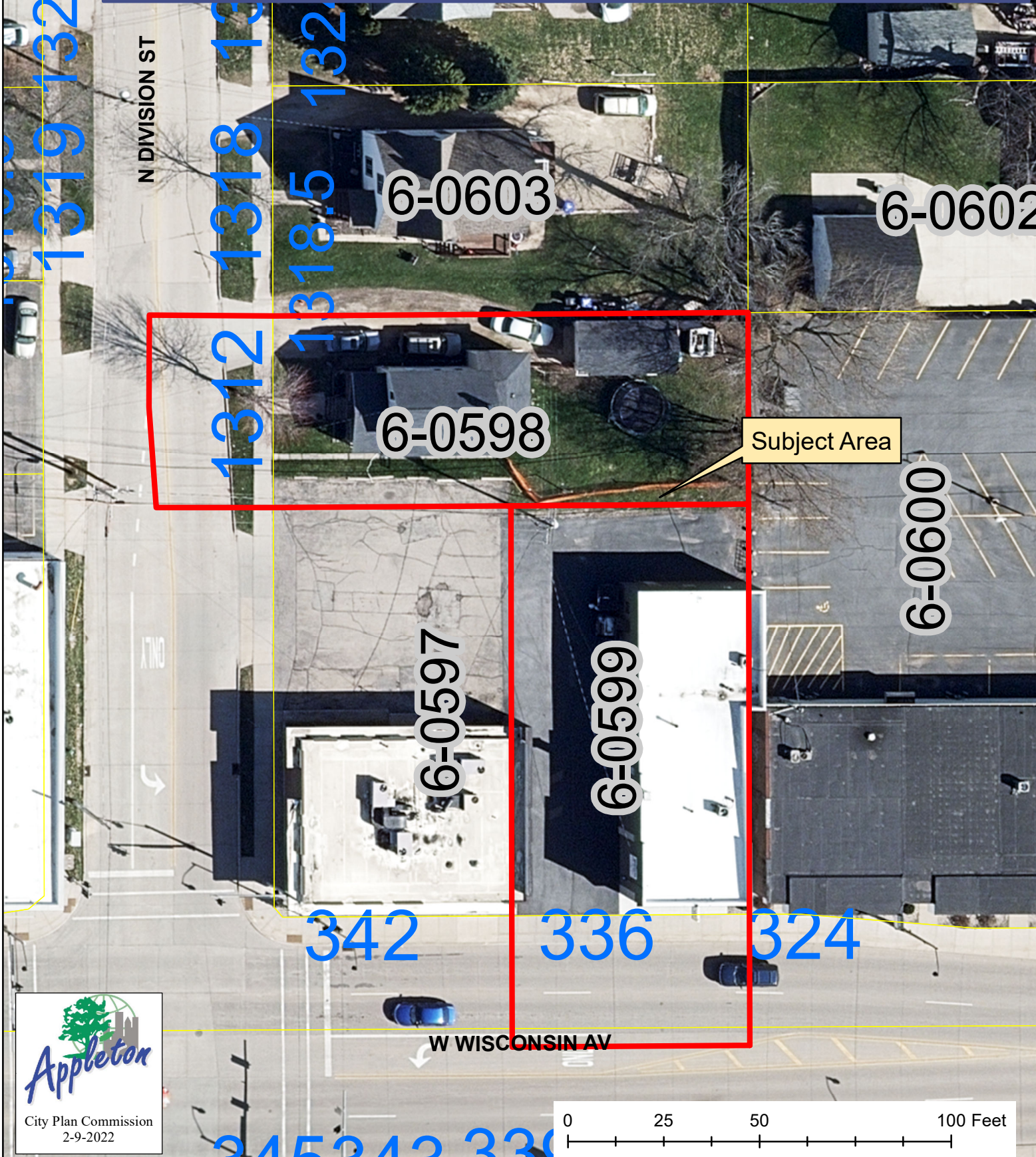
C-2

R-2

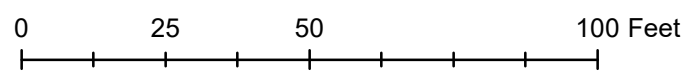
R-2



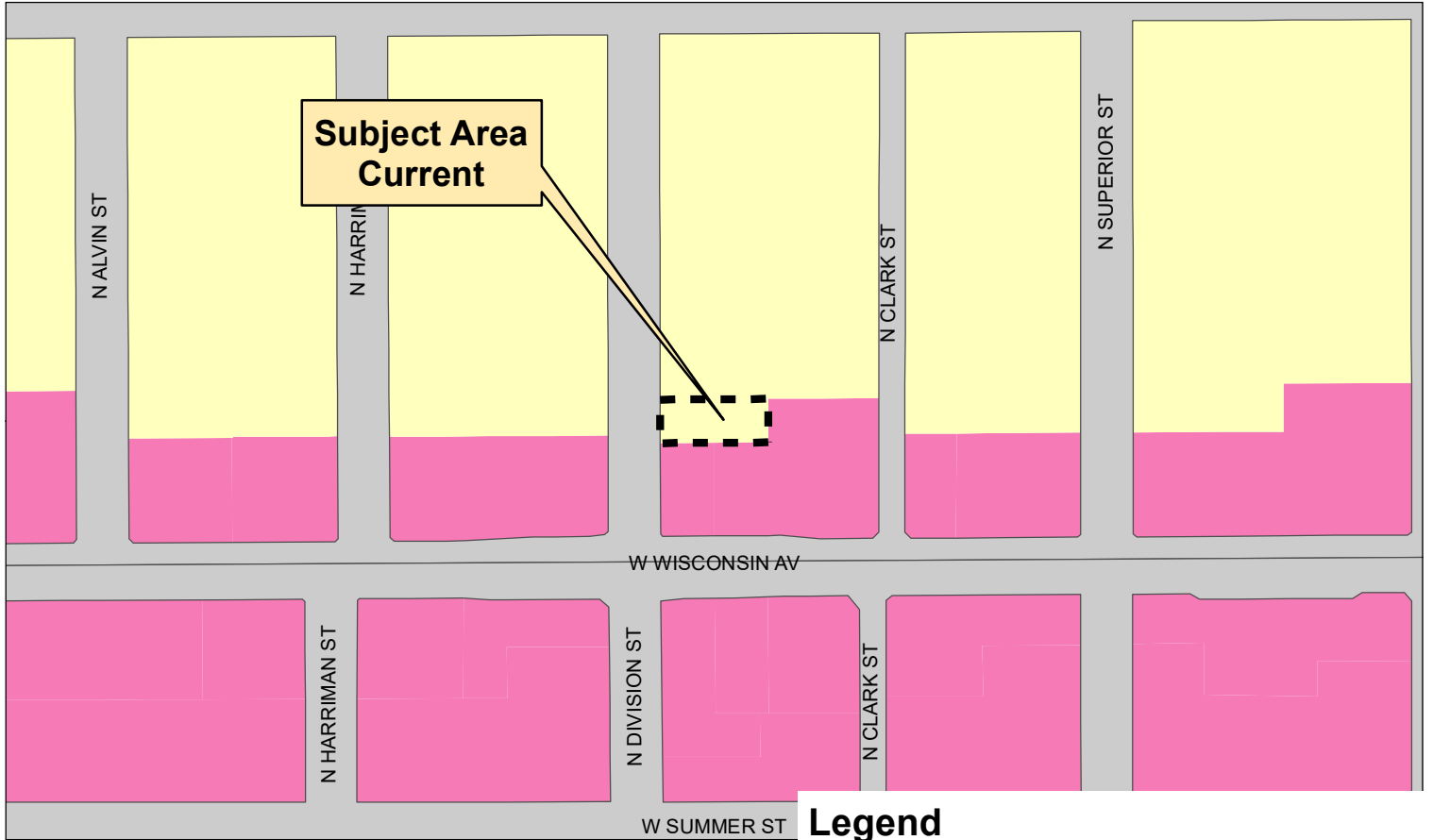
Maritime Bar Expansion
Rezoning
R-1C Central City Residential District and C-2 General Commercial District to
C-1 Neighborhood Mixed Use District
Aerial Map



Subject Area

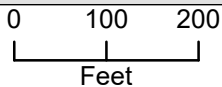
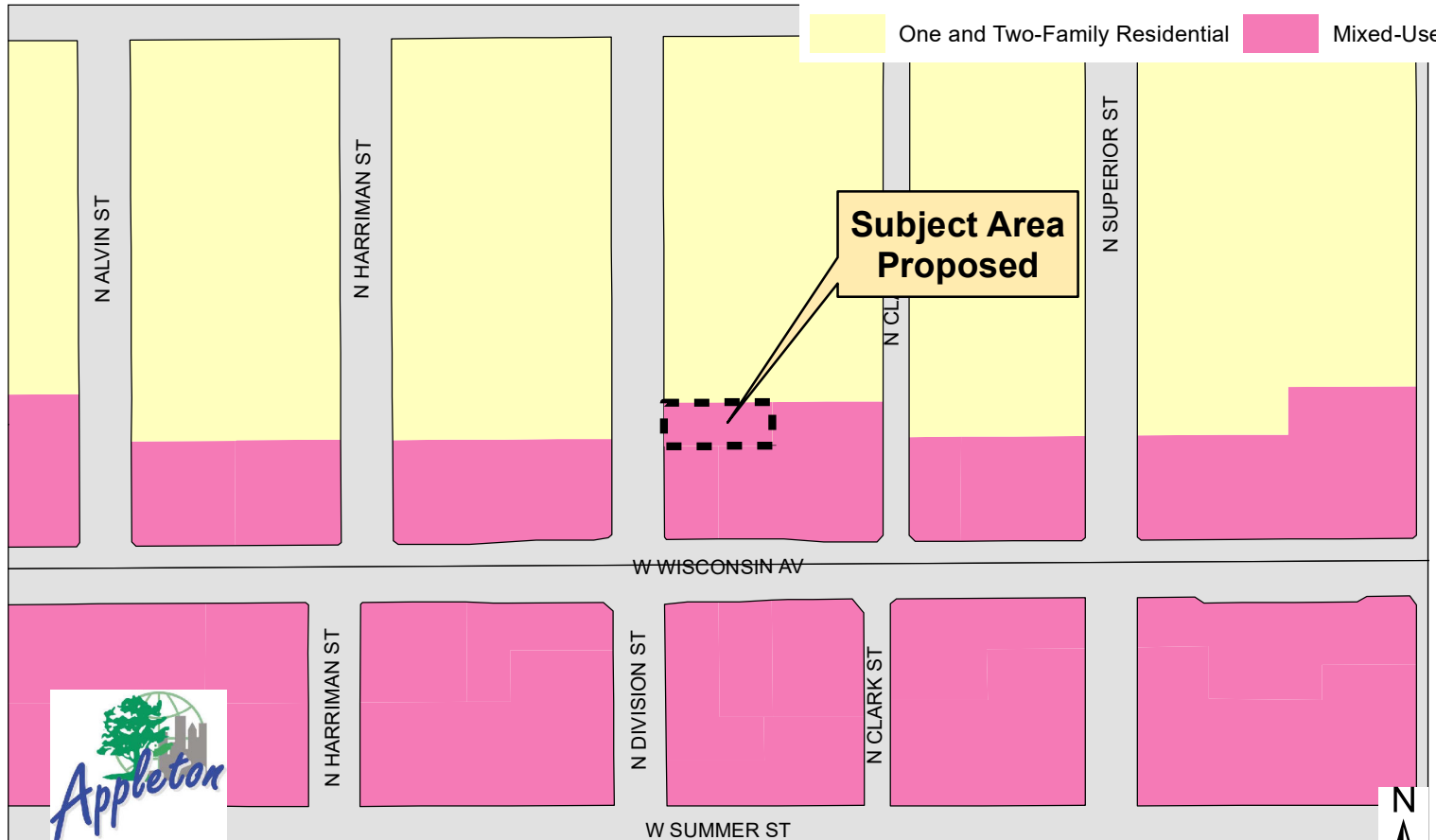


Maritime Bar Expansion
 Future Land Use Map Amendment
 One and Two Family Residential to Mixed Use



Legend

- One and Two-Family Residential
- Mixed-Use



**RESOLUTION
CITY OF APPLETON**

**ADOPTION OF THE RECOMMENDED AMENDMENT TO THE COMPREHENSIVE
PLAN AS PREPARED BY THE CITY OF APPLETON PLAN COMMISSION**

WHEREAS, the Common Council of the City of Appleton pursuant to Section 62.23 of the Wisconsin Statutes, has established a City Plan Commission; and

WHEREAS, on March 3, 2010, the Common Council adopted the City of Appleton Comprehensive Plan to promote public health, safety and welfare of the City by effectively guiding long-range growth and development within the city and its statutory extraterritorial planning jurisdiction; and

WHEREAS, Chapter 12: Implementation, Comprehensive Plan Update Procedures, of the Comprehensive Plan was created in the City of Appleton Code of Ordinances to provide procedures and criteria for amending and updating the City of Appleton Comprehensive Plan; and

WHEREAS, members of the public were invited to make comments at a meeting held on February 9, 2022, by the City Plan Commission, wherein the following Comprehensive Plan amendment (Amendment #1-22) herein adopted were reviewed and commented upon by members of the public; and

WHEREAS, the City of Appleton Plan Commission has reviewed the recommended amendment to the Comprehensive Plan Future Land Use Map at a meeting held on February 9, 2022; and

WHEREAS, the City of Appleton Plan Commission reviewed the following Comprehensive Plan Amendments, found these amendments to meet the criteria outlined in Chapter 12: Implementation, Comprehensive Plan Update Procedures, warranting inclusion in this resolution:

1. Having been filed with the City Clerk by the City of Appleton Community and Economic Development Department requesting a Comprehensive Plan Future Land Use Map Amendment to change future land use designations for specified property (Parcel #31-6-0598-00) on the Future Land Use Map from One and Two-Family Residential Use to Mixed Use.

WHEREAS, members of the public, adjacent and nearby local governmental units will be given a 30-day review and comment period prior to the public hearing, which will be conducted by the Common Council for the Comprehensive Plan proposed amendment; and

WHEREAS, after said public hearing, the Common Council will decide whether to adopt by ordinance the proposed amendments to the Comprehensive Plan; and

WHEREAS, the Comprehensive Plan may be used as the basis for, among other things, updating the zoning ordinance, accomplishing extra-territorial zoning and as a guide for approving or disapproving actions affecting growth and development within the jurisdiction of the City of Appleton; and

WHEREAS, this Comprehensive Plan may from time to time be amended, extended, or added to in greater detail; and

NOW, THEREFORE, BE IT RESOLVED, by the City of Appleton Plan Commission that the recommended Comprehensive Plan amendments are hereby adopted as a part of the City of Appleton Comprehensive Plan 2010-2030 pursuant to §66.1001(4), Wis. Stats. and that the Plan Commission recommends said Comprehensive Plan amendments to the City of Appleton Common Council for adoption by ordinance, after a 30-day public review and comment period and public hearing.

Adopted this _____ day of _____, 2022.

Jacob A. Woodford, Mayor

ATTEST:

Kami Lynch, City Clerk

PARCEL #6-0599:

PART OF LOT 2, BLOCK 1 OF THE PLAT OF HARRIMAN AND PARKHURST'S ADDITION TO APPLETON, SAID PLAT LOCATED IN THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 23, T21N-R17E, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT SOUTH 1/4 CORNER OF SECTION 23, T21N-R17E; THENCE S89°38'52"W, 1147.00 FEET ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION; THENCE N00°06'37"W, 37.02 FEET TO THE NORTH RIGHT OF WAY OF WEST WISCONSIN AVENUE AND THE POINT OF BEGINNING; THENCE S89°40'40"W, 62.20 FEET ALONG SAID RIGHT OF WAY; THENCE N00°02'15"W, 106.95 FEET ALONG THE WEST LINE OF LOT 2 OF THE PLAT OF HARRIMAN AND PARKHURST'S ADDITION TO APPLETON; THENCE N89°40'59"E, 62.07 FEET TO THE EAST LINE OF SAID LOT 2; THENCE S00°06'37"E, 106.94 FEET ALONG THE EAST LINE OF SAID LOT 2 TO THE POINT OF BEGINNING, INCLUDING THE ADJACENT ONE-HALF (1/2) RIGHT-OF-WAY OF WEST WISCONSIN AVENUE.

PARCEL CONTAINS 6,645 SQUARE FEET / 0.15 ACRES, MORE OR LESS.

PARCEL #6-0598:

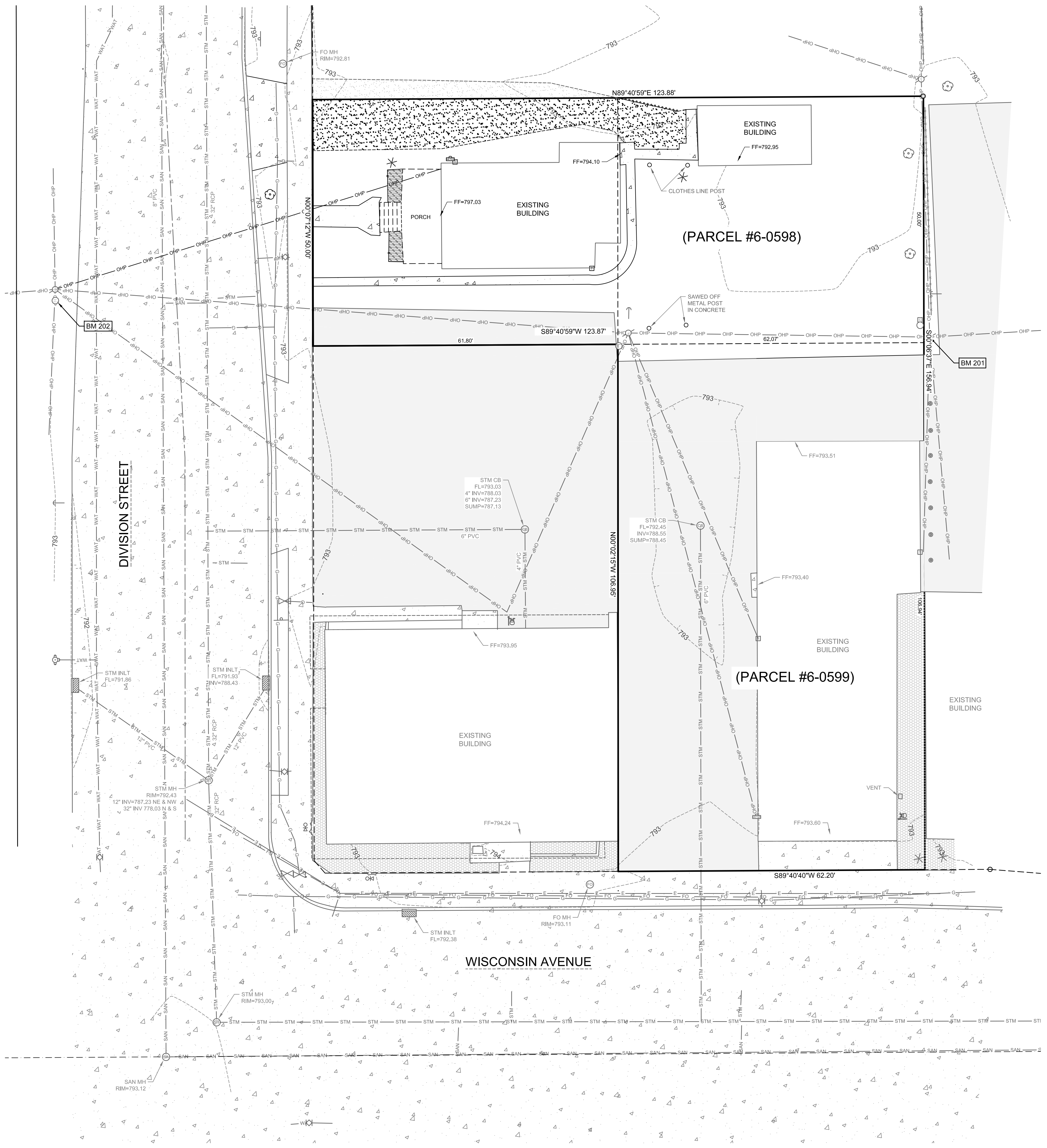
PART OF LOTS 1 AND 2, BLOCK 1 OF THE PLAT OF HARRIMAN AND PARKHURST'S ADDITION TO APPLETON, SAID PLAT LOCATED IN THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 23, T21N-R17E, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT SOUTH 1/4 CORNER OF SECTION 23, T21N-R17E; THENCE S89°38'52"W, 1147.00 FEET ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION; THENCE N00°06'37"W, 143.96 FEET TO THE POINT OF BEGINNING; THENCE S89°40'59"W, 123.87 FEET TO THE EAST RIGHT OF WAY OF NORTH DIVISION STREET; THENCE N00°07'12"W, 50.00 FEET ALONG SAID RIGHT OF WAY TO THE NORTH LINE OF LOT 1 OF THE PLAT OF HARRIMAN AND PARKHURST'S ADDITION TO APPLETON; THENCE N89°40'59"E, 123.88 FEET ALONG NORTH LINE OF LOTS 1 AND 2 OF SAID PLAT; THENCE S00°06'37"E, 50.00 FEET ALONG THE EAST LINE OF SAID LOT 2 TO THE POINT OF BEGINNING, INCLUDING THE ADJACENT ONE-HALF (1/2) RIGHT-OF-WAY OF NORTH DIVISION STREET.

PARCEL CONTAINS 6,194 SQUARE FEET / 0.14 ACRES, MORE OR LESS.

EXISTING CONDITIONS

Benchmarks		
Label	Elevation	Description
BM 201	794.25	NAIL IN POWER POLE
BM 202	793.94	NAIL IN POWER POLE



LEGAL DESCRIPTION (PARCEL #6-0599)

PART OF LOT 2, BLOCK 1 OF THE PLAT OF HARRIMAN AND PARKHURST'S ADDITION TO APPLETON, SAID PLAT LOCATED IN THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 23, T21N-R17E, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT SOUTH 1/4 CORNER OF SECTION 23, T21N-R17E; THENCE S89°38'52"W, 1147.00 FEET ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION; THENCE N00°06'37"W, 37.02 FEET TO THE NORTH RIGHT OF WAY OF WEST WISCONSIN AVENUE AND THE POINT OF BEGINNING; THENCE S89°40'40"W, 62.20 FEET ALONG SAID RIGHT OF WAY; THENCE N00°02'15"W, 106.95 FEET ALONG THE WEST LINE OF LOT 2 OF THE PLAT OF HARRIMAN AND PARKHURST'S ADDITION TO APPLETON; THENCE N89°40'59"E, 62.07 FEET TO THE EAST LINE OF SAID LOT 2; THENCE S00°06'37"E, 106.94 FEET ALONG THE EAST LINE OF SAID LOT 2 TO THE POINT OF BEGINNING.

PARCEL CONTAINS 6,645 SQUARE FEET / 0.15 ACRES, MORE OR LESS.

LEGAL DESCRIPTION (PARCEL #6-0598)

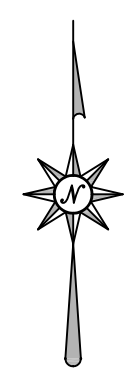
PART OF LOTS 1 AND 2, BLOCK 1 OF THE PLAT OF HARRIMAN AND PARKHURST'S ADDITION TO APPLETON, SAID PLAT LOCATED IN THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 23, T21N-R17E, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT SOUTH 1/4 CORNER OF SECTION 23, T21N-R17E; THENCE S89°38'52"W, 1147.00 FEET ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION; THENCE N00°06'37"W, 143.96 FEET TO THE POINT OF BEGINNING; THENCE S89°40'59"W, 123.87 FEET TO THE EAST RIGHT OF WAY OF NORTH DIVISION STREET; THENCE N00°07'12"W, 50.00 FEET ALONG SAID RIGHT OF WAY TO THE NORTH LINE OF LOT 1 OF THE PLAT OF HARRIMAN AND PARKHURST'S ADDITION TO APPLETON; THENCE N89°40'59"E, 123.88 FEET ALONG NORTH LINE OF LOTS 1 AND 2 OF SAID PLAT; THENCE S00°06'37"E, 50.00 FEET ALONG THE EAST LINE OF SAID LOT 2 TO THE POINT OF BEGINNING.

PARCEL CONTAINS 6,194 SQUARE FEET / 0.14 ACRES, MORE OR LESS.

PROPOSED PARKING LOT EXPANSION FOR,
MARITIME TAVERN
APPLETON, WISCONSIN

CR STRUCTURES
group, inc.
 Shifting Construction Industry Paradigms
 327 RANDOLPH DRIVE - SUITE A
 APPLETON, WI 54913
 TELE: 920-733-7305

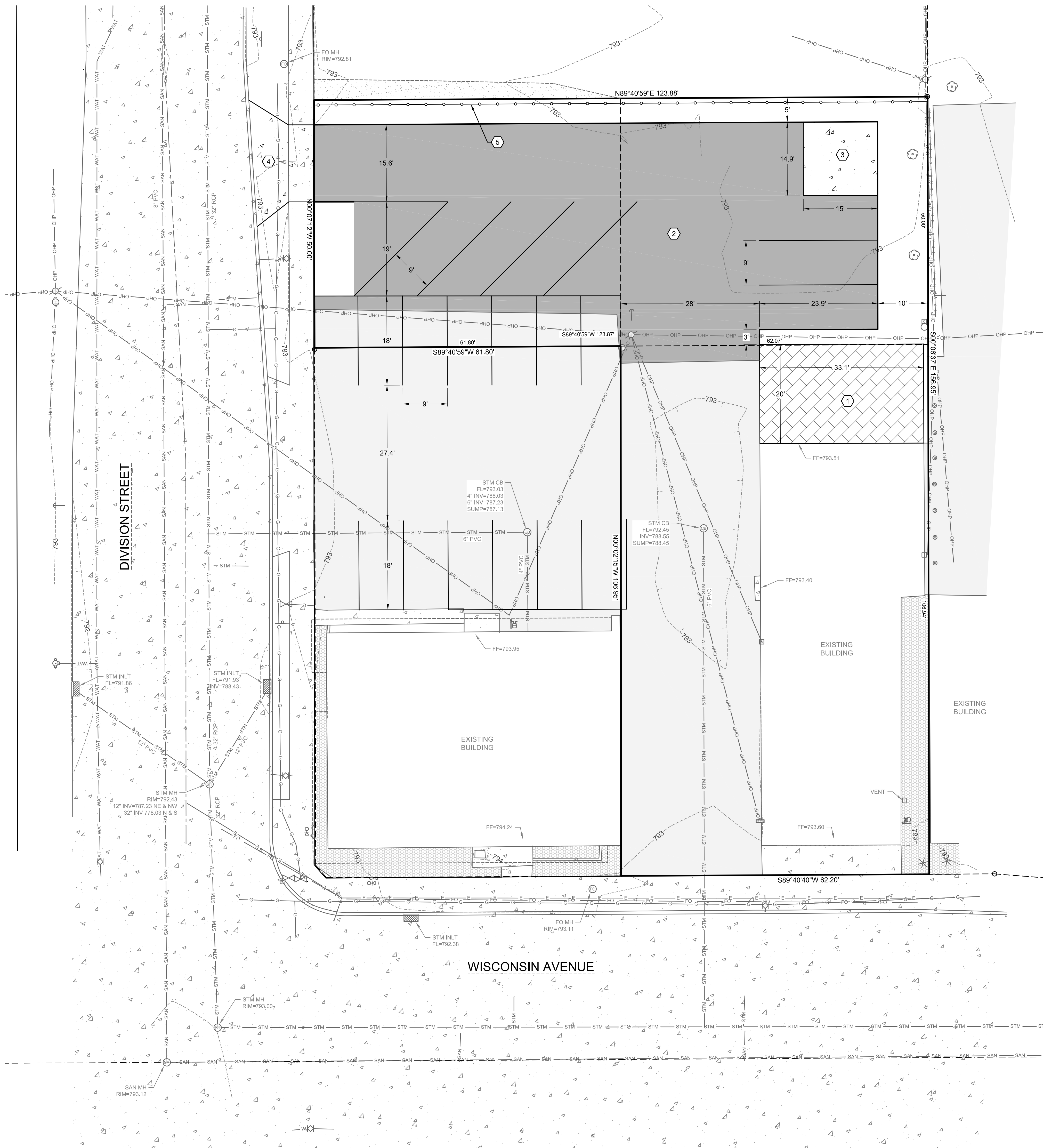


2260 Salscheider Court Green Bay, WI 54313
 PH: 920-569-5765; Fax: 920-569-5767
 www.mach-iv.com
 Project Number: 1892-01-21

DATE: 01/08/2022
 ARCH: J. EHRFURTH
 D. BY: RPH
 JOB: 20-180
 REV:

C1

PROPOSED CONDITIONS

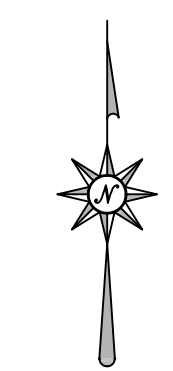


SHEET KEY NOTES:

- ① PATIO PAVERS
- ② ASPHALT PAVEMENT
- ③ DUMPSTER PAD AND ENCLOSURE
- ④ RELOCATED DRIVEWAY APRON
- ⑤ BOARD ON BOARD FENCE

PROPOSED PARKING LOT EXPANSION FOR,
MARITIME TAVERN
APPLETON, WISCONSIN

CR STRUCTURES
Group, Inc.
 Shifting Construction Industry Paradigms
 327 RANDOLPH DRIVE - SUITE A
 APPLETON, WI 54913
 TELE: 920-733-7305



MACH IV
 ENGINEERING • SURVEYING • ENVIRONMENTAL

2260 Salscheider Court Green Bay, WI 54313
 PH: 920-569-5765; Fax: 920-569-5767
 www.mach-iv.com
 Project Number: 1892-01-21

DATE: 01/08/2022
 ARCH: J. EHRFURTH
 D. BY: RPH
 JOB: 20-180
 REV:

C2



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Meeting Date: February 9, 2022

Common Council Public Hearing Meeting Date: March 16, 2022
(Public Hearing on Comprehensive Plan Amendment and Rezoning)

Items: City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map Amendment #1-22 and Rezoning #1-22

Case Manager: Jessica Titel, Principal Planner

GENERAL INFORMATION

Owner: 2 Bucks Only II, LLC (Parcel #31-6-0598-00, 1312 N. Division Street) and 2X6 Holdings, LLC (Parcel #31-6-0599-00, 336 W. Wisconsin Avenue)

Applicant: Mach IV Engineering & Surveying, LLC c/o Joel Ehrfurth

Address/Parcel: 1312 N. Division Street (Parcel #31-6-0598-00) and 336 W. Wisconsin Avenue (Parcel #31-6-0599-00)

Petitioner's Request: The applicant is requesting to amend the City's *Comprehensive Plan 2010-2030* Future Land Use Map from the One and Two-Family Residential designation to the Mixed Use designation for the property located at 1312 N. Division Street (Parcel #31-6-0598-00). In conjunction with this request, the applicant is proposing to rezone both subject parcels from C-2 General Commercial District and R-1C Central City Residential District to C-1 Neighborhood Mixed Use District. The requests are being made to establish a uniform Future Land Use Map designation and zoning classification for the subject property to allow for a shared parking lot expansion and a patio addition for the existing tavern (Maritime Tavern).

BACKGROUND

On March 15, 2017, the Common Council approved/adopted the 5-year update to the Comprehensive Plan 2010-2030 and Future Land Use Map. This plan establishes a vision for future land use, physical development, and quality of life in the City and provides a comprehensive set of goals, policies, and initiatives to achieve that vision. The Comprehensive Plan document and the accompanying Future Land Use Map also serve as a guide for future growth and development in the City. Periodically, development proposals or changing circumstances within the City may trigger consideration of an amendment to the Comprehensive Plan 2010-2030. That is the case for this request.

The property at 336 W. Wisconsin Avenue is currently being used as a tavern (Maritime Tavern) and off-street parking lot. The property at 1312 N. Division Street previously contained a single-family home that was recently razed. The home was recently purchased by the current owners with plans to construct an expansion to the existing parking lot serving Maritime Tavern at 336 W. Wisconsin and constructing an outdoor patio onto the tavern.

In conjunction with the Comprehensive Plan amendment and rezoning requests, submittal of an application for a Certified Survey Map (CSM) is anticipated to combine the subject parcels into one lot. CSMs are administratively reviewed and approved by City staff. However, per Section 23-40(b) of the Municipal Code, there shall not be more than one zoning district on any parcel of land. Therefore, uniform zoning is needed before the parcels can be combined to accommodate the anticipated improvements.

STAFF ANALYSIS

Procedural Findings: When *Comprehensive Plan 2010-2030* Future Land Use Map Amendment and Rezoning applications are required for the same development project, the respective staff reports are consolidated together as one.

Existing Site Conditions: The property at 336 W. Wisconsin Avenue is currently being used as a tavern (Maritime Tavern) and off-street parking lot. The property at 1312 N. Division Street previously contained a single-family home that was recently razed. Combined, the subject land area totals approximately 12,834 square feet. The property has frontage along North Division Street and West Wisconsin Avenue. On the City's Arterial/Collector Plan, Wisconsin Avenue is classified as an arterial street and this portion of Division Street is classified a collector street.

Surrounding Zoning Classification, Future Land Use Designation, and Current Land Uses:

North: Zoning – R-2 Two-Family District

Future Land Use Designation – One and Two-Family Residential

Current Land Use – Two-family residential home.

South: Zoning – C-2 General Commercial District

Future Land Use Designation – Mixed Use

Current Land Use – Multi-tenant buildings containing a mix of commercial uses.

East: Zoning – C-2 General Commercial District

Future Land Use Designation – Mixed Use

Current Land Use – Mix of commercial uses in a multi-tenant building.

West: Zoning – C-2 General Commercial District

Future Land Use Designation – Mixed Use

Current Land Use – Mix of commercial uses.

Proposed Future Land Use Designation: Amendments to the Comprehensive Plan are sometimes triggered by technical corrections to omissions or errors, specific development proposals, or changing circumstances in the City. In this case, a specific development proposal for the subject land area is necessitating the change to Mixed Use designation. The parcel at 336 W. Wisconsin Avenue (Parcel #31-6-0599-00) is already shown as Mixed Use designation on the Future Land Use Map, so the proposed amendment would represent an expansion of the Mixed Use designation and establish a uniform designation for the development area.

Comprehensive Plan 2010-2030 Goals and Objectives: The *Comprehensive Plan 2010-2030* and Future Land Use Map are intended to guide City growth and development in an organized, efficient manner. The Plan addresses a range of topics related to land use, housing and neighborhoods, economic development, transportation, utilities and community facilities, and more. Evaluating the proposed amendment for consistency with relevant goals, objectives, and policies is necessary in determining if changes to the Future Land Use Map are appropriate. The proposed amendment appears to be consistent with the following 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.

OBJECTIVE 9.5: Economic Development:

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

OBJECTIVE 10.1 Land Use:

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

Policy 10.1.1 Adopt, and as necessary, amend the Future Land Use Map in the Comprehensive Plan.

OBJECTIVE 10.5 Land Use:

Support the continued redevelopment and revitalization of land uses adjacent to Appleton's key transportation corridors and downtown.

Chapter 15 - Wisconsin Avenue Corridor Plan – General Plan Primary Objective 3:

Encourage private renovation and redevelopment that addresses existing limitations of platting and land assembly, site planning issues such as parking and access, and aesthetics.

Proposed Zoning Classification: The purpose of the C-1 Neighborhood Mixed Use District is to provide for mixed use areas, including a range of commercial and denser residential uses. Development is intended to be pedestrian-oriented, with businesses and services that are part of the fabric of the neighborhood and allow residents to meet daily needs on foot, bicycle, and public transit. Development standards provide added flexibility to encourage redevelopment along commercial corridors, without being detrimental to established residential neighborhoods. Per Section 23-112(h) of the Municipal Code, the development standards for the C-1 District are listed below:

- 1) **Minimum lot area:** 6,000 square feet.
- 2) **Maximum lot coverage:** 90%.
- 3) **Minimum lot width:** 40 feet.
- 4) **Minimum front yard:** None.
- 5) **Minimum rear yard:** 20 feet.
- 6) **Minimum side yard:**
 - a. None.
 - b. 10 feet if abutting a residentially zoned district.
- 7) **Maximum building height:** 60 feet.

Zoning Ordinance Review Criteria: A rezoning is often triggered by development proposals or changing circumstances in the City. In this case, the request is being made to establish uniform zoning, allow for combining of lots via CSM, and accommodate a proposed shared parking lot expansion and a patio addition for the existing tavern (Maritime Tavern). If the rezoning request is approved, any future development would need to conform to the C-1 Neighborhood Mixed Use District zoning regulations listed above and other applicable sections of the Zoning Ordinance. Ultimately, Site Plan review and approval would be required, pursuant to Section 23-570 of the Municipal Code, prior to the issuance of a building permit by the Inspections Division.

Per Section 23-112(i) of the Municipal Code, the C-1 District shall be utilized in areas identified with a future Mixed Use designation on the Comprehensive Plan Future Land Use Map. One of the subject parcels are already shown as Mixed Use designation on the Future Land Use Map, and the requested amendment would change 1312 N. Division Street (Parcel #31-6-0598-00) to Mixed Use designation as well.

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

- a. Prior to making a recommendation on a proposed rezoning, the Plan Commission shall make a finding to determine if the following conditions exist. No rezoning of land shall be approved prior to finding at least one of the following:
 1. The request for a zone change is in conformance with the Comprehensive Plan for the City of Appleton. *The Future Land Use Map already identifies parcel #31-6-0599-00 (336 W. Wisconsin Avenue) for future mixed use. If Future Land Use Map Amendment #1-22 is approved, to identify this entire area for future mixed uses, the rezoning request will be in conformance with the Comprehensive Plan 2010-2030.*
 2. A study submitted by the applicant that indicates that there has been an increase in the demand for land in the requested zoning district, and as a result, the supply of land within the City mapped as such on the Official Zoning Map is inadequate to meet the demands for such development.

3. Proposed amendments cannot be accommodated by sites already zoned in the City due to lack of transportation, utilities or other development constraints, or the market to be served by the proposed use cannot be effectively served by the location of the existing zoning district(s).
 4. There is an error in the code text or zoning map as enacted.
- b. In addition to the findings required to be made by subsection (a), findings shall be made by the Plan Commission on each of the following matters based on the evidence presented:
1. The adequacy of public facilities such as transportation, utilities and other required public services to serve the proposed site. *The subject area is served by existing infrastructure, and the transportation network should be able to accommodate the proposed rezoning.*
 2. The effect of the proposed rezoning on surrounding uses. *Commercial zoning already exists on one of the subject parcels. A mix of commercial uses are already located west, south and east of the subject site. C-1 District development standards, such as setbacks, and perimeter parking lot landscape buffers would be reviewed in accordance with Zoning Ordinance requirements at the time of Site Plan review. Therefore, the proposed rezoning request is unlikely to create adverse impacts in the surrounding neighborhood.*

Review Criteria: Based upon the above analysis, it would appear the criteria established by Section 23-65(d)(3) Zoning Amendments has been satisfied, provided Comprehensive Plan Future Land Use Map Amendment #1-22 is approved.

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

RECOMMENDATION

Based upon the above analysis, staff recommends the proposed City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map Amendment #1-22 for the property located at 1312 N. Division Street (Tax Id #31-6-0598-00) from One and Two-Family Residential designation to Mixed Use designation and resolution, **BE APPROVED**; and

Staff recommends, based upon the standards for zoning map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning Application #1-22 to rezone the subject parcels located at 1312 N. Division Street (Parcel #31-6-0598-00) and 336 W. Wisconsin Avenue (Parcel #31-6-0599-00) from C-2 General Commercial District and R-1C Central City Residential District to C-1 Neighborhood Mixed Use District, including to the centerline of the adjacent North Division Street and West Wisconsin Avenue right-of-way, as shown on the attached map, **BE APPROVED**.

NOTE: If approved, Rezoning #1-22 will be reported out at the same Common Council meeting as the proposed Comprehensive Plan Amendment #1-22 to accurately reflect the change in future land use from One and Two-Family Residential designation to Mixed Use designation.

Maritime Bar Expansion
Rezoning
R-1C Central City Residential District and
C-2 General Commercial District to
C-1 Neighborhood Mixed Use District

Subject Area

R-2

R-1C

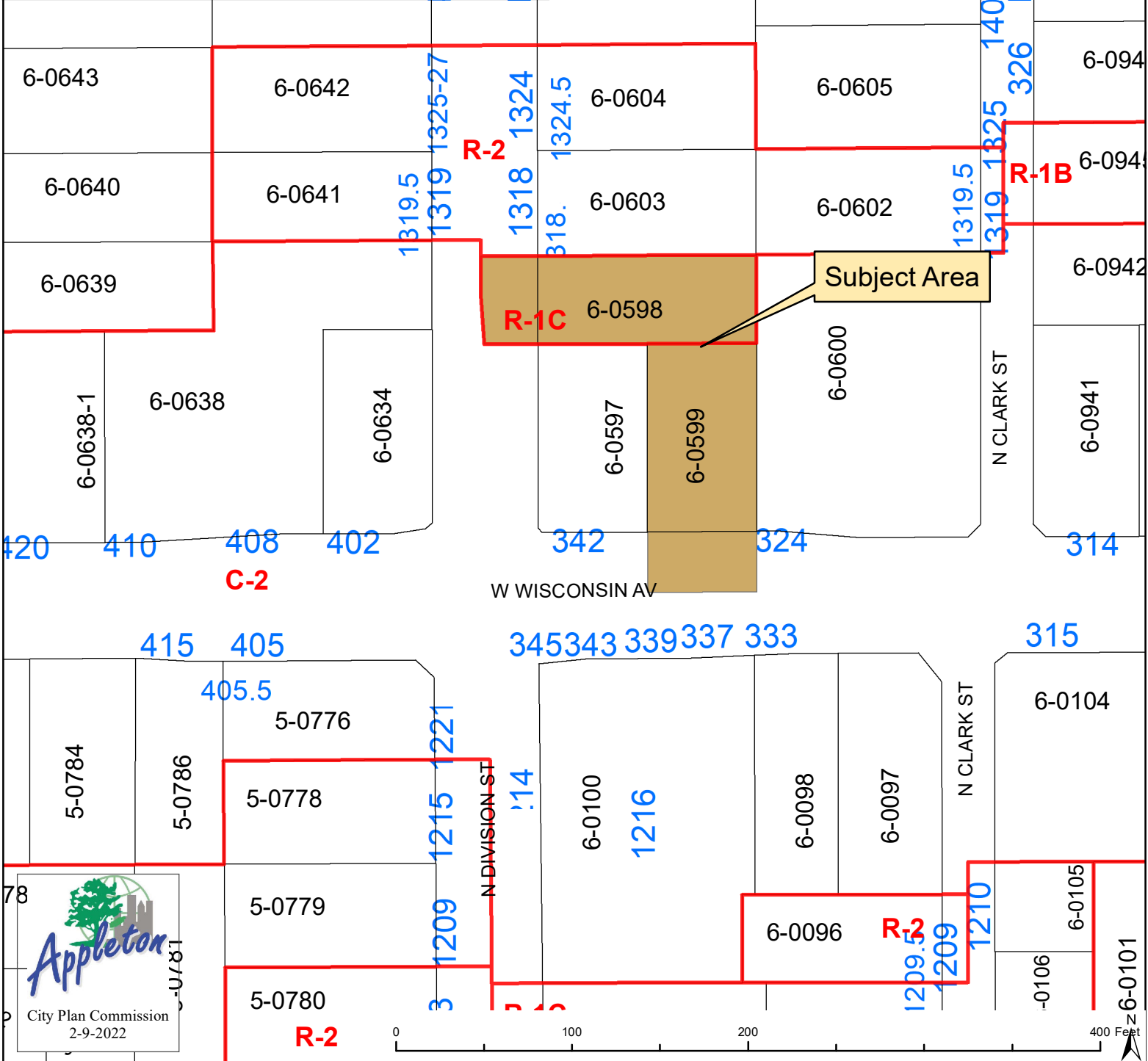
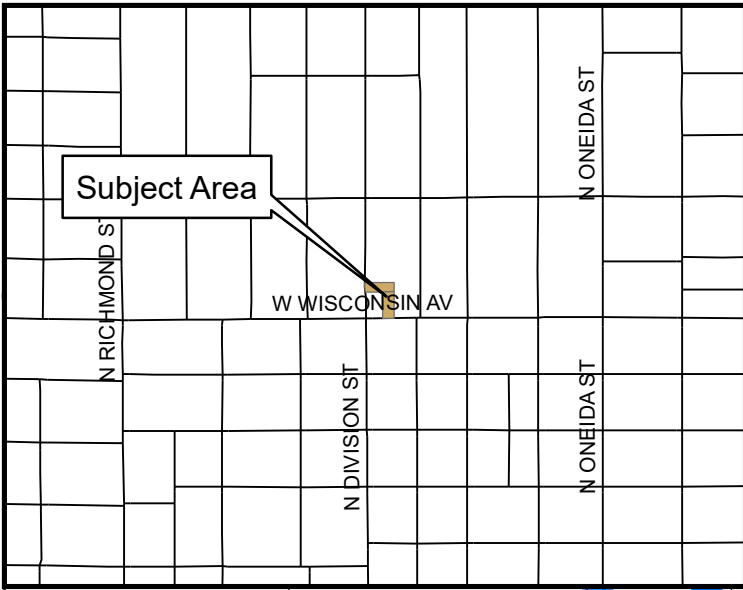
R-1B

Subject Area

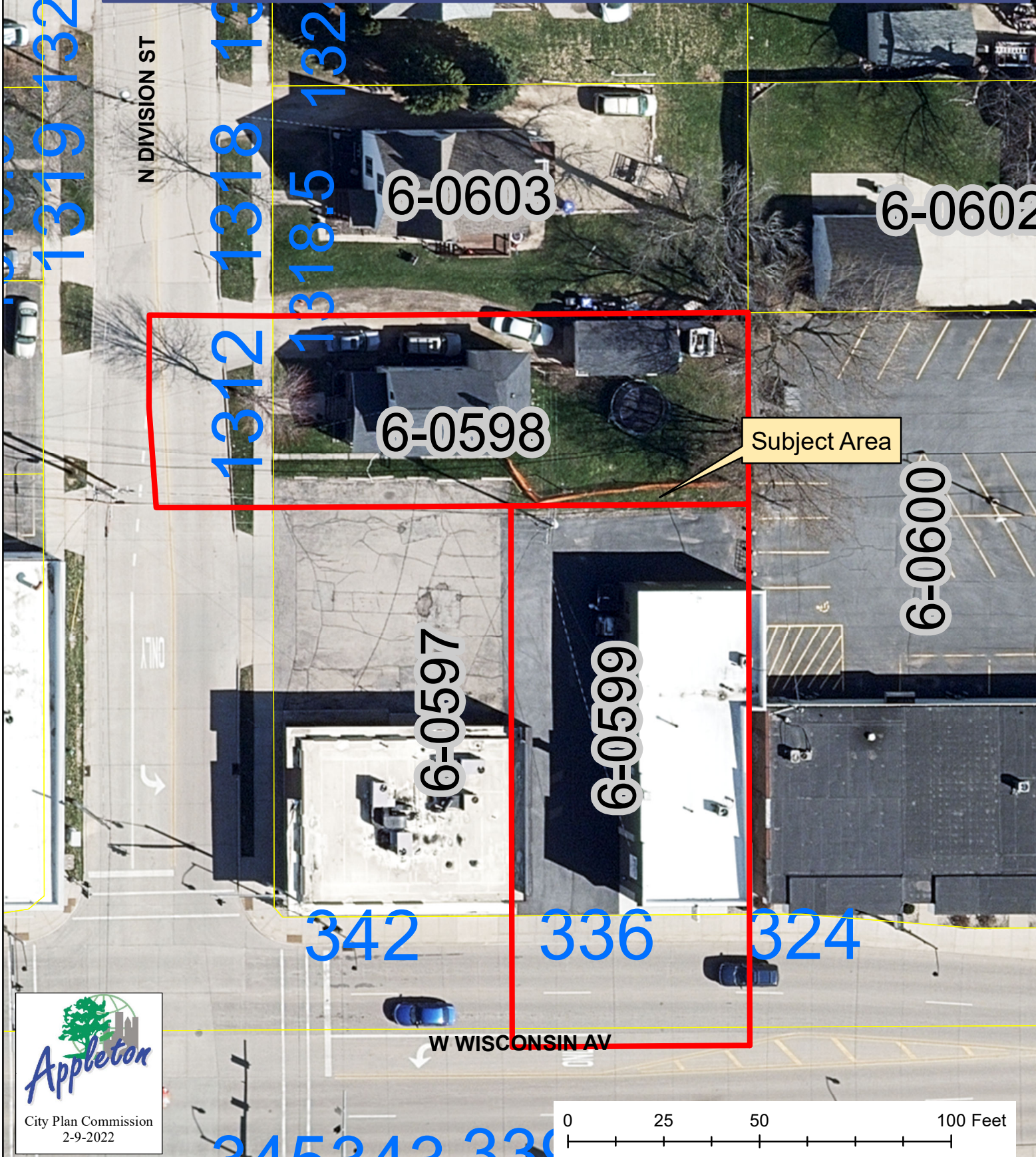
C-2

R-2

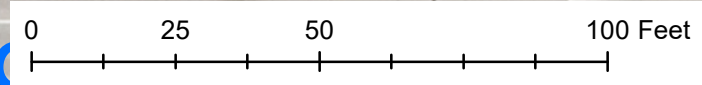
R-2



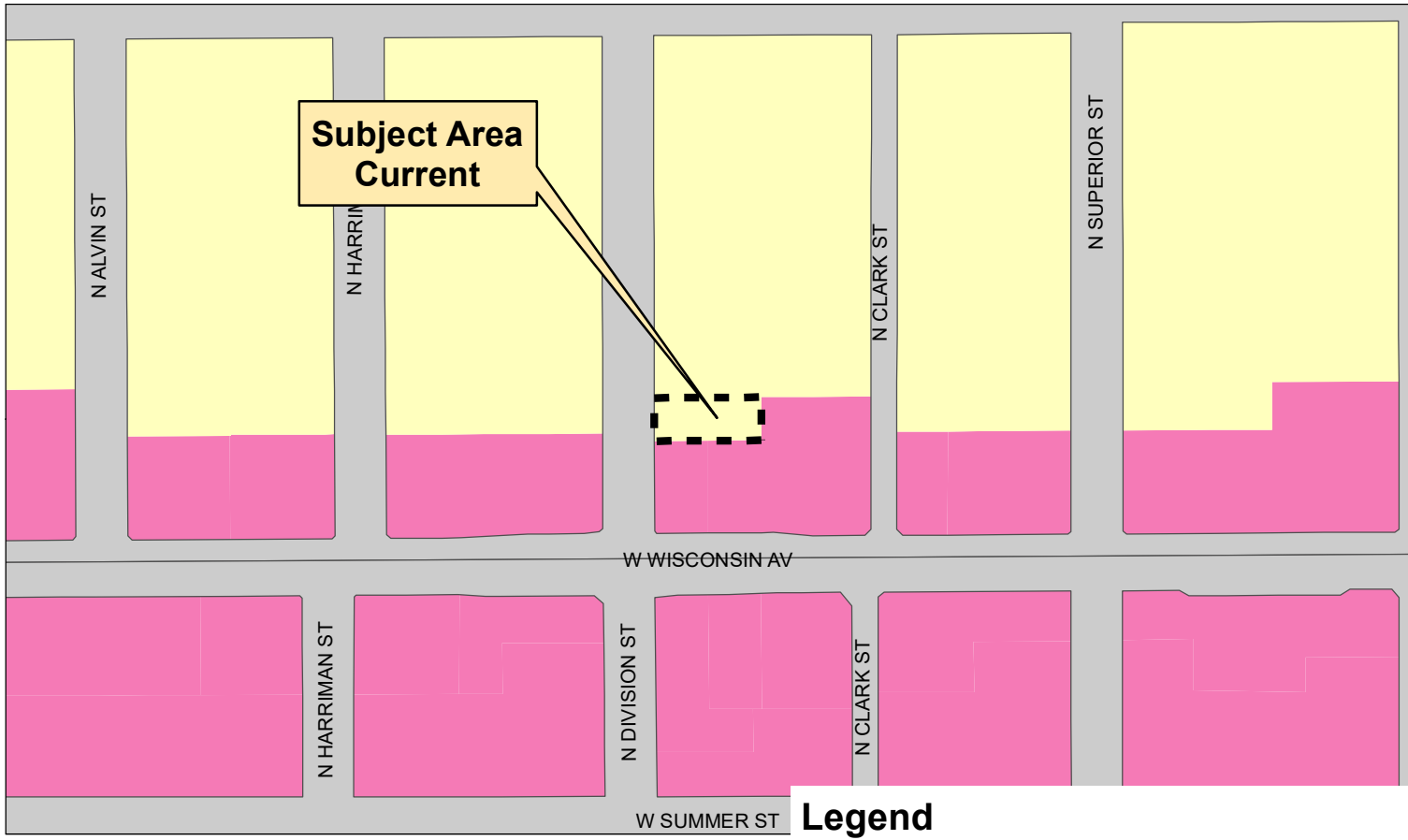
Maritime Bar Expansion
Rezoning
R-1C Central City Residential District and C-2 General Commercial District to
C-1 Neighborhood Mixed Use District
Aerial Map



Subject Area

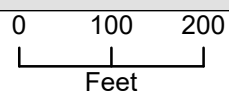
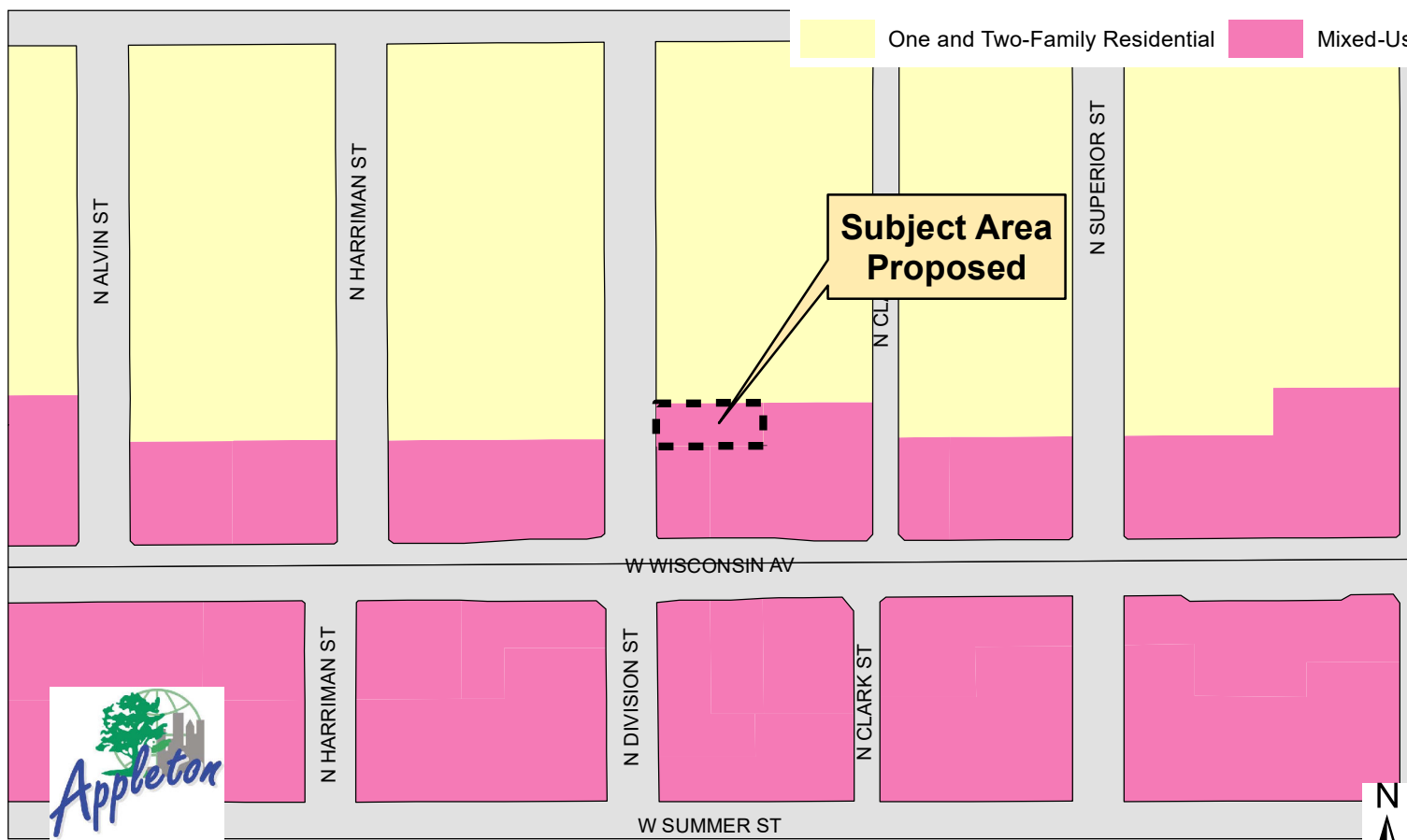


Maritime Bar Expansion
 Future Land Use Map Amendment
 One and Two Family Residential to Mixed Use



Legend

- One and Two-Family Residential
- Mixed-Use



**RESOLUTION
CITY OF APPLETON**

**ADOPTION OF THE RECOMMENDED AMENDMENT TO THE COMPREHENSIVE
PLAN AS PREPARED BY THE CITY OF APPLETON PLAN COMMISSION**

WHEREAS, the Common Council of the City of Appleton pursuant to Section 62.23 of the Wisconsin Statutes, has established a City Plan Commission; and

WHEREAS, on March 3, 2010, the Common Council adopted the City of Appleton Comprehensive Plan to promote public health, safety and welfare of the City by effectively guiding long-range growth and development within the city and its statutory extraterritorial planning jurisdiction; and

WHEREAS, Chapter 12: Implementation, Comprehensive Plan Update Procedures, of the Comprehensive Plan was created in the City of Appleton Code of Ordinances to provide procedures and criteria for amending and updating the City of Appleton Comprehensive Plan; and

WHEREAS, members of the public were invited to make comments at a meeting held on February 9, 2022, by the City Plan Commission, wherein the following Comprehensive Plan amendment (Amendment #1-22) herein adopted were reviewed and commented upon by members of the public; and

WHEREAS, the City of Appleton Plan Commission has reviewed the recommended amendment to the Comprehensive Plan Future Land Use Map at a meeting held on February 9, 2022; and

WHEREAS, the City of Appleton Plan Commission reviewed the following Comprehensive Plan Amendments, found these amendments to meet the criteria outlined in Chapter 12: Implementation, Comprehensive Plan Update Procedures, warranting inclusion in this resolution:

1. Having been filed with the City Clerk by the City of Appleton Community and Economic Development Department requesting a Comprehensive Plan Future Land Use Map Amendment to change future land use designations for specified property (Parcel #31-6-0598-00) on the Future Land Use Map from One and Two-Family Residential Use to Mixed Use.

WHEREAS, members of the public, adjacent and nearby local governmental units will be given a 30-day review and comment period prior to the public hearing, which will be conducted by the Common Council for the Comprehensive Plan proposed amendment; and

WHEREAS, after said public hearing, the Common Council will decide whether to adopt by ordinance the proposed amendments to the Comprehensive Plan; and

WHEREAS, the Comprehensive Plan may be used as the basis for, among other things, updating the zoning ordinance, accomplishing extra-territorial zoning and as a guide for approving or disapproving actions affecting growth and development within the jurisdiction of the City of Appleton; and

WHEREAS, this Comprehensive Plan may from time to time be amended, extended, or added to in greater detail; and

NOW, THEREFORE, BE IT RESOLVED, by the City of Appleton Plan Commission that the recommended Comprehensive Plan amendments are hereby adopted as a part of the City of Appleton Comprehensive Plan 2010-2030 pursuant to §66.1001(4), Wis. Stats. and that the Plan Commission recommends said Comprehensive Plan amendments to the City of Appleton Common Council for adoption by ordinance, after a 30-day public review and comment period and public hearing.

Adopted this _____ day of _____, 2022.

Jacob A. Woodford, Mayor

ATTEST:

Kami Lynch, City Clerk

PARCEL #6-0599:

PART OF LOT 2, BLOCK 1 OF THE PLAT OF HARRIMAN AND PARKHURST'S ADDITION TO APPLETON, SAID PLAT LOCATED IN THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 23, T21N-R17E, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT SOUTH 1/4 CORNER OF SECTION 23, T21N-R17E; THENCE S89°38'52"W, 1147.00 FEET ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION; THENCE N00°06'37"W, 37.02 FEET TO THE NORTH RIGHT OF WAY OF WEST WISCONSIN AVENUE AND THE POINT OF BEGINNING; THENCE S89°40'40"W, 62.20 FEET ALONG SAID RIGHT OF WAY; THENCE N00°02'15"W, 106.95 FEET ALONG THE WEST LINE OF LOT 2 OF THE PLAT OF HARRIMAN AND PARKHURST'S ADDITION TO APPLETON; THENCE N89°40'59"E, 62.07 FEET TO THE EAST LINE OF SAID LOT 2; THENCE S00°06'37"E, 106.94 FEET ALONG THE EAST LINE OF SAID LOT 2 TO THE POINT OF BEGINNING, INCLUDING THE ADJACENT ONE-HALF (1/2) RIGHT-OF-WAY OF WEST WISCONSIN AVENUE.

PARCEL CONTAINS 6,645 SQUARE FEET / 0.15 ACRES, MORE OR LESS.

PARCEL #6-0598:

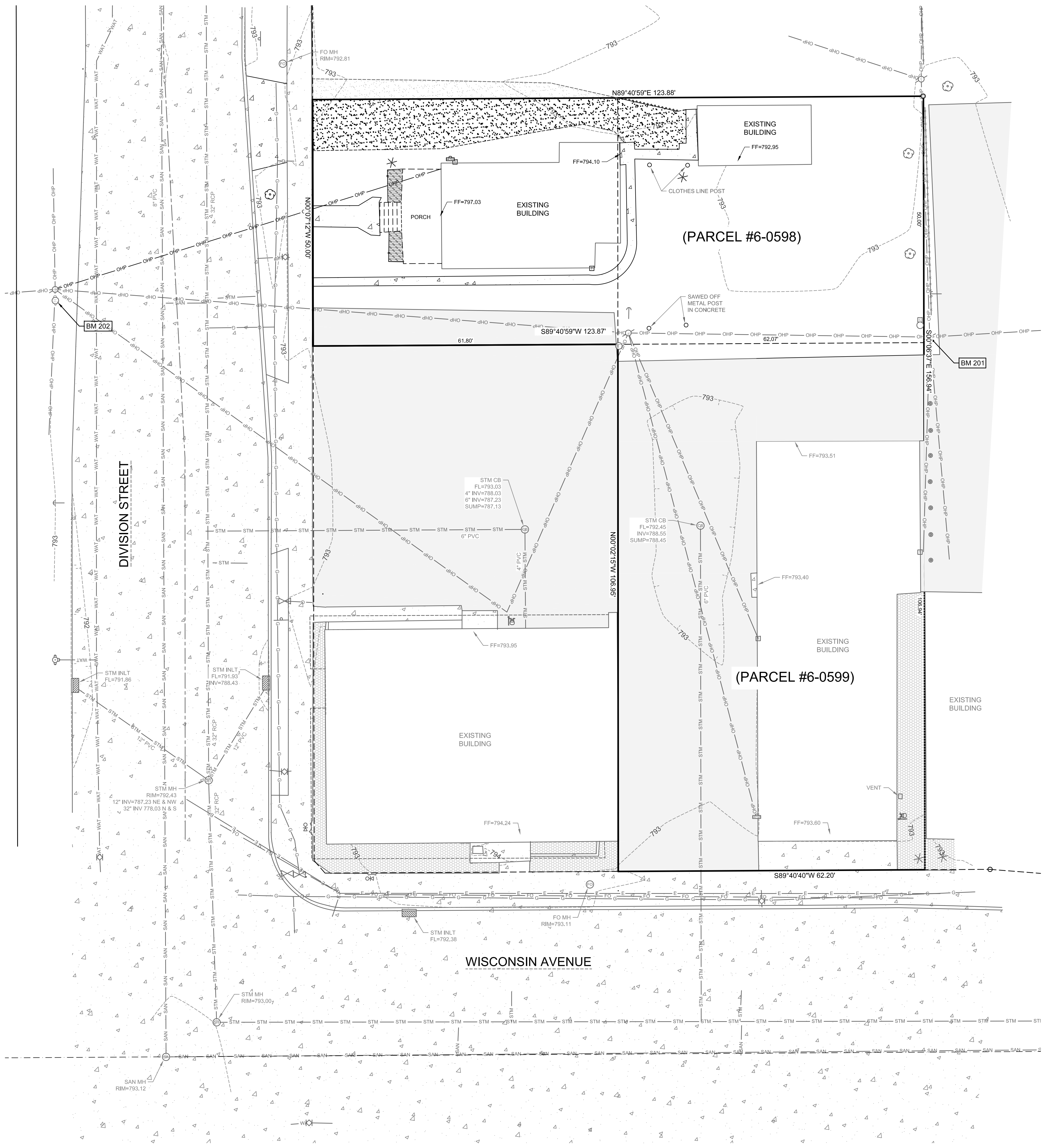
PART OF LOTS 1 AND 2, BLOCK 1 OF THE PLAT OF HARRIMAN AND PARKHURST'S ADDITION TO APPLETON, SAID PLAT LOCATED IN THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 23, T21N-R17E, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT SOUTH 1/4 CORNER OF SECTION 23, T21N-R17E; THENCE S89°38'52"W, 1147.00 FEET ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION; THENCE N00°06'37"W, 143.96 FEET TO THE POINT OF BEGINNING; THENCE S89°40'59"W, 123.87 FEET TO THE EAST RIGHT OF WAY OF NORTH DIVISION STREET; THENCE N00°07'12"W, 50.00 FEET ALONG SAID RIGHT OF WAY TO THE NORTH LINE OF LOT 1 OF THE PLAT OF HARRIMAN AND PARKHURST'S ADDITION TO APPLETON; THENCE N89°40'59"E, 123.88 FEET ALONG NORTH LINE OF LOTS 1 AND 2 OF SAID PLAT; THENCE S00°06'37"E, 50.00 FEET ALONG THE EAST LINE OF SAID LOT 2 TO THE POINT OF BEGINNING, INCLUDING THE ADJACENT ONE-HALF (1/2) RIGHT-OF-WAY OF NORTH DIVISION STREET.

PARCEL CONTAINS 6,194 SQUARE FEET / 0.14 ACRES, MORE OR LESS.

EXISTING CONDITIONS

Benchmarks		
Label	Elevation	Description
BM 201	794.25	NAIL IN POWER POLE
BM 202	793.94	NAIL IN POWER POLE



LEGAL DESCRIPTION (PARCEL #6-0599)

PART OF LOT 2, BLOCK 1 OF THE PLAT OF HARRIMAN AND PARKHURST'S ADDITION TO APPLETON, SAID PLAT LOCATED IN THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 23, T21N-R17E, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT SOUTH 1/4 CORNER OF SECTION 23, T21N-R17E; THENCE S89°38'52"W, 1147.00 FEET ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION; THENCE N00°06'37"W, 37.02 FEET TO THE NORTH RIGHT OF WAY OF WEST WISCONSIN AVENUE AND THE POINT OF BEGINNING; THENCE S89°40'40"W, 62.20 FEET ALONG SAID RIGHT OF WAY; THENCE N00°02'15"W, 106.95 FEET ALONG THE WEST LINE OF LOT 2 OF THE PLAT OF HARRIMAN AND PARKHURST'S ADDITION TO APPLETON; THENCE N89°40'59"E, 62.07 FEET TO THE EAST LINE OF SAID LOT 2; THENCE S00°06'37"E, 106.94 FEET ALONG THE EAST LINE OF SAID LOT 2 TO THE POINT OF BEGINNING.

PARCEL CONTAINS 6,645 SQUARE FEET / 0.15 ACRES, MORE OR LESS.

LEGAL DESCRIPTION (PARCEL #6-0598)

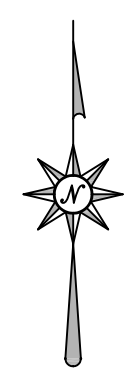
PART OF LOTS 1 AND 2, BLOCK 1 OF THE PLAT OF HARRIMAN AND PARKHURST'S ADDITION TO APPLETON, SAID PLAT LOCATED IN THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 23, T21N-R17E, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT SOUTH 1/4 CORNER OF SECTION 23, T21N-R17E; THENCE S89°38'52"W, 1147.00 FEET ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION; THENCE N00°06'37"W, 143.96 FEET TO THE POINT OF BEGINNING; THENCE S89°40'59"W, 123.87 FEET TO THE EAST RIGHT OF WAY OF NORTH DIVISION STREET; THENCE N00°07'12"W, 50.00 FEET ALONG SAID RIGHT OF WAY TO THE NORTH LINE OF LOT 1 OF THE PLAT OF HARRIMAN AND PARKHURST'S ADDITION TO APPLETON; THENCE N89°40'59"E, 123.88 FEET ALONG NORTH LINE OF LOTS 1 AND 2 OF SAID PLAT; THENCE S00°06'37"E, 50.00 FEET ALONG THE EAST LINE OF SAID LOT 2 TO THE POINT OF BEGINNING.

PARCEL CONTAINS 6,194 SQUARE FEET / 0.14 ACRES, MORE OR LESS.

PROPOSED PARKING LOT EXPANSION FOR,
MARITIME TAVERN
APPLETON, WISCONSIN

CR STRUCTURES
group, inc.
 Shifting Construction Industry Paradigms
 327 RANDOLPH DRIVE - SUITE A
 APPLETON, WI 54913
 TELE: 920-733-7305



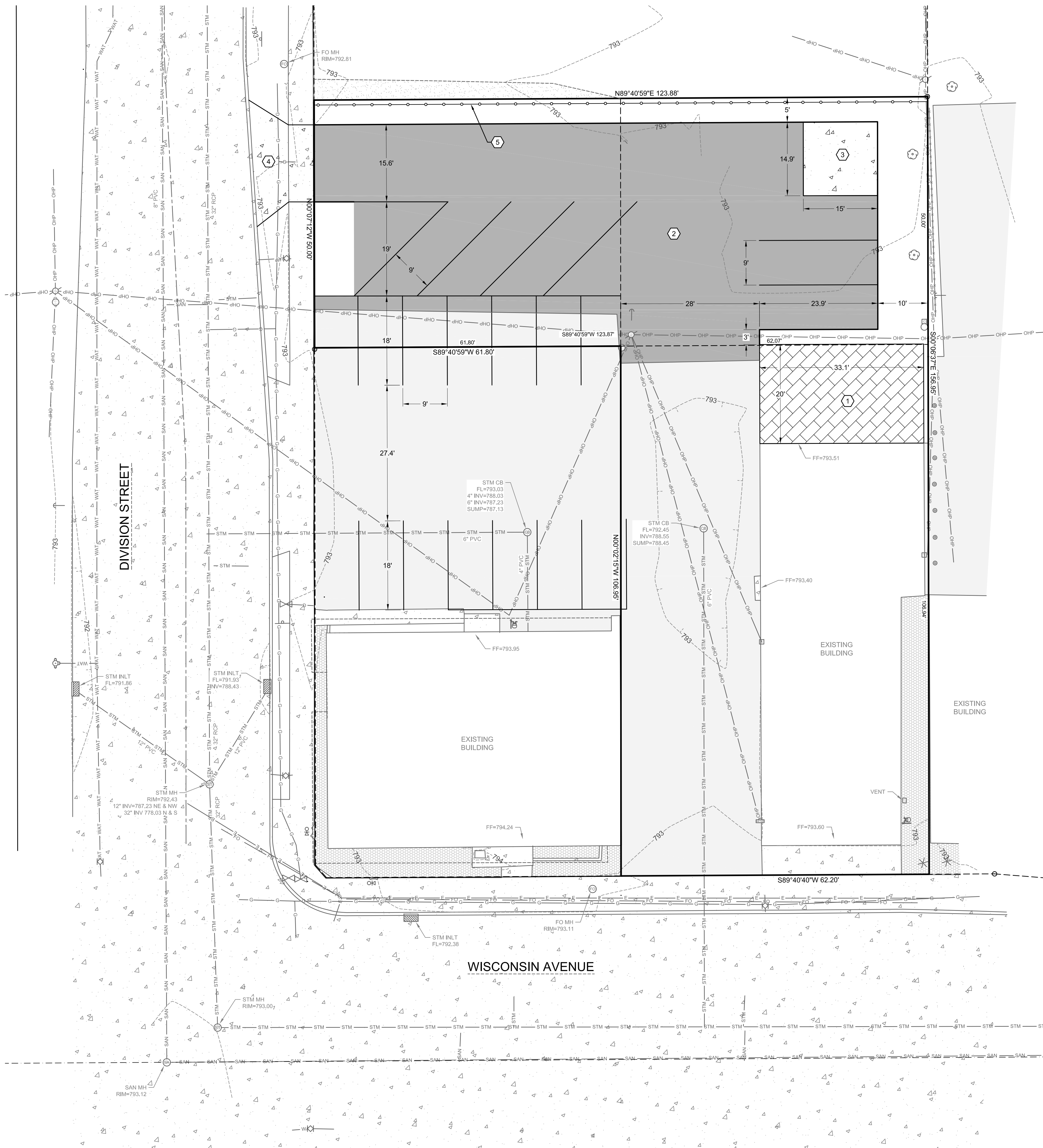
MACH IV
 ENGINEERING • SURVEYING • ENVIRONMENTAL

2260 Salscheider Court Green Bay, WI 54313
 PH: 920-569-5765; Fax: 920-569-5767
 www.mach-iv.com
 Project Number: 1892-01-21

DATE: 01/08/2022
 ARCH: J. EHRFURTH
 D. BY: RPH
 JOB: 20-180
 REV:

C1

PROPOSED CONDITIONS

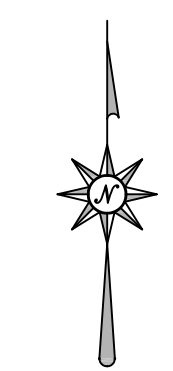


SHEET KEY NOTES:

- ① PATIO PAVERS
- ② ASPHALT PAVEMENT
- ③ DUMPSTER PAD AND ENCLOSURE
- ④ RELOCATED DRIVEWAY APRON
- ⑤ BOARD ON BOARD FENCE

PROPOSED PARKING LOT EXPANSION FOR,
MARITIME TAVERN
APPLETON, WISCONSIN

CR STRUCTURES
Group, Inc.
 Shifting Construction Industry Paradigms
 327 RANDOLPH DRIVE - SUITE A
 APPLETON, WI 54913
 TELE: 920-733-7305



MACH IV
 ENGINEERING • SURVEYING • ENVIRONMENTAL

2260 Salscheider Court Green Bay, WI 54313
 PH: 920-569-5765; Fax: 920-569-5767
 www.mach-iv.com
 Project Number: 1892-01-21

DATE: 01/08/2022
 ARCH: J. EHRFURTH
 D. BY: RPH
 JOB: 20-180
 REV:


C2



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

OFFICE OF THE MAYOR

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

TO: Ald. William Siebers & Finance Committee
FROM: Mayor Jacob A. Woodford 
DATE: February 3, 2022
RE: Staff Response to Resolution 2-R-22 (Reallocation of Funds)

During the January 24, 2022, Finance Committee Meeting, the committee discussed Resolution 2-R-22 regarding the reallocation of funds previously allocated to the rebranding project. The Committee requested additional information and prioritization from Department Directors. Following the meeting, I convened a discussion of the Resolution among all Directors. Before providing the requested response and recommendations, we should recount the steps that have led to this point.

In June 2021, Finance Director Saucerman and I developed a set of recommendations for use of the excess general fund balance. Per policy, those recommendations dedicated 75% of the excess funds to debt reduction and left 25% to be allocated as the Council deemed appropriate. As we shared at the time, the recommendations brought forward were the result of discussing priorities among the Directors and reviewing outstanding requests from the Council. One such outstanding item was Resolution 8-R-20 regarding rebranding, which had been submitted in April of 2020. Ultimately, the Council approved a package of allocations that included \$50,000 for a brand study and \$450,000 for implementation of a rebranding of the City.

The approval of the funding for the brand study and implementation costs set in motion work to develop and administer a Request for Proposals process to secure a firm to perform the study, which culminated in a recommendation being brought to the Finance Committee on January 10, 2022. Finance Committee held the recommendation at that meeting. Subsequently, the recommended firm withdrew their proposal from consideration. Council was notified that the firm had withdrawn their proposal in a memo around mid-day on January 19, 2022 – Resolution 2-R-22 requesting a reallocation of the brand study funds was submitted at the Council meeting that same evening.

During the January 24 Finance Committee discussion, it was argued that the funding allocation process initiated by the new Resolution (2-R-22) was equivalent to past allocation processes of excess fund balances. However, what is being proposed, while technically feasible and technically an available action for the Council to take, does deviate from past excess fund balance allocation practices. The most important difference being the funds currently under discussion were prioritized, a recommendation was made and approved, and work was initiated to execute the specified project. Resolution 2-R-22 seeks to override that previous process and randomly reallocate those funds to other purposes.

As for the Resolution's specific allocations, staff offer the following comments:

Amount and Item	Response
\$0 – Style Guide	<i>Creating a style guide would help specify the use of existing City brand assets, however, the guide would not necessarily facilitate the consistent use of logos and branding. If the intent of the Resolution is to implement consistent use of existing branding, the funding required to implement the guide's directives would likely be considerable given the current level of inconsistency in uses across and outside the City. A style guide without a full branding implementation would likely yield little benefit to the City.</i>
\$100,000 – Website Redesign	<i>It is expected that website redesign will require evaluation and expertise from professional consultants and thus will require a selection process in accordance with City procurement policies. The intention was to include that process, which may require an RFP, in the rebranding implementation in 2023-2024 at the earliest. Allocation of funds via 2-R-22 will not accelerate or circumvent this project development process. The cost of the project will be unknown until this evaluation gets underway. It was suggested that redesigning the website is not feasible or sensible prior to rebranding, however staff believes the underlying architecture of the website can be addressed regardless of logos and colors.</i>
\$225,000 – Enhanced Crosswalk Program	<i>Currently, there are about \$160,000 worth of enhanced crosswalks remaining in the Enhanced Crosswalk Program, for which 100% of the funding has been identified. Following completion of the program in 2025, staff will evaluate the effectiveness of the enhanced crosswalks and will engage in a planning and approval process to determine if new criteria and additional crossings will be identified for enhancement. Allocation of funds to this program via 2-R-22 will not accelerate or circumvent this planning process, nor will it guarantee specific crossings in specific districts are added to the eligibility list in the future.</i>

\$150,000 – Technology
Upgrades

With new leadership in the department, assessment of IT needs is underway. At this time, while it is likely the recommended allocation can be deployed as specified in the Resolution, needs have not yet been clearly delineated. Some IT needs will require one-time funding, such as this. However, it is possible some needs will require ongoing operating budget support.

While important, none of the issues identified in Resolution 2-R-22 are considered emergency/urgent needs at this time. Furthermore, staff does not believe that allocation of funds for the above-specified purposes will accelerate the work associated with implementation. Staff has concerns that none of the recommendations have undergone thorough evaluation and planning, nor have they been weighed against other City priorities.

Alternatively, the Finance Committee might reconsider staying the course on the rebranding project by allowing staff time to revise and reissue the Request for Proposals. Doing so would leave in place the funds for that project as recommended and previously allocated by the Finance Committee and Council.

Given the fact that use of these funds is not time-sensitive, and because the recommendations would need further evaluation should the Finance Committee and Council decide to proceed with them as submitted, **staff recommends that the Finance Committee HOLD this Resolution until June 2022, by which time staff expects to have a clearer sense of funding needs.**

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.



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

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

TO: Ald. William Siebers & Finance Committee
FROM: Mayor Jacob A. Woodford 
DATE: March 3, 2022
RE: Continued Research and Recommendations on Resolution 2-R-22 (Reallocation of Funds)

Staff has engaged in further research of the priorities outlined in 2-R-22 and offers the following updates and recommendations:

Amount and Item	Updates and Recommendations
\$0 – Style Guide	<p>We do expect there to be some expense to implementation and maintenance of greater consistency in branding and materials, however, these costs can be absorbed through operating budgets over time through established replacement cycles.</p> <p><i>Recommendation: This can be undertaken with or without Council action, so no further action is needed at this time.</i></p>
\$100,000 – Website Redesign	<p>Director Popp has discussed this project with our current web design provider as well as firms that specialize in web design. He is still evaluating scope of work.</p> <p><i>Recommendation: That the Finance Committee continue to hold these funds for website redesign pending further scope development and initiation of vendor procurement process.</i></p>
\$225,000 – Enhanced Crosswalk Program	<p>The current Enhanced Crosswalk program is well-established and funding sources have been identified through 2025. In anticipation of completion of the initial phase of this program, staff recommends undertaking an evaluation and planning process to determine the future of pedestrian safety enhancements moving forward. Proposed timeline of work would be developing an RFP and hiring a consultant in the current year, completing the work in</p>

time to include recommendations in the 5-year CIP beginning with the 2024 Executive Budget and Service Plan. This timeline would prevent a lapse in the program.

Recommendation: That the Finance Committee allocate \$75,000 for the purpose of hiring a qualified consultant through an RFP process, holding the remainder of these funds until an evaluation of IT needs is completed, and recommendations are prioritized.

\$150,000 – Technology Upgrades

Director Popp will be bringing forward a request to conduct a top-to-bottom assessment of the City of Appleton’s IT systems. Using a qualified consultant, the assessment will deliver (among other things) a prioritized set of recommendations for short-, medium-, and long-term interventions to improve the City’s information technology services from network design, to system security, to endpoint devices like computers and tablets. The results of this evaluation will almost certainly require additional financial commitment to implement.

Recommendation: That the Finance Committee allocate \$60,000 for the purpose contracting for services to provide comprehensive analysis of the City’s IT systems, holding the remainder of these funds until recommendations have been developed and presented.



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

Department of Utilities
Wastewater Treatment Plant
2006 E Newberry Street
Appleton, WI 54915-3128
920-832-5945 tel.
920-832-5949 fax

To: Chairperson William Siebers and Members of the Finance Committee

From: Chris Stempa, Utilities Deputy Director

CC: Chris Shaw, Utilities Director
Kelli Rindt, Enterprise Fund Accounting Manager

Date: March 1, 2022

Re: *Approve: Change Order #7 to Staab Construction contract as part of the 2019 AWWTP Improvements Projects totaling \$57,614 resulting in a decrease in contingency from \$216,845 to \$159,231*

BACKGROUND:

On December 2, 2020 Common Council approved contract for the 2019 Appleton Wastewater Treatment Plant (AWWTP) Improvements Project to Staab Construction in the amount of \$2,689,000 plus a 12.5% contingency of \$336,125 for a total cost not to exceed \$3,025,125. The change order tasks (#1 through #6) summarized within Table 1 represents work added to the original contract scope of work (per Section IV P of the Procurement and Contract Management Policy) or deleted from, which alters the original contract amount and/or completion date.

CHANGE ORDER #7 PROPOSAL

During the Return Activated Sludge (RAS) pump replacement work, it was discovered that the 12-inch diameter tank drainage valves did not to effectively seat/close. These valves are manually opened as required to pump down select secondary clarifiers for maintenance activities. The internal seats of some of these valves have deteriorated over time and prohibited effective isolation from the tank drainage wetwell. Staab was asked to provide a proposal to replace all six of the existing tank drainage valves with stainless steel knife gate valves which are more resistant to corrosion. The new style valves will also come with extended actuating stems. This feature eliminates the need for staff to enter the pits (classified as a confined space) where these valves are housed. The replacement valve would have an extended stem that could be actuated without entering the confined space.

Table 1: Change Order Summary

Change Order #	Cost	Description
CO#1	\$2,152	Provide three (3) 12"x16" eccentric flex connectors on H-Building effluent pumps in lieu of concentric connectors
	\$15,122	Upsize primary clarifier drives from C31s to C42s
	\$12,818	Provide two (2) new 18 ft filtrate access locations.
	\$16,367	Replace and modify RFE lines to channel aeration blower and iron salt room with SS 316L
	\$2,123	Demo RFE line to #1 and #4 PD blowers
	(\$15,300)	Provide ceramic epoxy lined DI pipe for blended sludge pipe in lieu of glass-lined
	\$33,282	Total (remaining contingency = \$302,843)
CO#2	\$10,659	Modify K-Building L2 filtrate pipe access to correct leaking, replace 10" filtrate check valve (<i>remaining contingency = \$292,184</i>)
CO#3	\$1,260	Install flame trap assembly on east flare (\$1,260)
	\$2,300	Provide explosion proof flex connectors at flares (\$2,300)
	\$904	Provide disconnects at air compressors (\$904)
	\$3,766	Modify 4-inch RFE drain line in H-Building (\$3,766)
	\$3,165	Misc. painting at flares (\$3,165)
	\$4,485	Heat trace flame trap assemblies (\$4,485)
	\$15,880	Total (remaining contingency = \$276,304)
CO#4	\$20,582	Primary Clarifier #5 & 6 drain pump and rail system replacement
	\$1,046	Pull separate circuits for Primary Clarifier #5 & 6
	\$408	Provide new SST slide plates for Primary Clarifier #5 & 6
	\$2,850	Provide new SST ladders Primary Clarifier #5 & 6
	\$308	Provide new SST Local Control Station for Primary Clarifier #6
	\$25,194	Total (remaining contingency = \$251,110)
CO#5	\$5,553	Remove and replace section of 10-inch (offset) filtrate line in elevator chase
	\$3,039	New SST blow-off valves and PVC drain lines on RAS pumps
	\$11,828	New aluminum grating / tread plates over primary clarifier drives
	(\$5,310)	Credit for not painting RAS pumps
	\$15,110	Total (remaining contingency = \$236,000)
CO#6	\$5,590	Cost to provide temporary pumping system in H-Build effluent wetwell
	\$2,917	Provide two 10-in SS spools on filtrate line
	\$6,661	Coat additional 16-in and 24-inch diameter H-Build effluent piping
	\$351	Direct wire air compressor pressure tank automatic drain valves
	\$1,734	Install three Y-strainers on RFE lines (ML channel blowers, Hach analyzer)
	\$1,902	Install non-slip coating within outside secondary chemical containment.
	\$19,155	Total (remaining contingency = \$216,845)
TOTAL	\$119,280	

RECOMMENDATION

The associated tasks and materials are summarized in the attached Change Order #7 form totals \$57,614. The cost of materials represents 71% of the overall cost (minus bonding and contractor margins). The cost for materials and labor is in line with the tasks involved and reflective of similar work performed by Staab and other contractors at the AWWTP over the past year.

Approve Change Order #7 to Staab Construction contract as part of the 2019 AWWTP Improvements Projects totaling \$57,614 resulting in a decrease in contingency from \$216,845 to \$159,231

If you have any questions regarding the project or the associated change order please contact Chris Stempa at 832-2353.



Staab PM Change Order Estimate

CHAD OLSEN

MCMAHON ASSOCIATES INC
1445 MCMAHON DRIVE
NEENAH, WI 54957-1025

File: 4605- CO

Date: 02/17/2022

Project: 4605- APPLETON WWTF

Re: Cost to provide six 12" SS Knife Gate Valves

PCO: 40

PCO Item #: 1

Phase	Description	Comments	Qty	UM	Material	Indirect	Rent	Hours	Rate	Labor	Sub	Equip	Totals
99100- -	Painting		1	LS							600		600
400506- -	Pipe Accessories Materials	B-N-G's & SS	1	LS	900								900
400519-005-	Exposed DI Pipe Materials		1	LS	4,236								4,236
400519-110-	10 Demo DI Pipe LBR		0	LF				60	105	6,300			6,300
400519-512-	12 Flange DI Pipe LBR		0	LF				72	105	7,560			7,560
400560- -	KNIFE GATE VALVES	6ea @\$5151.00 + Stem Support @ 150.00 = \$900.00	0	EA	31,803								31,803
	Total Cost				36,939			132		13,860	600		51,399
	Percent Margin				15.00%						5.00%		
	Margin				5,541						30		5,571
	Contract Price Sub-Total				42,480					13,860	630		56,970
12200- -	BONDS												644
	Contract Price Total												57,614

Clarifications / Exceptions:

- 1) Our price includes 12" DeZurik SS Knifegate Valves
- 2) We include 12" x 0'- 11" DI Flange Spools, Painted

Digitally signed by Leon Haffenbredl
DN: cn=Leon Haffenbredl, o=Staab
Construction Corporation, ou,
email=Leon.Haffenbredl@staabco.com,
c=US
Date: 2022.02.17 13:10:21 -0600

Leon Haffenbredl

LEON HAFENBREDL leon.haffenbredl@staabco.com
p. 715-387-8429201 f. 715-384-4846

Project Manager: _____ The contract completion date to be increased _____ **TBD** _____ calendar days.

Price subject to change after 30 days.

CITY OF APPLETON
Department of Public Works
MEMORANDUM

TO: **Finance Committee**
 Municipal Services Committee
 Utilities Committee

SUBJECT: Award of Contract

The Department of Public Works recommends that the following described work:
Unit C-22 Sidewalk Sawcutting

Be awarded to:

Name: ASTI Sawing, Inc.
Address: 7454 HWY 18-151
Barneveld, WI 53507

In the amount of : _____
With a _____ **% contingency of :** _____
For a project total not to exceed : _____

**** OR ****

In an amount Not To Exceed : _____ \$30,000.00

Budget: _____ \$30,000.00
Estimate: _____
Committee Date: _____ 03/07/22
Council Date: _____ 03/16/22

Bid Tabulation

Units C-21, C-22, C-23 (Three year agreement)

03/22/2021 01:45 PM CDT

Bid Item	Description	Quantity	Unit	ASTI Sawing, Inc.	
				Unit Price	Item Total
1	2021 Sawcut Sidewalk	1700	inch-ft	\$14.95	\$25,415.00
2	2021 Sawcut Sidewalk (Miscellaneous Locations)	400	inch-ft	\$19.25	\$7,700.00
3	2022 Sawcut Sidewalk	1700	inch-ft	\$15.25	\$25,925.00
4	2022 Sawcut Sidewalk (Miscellaneous Locations)	400	inch-ft	\$19.55	\$7,820.00
5	2023 Sawcut Sidewalk	1700	inch-ft	\$15.45	\$26,265.00
6	2023 Sawcut Sidewalk (Miscellaneous Locations)	400	inch-ft	\$19.75	\$7,900.00

Total:

\$101,025.00



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

**DEPARTMENT OF PUBLIC WORKS - Engineering Division
MEMO**

TO: Members of the Finance Committee
FROM: Ross Buetow, Deputy Director of Public Works / City Engineer
SUBJECT: Award of Contract - Unit C-21 Sidewalk Sawcutting
DATE: April 8, 2021

Over the past ten years, the Department of Public Works has solicited public bids on an annual basis for sidewalk sawcutting, which allows us to eliminate potential trip hazards and extend the life of our sidewalks without having to remove and replace individual sidewalk blocks. Due to the specialized equipment required to perform the work, we have historically only received one bid each year.

In an effort to improve the efficiency of procuring these services (for both the City and potential bidders), our 2021 bid documents requested pricing for a three year period (2021 through 2023). Bids were opened on March 22, 2021 and one bid was received from ASTI Sawing, Inc. (see attached bid summary).

The 2021 bid prices provided by ASTI Sawing are consistent with previous years' prices and show reasonable increases for future work to be performed in 2022 and 2023.

Therefore, we recommend award of Unit C-21 Sidewalk Sawcutting to ASTI Sawing, Inc. in an amount not to exceed \$40,000.00 (our approved 2021 funding). Subsequent contracts for years 2022 and 2023 will be prepared for committee and council approval based on the attached bid prices, assuming continued satisfactory performance by ASTI Sawing, Inc.

Thank you for your consideration.

CITY OF APPLETON
Department of Public Works
MEMORANDUM

TO: **Finance Committee**
 Municipal Services Committee
 Utilities Committee

SUBJECT: Award of Contract

The Department of Public Works recommends that the following described work:
Unit B-22 Asphalt Pavement Reconstruction

Be awarded to:

Name: Peters Concrete Company
Address: 1516 Atkinson Drive
Green Bay, WI 54303

In the amount of : \$1,445,673.50
With a 7.0 % contingency of : \$100,000.00
For a project total not to exceed : \$1,545,673.50

**** OR ****

In an amount Not To Exceed : _____

Budget: \$1,550,581.00
Estimate: \$1,500,000.00
Committee Date: 03/07/22
Council Date: 03/16/22

Bid Tabulation

B-22 Asphalt Pavement Reconstruction

02/21/2022 01:45 PM CST

Bid Item	Item Description	Quantity	Unit	Peters Concrete Co.		Vinton Construction Co.		Michels Road & Stone, Inc.	
				Unit Price	Item Total	Unit Price	Item Total	Unit Price	Item Total
1	Furnish & Install 8" Plain Concrete Pavement	50	sq yds	\$70.00	\$3,500.00	\$60.00	\$3,000.00	\$71.00	\$3,550.00
2	Furnish & Install 8" Doweled Concrete Pavement	50	sq yds	\$80.00	\$4,000.00	\$65.00	\$3,250.00	\$74.90	\$3,745.00
3	Furnish & Install 8" 3-Day High Early Concrete Pavement	25	sq yds	\$76.00	\$1,900.00	\$65.00	\$1,625.00	\$80.00	\$2,000.00
4	Furnish & Install 12" Stone Base	24,800	sq yds	\$8.10	\$200,880.00	\$8.45	\$209,560.00	\$6.85	\$169,880.00
5	Excavation	10,350	cu yds	\$17.54	\$181,539.00	\$19.48	\$201,618.00	\$15.50	\$160,425.00
6	Furnish & Install Geogrid	24,800	sq yds	\$1.84	\$45,632.00	\$2.50	\$62,000.00	\$1.75	\$43,400.00
7	Furnish & Install Extra Stone Base	250	ton	\$12.50	\$3,125.00	\$13.00	\$3,250.00	\$10.90	\$2,725.00
8	Furnish & Install 30" Concrete Curb & Gutter	11,500	lin ft	\$15.00	\$172,500.00	\$15.65	\$179,975.00	\$15.65	\$179,975.00
9	Furnish & Install 36" Concrete Curb & Gutter (12" Curb Head)	1,240	lin ft	\$32.00	\$39,680.00	\$36.00	\$44,640.00	\$36.00	\$44,640.00
10	Furnish & Install 7" Concrete Driveway Apron	100	sq ft	\$6.50	\$650.00	\$7.00	\$700.00	\$8.00	\$800.00
11	Furnish & Install 5" Concrete Driveway Apron	21,320	sq ft	\$5.50	\$117,260.00	\$5.45	\$116,194.00	\$6.45	\$137,514.00
12	Furnish & Install 7" Concrete Sidewalk	100	sq ft	\$6.50	\$650.00	\$7.00	\$700.00	\$8.00	\$800.00
13	Furnish & Install 5" Concrete Sidewalk	12,825	sq ft	\$5.50	\$70,537.50	\$5.45	\$69,896.25	\$6.45	\$82,721.25
14	Furnish & Install 4" Concrete Sidewalk	30,500	sq ft	\$5.25	\$160,125.00	\$5.35	\$163,175.00	\$5.85	\$178,425.00
15	Furnish & Install 7" Concrete Handicap Ramp	4,650	sq ft	\$7.00	\$32,550.00	\$6.95	\$32,317.50	\$7.95	\$36,967.50
16	Furnish & Install Truncated Dome	688	sq ft	\$35.00	\$24,080.00	\$30.00	\$20,640.00	\$30.00	\$20,640.00
17	Furnish & Install 7" Private Concrete Driveway	50	sq ft	\$6.50	\$325.00	\$7.00	\$350.00	\$8.00	\$400.00
18	Furnish & Install 5" Private Concrete Driveway	100	sq ft	\$5.50	\$550.00	\$6.00	\$600.00	\$7.00	\$700.00
19	Concrete Pavement Removal	100	sq yds	\$5.00	\$500.00	\$10.00	\$1,000.00	\$5.00	\$500.00
20	Asphalt Pavement Removal	20,350	sq yds	\$2.15	\$43,752.50	\$3.00	\$61,050.00	\$2.50	\$50,875.00
21	Concrete Curb & Gutter Removal	12,600	lin ft	\$2.25	\$28,350.00	\$2.50	\$31,500.00	\$5.00	\$63,000.00
22	Asphalt & Concrete Driveway Apron Removal	18,800	sq ft	\$0.53	\$9,964.00	\$0.57	\$10,716.00	\$1.00	\$18,800.00
23	Asphalt & Concrete Handicap Ramp Removal	4,650	sq ft	\$0.53	\$2,464.50	\$0.90	\$4,185.00	\$1.00	\$4,650.00
24	Asphalt & Concrete Sidewalk Removal	42,800	sq ft	\$1.18	\$50,504.00	\$0.90	\$38,520.00	\$1.00	\$42,800.00
25	Private Concrete Drive Removal	75	sq ft	\$1.50	\$112.50	\$0.90	\$67.50	\$2.00	\$150.00
26	Private Asphalt Drive Removal	75	sq ft	\$1.50	\$112.50	\$0.90	\$67.50	\$2.00	\$150.00
27	Full Depth Saw Cut	1,025	lin ft	\$2.25	\$2,306.25	\$2.50	\$2,562.50	\$3.45	\$3,536.25
28	Saw Cut Curb Head	25	lin ft	\$25.00	\$625.00	\$25.00	\$625.00	\$25.00	\$625.00
29	Furnish & Install Drill Tie Bars	150	each	\$10.00	\$1,500.00	\$8.00	\$1,200.00	\$8.00	\$1,200.00
30	Furnish & Install Terrace Restoration	12,375	sq yds	\$6.75	\$83,531.25	\$7.25	\$89,718.75	\$5.75	\$71,156.25

Bid Tabulation

B-22 Asphalt Pavement Reconstruction

02/21/2022 01:45 PM CST

Bid Item	Item Description	Quantity	Unit	Peters Concrete Co.		Vinton Construction Co.		Michels Road & Stone, Inc.	
				Unit Price	Item Total	Unit Price	Item Total	Unit Price	Item Total
31	Furnish & Install Seed, Fertilizer, & Mulch	12,375	sq yds	\$1.18	\$14,602.50	\$1.50	\$18,562.50	\$1.75	\$21,656.25
32	Adjust Storm maintenance hole Casting	40	each	\$5.00	\$200.00	\$25.00	\$1,000.00	\$513.00	\$20,520.00
33	Adjust Sanitary maintenance hole Casting	30	each	\$5.00	\$150.00	\$25.00	\$750.00	\$482.00	\$14,460.00
34	Adjust Inlet Casting	60	each	\$5.00	\$300.00	\$25.00	\$1,500.00	\$500.00	\$30,000.00
35	Furnish & Install 48" Storm maintenance hole	20	vert ft	\$350.00	\$7,000.00	\$100.00	\$2,000.00	\$506.00	\$10,120.00
36	Furnish & Install Sanitary maintenance hole Casting Only	8	each	\$400.00	\$3,200.00	\$300.00	\$2,400.00	\$426.00	\$3,408.00
37	Furnish & Install Storm maintenance hole Casting Only	8	each	\$400.00	\$3,200.00	\$300.00	\$2,400.00	\$404.00	\$3,232.00
38	Furnish & Install "C" Inlet Casting Only	10	each	\$610.00	\$6,100.00	\$100.00	\$1,000.00	\$638.00	\$6,380.00
39	Furnish & Install "E" Inlet Casting Only	15	each	\$595.00	\$8,925.00	\$395.00	\$5,925.00	\$628.00	\$9,420.00
40	Furnish & Install "C" Inlet w/Casting	10	each	\$3,000.00	\$30,000.00	\$1,000.00	\$10,000.00	\$1,450.00	\$14,500.00
41	Furnish & Install "E" Inlet w/Casting	15	each	\$3,000.00	\$45,000.00	\$1,000.00	\$15,000.00	\$1,750.00	\$26,250.00
42	Furnish & Install 12" Storm Sewer Inlet Lead	30	lin ft	\$80.00	\$2,400.00	\$70.00	\$2,100.00	\$50.00	\$1,500.00
43	Furnish & Install 15" Storm Sewer Inlet Lead	20	lin ft	\$90.00	\$1,800.00	\$70.00	\$1,400.00	\$60.00	\$1,200.00
44	Furnish & Install 6" Storm Lateral/Mini Sewer/Riser	50	lin ft	\$30.00	\$1,500.00	\$20.00	\$1,000.00	\$40.00	\$2,000.00
45	Furnish & Install 12" Storm Sewer	50	lin ft	\$50.00	\$2,500.00	\$70.00	\$3,500.00	\$38.00	\$1,900.00
46	Furnish & Install 10" Storm Sewer	20	lin ft	\$50.00	\$1,000.00	\$70.00	\$1,400.00	\$37.00	\$740.00
47	Furnish & Install 6" Storm Sewer	20	lin ft	\$28.00	\$560.00	\$70.00	\$1,400.00	\$26.50	\$530.00
48	Connect Sump Pump	5	each	\$25.00	\$125.00	\$20.00	\$100.00	\$460.00	\$2,300.00
49	Connect Mini Storm Sewer	5	each	\$25.00	\$125.00	\$50.00	\$250.00	\$486.00	\$2,430.00
50	Remove Inlet/maintenance hole	5	each	\$100.00	\$500.00	\$100.00	\$500.00	\$444.00	\$2,220.00
51	Abandon Inlet/Lead	5	each	\$150.00	\$750.00	\$100.00	\$500.00	\$138.00	\$690.00
52	Furnish & Install Sanitary maintenance hole Chimney Seal - (0" - 12")	5	each	\$5.00	\$25.00	\$600.00	\$3,000.00	\$25.00	\$125.00
53	Furnish & Install Sanitary maintenance hole Chimney Seal - (12" - 18")	30	each	\$10.00	\$300.00	\$25.00	\$750.00	\$25.00	\$750.00
54	Furnish & Install Sanitary maintenance hole Chimney Seal - (18"+)	5	each	\$75.00	\$375.00	\$50.00	\$250.00	\$25.00	\$125.00
55	Furnish & Install DOT "D-HR" Inlet Protection	65	each	\$5.00	\$325.00	\$100.00	\$6,500.00	\$130.00	\$8,450.00
56	Notify Property Owners	1	lump sum	\$16,750.00	\$16,750.00	\$2,000.00	\$2,000.00	\$1,200.00	\$1,200.00
57	Furnish & Install Traffic Control	1	lump sum	\$14,750.00	\$14,750.00	\$47,100.00	\$47,100.00	\$14,750.00	\$14,750.00
58	Excavate & Haul Contaminated Soil	500	ton	\$0.01	\$5.00	\$0.01	\$5.00	\$0.01	\$5.00
Total Bid:				\$1,445,673.50		\$1,486,995.50		\$1,527,611.50	

REPORT OF THE FINANCE COMMITTEE

PROJECT LIMITS:

2-P-22

SANITARY LATERALS, STORM LATERALS AND STORM MAIN

- Alvin St (Wisconsin to Marquette)
- Durkee St (Lawrence St to College Ave)
- Durkee St (College to Washington)
- Lawrence St (Oneida St to Durkee St)
- Morrison St (Lawrence St, s-o to College Ave)
- Morrison St (College to Washington)
- Oneida St (Lawrence St to College Ave)

In accordance with the preliminary resolution of the Common Council dated March 16, 2022. we herewith submit our report on the assessment of benefits on the above named construction.

This report consists of the following:

Schedule A - Preliminary plans and specifications on file in the office of the Director of Public Works.

Schedule B - The total cost within the project limits in accordance with the plans and specifications in Schedule A is **\$2,746,848.**

Schedule C - Proposed Assessments. The properties included within the project limits are benefited and the work or improvements constitute an exercise of the police power. The total value of assessments is **\$410,931.**

Finance Committee

2021 - 2022 Budget Carryover Requests - Not Under Contract

		Vendor	Description	Amount	Justification
ARPA					
2800 & 2801	Various		Various projects approved by Council 11/2021	5,316,343	Unspent 2021 ARPA funds
				5,316,343	
TIF #12					
4151	659900	Various	TIF #12 Business Enhancement Grants	21,000	TIF Business Enhancement Grants allow for one year after the grant agreement dates for the completion of work. Funding will be paid out in 2022 for the completion of projects still in progress as of year-end. Supply chain issues have also delayed supplies requiring extensions of the timeline for several projects.
				21,000	
IT Capital Project Fund					
ITCAP	CHAMBERS		Council Chambers Equipment Upgrades	65,000	Excess Fund Balance from 2020 - project delayed due to staffing shortages
ITCAP	PCREPL		PC & MDC Replacements	150,000	Project delayed due to staffing shortages
				215,000	
Public Works Capital Project Fund					
4240	680901		Apple Creek Rd Shoulder widening	39,032	Project not completed.
4240	680901		Asphalt Paving	199,003	Temporary Asphalt in new Subdivisions.
4240	680901		Asphalt Paving	275,000	2022 Asphalt Paving project
				513,035	
Facilities Capital Project Fund					
Facilities	Statuemon		Statues & Monuments	18,895	Replace damaged decorative concrete around Soldier Square Monument.
Facilities	Library		Library	2,491,286	Construction begins in 2022
Facilities	Traildevlp		Construction Ellen Kort Trail Phase I	659,527	Funding was approved by Council in late 2021. Project will be bid in 2022
Facilities	Facreno		MSB Office Renovation	5,805	Final Phase of MSB Office Renovation
Facilities	HVAC		MSB HVAC Improvements	25,000	Final Phase of MSB-HVAC Improvements
Facilities	Interior		City Hall 5th and 6th Floor Common Space Upgrades	78,995	Project starting March 2022.
Facilities	Facreno		City Hall 5th and 6th Floor Common Space Upgrades	22,183	Project starting March 2022.
Facilities	Parkdevlp		Jones Park Shade	171,420	Design and pricing being completed. Finalizing design to complete spring 2022.
				3,473,111	
Parking Utility					
5123	632800	Crescent Electric	Green Parking Ramp Lighting Upgrades	59,675	Project in process. Will be completed in 2022
5123	640400	Desman Design Management	Planning, design and administrative services related to the structural maintenance of City ramps	30,700	Funds to be utilized as part of the 2022 scope of services for the Parking Ramps
				90,375	
Stormwater Utility					
5230	680100	Apple Tree Appleton Four	Lightning Drive Stormwater Pond	201,648	Apple Ridge Land Dedication Agreement from 5/19/2021
				201,648	
Water Utility					
WTRSUPPLY	LKSTAT		Intake & Shorewell Upgrades	29,475	Project on hold until supply main is rerouted and engineered.
WTRFMDFAC	HVAC		Water Plant HVAC Projects	76,500	Balance of budget to complete projects in 2022
WTRSUPPLY	SUPLINE		Lake Station & Supply Main upgrades	134,711	Balance of budget to be used for Supply Main consulting and project management
WTRSUPPLY	SUPLINE		New Supply Main installation	8,280,000	Reviewing construction route and options, construction to start later in 2022
WTRSUPPLY	INTAKE		Intake replacement	170,656	Project on hold until supply main installation is completed, reviewing needs
WTRUTL	CHEMSTORAG		Water Chemical Storage upgrades	75,000	Waiting for regulatory response from WDNR on project request
				8,766,342	

		Vendor	Description	Amount	Justification
Wastewater Utility					
5427	640800		Spot Repairs, Protruding Tap and Mineral Deposit Removal	59,921	Originally planned to be sewer liner. After investigation lining was not an option. Work will need to be open cut emergency repair.
WWUTL	BELTFILTER		Belt Filter Dewatering Equipment	390,540	Balance of consulting budget to be used for construction management
WWUTL	SLUDGESTOR		Sludge Storage Addition	971,779	Balance of budget to be used for construction management and potential increased material costs.
WWFMD	ELECTDISTR		WWTP Electrical Distribution upgrades	682,407	Balance of electrical distribution project, construction delayed due to supply chain
WWFMD	HVAC		WWTP HVAC projects	4,675	Balance of HVAC project budget, to be used for S & T Building projects
WWUTL	PLCSCADA		Fiber optic replacement	10,000	Developing project needs and prioritizing with other projects and funding available
WWUTL	PLCSCADA			21,686	Developing project needs and prioritizing with other projects and funding available
5422	641800		V-building scale demo	25,000	Work will be combined with the Belt Filter Project construction.
WWFMD	HARDSCAPE		WWTP Hardscape Improvements	57,854	Balance of Hardscape budget to be used towards 2022 projects
				2,223,862	
Valley Transit					
58072000	680403		Purchase replacement staff vehicle	50,000	Project incomplete
58073000	680402		Purchase furniture for TC	25,000	Project incomplete
58079000	631603		Cares Act funds	191,098	Ongoing expenses
58073000	680300		Whitman remodel	140,397	Project incomplete
				406,495	
Mayor					
10520	640400		Economic Development Study	25,000	Prior Year excess fund balance
Finance					
11530	610100		Data Analyst Position	42,212	One-year term - started 11/1/21 - carryover remaining salary dollars
General Administration - General Fund					
12020	664000		State Aid contingency	812,267	Carry forward balance
12020	664000		Fuel Price contingency	137,315	Carry forward balance
12020	664000		Operating contingency	402,298	Carry forward balance
12020	664100		Wage Reserve	1,000,057	Carry forward balance
DPW					
17014	680901		Meade Enhanced Crosswalk	50,000	Project not completed. Per 7/12/21 Finance Committee Meeting 21-0946. Project to be bid and constructed in 2022.
17015	680902		Sidewalk Green Dot Construction	75,000	Project not completed. Per 7/12/21 Finance Committee Meeting 29-0946. Project to be bid and constructed in 2022.
Police					
17511	620100	Various	Training Certifications	16,000	Training postponed in 2021 due to COVID
17511	631603	Various	Women's Public Safety Event	3,500	Event postponed until February 2022
17541	631603	No. Amer. Rescue/Conway	Trauma kits / door breach sledge	4,000	Delayed in shipment, scheduled to receive in 2022
Library					
16010-033	Various			234,247	Utilizing unexpended funds from 2021 for contracted security at temporary library and for temporary library lease expenditures
16023	659900			23,751	Granted funds from Friends from 2020-21 carryover for patron support services (\$15,227) and unexpended funds from 2021 (\$8,524)
16033	632700			38,738	Utilizing unexpended funds from 2021 due to vacancies in positions that purchase and set up equipment as well as supply chain delays.
16031	642000			60,825	Facilities-Utilizing money saved in 2021 allows us to cover internal facilities management charges for assistance during the moves to and from the current library.
Total - General Fund				2,925,210	
Grand Total - Not Under Contract				24,152,421	

2021 - 2022 Budget Carryover Requests - Special Consideration

		Vendor	Description	Amount	Justification
Sanitation Fund					
2201	632700		Time clock for MSB	1,750	Punch clock replacement for antiquated equipment
				1,750	
Facilities Capital Project Fund					
Facilities	HVAC		Lighting and Amenities for Pickleball Court	108,000	Would allow new Pickleball court to be utilized at times lighting is needed. Also amenities would provide seating and shade.
Facilities	HVAC		Lundgaard Park Fund Raising Materials	25,000	Consultant will provide marketing plan and website for the City and Friends of the Fire Department to collaboratively seek donations for the new park.
Facilities	HVAC		MSB Salt Shed	25,000	Winter frost damages to service door and interior concrete wall.
				158,000	
Parking Utility					
5123	680300		Doors for Green Ramp Skywalk	10,000	Required ADA doors
				10,000	
Water Utility					
53246650	632700		Time clock for MSB	1,750	Punch clock replacement for antiquated equipment
				1,750	
Wastewater Utility					
WWUTL	PIPING		Belt Filter Dewatering Equipment	27,060	Positive budget variance to be used for increased construction and material costs
WWUTL	PIPING		Belt Filter Dewatering Equipment	61,713	Positive budget variance to be used for increased construction and material costs
WWUTL	RECSTAT		Belt Filter Dewatering Equipment	41,900	Positive budget variance to be used for increased construction and material costs
WWUTL	CLARIFIER		Belt Filter Dewatering Equipment	98,200	Positive budget variance to be used for increased construction and material costs
WWUTL	CLARIFIER		Belt Filter Dewatering Equipment	213,785	Positive budget variance to be used for increased construction and material costs
				442,658	
Reid Golf Course					
5630	632700	Commercial Appliance	Replace walk in freezer and refridgerator	30,000	Record revenue in 2021 allowed for purchase of equipment, back ordered 6 months require carryover request
				30,000	
Information Technology					
13030	640400		Network Security Remediation	18,000	Implement user account control on city computers
17021/31/34	632700		Time clock for MSB	3,500	Punch clock replacement for antiquated equipment
Recreation					
16541	632700		Recreation Hardware (Laptop)	1,668	Laptop ordered by TS in late 2021 but due to shipping delays it was not received until 2022
Police					
17532	632700		Varda Alarms	7,500	Purchase 2 Cenurion Defenders for investigations
17541	632700	Rieckmann Creations	SUV squad work drawers	11,800	Redesign current drawers to fit new SUV's
Total General Fund				42,468	
Grand Total - Special Consideration				686,626	



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

**PARKS, RECREATION & FACILITIES
MANAGEMENT**

Dean R. Gazza, Director

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

TO: Finance Committee

FROM: Dean R. Gazza

DATE: 03-7-22

RE: Action: Award the "2022 AWWTP Electrical Distribution Upgrades - Phase 5 Project" contract to Van Ert Electric, Inc. in the amount of \$1,595,000 with a contingency of 10% for a project total not to exceed \$1,754,500.

The 2022 Capital Improvement Plan includes \$1,700,000 for the Wastewater Electrical Distribution Upgrades Project. The amount of \$682,487 was carried over from 2021 for a Phase 5 total budget of \$2,382,487. The majority of the electrical distribution system is from the mid-1970's and has reached the end of its useful life. The electrical distribution system is critical to the Wastewater Treatment Plant's operations and needs to be upgraded to reduce the risk of an electrical distribution component failure. This is Phase Five of a Five-Phase project.

The bids were received as follows:

Van Ert Electric, Inc.	\$1,595,000
Pieper Electric, Inc.	\$2,626,399

Our consulting engineer has written the City of Appleton a formal letter of recommendation to award the contract to Van Ert Electric, Inc. 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 Van Ert Electric, Inc. in the amount of \$1,595,000 plus a contingency of 10% only to be utilized as needed.

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



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

**PARKS, RECREATION & FACILITIES
MANAGEMENT**

Dean R. Gazza, Director

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

TO: Finance Committee

FROM: Dean Gazza

DATE: 03/07/2022

RE: Action: Award the "2022 Green Meadows Tennis and Basketball Court Reconstruction" to Northeast Asphalt, Inc. in the amount of \$230,550 with a contingency of \$20,850 for a total not to exceed \$251,400.

The 2022 Capital Improvement Plan includes \$275,000 to replace the existing tennis courts at Green Meadows Park with one tennis and one basketball court. Of that amount \$23,600 has been utilized for professional services, leaving \$251,400 for construction.

The bids were received as follows:

Northeast Asphalt (low bid)	\$230,550
Vinton Construction	\$242,986

Our consulting engineer has written the City of Appleton a formal letter of recommendation to award the contract to Northeast Asphalt, Inc. Therefore, the Parks, Recreation, and Facilities Management Department recommends awarding the contract to Northeast Asphalt, Inc. in the amount of \$230,550 with a contingency of \$20,850 to be used only as needed.

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



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

**PARKS, RECREATION & FACILITIES
MANAGEMENT**

Dean R. Gazza, Director

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

TO: Finance Committee

FROM: Dean R. Gazza

DATE: 3/7/2022

RE: Action: Request approval to participate in the Solar Now Program at the Library, Municipal Services Building and Valley Transit.

WE Energies has invited the City of Appleton to participate in their new Solar Now program. The Solar Now program is a "pilot" program with limited capacity for participation. The program was developed to provide a win-win for WE Energies and their participating customers. Solar Now invites customers to host solar panels with no upfront or ongoing costs.

The program pays for the entire cost of engineering and installation of a solar array. In addition, the City would receive monthly payments and have no responsibility for maintenance of the system, essentially removing risk if the system does not perform to design. The typical lease is 20 years.

How is this different than owning our own system and not participating in this program?

- When the solar panels create energy, that energy is utilized by the building when there is demand, but pushed back to the utility when more power is being created than being used, which happens generally during non-business times. When participating in Solar Now, all the energy is transferred to the utility of which we are a user.
- In addition, the city maintains ownership of the renewable energy certificates (REC's). REC's allow organizations to reduce the environmental impact and at the same time encourages the development of new renewable energy projects. In addition, maintaining ownership of the REC's recognizes the facility as sustainable and is eligible towards LEED Certification.
- Last, the city is paid an annual lease payment which is approximately 50% of the renewable energy cost. This revenue assists organizations to lower their operational costs. In addition, because there is no capital cost to the organization, that funding can be used for other projects. For the Municipal Services Building which has been previously funded, WE Energies would reimburse us the total cost of this installation, basically paying for our borrowing on that project.

This memo requests participation at three locations. This was based on WE Energies reserving one megawatt for the City of Appleton. The solar arrays at these three project combined would produce just under 1 megawatt of electricity. Because the Library and Valley Transit are currently in design, we are at

a stage where this program would fit well. The program also relieves the project from having to fund the solar arrays. Because the Municipal Services Building installation is brand-new, WE Energies will also include this facility in the program. Only facilities that are new, are structurally fit and have newer roofs are candidates for this program.

Overall, this is a mutually beneficial program and we request your approval to transfer ownership of the Municipal Services Building installation and to grant approval to enroll the Library and Valley Transit into this program.

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



MEMORANDUM

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

TO: Community & Economic Development Committee (CEDC)

FROM: Matt Rehbein, Economic Development Specialist

DATE: March 9, 2022

RE: Approval of Engineering Services for Final Engineering and Stormwater Management in Southpoint Commerce Park

Southpoint Commerce Park is located on the southeast side of the City and is bound by Plank Road, Coop Road, and Midway Road. It provides continued growth opportunities for Appleton’s business and industrial markets, especially with the Northeast Business Park having no City-owned land available for sale. In total, Southpoint Commerce Park (Southpoint) is comprised of 359 acres with lots of varying sizes to support growth of industry. At this time, Southpoint only has 64 acres of fully improved land available for sale that are unencumbered by offers to purchase.

Recognizing the need for additional land to recruit and retain manufacturing, warehousing, and distribution businesses, the City has invested in the following work to evaluate and design land between Coop Road and Eisenhower Drive.

Between 2015 and 2016, Southpoint Commerce Park was delineated for wetlands using the team from R.A. Smith. Numerous isolated wetlands were delineated, as well as a large, high-quality wooded wetland and adjacent low-quality meadow wetlands in the area east of Eisenhower Drive.

The City worked with Stantec Consulting over the course of 2017 and into early 2018 to pursue the potential of creating a wetland mitigation bank for the high-quality wooded wetland property. The purpose of the wetland mitigation bank would have been to serve Appleton’s needs as wetlands would be impacted on a variety of projects.

After submission of a draft prospectus for the creation of the wetland mitigation bank to the Interagency Review Team (comprised of the Army Corp of Engineers, EPA and WDNR), we received feedback on our plan that was not encouraging. Staff and Stantec followed-up by hosting members of the Interagency Review Team for a site visit at Southpoint in the summer of 2018, and their views of our proposed bank did not change. Concerns over adjacent development, the need for us to re-create a wooded wetland, and overall hydrology to serve the bank were some key concerns. This essentially ended our efforts to use this area for a wetland mitigation bank.

As we evaluated options to create benefit for the City, provide opportunities for growth of business and industry, and protect the high-quality wetlands, we reached out to R.A. Smith for technical expertise to provide 30% conceptual engineering plans for this area east of Eisenhower Drive. R.A. Smith provided the 30% engineering report for this area in 2019.

Due to the five-year statutory life of the wetland delineations, a new wetland delineation was completed for the entire area in 2020.

In 2021, staff contracted with Westwood Professional Services to complete a soil infiltration study in conjunction with help from Department of Public Works Engineers and the City Surveyor.

The next step in the process of preparing this area for installation of infrastructure is final design work and stormwater management. CEDD staff coordinated with DPW staff to create a scope of work to finalize the engineering and stormwater management for this area.

R.A. Smith has a Master Agreement for engineering services with the City of Appleton; however, this task exceeds \$25,000 and per City policy, requires Committee and Common Council approval. The task order scope of work and itemization of time and cost are attached for your reference. The proposed maximum engineering fees are \$53,000. The 2022 Budget, approved by Council on November 10, 2021, includes funds in the industrial park land fund (IPLF) for this work.

Staff Recommendation:

The Park Expansion Final Engineering and Stormwater Management for Southpoint Commerce Park by R.A. Smith in the amount not to exceed \$53,000 **BE APPROVED.**

Appleton Southpoint Commerce Park Expansion Final Engineering and Stormwater Management

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

I. Specific Project Information

- A. **Task Order Title:** Appleton Southpoint Commerce Park Expansion Final Engineering and Stormwater Management
- B. **Description of Services to be Performed:** Consultant will provide Stormwater Management and Drainage Plans for the Southpoint Commerce Park Expansion site (Southpoint), 60% Engineering Plans and Final Engineering Plans for the Trailhead site located within Southpoint, and DNR wetland and NOI permitting for Southpoint Commerce Park Expansion. Southpoint is a 115-acre subdivision east of Eisenhower Drive, north of Midway Road, and west of Coop Road. Services conducted under this contract will be provided on a time and materials basis with a maximum total budget of \$53,000.00.

II. Scope of Services

- A. **Develop Stormwater Management Plan:** Consultant will develop a Stormwater Management Plan (SWM Plan) for Southpoint, which includes the previously constructed Coop Road Pond. The City will prepare 60% and Final Engineering plans for storm sewer, watermain, sanitary sewer, and roadway plan and profile. The SWM Plan will be developed in conjunction and consultation with the City during their design of the 60% and Final Engineering for Southpoint. The SWM Plan will be developed using the 30% analysis previously prepared for Coop Road Pond which defined the maximum development parameters allowed for Southpoint.

The SWM Plan will be developed to show the project will conform to the requirements of the Construction Site Stormwater Runoff General Permit No. WI-S067831-6 of the Wisconsin Department of Natural Resources (DNR) and the City peak flow reduction and water quality requirements. All related hydrologic and hydraulic modeling is included in this task.

- B. **Develop Subdivision Drainage Plan:** Consultant will develop building pad elevations and lot grading for anticipated development within Southpoint to support a Site Drainage Plan which will supplement 60% and Final design of roadway plan and profiles developed by the City. Key lot line and internal lot grades will also be determined to delineate drainage areas and identify flow paths to the proposed storm sewers, which will be designed by the City.

Consultant will coordinate with the City to develop the storm sewer and overland flow paths to convey stormwater runoff to Coop Road Pond. Consultant will provide modeling of the storm sewer and overland flow paths developed by the City to make sure the design meets the requirements of the City Stormwater Management Ordinance. Multiple iterations of the storm sewer and overland flow path design may be required.

- C. **Develop 60% Trailhead Improvement Plans:** Consultant will develop 60% Engineering Plans for the Trailhead Improvements, located within Southpoint. The Trailhead Improvements are at the northeast corner of Eisenhower Drive and Vantage Drive, north of the wooded wetlands on the Southpoint site. The 60% Engineering plans will be developed in coordination with the City's development of 60% Engineering Plans for storm sewer, watermain, sanitary sewer, and roadway plan and profile. Consultant will coordinate with the City to provide amenities the City requires at this location.

- D. **Develop Final Trailhead Improvement Plans:** Consultant will develop Final Engineering Plans for the Trailhead Improvements, located within Southpoint. The Final Engineering plans will be developed from the 60% Plans designed in coordination with the City.
- E. **DNR Wetland and Stormwater Management Permitting:** The project will result in more than one acre of land disturbance; therefore, Consultant will apply for permit coverage with a Notice of Intent (NOI) or Water Resources Application for Project Permits (WRAPP) to show the project will conform to the requirements of the Construction Site Stormwater Runoff General Permit No. WI-S067831-6. The stormwater requirements of NR 151 for a site that consists of land disturbing construction activity of more than one acre will be met.

The wetland and stormwater management permitting tasks will be included as follows:

Preliminary Stormwater Management

The 60% Engineering Plans developed by the City will be used to provide preliminary stormwater management calculations to verify Coop Road Pond can be used to provide stormwater management to meet the requirements of NR 151.

Final Stormwater Management Plan

The Final Engineering Plans developed by the City will be used to provide a Final Stormwater Management Plan to verify Coop Road Pond can be used to provide stormwater management to meet the requirements of NR 151. Requirements may include peak flow reduction, water quality improvements, and Infiltration practices.

Wisconsin Department of Natural Resources NOI/WRAPP

Consultant will apply for permit coverage with a Notice of Intent (NOI) or Water Resources Application for Project Permits (WRAPP) to show the project will conform to the requirements of the Construction Site Stormwater Runoff General Permit No. WI-S067831-6.

Wetland Permitting

- Non-Federal Wetland Exemption Request for wetland that have been determined to be non-jurisdictional by the US Army Corps of Engineers (USACE). The exemption would be submitted for six non-federal farmed wetlands west of Coop Road. The submittal requires a narrative explaining how each wetland qualifies for the non-federal wetland exemption. Included in the submittal will be the USACE Approved Jurisdictional determination letter, supporting information such as maps and previous wetland delineation reports, site photographs, a botanical survey (if needed), a mitigation summary worksheet (if needed) and proof of ownership.
- DNR Artificial Wetland Exemption Request for any potentially artificial wetlands within the Study Area. The exemption would be submitted for the long roadside wetland ditch along Coop Road. The submittal requires a narrative explaining how each wetland meets the artificial wetland exemption criteria as well as historical map review. Included in the map review and submittal will be historical aerial photos, historical USGS maps, a Bordner survey map, and a WI Land Survey map. Other information such as previous wetland delineation reports, site photographs, and proof of ownership will also be submitted to the DNR. Any additional documentation provided by the client

(i.e., previous construction plans, previous agency submittals, previous wetland delineations, soils borings) may also be included in the electronic submittal as further evidence that wetlands may be artificial.

- Endangered Resources Review (ERR) Request - Preliminary Assessment through the NHI Public Portal to determine if a formal ERR is required. An ERR is a screening of a proposed project area for potential impacts to endangered resources including rare plants, animals, and plant communities. If the Preliminary Assessment returns a result of “no actions required/recommend,” then a formal ERR will not be required. If an ERR is required due to the potential for rare species, we will prepare and submit the Wisconsin Department of Natural Resources (WDNR) ERR Form 1700-47.
- Wetland/Waterway Permitting Assistance - Some wetland features within the project site are expected to be under the jurisdictions of both the WDNR and USACAE and will require a permit if impacted. Smith wetland ecologists will assist in the preparation of a Joint Section 404/401 Wetland General Permit (GP) which is required for impacts less than 10,000 square feet. This task will include agency coordination, attendance at meetings (assumes one client meeting), assistance with the wetland alternatives analysis, completion of the Water Resources Application for Project Permits (WRAPP) form, and production of required maps and photos. This task does not include the WDNR’s permitting fees.

- F. **Develop Digital Terrain Model/Grading Quantities:** Task will include the development of a Digital Terrain Model (DTM) and determination of estimated pay quantities for proposed roadway construction and lot grading plans based on plans prepared by the City.

III. Deliverables

All deliverables shall be provided to the City and shall be the sole and exclusive property of the City and shall not be used, distributed, shared, sold, exchanged, or published by Consultant without the City’s consent. Consultant will return to the City, at no cost to the City, any plans, files, maps, or other documents that City provides to Consultant during the term of this project. Deliverables shall further include any drawing files, computer models, electronic or printed documents, data, and work products developed for this project. All drawings will be in Outagamie County Coordinate System. All electronic files will be provided in the following formats or a compatible version: pdf, ArcGIS, AutoCAD 2020, and Microsoft Office programs.

Deliverables will include 60% Engineering and Final Engineering plans for the Trailhead, Stormwater Management Plan and Subdivision Drainage Plan, Digital Terrain Model and earthwork pay quantities. DNR permit applications will be provided for review prior to submittal. The engineering plans will be provided as one set of large plans and one set of small hard copies, as well as PDF document format.

IV. Additional Services

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

V. City’s Responsibilities

City shall have the responsibilities set forth in the Agreement and shall provide access to proposed project sites as needed to complete the required services and any other existing data pertinent to the proposed project. City staff will also be available for coordination as stated in the scope of services.

Appleton Southpoint Commerce Park Expansion Final Engineering and Stormwater Management

VI. Times for Rendering Services

Consultant will work with City staff to refine the Draft Critical Path Schedule, dated 07-20-2021, to meet project schedule requirements as necessary, and will also submit project status and invoicing reports to the City monthly.

VII. Payments to Consultant

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

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

1. Brad Hartjes, P.E., CFM (Project Manager)	\$	149.59
2. Gary Raasch, P.E., CFM (Senior Project Manager)	\$	171.84
3. Riley Stone, P.E. (Project Engineer)	\$	109.27
4. Ryan Mann (Staff Engineer)	\$	84.00
5. Tina Myers, PWS (Ecologist)	\$	115.00

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

C. **Direct Expenses:** Direct expenses related to the services provided under this task order will be applied in accordance with the following rates. Other items or supplies provided with these services will be charged at cost, without any markup.

1. Travel – mileage: \$ 0.56/ mile (will adjust to match the IRS mileage rate at the time of travel)
2. Copies: 8.5 x 11 @ \$0.15/ black-white copy; \$0.75/ color copy
11 x 17 @ \$0.20/ black-white copy; \$1.00/ color copy

D. **Additional Service Authorization:** As the project progresses, the scope of this task order may be amended by written authorization(s).

VIII. Consultants

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

IX. **Other Modifications to Agreement** - None.

X. **Attachments/Exhibits** - None.

XI. **Documents Incorporated by Reference** - None.

XII. Terms and Conditions

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

Appleton Southpoint Commerce Park Expansion Final Engineering and Stormwater Management

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

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

By: _____
Gary Raasch, P.E., CFM
Senior Project Manager

Brad Hartjes, P.E., DFM
Project Manager

City of Appleton (City)

By: _____
Jake Woodford, Mayor

Attest: _____
Kami Lynch, City Clerk

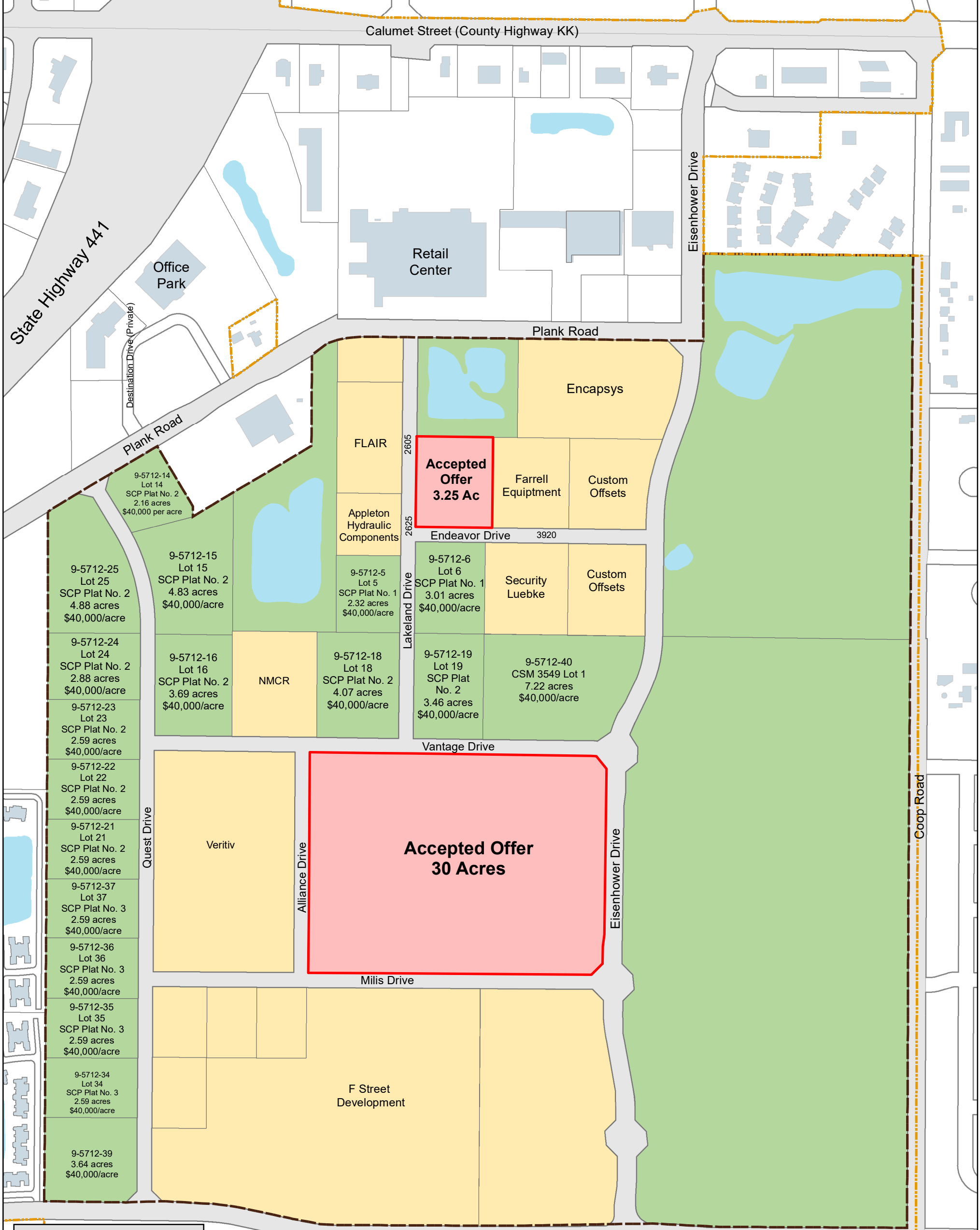
Approved as to form:

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

Christopher Behrens, City Attorney

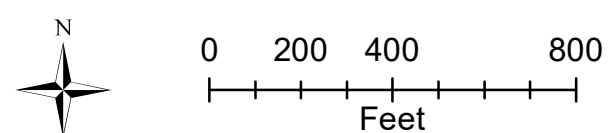
Anthony D. Saucerman, Finance Director

Southpoint Commerce Park Appleton, Wisconsin



Legend

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





MEMORANDUM

TO: Community and Economic Development Committee

FROM: Matt Rehbein, Economic Development Specialist

DATE: March 9, 2022

RE: Business/Industrial Park Land Sale and Option Prices

Staff completes an annual review of the selling price of land in the City's business/industrial parks to see how competitive Appleton is with surrounding communities. Currently, the selling price of land in the City of Appleton's Southpoint Commerce Park is \$40,000.00/acre. The City has no remaining parcels for sale in the Northeast Business Park (NEBP).

There are currently 5 lots that are privately held and not developed in the Northeast Business Park subject to the City's right to repurchase. Privately owned, undeveloped lots are flagged in the City's AS400 system, and notification is given on the real estate inquiry form to ensure the City's right to repurchase is triggered as appropriate.

In the Southpoint Commerce Park, there are 24 fully improved lots available, of which 5 are under contract with F Street Development, and 1 is under contract with Farrell Investments. The total inventory not under contract is approximately 61 acres. 35 acres were sold to F Street Development in 2021 (details in attached Industrial Land Sales Comparison – Exhibit A) and construction of a 218,000 square foot distribution warehouse was completed in 2021. The City has an additional approximately 100 acres in Southpoint that are undeveloped that will yield approximately 80 developable acres. All available lots in the Southpoint Commerce Park are served by regional stormwater detention, and a wetland delineation was completed in 2020. See attached map for the available lots in Southpoint.

In order to ascertain how competitive Appleton is with neighboring communities, staff prepared an Industrial Land Asking Price Comparison (Exhibit B). Data was gathered from: direct contact with sellers, CoStar (which is a commercial real estate listing and comparable data service), and the Wisconsin Department of Revenue. There are additional lots marketed as available for industrial in the Fox Cities, but many of those could also be commercial, which commands a much higher price and are not good comparables. All referenced industrial lots are broken down into one of three categories:

- 1) Municipally owned lots available for sale.
- 2) Privately owned lots available for sale.
- 3) Recent sales comparison.

In determining the sale price of lots, staff considers several factors, including the City's investment in creating the business park, cost to develop at these locations, competitive lot pricing, and uses of the property. It should also be noted that land pricing is but one component of actual "cost" when a business is considering a purchase in a business/industrial park. Infrastructure, access, availability of TIF financing and other incentives are all factored in.

Site selectors and businesses seeking new locations have shared with staff that the ability to respond quickly and creatively is crucial to landing deals. This has proved true for all recent transactions. Each company is going to have different priorities, beyond land price alone, such as infrastructure, approval process, timing, TIF contributions, etc. Having entered the final 5 years of the life of TIF #6, we are no longer able to make new investments from TIF #6. This further increases the importance for the City to be in a position to act quickly and decisively when transactions come forward to ensure we secure sales in the business/industrial parks. We have been successful in doing this with all sale transactions over the past few years. In 2022, we still need to be responsive, but with a tightening market, we may not need to be as generous on financial incentives.

The industrial market for lease and purchase space has been tightening up over the past few years, creating a scarcity of large and small industrial space. As a result, we have seen increased activity in the Southpoint Commerce Park (both contracts and inquiries). This has generated "speculative" building and, in turn, more inquiries about optioning land. In 2020, Council approved an option fee of 2% of the purchase price per year for parcels in excess of 5 acres. The option fee for lots less than 5 acres remains at 1% of the purchase price per year. This helps protect the City's inventory of marketable parcels while preserving the smaller users' ability to ensure they have control of potential expansion space.

Based on this analysis, staff would recommend the City maintain its current selling price of \$40,000 for business/industrial park land and option fees as outlined below. This puts Appleton in the middle range with regard to land prices.

Staff Recommendation:

The City of Appleton maintain its current selling prices for business/industrial park land as follows:

Southpoint Commerce Park

All lots - \$40,000/Acre

The City of Appleton hold option fees to reflect 1% of the purchase price annually for lots of 5 or less acres and 2% of the purchase price annually for lots greater than 5 acres.

Note: Land prices are for fully improved lots and include the cost of concrete pavement.

EXHIBIT A

2010-2021 INDUSTRIAL LAND SALES COMPARISON (Municipal & Private Sales)

<i>Location</i>	<i>Sale Price</i>	<i>Size (In Acres)</i>	<i>Price/Acre</i>	<i>Sale Date</i>	
Southpoint (Appleton)	\$1,339,120	35.23	\$38,011	Dec-21	F Street Development (Phase II)
Southpoint (Appleton)	\$555,180	14.61	\$38,000	Sep-20	F Street Development (Phase I)
2433 Airport Park Dr., Greenville	\$108,000	2.62	\$41,221	Aug-20	Red Top Cab Co.
NEBP (Appleton)	\$57,600	1.44	\$40,000	Jul-20	S&D Masonry
892 Cold Spring Rd., Fox Crossing	\$129,000	3.5	\$36,857	Jan-20	Keeney Properties LLC
Southpoint (Appleton)	\$144,072	3.48	\$41,400	Oct-19	Custom Offsets
Southpoint (Appleton)	\$130,000	3.25	\$40,000	Nov-19	Messenger Property Management
Southpoint (Appleton)	\$168,400	4.21	\$40,000	May-19	New Morning Coffee Roasters
Greenville Dr., Greenville	\$1,109,920	32.3	\$34,362	Jul-19	Burns & McDonnell
Randolph Dr., Kaukauna	\$152,000	4	\$38,000	2019	Velocity Water Works
Evergreen Dr., Little Chute	\$1,100,000	20	\$55,000	Jan-19	Faith Technologies
Southpoint (Appleton)	\$511,000	14.6	\$35,000	Sep-18	Becknell Industrial
7241 Cty Rd. BB, Neenah	\$679,000	41.54	\$35,000	Jun-18	
Oak Grove Rd. Prosperity Ctr., Kaukauna	\$186,200	4.90	\$38,000	Sep-17	Lot 6
Oak Grove Rd. Prosperity Ctr., Kaukauna	\$117,800	3.10	\$38,000	Sep-17	Lot 8
Oak Grove Rd. Prosperity Ctr., Kaukauna	\$117,040	3.08	\$38,000	Sep-17	Lot 9
CB & Rockwood Ln., Neenah (Town of)	\$208,623	10.60	\$19,681	Sep-17	Stuff-N-Storage (A-2 General Farming zoning)
Endeavor Dr., Appleton (SPCP)	\$132,000	3.30	\$40,000	Aug-17	Manda Panda Properties
Endeavor Dr., Appleton (SPCP)	\$150,300	3.34	\$45,000	Aug-17	Alco Tech
Integrity Way, Grand Chute	\$83,000	2.72	\$30,503	Jan-17	
Plank Rd. & Eisenhower, Appleton (SPCP)	\$329,400	7.32	\$45,000	Sep-16	Encapsys
Kaukauna Ind. Park	\$79,800	2.10	\$38,000	May-16	NorthStar Coop
Capitol Dr., Appleton (NEBP)	\$75,950	2.17	\$35,000	Mar-16	Romenesko Developments, Inc.
Goodland/Conkey, Appleton (NEBP)	\$100,000	2.69	\$37,175	Dec-15	Quantum Healthcare
Kaukauna Ind. Park	\$228,000	6.00	\$38,000	Jul-15	Polyflex
Capitol Dr., Appleton (NEBP)	\$155,750	4.45	\$35,000	May-15	RPS, LLC
Goodland Dr., Appleton (NEBP)	\$115,200	2.88	\$40,000	Apr-15	Farrell Investments
Lakeland Dr., Appleton (SPCP)	\$58,000	1.37	\$42,336	Sep-13	Flair

*SPCP=Southpoint Commerce Park

**NEBP=Northeast Business Park

Sources:

Seller Contact
CoStar
WI Dept. of Revenue

EXHIBIT B**INDUSTRIAL LAND ASKING PRICE COMPARISON****Municipally Owned Land Asking Price Comparison**

<i>Municipality</i>	<i>Ask Price/Acre</i>	<i>Regional Stormwater</i>	<i>Concrete Streets</i>	<i>Utilities</i>	<i>Incentives</i>
Appleton	\$40,000	Y	Y	Y	N/A
Neenah	\$35,000	Y	Y	Y	TIF/Land grant
Kaukauna	\$38,000	Y	Y	Y	Redevelopment Authority loans

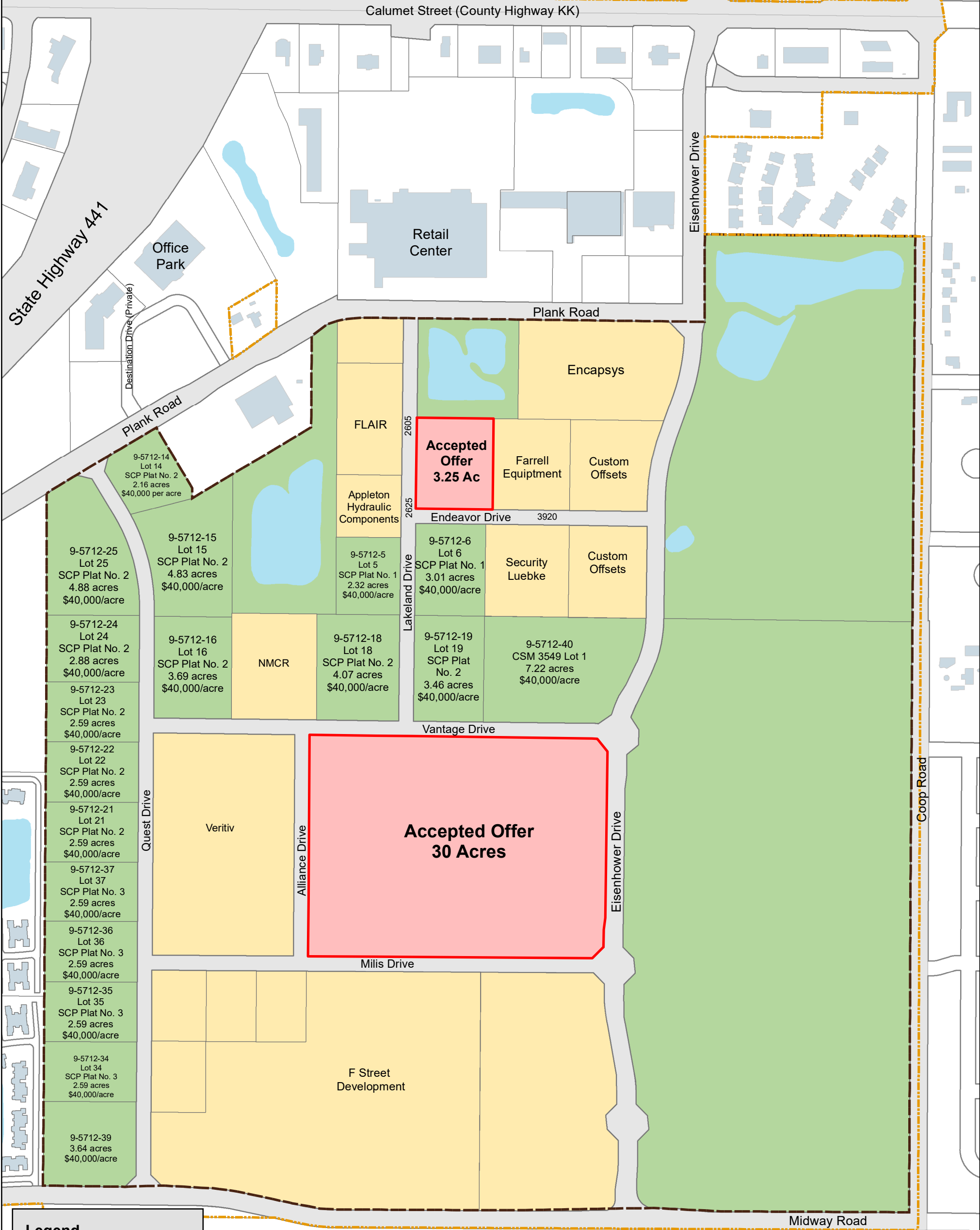
Privately Owned Land Asking Price Comparison (Over 10 acres, per CoStar listings)

<i>Municipality of Private Property</i>	<i>Ask Price/Acre</i>	<i>Largest Contiguous Lot (In Acres)</i>	<i>Location</i>	<i>Notes</i>
Kaukauna (Town of)	\$33,269	26.30	N2380 Bodde Rd.	Not served by Mun. Utilities
Neenah	\$18,900	100.00	2689 Cty II	Possible commercial/industrial/multifamily/residential
Little Chute	\$55,000	19.48	Evergreen Dr.	Possible Office/I-41 exposure
Appleton	\$34,722	7.92	Glendale-NEBP	Stora Enso Parcel - On market for years

Sources:

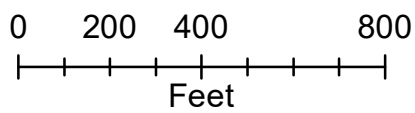
Seller Contact
CoStar
WI Dept. of Revenue

Southpoint Commerce Park Appleton, Wisconsin

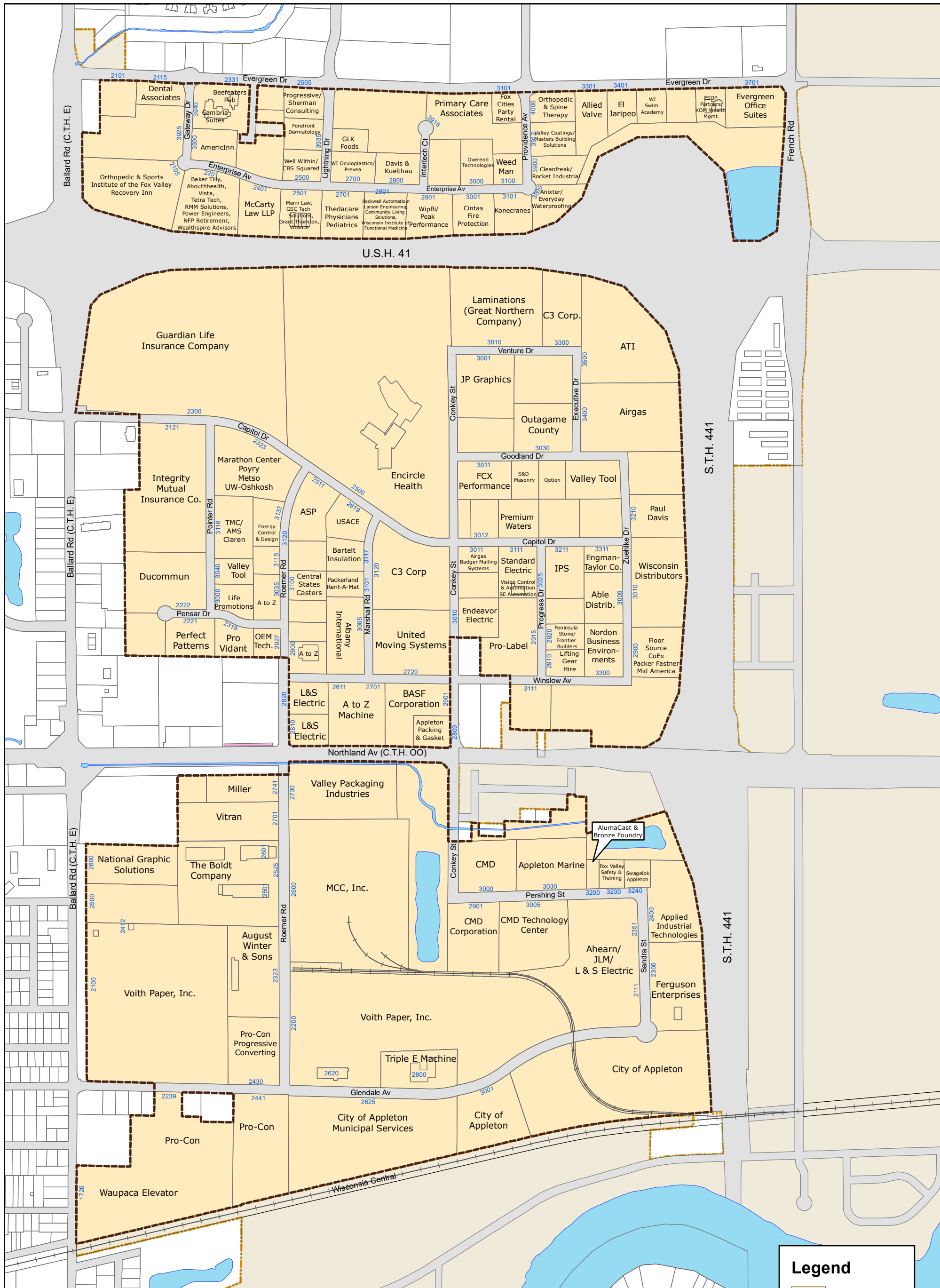


Legend

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



Northeast Business Park Appleton, Wisconsin



Legend

- Park Parcels
- Cparcel
- Park Boundary
- City Limits

0 0.25 0.5 Miles





MEMORANDUM

TO: Community and Economic Development Committee

FROM: Karen Harkness, Director of Community & Economic Development

DATE: March 9, 2022

RE: American Rescue Plan Act (ARPA) Grant Funding Allocation

PROGRAM OVERVIEW

The American Rescue Plan Act (ARPA) was signed into law by President Biden on March 11, 2021. This new federal COVID-relief package includes direct funding to municipalities through the U.S. Treasury Department to respond to the public health emergency and its negative economic impacts, and the safety, health and opportunity for all within our communities, with a focus on those most harmed by COVID-19. Additional information can be found at [U.S. Treasury Department](#).

The City of Appleton Common Council, on November 3, 2021, approved Phase One of ARPA Special Revenue funds which include \$250,000 in grants to local non-profit organizations that bolster the local economy, community wellness, and pandemic recovery. This grant is directed toward organizations that provide cultural opportunities for City of Appleton residents, as well as tourists, enriching our communities and stimulating economic activity. Please note this is Phase One; additional grants may be available based on identified community needs resulting from the pandemic moving forward. Grant funds can pay for specific project costs and/or general organizational expenses. Minimum grants will be awarded for \$10,000; maximum grants will be awarded for \$50,000. These grant funds will be limited to local 501 C (3) and 501 C (6) non-profit organizations.

On January 6, 2022, the City of Appleton released grant applications to non-profit organizers of community events supporting others, as well as organizations that provide mental health services. Applications were due by noon on February 3, 2022. Organizations awarded grants will have until November 30, 2022 to spend the allocated money.

On Thursday, February 24, 2022, the ARPA Grant Team reviewed all eligible applications, and their recommendations for grant awards are attached.

The ARPA Grant Team is comprised of 15 individuals:

- Mayor Jacob Woodford
- Director Karen Harkness, Community & Economic Development
- Director Paula Vandehey, Department of Public Works
- Director Tony Saucerman, Finance Department
- Deputy Director Monica Stage, Community & Economic Development
- Deputy Director Sonja Jensen, Health Department
- Deputy Director Jeri Ohman, Finance Department
- Emergency Management Coordinator Cassidy Walsh, Health Department
- Senior Communications Specialist Sheng Riechers
- Community Partnerships Supervisor APL Adriana McCleer
- Community Development Specialist Nikki Gerhard
- Coordinated Entry Specialist Ryne Lodi
- Behavioral Health Officer APD Ignacio “Nacho” Enriquez
- United Way, Rhonda Hannemann
- Alderperson Kristin Alfheim

Staff Recommendation:

Staff recommends approval of the ARPA grant allocations as recommended in the attached document.

**AMERICAN RESCUE PLAN ACT (ARPA) PHASE ONE FUNDS ALLOCATION
ELIGIBLE NONPROFIT APPLICATIONS RECEIVED BY CITY OF APPLETON
*Requested vs. Recommended Funding***

Nonprofit Behavioral Health Care Programs

<u>Organization</u>	<u>Requested</u>	<u>Recommendation</u>
Apricity	\$50,000	\$30,000
Catalpa Health	\$50,000	\$20,000
Christian Family Solutions	\$42,544	\$0
Exceptional Equestrians	\$16,000	\$0
Harbor House	\$50,000	\$49,875
NEW Mental Health Connection	\$28,000	\$27,625
Reach Counseling Services	\$39,773	\$0
Ryan Community	\$25,500	\$24,250
Sexual Assault Crisis Center	\$50,000	\$12,000
Unity Recovery Services	\$41,000	\$0
Us 2 Behavioral Health Care	\$50,000	\$30,000
Valley Packaging Industries	\$25,000	\$24,250
	<u>\$467,817</u>	<u>\$218,000</u>

Nonprofit Community Events That Assist Other Nonprofit Organizations

<u>Organization</u>	<u>Requested</u>	<u>Recommendation</u>
Appleton Downtown Inc.	\$50,000	\$32,000
Fox Cities Chamber	\$35,668	\$0
	<u>\$85,668</u>	<u>\$32,000</u>

\$250,000 Total Grant Funds Available

Community Partner Application AWARD RECOMMENDATIONS for the 2022 ARPA Phase One				
NONPROFIT BEHAVIORAL HEALTH CARE PROGRAMS	PROJECT ACTIVITY	FUNDS WILL BE USED TO...	AMOUNT REQUESTED	ADVISORY BOARD RECOMMENDATION
Apricity	Behavioral Health	Enhance the clinical support their clients receive in residential treatment for substance use disorders	\$50,000	\$30,000
Catalpa Health	Behavioral Health	Hiring of 13 therapists, as well as advertising and signing bonuses	\$50,000	\$20,000
Christian Family Solutions	Behavioral Health	Purchase of supplies and technology to make existing space ready for higher level of treatment	\$42,544	\$0
Exceptional Equestrians	Behavioral Health	Support the need in our community for mental health programs for children, teens, and adults with disabilities	\$16,000	\$0
Harbor House	Behavioral Health	Support staff time, ensure Spanish-speaking clients have an interpreter and increase mobile advocacy	\$50,000	\$49,875
NEW Mental Health Connection	Behavioral Health	New website, app creation and marketing	\$28,000	\$27,625
Reach Counseling Services	Behavioral Health	Three Resident Therapists	\$39,773	\$0
Ryan Community	Behavioral Health	Provide AODA assessments and counseling hours to COTS residents	\$25,500	\$24,250
Samaritan Counseling Center	Behavioral Health	Application not reviewed. Ineligible due to the application being submitted after the deadline	-	-
Sexual Assault Crisis Center	Behavioral Health	Enhancing office space for advocacy use, website development	\$50,000	\$12,000
Unity Recovery Services	Behavioral Health	Enhancing office space, increase staffing, harm reduction supplies, transportation/food/clothing and recovery workshops and trainings	\$41,000	\$0
Us 2 Behavioral Health Care	Behavioral Health	Two Therapists	\$50,000	\$30,000
Valley Packaging Industries	Behavioral Health	Increase operating hours and staffing	\$25,000	\$24,250
			\$ 467,817.00	\$ 218,000.00
NONPROFIT COMMUNITY EVENTS THAT ASSIST OTHER NONPROFIT ORGANIZATIONS	PROJECT ACTIVITY	FUNDS WILL BE USED TO...	AMOUNT REQUESTED	ADVISORY BOARD RECOMMENDATION
Appleton Downtown Inc.	Community Event	Support 2022 payroll and increased rental expenses for community events in partnership with local nonprofits and small businesses	\$50,000	\$32,000
African Heritage	Community Event	Application did not meet City of Appleton grant criteria	-	-
Bergstrom Mahler Museum of Glass	Community Event	Application did not meet City of Appleton grant criteria	-	-
Building for Kids	Community Event	Application did not meet City of Appleton grant criteria	-	-
Fox Cities Chamber	Community Event	Offset revenue lost from cancelled 2021 Octoberfest as well as assist with expense for 2022 Octoberfest	\$50,000	\$0
Fox Valley Symphony Orchestra	Community Event	Application did not meet City of Appleton grant criteria	-	-
Hearthstone Historic House Museum	Community Event	Application did not meet City of Appleton grant criteria	-	-
IndUS of Fox Valley	Community Event	Application did not meet City of Appleton grant criteria	-	-
Irish Fest of the Fox Cities	Community Event	Application did not meet City of Appleton grant criteria	-	-
newVoices	Community Event	Application did not meet City of Appleton grant criteria	-	-
Pointtters Community Initiatives	Community Event	Application did not meet City of Appleton grant criteria	-	-
			\$100,000.00	\$32,000.00

Nonprofit Behavioral Health Care Programs \$218,000.00

Nonprofit Community Events \$18,000.00

\$250,000.00

SANITARY LATERALS, STORM LATERALS AND STORM MAIN

RESOLUTION 2-P-22

PRELIMINARY RESOLUTION DECLARING INTENT TO EXERCISE SPECIAL ASSESSMENT POWERS UNDER SECTION 66.0703 (7) (a), WISCONSIN STATUTES OF 2011-2012.

RESOLVED, by the Common Council of the City of Appleton, Wisconsin:

1. The Common Council hereby declares its intention to exercise its powers under Section 66.0703, Wisconsin Statutes, to levy special assessments upon property within the following described area for benefits conferred upon such property by improvement of the following area.

SANITARY LATERALS, STORM LATERALS AND STORM MAIN

- Alvin St (Wisconsin to Marquette)
- Durkee St (Lawrence St to College Ave)
- Durkee St (College to Washington)
- Lawrence St (Oneida St to Durkee St)
- Morrison St (Lawrence St, s-o to College Ave)
- Morrison St (College to Washington)
- Oneida St (Lawrence St to College Ave)

2. The total amount assessed against such property shall not exceed the total cost of the improvements. The Common Council determines that such improvements shall be made under the police power and the amount assessed against each parcel shall be on a cost per front foot, area or unit cost basis.

3. The assessments against any parcel may be paid to the Finance Department on receipt of Special Assessment Notice by one of the following:

- a. In cash, or if entered on the Tax Roll;
- b. One installment, if the assessment is \$1000 or less;
- c. In five equal annual installments, if the assessment is greater than \$1000;

Deferred payments shall bear an interest at the prime rate plus 3% per annum on the unpaid balance.

4. The Finance Committee is directed to prepare a report consisting of:

- a. Preliminary plans and specifications for said improvements.
- b. An estimate of the entire cost of the proposed street improvements.
- c. A schedule of proposed assessments showing the properties that are benefited by the work or improvements.

Upon completing such report, the Finance Committee is directed to file a copy thereof in the office of the City Clerk for public inspection.

5. Upon receiving the report of the Finance Committee, the City Clerk is directed to give notice of a public hearing on such report as specified in Section 66.0703 (7) (a), Wisconsin Statutes. The hearing shall be held at the Council Chambers in the City Hall at a time set by the City Clerk in accordance with Section 66.0703 (7) (a), Wisconsin Statutes.

Jake Woodford (Mayor)

Adopted: March 16, 2022

Attest: Kami L. Lynch (City Clerk)

CITY OF APPLETON

INFORMATION TECHNOLOGY DEPARTMENT



100 N. Appleton Street
Appleton, WI 54911



(920) 832-6410



(920) 832-5885



helpdesk@appleton.org

To: HR/IT Committee
From: Corey Popp, Information Technology Director
Date: March 2, 2022
Re: Infrastructure, Systems, and Vulnerability Assessment

With some urgency, I am proposing to sole source an IT network assessment to Heartland Business Systems in the amount of \$60,000. This project is divided into two parts:

1. An Infrastructure and Systems Assessment (\$45,000)
2. An Internal Network Vulnerability Assessment (\$15,000)

For the past twenty years, Heartland and their engineers have been installing and supporting the City's IT department's core Ethernet switches, firewalls, wireless network, storage area network, and virtualized server environment. Their familiarity with the network's hardware and topology allows them to provide their assessment within the context of the system's originally intended design.

With relative expediency, they will be able to compare the network's original configuration and scale to its current configuration and scale to determine if any changes have caused security, reliability, or performance issues. My goal is to begin the assessment no later than mid or late March 2022. Once begun, the entire assessment will take 30 days to complete. Funding for this project is dependent on Resolution 2-R-2 (Reallocation of Funds).

The assessment deliverable will include a list of findings and prioritized remediation steps. The assessment does **not** include actual remediation nor the estimated cost of remediation. The remediation phase will require a separate purchase or RFP process, and significant additional funds will likely be necessary.

Attached to this memo is a copy of an email from the City of Appleton's Purchasing Manager, which states that they agree that sole sourcing this project is justified.



RE: Proposal to sole source an IT project

Jeffrey Fait <Jeffrey.Fait@Appleton.org>

Mon 2/14/2022 8:59 AM

To: Corey J. Popp <Corey.Popp@appleton.org>

Corey:

For various reasons related to the scope, familiarity, timeliness and technical complexity of this project, I agree that sole sourcing to Heartland is justifiable. There are no red flag issues that come to mind.

Thanks,

Jeff Fait, CPPB
Purchasing Manager
City of Appleton, WI
920-832-6311



16-22

AN ORDINANCE AMENDING SECTION 19-5 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO THE ERECTION OF OFFICIAL TRAFFIC SIGNS AND SIGNALS.

(Municipal Services Committee 3/2/2022)

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

Section 1: That Section 19-5 of Chapter 19 of the Municipal Code of the City of Appleton, relating to the erection of official traffic signs and signals, is hereby created/amended as follows:

INSTALL STOP SIGNS ON:

Locust Street at Oklahoma Street

Section 2: This Ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to erect and maintain the appropriate standard traffic signs, signals and markings, giving notice of the provisions of this Ordinance.

17-22

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

(Municipal Services Committee 3/2/2022)

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

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

Ord. 63-78: “Parking be restricted to two hours between the hours of 7:00 a.m. and 7:00 p.m., Sundays and Holidays excepted, on the north side of West Eighth Street from 210’ west of the west right-of-way line of Badger Avenue extend.”

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

18-22

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

(Municipal Services Committee 3/2/2022)

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

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

No Parking/15-minute loading zone be established from 8 a.m. to 3 p.m., Monday through Friday, on the south side of College Avenue from a point 65 feet east of Appleton Street to a point 135 feet east of Appleton Street.

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

19-22

AN ORDINANCE REPEALING AND RECREATING ARTICLE VI. OF CHAPTER 20 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO STORMWATER MANAGEMENT STANDARDS AND PLANNING.

(Utilities Committee 3/2/2022)

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

Section 1: That Article VI. of Chapter 20 of the Municipal Code of the City of Appleton, relating to stormwater management standards and planning, is hereby repealed and recreated as follows:

ARTICLE VI. STORMWATER MANAGEMENT STANDARDS AND PLANNING
DIVISION 1. IN GENERAL

Sec. 20-300. Authority.

(a) This ordinance is adopted by the Common Council of the City of Appleton under the authority granted by §62.234, Wis. Stat. This ordinance supersedes all provisions of a stormwater management ordinance previously enacted under §62.23, Wis. Stat., that relates to stormwater management regulations. Except as specifically provided for in §62.234, Wis. Stat., §62.23, Wis. Stat. applies to this ordinance and to any amendments to this ordinance.

(b) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the same governing body.

(c) The Common Council of the City of Appleton hereby designates the Director of Public Works or designee to administer and enforce the provisions of this ordinance.

(d) The requirements of this ordinance do not pre-empt more stringent stormwater management requirements that may be imposed by any of the following:

- (1) WDNR administrative rules, permits or approvals including those authorized under §281.16 and §283.33, Wis. Stat.
- (2) Targeted non-agricultural performance standards promulgated in rules by the WDNR

under s. NR 151, Wisconsin Administrative Code.

Sec. 20-301. Findings of fact.

The Common Council of the City of Appleton finds that uncontrolled post-construction runoff has a significant impact upon water resources and the health, safety, and general welfare of the City of Appleton and diminishes the public enjoyment and use of natural resources.

Specifically, uncontrolled post-construction runoff can:

- (a) Degrade physical stream habitat by increasing streambank erosion, increasing streambed scour, diminishing groundwater recharge, diminishing stream base flows, and increasing stream temperature.
- (b) Diminish the capacity of lakes and streams to support fish, aquatic life, recreational and water supply uses by increasing pollutant loading of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens, and other urban pollutants.
- (c) Alter wetland communities by changing wetland hydrology and by increasing pollutant loads.
- (d) Reduce the quality of groundwater by increasing pollutant loads.
- (e) Threaten public health, safety, property and general welfare by overtaxing storm sewers, drainage ways, and other drainage facilities.
- (f) Threaten public health, safety, property and general welfare by increasing major flood peaks and volumes.
- (g) Undermine floodplain management efforts by increasing the incidence and levels of flooding.

Sec. 20-302. Purpose and intent.

(a) **Purpose.** The purpose of this ordinance is to establish long-term, post-construction runoff management requirements that will diminish the threats to public health, safety, welfare, and the aquatic environment.

Specific purposes are to:

- (1) Further the maintenance of safe and healthful conditions.
- (2) Prevent and control the adverse effects of stormwater; prevent and control soil erosion; prevent and control water pollution; protect spawning grounds, fish and aquatic life; manage building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth.
- (3) Control exceedances of the safe capacity of existing drainage facilities and receiving water bodies; prevent undue channel erosion; control increases in the scouring and transportation of particulate matter; and prevent conditions that endanger downstream property.
- (4) Minimize the amount of pollutants discharged from the separate storm sewer to protect waters of the state.
- (5) Meet applicable Federal and State requirements and regulations.

(b) **Intent.** It is the general intent of the City of Appleton that this ordinance achieve its purpose through:

- (1) Regulating long-term, post-construction stormwater runoff from land development and redevelopment activities.
- (2) Controlling the quantity, peak flow rates, and quality of stormwater runoff from land development and redevelopment activities.
- (3) Providing services to maintain and enhance the quality of life within the community.

(c) **Implementation.** To this end the City of Appleton will manage post-construction stormwater runoff to protect, maintain and enhance the natural environment; diversity of fish and wildlife; human life; property; and recreational use of waterways within the city of Appleton and its extraterritorial area.

This ordinance may be applied on a site-by-site basis. The City of Appleton recognizes, however, that the preferred method of achieving the stormwater performance standards set forth in this ordinance is through the preparation and implementation of comprehensive, systems-level stormwater management plans that cover hydrologic units, such as watersheds, on a municipal and regional scale. Such plans may prescribe regional stormwater devices, practices or systems, any of which may be designed to treat runoff from more than one site prior to discharge to waters of the State of Wisconsin. Where such plans are in conformance with the performance standards developed under §281.16, Wis. Stat., for regional stormwater management measures, and have been approved by the City of Appleton, it is the intent of this ordinance that the approved plan be used to identify post-construction management measures acceptable for the community.

Sec. 20-303. Title.

This ordinance shall be known as the Stormwater Management Standards and Planning Ordinance for the City of Appleton.

Sec. 20-304. Definitions.

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

Adequate sod, or self sustaining vegetative cover means maintenance of sufficient vegetation types and densities such that the physical integrity of the streambank or lakeshore is preserved. Self-sustaining vegetative cover includes grasses, forbes, sedges and duff layers of fallen leaves and woody debris.

Administering authority means a governmental employee that is designated by the City of Appleton to administer this ordinance.

Agricultural facilities and practices has the meaning given in §281.16(1), Wis. Stats.

Agricultural use means bee keeping; commercial feed-lots; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint, and seed crops; raising of fruits, nuts, and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least thirty-five (35) acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; participation in the mile production termination program under 7 USC 1446 (d); and vegetable raising (§91.01(1), Wis. Stat.).

Atlas 14 means the National Oceanic and Atmospheric Administration (NOAA) Atlas 14 Precipitation-Frequency Atlas of the United States, Volume 8 (Midwestern States), published in 2013.

Average annual rainfall means a typical calendar year of precipitation as determined by the Wisconsin Department of Natural Resources for users of models such as WinSLAMM or other methodology approved by the City. An average annual rainfall for Green Bay, 1969 (March 29-November 25) is applicable for the City of Appleton.

Business day means a day that offices of the City of Appleton are routinely and customarily open for business.

Cease and desist order means a court issued order to halt land disturbing construction activity that is being conducted without the required permit or not in conformance with an existing permit.

City means the City of Appleton.

Common plan of development or sale means a development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan. A common plan of development or sale includes, but is not limited to, subdivision plans, certified survey maps, and other developments.

Concentrated flow channel means a channel produced by erosion from runoff, or by construction, that would not be removed by tillage operations typically needed to prepare a field for crop production.

Connected imperviousness means an impervious surface connected to the water of the state via a separate storm sewer, an impervious flow path, or a minimally pervious flow path.

Construction site means an area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan.

Design storm means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency and total depth of rainfall. Rainfall amounts for 24-hour design rainfall events in Appleton are: 100-year, 5.50 inches; 10-year, 3.51 inches; 5-year, 3.01 inches; 2-year, 2.45 inches, and 1-year, 2.14 inches. The distribution shall be NOAA Atlas 14 MSE4.

Development means residential, commercial, industrial or institutional land uses and associated roads.

Direct conduits to groundwater means wells, sinkholes, swallets, fractured bedrock at the surface, sand or gravel surficial deposits, mine shafts, non-metallic mines, tile inlets discharging to groundwater, quarries, or depressional groundwater recharge areas over shallow fractured bedrock.

Division of land means the creation from one or more parcels or building sites of additional parcels or building sites where such creation occurs at one time or through the successive partition within a 5-year period.

Effective infiltration area means the area of the infiltration system devoted specifically to active infiltration, excluding areas required for site access, berms, pretreatment, or other area required for the installation, operation, or maintenance of the infiltration device.

Erosion means the process by which the land's surface is worn away by the action of the wind, water, ice or gravity.

Exceptional resource waters means waters listed in s. NR 102.11, Wisconsin Administrative Code.

Existing land use condition means the condition of the development site and the adjacent properties that are present at the time of the stormwater permit application.

Extraterritorial means the unincorporated area as defined in Ch. 236, Wis. Stat.

Fee in lieu means a payment of money to the City of Appleton in place of meeting all or part of the stormwater performance standards required by this ordinance.

Filtering layer means soil that has at least a 3-foot deep layer with at least twenty percent (20%) fines; or at least a five- (5-) foot deep layer with at least ten percent (10%) fines; or an engineered soil with an equivalent level of protection as determined by the regulatory authority for the site.

Final stabilization means that all land disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established with a density of at least seventy percent (70%) of the cover for the unpaved areas and areas not covered by permanent structures or that employ equivalent permanent stabilization measures.

Financial guarantee means a performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the City of Appleton by the responsible party to assure that requirements of the ordinance are carried out in compliance with the stormwater management plan.

Governing body means the Common Council of the City of Appleton.

Impervious surface means an area that releases as runoff all or a large portion of the precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, driveways, bike trails, multi-use trails, parking lots, and streets are examples of surfaces that typically are impervious. Gravel surfaces are considered impervious unless specifically designed for infiltration.

In-fill means an undeveloped area of land located within an existing urban sewer service area, surrounded by development or development and natural or man-made features where development cannot occur.

Infiltration means the entry of precipitation or runoff into or through the soil.

Infiltration system means a device or practice such as a basin, trench, rain garden or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns, redirecting of rooftop downspouts onto lawns, or minimal

infiltration from practices, such as swales or road side channels designed for conveyance and pollutant removal only.

Land disturbing construction activity means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in stormwater runoff and lead to increased soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities, parking lot reconstruction, but does not include parking lot resurfacing.

Land user means any person operating, leasing, renting, or having made other arrangements with the landowner by which the landowner authorizes use of his or her land.

Landowner means any person holding fee title, an easement or other interest in property, which allows the person to undertake cropping, livestock management, land disturbing construction activity or maintenance of stormwater SMPs on the property.

Major Stormwater Management Plan means a Stormwater Management Plan for a subdivision or a plan that proposes the use of one or more devices to meet standards or a non-one or two family site that is not considered a Minor Stormwater Management Plan.

Maintenance agreement means a legal document that is filed with the County Register of Deeds as a property deed restriction, and that provides for long-term maintenance of stormwater management practices.

Maximum extent practicable (MEP) has the meaning given it in s. NR 151.002(25), Wis. Adm. Code.

Minor Stormwater Management Plan means a Stormwater Management Plan for a site that has a regional stormwater facility in place that meets applicable standards, has a 100-year event conveyance system to the regional facility in place, and is free from unusual conditions, including but not limited to, contamination, critical site designation, change in land use, high

impervious ratio, or floodplain.

New development means development resulting from the conversion of previously undeveloped land or agricultural land uses.

Non-structural measure means a practice, technique, or measure to reduce the volume, peak flow rate, or pollutants, in stormwater that does not require the design or installation of fixed stormwater management facilities.

NRCS means the Natural Resources Conservation Service of the U.S. Department of Agriculture (USDA) formerly known as the SCS (Soil Conservation Service of the USDA).

NRCS MSE4 distribution means a specific precipitation distribution developed by the United States Department of Agriculture, Natural Resources Conservation Service, using precipitation data from Atlas 14.

Off-site means lands located outside the subject property boundary described in the permit application.

On-site means lands located within the subject property boundary described in the permit application.

Ordinary high-water mark has the meaning in s. NR 115.03(6), Wisconsin Administrative Code.

Outstanding resource waters means waters listed in s. NR 102.10, Wisconsin Administrative Code.

Parking lot reconstruction means removing asphalt to the base course by milling or other construction methods.

Parking lot resurfacing means removing a portion of an asphalt surface but leaving at least one inch (1") thickness of asphalt surface in place.

Peak flow or peak flow discharge rate means the maximum rate that a unit volume of stormwater is discharged. This is usually expressed in terms of cubic feet per second (cfs).

Percent fines means the percentage of a given sample of soil, that passes through a Number 200 sieve, in accordance with the "American Society for Testing and Materials", current standard.

Performance security means cash or an irrevocable letter of credit submitted to the City of Appleton by the permit holder to assure that requirements of the ordinance are carried out in compliance with the stormwater management plan and to recover any costs incurred by the City for design, engineering, preparation, checking and review of plans and specifications, regulations and ordinances; and legal, administrative and fiscal work undertaken to assure and implement such

compliance.

Performance standard means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

Permit means a written authorization made by the City of Appleton to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.

Permit application fee means a sum of money paid to the City of Appleton by the permit applicant for the purpose of recouping expenses incurred by the City in administering the permit.

Pervious surface means an area that releases as runoff a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests, or other similar vegetated areas are examples of surfaces that typically are pervious.

Pollutant means any dredged spoil, solid waste, incinerator residue, sewage, garbage, refuse, oil, sewage sludge, munitions, chemical wastes, biological materials, radioactive substance, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water as described in §283.01(13), Wis. Stat.

Pollution has the meaning in §281.01(10), Wis. Stat.

Post-construction site means a construction site following the completion of land disturbing construction activity and final site stabilization.

Post-development land use condition means the extent and distribution of land cover types, anticipated to occur under conditions of full development or redevelopment that will influence runoff and infiltration.

Pre-development condition means the extent and distribution of land cover types present before the initiation of land disturbing construction activity, assuming that all land uses prior to development activity are managed in an environmentally sound manner.

Pre-treatment is the practice of reducing pollutants in stormwater before discharging the stormwater to another pollution control structure.

Preventive action limit has the meaning in s. NR 140.05(17), Wisconsin Administrative Code.

Protective area means an area of land that commences at the top of the channel of lakes, streams and rivers, or at the delineated boundary of wetlands, and that it is the greatest of the widths as listed in Sec. 20-312(g) of this code, as measured horizontally from the top of the channel or delineated wetland boundary to the closest impervious surface.

Redevelopment means areas where development is replacing older development.

Residential land development means development that is created to house people, including the residential dwellings as well as all affected portions of the development including lawns, driveways, sidewalks, garages, and access streets. This type of development includes single-family, multi-family, apartment and trailer parks.

Responsible party means any person holding fee title to the property or other entity contracted or obligated by other agreement to implement and maintain post-construction stormwater SMPs, or other requirements of this ordinance.

Runoff means stormwater or precipitation including rain, snow, or ice melt or similar water that moves on the land surface via sheet or channelized flow.

Runoff Curve Number or RCNs means an index that represents the combination of: a hydrologic soil group, land use, land cover, impervious area, interception storage, surface storage, and antecedent moisture conditions. RCNs convert mass rainfall into mass runoff. The Natural Resources Conservation Service of the USDA defines RCNs in TR-55.

Sediment means settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its origination location.

Separate storm sewer means a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels, or storm drains, which meets all of the following criteria:

- (a) Is designed or used for collecting water or conveying runoff.
- (b) Is not part of a combined sewer system.
- (c) Is not part of a publicly owned wastewater treatment works that provides secondary or more stringent treatment.
- (d) Discharges directly or indirectly to waters of the state.

Silviculture activity means activities including tree nursery operations, tree harvesting operations, reforestation, tree thinning, prescribed burning, and pest and fire control. Clearing and grubbing of an area of a construction site is not a silviculture activity.

Site means the entire area included in the legal description of the land on which the land disturbing construction activity is proposed in the permit application or has occurred.

Stop work order means an order issued by the City of Appleton that requires all construction activity on the site be stopped.

Stormwater conveyance system means any method employed to carry stormwater runoff within and from a land development or redevelopment activity to the waters of the state. Examples of methods include: swales, channels, and storm sewers.

Stormwater management measure means structural or non-structural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes and/or peak flow discharge rates.

Stormwater management plan means a comprehensive plan provided by the land developer, land owner or permit holder that identifies the measure to be taken to reduce the discharge of pollutants from stormwater, and control the peak flow and volume of runoff after the site has undergone final stabilization, following completion of construction activity.

Stormwater Management Practice or SMP means structural or non-structural measures, practices, techniques, or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.

Stormwater management system plan is a comprehensive plan, including SMPs, designed to reduce the discharge of runoff and pollutants from hydrologic units on a regional or municipal scale.

Targeted performance standard means a performance standard that applies in a specific area that requires additional practices to meet water quality standards.

Technical standard means a document that specifies design, predicted performance, and operation and maintenance specifications for a material, device, or method.

Top of the channel means an edge or point on the landscape landward from the

ordinary high water mark of a surface water of the state, where the slope of the land begins to be less than twelve percent (12%) continually for at least fifty (50) feet. If the slope of the land is 12 percent (12%) or less continually for the initial fifty (50) feet landward from the ordinary high water mark, the top of the channel is the ordinary high water mark.

Total maximum daily load or TMDL means the amount of pollutants specified as a function of one or more water quality parameters, that can be discharged per day into a water quality limited segment and still ensure attainment of the applicable water quality standard.

TP means total phosphorus.

TP-40 means Technical Paper No. 40, Rainfall Frequency Atlas of the United States, published in 1961.

TR-55 means the United States Department of Agriculture, Natural Resources Conservation Services (previously Soil Conservation Service), Urban Hydrology for Small Watersheds, Second Edition, Technical Release 55, June 1986, which is incorporated by reference for this chapter.

Transportation facility means a highway, a railroad, a public mass transit facility, a public-use airport, a public trail, and also includes any other public work for transportation purposes such as harbor improvements under §85.095(1)(b), Wis. Stat. “Transportation Facility” does not include building sites for the construction of public buildings and buildings that are places of employment that are regulated by the Department pursuant to §281.33, Wis. Stat.

TSS means total suspended solids.

Type II distribution means a rainfall type curve as established in the “United States Department of Agriculture, Soil Conservation Service, Technical Paper 149, published 1973”.

Waters of the state has the meaning in §283.01(20), Wis. Stat.

WDNR means the Wisconsin Department of Natural Resources.

WPDES permit means a Wisconsin Pollutant Discharge Elimination System permit issued pursuant to Ch. 283, Wis. Stat.

Wetland functional value means the type, quality, and significance of the ecological and cultural benefits provided by wetland resources, such as: flood storage, water quality protection, groundwater recharge and discharge, shoreline protection, fish and wildlife habitat, floral diversity, aesthetics, recreation and education.

Wetlands means an area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and that has soils indicative of wet conditions.

Secs. 20-305 – 20-310. Reserved.

DIVISION 2. STORMWATER MANAGEMENT

Sec. 20-311. Applicability and jurisdiction.

(a) ***Applicability.*** This ordinance applies to all post-construction land development, redevelopment, and in-fill sites with one (1) acre or more of land disturbing construction activities, except:

(1) A post-construction site with less than ten percent (10%) connected imperviousness of the total area based on area of land disturbance, provided the cumulative area of all parking lots, roads, and rooftops is less than one (1) acre. However, the exemption of this paragraph does not include exemption from the protective area standards of this ordinance.

(2) Agricultural facilities and practices.

(3) Nonpoint discharges from silviculture activities.

(4) Underground utility construction such as water, sewer, and fiberoptic lines. This exemption does not apply to the construction of any above ground structures associated with utility construction.

Notwithstanding these applicability requirements, this ordinance applies to any post-construction site of any size that, in the opinion of the City of Appleton, is likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter or other pollutants, or that endangers property or public safety.

(b) ***Jurisdiction.*** This ordinance applies to post-construction land development and redevelopment sites within the boundaries of the City of Appleton and to all lands located within three (3) miles of the corporate limits pursuant to the City's extraterritorial plat approval jurisdiction as set forth in §236.45(2), Wis. Stat., even if plat approval is not involved.

(c) ***County and town ordinances.*** This ordinance supersedes any county or town stormwater management ordinance for lands annexed to the City after the effective date of the county or town ordinance, except when the county or town ordinance is more restrictive than this ordinance; then the more restrictive provisions set forth in the county or town ordinance shall become part of this ordinance and apply to the annexed lands. In such cases, the City may grant a variance from the more restrictive requirements, provided that the criteria for a variance as set forth in the county or town ordinance is met.

(d) ***State agency.*** This ordinance is not applicable to activities conducted by a state agency, as defined under §227.01(1), Wis. Stat., and the office of the district attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under §281.33(2), Wis. Stat.

(e) ***Waivers.*** Requests to waive the stormwater management plan requirements shall be submitted to the City of Appleton for approval. Written waivers may be granted administratively by the City for stormwater requirements that are required only by the City if it is demonstrated to the satisfaction of the City that it is reasonable to expect that the objectives of this ordinance will be met

by the proposed post-construction land development and redevelopment activity without a stormwater management plan or portion thereof.

(f) ***Applicability of maximum extent practicable.*** Maximum extent practicable applies when a person who is subject to a performance standard of this ordinance demonstrates to the City's satisfaction that a performance standard is not achievable and that a lower level of performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the maximum extent practicable, the responsible party shall take into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.

Sec. 20-312. Performance standards.

Unless otherwise provided for in this ordinance, all post-construction land development, redevelopment, and in-filling activities subject to this ordinance shall establish on-site management practices to control the peak flow rates of stormwater discharged from the site, the quality of the discharged stormwater, and the volume of the discharged stormwater as described in this ordinance. Technical standards identified, developed, or disseminated by the WDNR under subchapter V of Chapter NR 151, Wisconsin Administrative Code, shall be used. Where technical standards have not been identified or developed by the WDNR, other technical standards may be used provided that the methods have been approved by the City of Appleton. The responsible party shall implement a post-construction stormwater management plan that incorporates the requirements of this section.

Exceptions to these standards are listed in Sec. 20-312(l) of this ordinance.

(a) ***Maintenance of effort.*** For redevelopment sites where the redevelopment will be replacing older development that was subject to post-construction performance standards of NR 151 in effect on or after October 1, 2004, the responsible party shall meet the total suspended solids reduction, total phosphorus reduction, peak flow control, infiltration, and protective areas standards applicable to the older development or meet the redevelopment standards of this ordinance, whichever is more stringent.

For non-highway transportation facility redevelopment sites and highway reconstruction where the redevelopment or reconstruction will be replacing older development or highway that was subject to post-construction performance standards of this chapter in effect on or after October 1, 2004, the responsible party shall meet the total suspended solids reduction, total phosphorus reduction, peak flow control, infiltration, and protective areas standards applicable to the older development or highway, or meet the redevelopment or highway reconstruction standards of (d) – (m) of this section, whichever are more stringent.

(b) ***Off-site drainage.*** When designing stormwater management practices for (d), (e), and (f) of

this section, runoff draining to the stormwater management practices from off-site shall be taken into account in determining the treatment efficiency of the practice. Any impact on the efficiency shall be compensated for by increasing the size of the SMP accordingly.

(c) **Separation distances.** Stormwater management practices shall be adequately separated from wells to prevent contamination of drinking water, and the following minimum separation distances shall be met:

- (1) Stormwater infiltration systems and ponds shall be located at least 400 feet from a well serving a community water system unless the Wisconsin Department of Natural Resources concurs that a lesser separation distance would provide adequate protection of a well from contamination.
- (2) Stormwater management practices shall be located with a minimum separation distance from any well serving a non-community or private water system as follows:
 - i. 25 feet to the edge of a stormwater detention pond or basin.
 - ii. 100 feet for a stormwater infiltration basin or system.
 - iii. 8 feet to a stormwater culvert or edge of a ditch that is not a river or stream.

(d) **Peak discharge**

(1) The proposed post-construction land use shall not increase peak flow rates of stormwater runoff from that which would have resulted from the same design storm occurring over the site with the land in its pre-development condition. Unless the site is currently woodland, pre-development peak flow rates shall be based on the grassland condition, as defined in Table 1. If the existing site contains a combination of woodland and grassland, a runoff curve number shall be weighted based on land cover using the curve numbers in Table 1. Peak flow rates shall be determined for storms of twenty-four (24) hour duration and recurrence intervals of one (1), two (2), five (5), ten (10), and one hundred (100) years. For proposed conditions, appropriate curve numbers, as described in TR-55 and weighted based on the proposed land cover, shall be used in TR-55 calculations. The composite RCNs as defined in TR-55 should not be used.

Table 1
Maximum Pre-Development Runoff Curve Numbers

Runoff Curve Number	Hydrologic Soil Group			
	A	B	C	D
Woodland	30	55	70	77
Grassland	39	61	71	78

(2) All stormwater conveyance systems within the post-construction site shall be designed to completely contain the peak storm flows as described herein. Calculations for determining peak flows for conveyance system sizing shall use RCNs based on the existing or future proposed land use for off-site areas (whichever results in the highest peak flows), and the proposed land use for on-site areas.

- a. For open channel conveyance systems the peak flow from the 100-year, 24-hour storm shall be completely contained within the channel bottom and banks.
- b. For storm sewer conveyance systems the peak flow from the 5-year storm shall be completely contained within the storm sewers with no surcharging. The peak flow for the 10-year storm shall not surcharge above the permanent pavement surface at the gutter.
- c. For storms greater than the five- (5-) year event, and up to the 100-year, 24-hour event, conveyance of flow to the appropriate waters of the state shall be within existing or proposed street rights-of-way or recorded drainage easements. In no case shall the depth of water exceed twelve (12) inches at the outer edge of pavement or six (6) inches at the road crown, whichever is less.
- d. The 100-year storm runoff flow path outside of the storm sewer conveyance system must not impact structural improvements on property.
- e. Existing flow onto the site cannot be restricted or modified to impact adjacent properties without a written agreement between property owners.

(3) Determination of peak flow rates and volume of runoff for purposes of meeting the requirements of Sec. 20-312(d)(1) of this ordinance shall be computed by procedures based on the principals and procedures described in TR-55. Other proposed calculation methods must have prior written approval of the City of Appleton.

(4) The rainfall distributions for the storm events shall be NOAA Atlas 14 MSE4, unless otherwise approved by the City of Appleton. On a case-by-case basis, the City of Appleton may allow the use of TP-40 precipitation depths and the Type II distribution.

(5) Peak stormwater discharge reductions do not apply for a site meeting any one of these requirements:

- a. Redevelopment post-construction sites less than five (5) acres in size.
- b. In-fill development areas less than five (5) acres in size.
- c. Sites that directly discharge to the Fox River without flowing over or through a municipally owned separate storm sewer or stormwater conveyance system.
- d. A transportation facility that is part of a redevelopment project.
- e. A highway reconstruction site.

(e) ***Stormwater discharge quality.*** Unless otherwise provided for in this ordinance, all post-construction land development, redevelopment and infill activities subject to this ordinance shall establish on-site management practices to control the quality of stormwater discharged from the post-construction site. The design shall be based on the average rainfall, as compared to no runoff management controls. Total Suspended Solids (TSS) and Total Phosphorus (TP) load reduction is required in accordance with Table 2.

Table 2.

Total Suspended Solids (TSS) and Total Phosphorus (TP) Load Reduction Requirements

Watershed	New Development, Redevelopment 5 acres or larger and Infill		Redevelopment less than 5 acres and Transportation Facility Redevelopment	
	TSS	TP	TSS	TP
Apple Creek	80.0%	40.5%	52.0%	40.5%
Duck Creek	80.0%	40.5%	52.0%	40.5%

Mud Creek	80.0%	48.2%	42.8%	48.2%
Garners Creek	80.0%	68.6%	59.9%	68.6%
Fox River	80.0%	40.5%	72.2%	40.5%
Bear Creek	84.0%	85.6%	84.0%	85.6%
Lake Winnebago	80.0%	85.6%	40.0%	85.6%

(1) All new development, redevelopment, and infill sites shall calculate TSS and TP loads without and with the proposed on-site stormwater management measures using an appropriate computer model. Both the loads and the amounts of removal shall be reported in the plan narrative and included in the computer model submitted for the project.

(2) Effectiveness of the stormwater management measures shall be evaluated using the latest version of the Source Loading and Management Model for Windows (WinSLAMM). Other models may be used with prior written approval of the City.

(f) ***Infiltration.*** Unless otherwise provided for in this ordinance, all post-construction land development and redevelopment sites subject to this ordinance shall design, install, and maintain on-site stormwater management practices to infiltrate runoff in accordance with the following, to the maximum extent practicable.

- (1) *Low imperviousness.* For development up to 40 percent (40%) connected imperviousness, such as parks, cemeteries, and low density residential development, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 90 percent (90%) of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than one percent (1%) of the post-construction site is required as an effective infiltration area.
- (2) *Moderate imperviousness.* For development with more than forty percent (40%) and up to eighty percent (80%) connected imperviousness, such as medium and high density residential, multi-family development, industrial and institutional development, and office parks, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least seventy-five percent (75%) of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than two percent (2%) of the post-construction site is required as an effective infiltration area.
- (3) *High imperviousness.* For development with more than eighty percent (80%) connected imperviousness, such as commercial strip malls, shopping centers, and commercial downtowns, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least sixty percent (60%) of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than two percent (2%) of the post-construction site is required as an effective infiltration area.
- (4) *Pre-development.* The pre-development condition shall be as specified in Table 3.

Table 3

Runoff Curve Number	Hydrologic Soil Group			
	A	B	C	D
Woodland	30	55	70	77
Grassland	39	61	71	78
Cropland	55	69	78	83

- (5) A model that calculates runoff volume, such as WinSLAMM or other methodology approved by the City shall be used. Other models may be used with prior written approval of the City.
- (6) Before infiltrating runoff, pretreatment shall be required for parking lot runoff and for runoff from new road construction in commercial, industrial, and institutional areas that will enter an infiltration system. The pretreatment shall be designed to protect the infiltration system from clogging prior to scheduled maintenance in accordance with Sec.

20-314 of this ordinance.

Pretreatment may include, but is not limited to, oil/grease separation, sedimentation, biofiltration, filtration, treatment swales or filter strips. It is desirable to infiltrate the cleanest runoff to meet the infiltration standard. To achieve this, the design may propose greater infiltration of runoff from some sources such as roofs, and lesser from dirtier sources such as parking lots.

(7) For the purpose of this section, turf grass swales are not counted towards the one percent (1%) or two percent (2%) infiltration areas described in subsections (1) and (2).

(8) *Source areas.*

a. *Prohibitions.* Runoff from the following areas may not be infiltrated and may not qualify as contributing to meeting the requirements of this section unless demonstrated to meet the conditions identified in Sec. 20-312(f)(11):

i. Areas associated with a tier 1 industrial facility identified in s. NR 216.21(2)(a), Wisconsin Administrative Code, including storage, loading and parking. Rooftops may be infiltrated with the concurrence of the regulatory authority.

ii. Storage and loading areas of a tier 2 industrial facility identified in s. NR216.21(2)(b), Wisconsin Administrative Code.

NOTE TO USERS: Runoff from the employee and guest parking and rooftop areas of a tier 2 facility may be infiltrated but runoff from the parking area may require pretreatment.

iii. Fueling and vehicle maintenance areas. Runoff from rooftops and fueling and vehicle maintenance areas may be infiltrated with the concurrence of the regulatory authority.

b. *Exemptions.* Runoff from the following areas may be credited toward meeting the requirement when infiltrated, but the decision to infiltrate runoff from these source areas is optional:

i. Parking areas and access roads less than 5,000 square feet for commercial development.

ii. Parking areas and access roads less than 5,000 square feet for industrial development not subject to the prohibitions under par a.

iii. Redevelopment post-construction sites, except as provided under Sec. 20-312(a), Maintenance of effort.

iv. In-fill development areas less than five (5) acres.

- v. Roads on commercial, industrial and institutional land uses, and arterial residential roads.
- vi. Transportation facility highway reconstruction and new highways.

(9) *Location of practices.*

- a. *Groundwater limitations.* When permanent infiltration systems are used, appropriate on-site testing shall be conducted to determine if seasonal high groundwater elevation or top of bedrock is within five (5) feet of the bottom of the proposed infiltration system.
- b. *Prohibitions.* Infiltration practices may not be located in the following areas:
 - i. Areas within 1,000 feet upgradient or within 100 feet downgradient of direct conduits to groundwater.
 - ii. Areas within 400 feet of a community water system well as specified in s. NR 811.16(4), Wisconsin Administrative Code or within the separation distances listed in s. NR 812.08, Wisconsin Administrative Code for any private well or non-community well for runoff infiltrated from commercial, including multi-family residential, industrial and institutional land uses, or regional devices for one- and two-family residential development.
 - iii. Areas where contaminants of concern, as defined in s. NR 720.03 (2), Wisconsin Administrative Code, are present in the soil through which infiltration will occur.
- c. *Separation distances.*
 - i. Infiltration practices shall be located so that the characteristics of the soil and the separation distance between the bottom of the infiltration system and the elevation of seasonal high groundwater or the top of bedrock are in accordance with Table 4.

Table 4
Separation Distances and Soil Characteristics

Source Area	Separation Distance	Soil Characteristics
Industrial, Commercial, Institutional Parking Lots and Roads	5 feet or more	Filtering layer
Residential	5 feet or	Filtering layer

Arterial Roads	more	
Roofs Draining to Subsurface Infiltration Practices	1 foot or more	Native or Engineered soil with particles finer than coarse sand
Roofs Draining to Surface Infiltration Practices	Not applicable	Not applicable
All Other Impervious Source Areas	3 feet or more	Filtering Layer

ii. Notwithstanding par. b., applicable requirements for injection wells classified under ch. NR 815, Wisconsin Administrative Code shall be followed.

d. *Infiltration rate exemptions.* Infiltration practices located in the following areas may be credited toward meeting the requirements under the following conditions, but the decision to infiltrate under these conditions is at the Developer's option:

i. Where the infiltration rate of the soil measured at the proposed bottom of the infiltration system is less than 0.6 inches per hour using a scientifically credible field test method.

ii. Where the least permeable soil horizon to five (5) feet below the proposed bottom of the infiltration system using the U.S. Department of Agriculture method of soils analysis is one of the following: sandy clay loam, clay loam, silty clay loam, sandy clay, silty clay, or clay.

(10) *Alternate use.* Where alternate uses of runoff are employed, such as for toilet flushing, laundry, or irrigation or storage on green roofs where an equivalent portion of the runoff is captured permanently by rooftop vegetation, such alternate use shall be given equal credit toward the infiltration volume required by this section.

(11) *Groundwater standards.*

a. Infiltration systems designed in accordance with this section shall, to the extent technically and economically feasible, minimize the level of pollutants infiltrating to groundwater and shall maintain compliance with the preventive action limit at a point of standards application in accordance with s. NR 140, Wisconsin Administrative Code. However, if site-specific information indicates that compliance with a preventive action limit is not achievable, the infiltration SMP shall not be installed or shall be modified to prevent infiltration to the maximum extent practicable.

b. Notwithstanding paragraph (a), the discharge from SMPs shall remain below the enforcement standard at the point of standards application.

(g) ***Protective areas.*** Protective area means an area of land that commences at the top of the channel of lakes, streams and rivers, or at the delineated boundary of wetlands, and that is the greatest of the widths described below, as measured horizontally from the top of the channel or delineated wetland boundary to the closest impervious surface. However, in this section, protective area does not include any area of land adjacent to any stream enclosed within a pipe or culvert, such that runoff cannot enter the enclosure at this location.

(1) Protective areas are:

a. For outstanding resource waters and exceptional resource waters, seventy-five (75) feet.

b. For perennial and intermittent streams identified on a United States geological survey 7.5-minute series topographic map, or a county soil survey map, whichever is more current, fifty (50) feet.

c. For lakes, 50 feet.

d. For wetlands not subject to par. e. or f., 50 feet.

e. For highly susceptible wetlands, 75 feet. Highly susceptible wetlands include the following types: calcareous fens, sedge meadows, open and coniferous bogs, low prairies, coniferous swamps, lowland hardwood swamps, and ephemeral ponds.

f. For less susceptible wetlands, ten percent (10%) of the average wetland width, but no less than ten (10) feet nor more than thirty (30) feet. Less

susceptible wetlands include: degraded wetland dominated by invasive species such as reed canary grass; cultivated hydric soils, and any gravel pits, or dredged material or fill material disposal sites that take on the attributes of a wetland.

g. In pars. d. to f., determinations of the extent of the protective area adjacent to wetlands shall be made on the basis of the sensitivity and runoff susceptibility of the wetland in accordance with the standards and criteria in s. NR 103.03, Wisconsin Administrative Code.

h. Wetland boundary delineation shall be made in accordance with s. NR 103.08(1m), Wisconsin Administrative Code. This paragraph does not apply to wetlands that have been completely filled in compliance with all applicable state and federal regulations. The protective area for wetlands that have been partially filled in compliance with all applicable state and federal regulations shall be measured from the wetland boundary delineation after fill has been placed. Where there is a legally authorized wetland fill, the protective area standard need not be met in that location.

i. For concentrated flow channels with drainage areas greater than 130 acres, 10 feet.

j. Notwithstanding pars. a. to i., the greatest protective area width shall apply where rivers, streams, lakes, and wetlands are contiguous.

(2) This section applies to post-construction sites located within a protective area, except those areas exempted pursuant to sub. 5.

(3) The following requirements shall be met:

- a. Impervious surfaces shall be kept out of the protective area entirely or to the maximum extent practicable. The stormwater management plan shall contain a written site-specific explanation for any parts of the protective area that are disturbed during construction.
- b. Where land disturbing construction activity occurs within a protective area, and where no impervious surface is present, adequate sod or self-sustaining native vegetative cover of seventy percent (70%) or greater shall be established and maintained. The self-sustaining vegetative cover shall be sufficient to provide for bank stability, maintenance of fish habitat and filtering of pollutants from upslope overland flow areas under sheet flow conditions. Non-vegetative materials, such as

rock riprap, may be employed on the bank as necessary to prevent erosion, such as on steep slopes or where high velocity flows occur.

- c. Stormwater management practices such as filter strips, treatment swales, or wet detention basins, that are designed to control pollutants from nonpoint sources may be located in the protective area.

(4) A protective area established or created after the adoption date of this ordinance shall not be eliminated or reduced, except as allowed in subd. (5)b., c., or d below.

(5) Protective areas do not apply to:

- a. Redevelopment post-construction sites, including non-highway transportation redevelopment sites, provided the minimum requirements within subd. (4) above are satisfied.

- b. Structures that cross or access surface waters such as boat landings, bridges and culverts.

- c. Structures constructed in accordance with §59.692(1v), Wis. Stat.

- d. Post-construction sites, including transportation facilities, from which runoff does not enter the surface water, including wetlands, without first being treated by a SMP, except to the extent that vegetative ground cover is necessary to maintain bank stability.

- e. Infill development less than five (5) acres.

(h) ***Fueling and vehicle maintenance areas.*** Fueling and vehicle maintenance areas shall, to the maximum extent practicable, have SMPs designed, installed, and maintained to reduce petroleum within runoff, such that the runoff that enters waters of the state contains no visible petroleum sheen. A combination of the following SMPs may be used: oil and grease separators, canopies, petroleum spill cleanup materials, or any other structural or non-structural method of preventing or treating petroleum in runoff.

(1) This ordinance applies to:

- a. New fueling and vehicle maintenance areas approved after the effective

date of this ordinance.

b. Any modifications to existing fueling and vehicle maintenance areas regardless of the size of the disturbed area. SMPs installed as part of a site modification shall, to the maximum extent practicable, be designed and operated to treat all stormwater leaving the site so that the stormwater contains no visible petroleum sheen.

c. Transportation and non-highway transportation sites.

(2) A stormwater management plan per Sec. 20-313 of this ordinance, a maintenance agreement per Sec. 20-314 of this ordinance and a stormwater permit per Sec. 20-321 of this ordinance are required.

(i) ***General considerations for stormwater management measures.*** The following considerations shall be observed in on-site and off-site runoff management.

- (1) Natural topography and land cover features such as natural swales, natural depressions, native soil infiltrating capacity and natural groundwater recharge areas shall be preserved and used, to the extent possible, to meet the requirements of this section.
- (2) Overland flow for all stormwater facilities shall be provided to prevent exceeding the safe capacity of downstream drainage facilities and prevent endangerment of downstream property or public safety.
- (3) Overland flow paths from adjoining properties to an offsite facility must be maintained.
- (4) Low impact development techniques and green infrastructure should be included to the extent possible. These techniques include but are not limited to: increasing the time of concentration by lengthening the flow path and increasing the roughness of the flow path, using native, deep rooted vegetation instead of turf grasses and deep tilling onsite compacted soil.

(j) ***Location and regional treatment option.***

- (1) The SMPs may be located on-site or off-site as part of a regional stormwater device, practice or system, but shall be installed in accordance with s. NR 151.003 Wisconsin Administrative Code.
- (2) Post-construction runoff within a non-navigable surface water that flows into a SMP, such as a wet detention pond, is not required to meet the performance standards of this ordinance. Post-construction SMPs may be located in non-navigable surface waters.

(3) Post-construction runoff shall meet the post-construction performance standards prior to entering navigable surface water.

a. To the maximum extent practicable, SMPs shall be located to treat runoff prior to discharge to navigable surface waters.

b. Post-construction SMPs for such runoff may be located in a navigable surface water if allowable under all other applicable federal, state and local regulations such as s. NR 103, Wisconsin Administrative Code and Chapter 30, Wis. Stat.

(4) The City of Appleton may approve off-site management measures provided that all of the following conditions are met:

a. The post-construction runoff is covered by a stormwater management system plan that is approved by the City of Appleton and that contains management requirements consistent with the purpose and intent of this ordinance.

b. The off-site facility meets all of the following conditions:

i. The facility is in place.

ii. The facility is designed and adequately sized to provide a level of stormwater control equal to or greater than that which would be afforded by on-site practices meeting the performance standards of this ordinance.

iii. The facility has a legally obligated entity responsible for its long-term operation and maintenance.

iv. Permittee must demonstrate that the proposed post-construction land development or redevelopment activity has received permission to use the off-site facility.

v. Permittee must also demonstrate the flow path to the off-site facility will not result in negative impacts to structural improvements on the property.

vi. Permittee must provide easements of all overland flow paths up to and including the overland flow path of the 100-year storm.

(5) Where a regional treatment option exists such that the City of Appleton exempts the applicant from all or part of the minimum on-site stormwater management requirements, the applicant may be required to pay a one-time fee in an amount determined by the City of Appleton. In determining the fee for post-construction runoff, the City may consider an equitable distribution of the cost for land, engineering design, construction, and maintenance of the regional treatment option.

(6) The discharge of runoff from a SMP, such as a wet detention pond, or after a series of such SMPs, is subject to this ordinance.

(k) ***Additional requirements.*** The City of Appleton may establish stormwater management requirements more stringent than those set forth in this ordinance if the City determines that the requirements are needed to control stormwater quantity or control flooding, comply with federally approved total maximum daily load requirements, or control pollutants associated with existing development or redevelopment.

(l) ***Swale treatment for transportation facilities.***

(1) ***Applicability.*** Except as provided in Sec. 20-312(i)(2) of this ordinance, transportation facilities that use swales for runoff conveyance, pollutant removal and infiltration meet the stormwater discharge quality requirements of this section, if the swales are designed to the maximum extent practicable to do all of the following:

a. Be vegetated. However, where appropriate, non-vegetative measures may be employed to prevent erosion or provide for runoff treatment, such as rock riprap stabilization or check dams. It is preferred that tall and dense vegetation be maintained within the swale because of its greater effectiveness at enhancing runoff pollutant removal.

b. Swales shall comply with sections V.F. (Velocity and Depth) and V.G. (Swale Geometry Criteria) with a swale treatment length as long as that specified in section V.C. (Pre-Treatment) of the Wisconsin Department of Natural Resources technical standard 1005 "Vegetated Infiltration Swales", dated May 2007, or a superseding document. Transportation facility swale treatment does not have to comply with other sections of technical standard 1005.

(2) *Other requirements.*

a. The City of Appleton may, consistent with water quality standards, require other provisions of this section be met on a transportation facility with average daily traffic of vehicles greater than two thousand five hundred (2,500) per day and where the initial surface water of the state that the runoff directly enters is any of the following:

i. An outstanding resource water.

ii. An exceptional resource water.

iii. Waters listed in s. 303(d) of the Federal Clean Water Act that are identified as impaired in whole or in part, because of nonpoint source impacts.

iv. Waters where targeted performance standards are developed under s. NR 151.004, Wisconsin Administrative Code, to meet water quality standards.

b. The transportation facility authority shall contact the City to determine if additional SMPs beyond a water quality swale are needed under this subsection.

(m) Innovative stormwater management systems that do not meet Sec. 20-312(d), (e) or (f) of this ordinance must be reviewed and accepted by the City before installation.

Sec. 20-313. Stormwater management plans.

(a) *Plan requirements.*

(1) The stormwater management plan required under Sec. 20-321 of this ordinance shall contain any such information the City of Appleton may need to evaluate the characteristics of the area affected by land development and redevelopment activities, the potential impacts of the proposed activity upon the quality and quantity of stormwater discharges, the potential impacts upon water resources and drainage systems and the effectiveness and acceptability of proposed stormwater management measures in meeting the performance standards set forth in this ordinance.

(2) All initial and final site investigations, geotechnical reports, plans,

designs, computations and drawings for stormwater management measures and plans submitted for review shall be stamped by a professional engineer registered in the State of Wisconsin and be prepared in accordance with accepted engineering practice and in accordance with criteria set forth by the City of Appleton.

(3) Plan submittal shall include a digital version of the WinSLAMM *.mdb file(s) and a digital representation of post-construction drainage area(s) to each individual treatment practice in ESRI GIS Shapefile or Geodatabase format, Autodesk AutoCAD (*.dwg), or other format approved by the City.

(4) Wetland evaluations and delineations shall be prepared by a qualified professional and submitted with any State and/or Federal concurrence letter(s).

(b) **Minimum content.** The stormwater management plan shall contain at a minimum the following information:

(1) Name, address and telephone number for the following and their designees: landowner; developer; project engineer for practice design and certification; person(s) responsible for installation of stormwater management practices; and person(s) responsible for maintenance of stormwater management practices prior to the transfer, if any, of maintenance responsibility to another party.

(2) A proper legal description of the property proposed to be developed in Outagamie County Coordinate System and referenced to the U.S. Public Land Survey system or to block and lot numbers within a recorded land subdivision plat.

(3) Pre-development site conditions, including:

a. One or more site maps of current site conditions at a scale of not less than one (1) inch equal one hundred (100) feet. The site maps shall show the following: site location and legal property description; predominant soil types and hydrologic soil groups; existing cover type and condition; topographic contours of the site; topography and drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; watercourses that may affect or be affected by runoff from the site; flow path and direction for all stormwater conveyance sections; watershed boundaries used in hydrology determinations to show compliance with performance standards; lakes, streams, wetlands, channels,

ditches, and other watercourses on and immediately adjacent to the site; limits of the 100-year floodplain; location of wells and wellhead protection areas covering the project area and delineated pursuant to s. NR 811.16, Wisconsin Administrative Code.

- b. Hydrology and pollutant loading computations as needed to show compliance with performance standards. All major assumptions used in developing input parameters shall be clearly stated. The geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s).

(4) Post-construction site conditions, including:

- a. Explanation of the provisions to preserve and use natural topography and land cover features to minimize changes in peak flow runoff rates and volumes to surface waters and wetlands.

- b. Explanation of any restrictions on stormwater management

measures in the development area imposed by wellhead protection plans and ordinances.

- c. One or more site maps at a scale of not less than one (1) inch equals one hundred (100) feet showing the following: post-construction pervious areas including vegetative cover type and condition; impervious surfaces including all buildings, structures and pavement; post-construction topographic contours of the site; post-construction drainage network including enough of the contiguous properties to show runoff patterns onto, through and from the site; locations and dimensions of drainage easements; locations of maintenance easements specified in the maintenance agreement; flow path and direction for all stormwater conveyance sections; location and type of all stormwater management conveyance and treatment practices, including the on-site and off-site tributary drainage areas; location and type of conveyance system that will carry runoff from the drainage and treatment practices to the nearest adequate outlet such as a curbed street, storm drain, or natural drainage way; watershed boundaries used in hydrology and pollutant loading calculations and any changes to lakes, streams, wetlands, channels, ditches and other watercourses on and immediately adjacent to the site.
 - d. Hydrology and pollutant loading computations as needed to show compliance with performance standards. The computations shall be made for each discharge point in the development and the geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s). The plan shall include a table summarizing the drainage area, pre-project and post-project loadings and removal efficiencies for each treatment practice. If the project includes off-site drainage areas

those areas shall be incorporated into the modeling to determine treatment practice effectiveness but shall be listed separately in the table. A development cannot take credit for off-site areas and reductions without a written agreement from the off-site landowner(s).

- e. Results of investigations of soil and groundwater required for the placement and design of stormwater management measures.
- f. Detailed drawings including cross-sections and profiles of all permanent stormwater conveyance and treatment practices.

(5) A description and installation schedule for the stormwater management practices needed to meet the performance standards in Sec. 20-312 of this ordinance.

(6) A maintenance plan and inspection report form developed for the life of each stormwater management practice including the required maintenance activities and maintenance activity schedule.

(7) An explanation of the technical basis used to select the stormwater management practices.

(8) If maximum extent practicable is requested for any of the requirements of this ordinance, the plan shall include a written, site-specific explanation of why the standard cannot be met.

- (9) Other information requested in writing by the City of Appleton to determine compliance of the proposed stormwater management measures with the provisions of this ordinance.

(c) ***Alternate requirements.*** The City of Appleton may prescribe alternative submittal requirements for applicants seeking an exemption to on-site stormwater management performance standards under Secs. 20-312(d), (e) or (f) of this ordinance.

(d) ***Modifications.*** When a change in land use or stormwater management practice occurs at a site with an approved stormwater management plan, a modified stormwater management plan must be submitted to the City for review and approval before those changes in practice occur. Plan modifications shall be modeled in the latest version of WinSLAMM unless otherwise approved by the City.

Sec. 20-314. Maintenance agreement.

(a) ***Maintenance agreement required.*** The maintenance agreement required for stormwater management practices under Sec. 20-321(b) of this ordinance shall be an agreement between the City of Appleton and the responsible party to provide for perpetual maintenance of stormwater

practices. The agreement shall be recorded with the appropriate (Outagamie, Winnebago, or Calumet) County Register of Deeds, as a property deed restriction so that it is binding upon all subsequent owners of land served by the stormwater management practices.

(b) **Agreement provisions.** The responsible party shall maintain stormwater management practices in accordance with the stormwater practice maintenance provisions contained in the approved stormwater management plan submitted under Sec. 20-321(b) of this ordinance. This maintenance agreement includes:

- (1) Identification of the stormwater facilities and designation of the drainage area served by the facilities.
- (2) A schedule for regular maintenance of each aspect of the stormwater management system consistent with the stormwater management plan as required under Sec. 20-321 of this ordinance.
- (3) Identification of the responsible party(ies), organization or city, county, town or village responsible for long-term maintenance of the stormwater management practices identified in the stormwater management plan as required under Sec. 20-321 of this ordinance.
- (4) Requirement that the responsible party(ies), organization(s), or city, county, town or village shall maintain stormwater management practices in accordance with the schedule included in Sec. 20-314(b)(2) of this ordinance.
- (5) Authorization for the City of Appleton to access the property to conduct inspections of stormwater practices as necessary to ascertain that the practices are being maintained and operated in accordance with the approved stormwater management plan. The City of Appleton shall maintain public records of the results of the site inspections, shall inform the responsible party for maintenance of the inspection results and shall specifically indicate any corrective actions required to bring the stormwater management practice into proper working condition and a reasonable time frame during which the corrective action must be taken.
- (6) Authorization for the City of Appleton to perform the corrected actions identified in the inspection report if the responsible party does not make the required corrections in the specified time period. The City of Appleton shall charge the responsible party(ies) identified in the maintenance agreement for the cost of such work and shall place a lien on the property by the City of Appleton, which may be collected as special charges pursuant to subchapter VII, §66(16).

(c) **Modification of agreement.** This maintenance agreement may be modified by mutual agreement of the responsible party and the City of Appleton. The modification date shall be the date the modified maintenance agreement is recorded with the

appropriate (Outagamie, Winnebago, or Calumet) County Register of Deeds, as a property deed restriction so that the modified agreement is binding upon all subsequent owners of the land served by the stormwater management practices.

The maintenance agreement shall be modified when there are changes in land use or stormwater management practices at the site. The modified plan shall be submitted and approved by the City before changes in practices occur.

(d) ***Long term maintenance stormwater management report.***

(1) Every property owner that has been granted a stormwater management permit, constructed on-site stormwater management practices and signed and recorded the required maintenance agreement, shall submit to the Director of Public Works a report on the condition of the site's stormwater management devices and a certification that the SMPs are functioning per the approved plan.

(2) Owners shall be notified by the City of the requirements and the deadline for reporting.

The report and certification shall be completed and sealed by a Professional Engineer currently licensed in the State of Wisconsin, on forms provided by the City.

(3) The requirement that the report and certification be sealed by a Professional Engineer may be omitted in the case of a stormwater management plan consisting solely of storm sewer inlet filters and/or catch basin sumps, provided that the applicant can provide the appropriate documentation of cleaning activities and dated photos.

(4) For sites with more extensive stormwater management systems, the requirements may include, but are not limited to:

a. Photos of the management device at the time of inspection.

This shall include photos of existing conditions and photos after the completion of any required maintenance.

b. Bathometric survey.

c. Topographic survey.

d. Infiltration testing.

e. Completed inspection forms.

f. Documentation of the completion of the required annual maintenance, including copies of receipts (actual prices paid need not be reported) from agents hired to perform the work and the date the work was completed.

(5) Upon receipt of the report and certification, if requested on the cover letter accompanying the report or by separate email, City Engineering staff shall provide an email response to the contact listed on the reporting forms stating that the report was received. This response from the City shall be made within 20 workings days of receiving the report.

(e) ***Termination of agreement.*** The maintenance agreement shall be terminated at such time that responsibility for maintenance of the stormwater management practice is legally transferred to the City of Appleton or agency acceptable to the City of Appleton, through a written, binding agreement. The termination date of the maintenance agreement required under Sec. 20-314(a) of this ordinance shall be the date upon which the legal

transfer of maintenance responsibility to the City of Appleton or agency is made effective.

Secs. 20-315 – 20-320. Reserved.

DIVISION 3. PERMITTING AND FEES

Sec. 20-321. Permitting requirements, procedures, and fees.

(a) *Permit required.* No responsible party may undertake a land disturbing construction activity except One- and Two-family residential lots, without receiving a post-construction runoff permit from the City of Appleton prior to commencing the proposed activity.

(b) *Permit application and fee.* Unless specifically excluded by this ordinance, any responsible party desiring a permit (permit holder) shall submit to the City of Appleton a permit application made on a form provided by the City of Appleton for that purpose.

(1) Unless otherwise excepted by this ordinance, a permit application must be accompanied by a stormwater management plan, narrative and drawings, grading plan, utility plan, landscape plan, non-refundable permit review fee and an operation and maintenance plan and agreement as set forth in Table 5. The initial submittal and the final approved plan shall be stamped by an engineer licensed in the State of Wisconsin. The initial and final submittals shall include one stamped hard copy of the drawings and all documents in .pdf format.

Table 5

Land Development Activity	Permit	Stormwater Mgmt Plan	Grading & Drainage Plan	Maintenance Agrm
Agricultural Use	--	--	--	--
Non-Residential	X	X	X	X
1 & 2 Family Residential on 1 acre or greater lot	X	X	X	--
Multi-Family Residential	X	X	X	X
Subdivision Development	X	X	X	X

(2) The stormwater management plan shall be prepared to meet the requirements of Sec. 20-313 of this ordinance and the maintenance agreement shall be prepared to meet the requirements of Sec. 20-314 of this ordinance.

(3) Plan revisions occurring after initial plan approval shall be submitted for review with an application, applicable changes to drawings, calculations, and the Operation and Maintenance Agreement. Fees shall be per (4) below.

- (4) Fees for the above-noted permits will include a non-refundable one hundred dollar (\$100) application fee and will be the actual costs incurred by the City. The application fee shall be credited toward the actual costs incurred by the City. Fees shall be payable within thirty (30) days of receipt of an invoice from the City. An invoice will be sent any time an applicant fails to resubmit a plan revision for ninety (90) days or more.

(c) ***Review and approval of permit application.*** The City of Appleton will review any complete permit application that is submitted with the required fee. The following procedure will be used:

- (1) For a Major Stormwater Management Plan, within thirty (30) business days of the receipt of a complete permit application, including all documents as required by Sec. 20-321(b)(1) of this ordinance, the City of Appleton shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved. The City of Appleton shall base the decision on requirements set forth in Secs. 20-312, 20-313 and 20-314 of this ordinance.
- (2) For a Minor Stormwater Management Plan, within fifteen (15) business days of receipt of a complete permit application, including all documents as required by Sec. 20-321(b)(1) of this ordinance, the City of Appleton shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved. The City of Appleton shall base the decision on requirements set forth in Secs. 20-312, 20-313 and 20-314 of this ordinance.
- (3) If the stormwater permit application, stormwater management plan and maintenance agreement are approved, or if an agreed upon payment of fees in lieu of stormwater management practices are paid, the City of Appleton shall issue the permit.
- (4) If the stormwater permit application, stormwater management plan or maintenance agreement are disapproved, the applicant may revise the stormwater management plan or agreement, or may appeal the decision of the City of Appleton as provided for in Sec. 20-327 of this ordinance.
- (5) If additional information is submitted, the City of Appleton shall have thirty (30) business days from the date the additional information is received for a Major Stormwater Management Plan and fifteen (15) business days for a Minor Stormwater Management Plan to inform the applicant that the plan and maintenance agreement are either approved or disapproved.
- (6) Failure by the City of Appleton to inform the permit applicant of a decision within the timelines listed above shall be deemed to mean approval of the submittal and applicant may proceed as if permit has been issued.

(d) ***Stormwater practice installation and maintenance performance security.***

The City of Appleton may, at its discretion, require the submittal of a cash escrow, letter of credit, or performance security prior to issuance of the permit to ensure that the stormwater practices are installed and maintained by the responsible party as required by the stormwater management plan. The amount of the installation performance security shall be determined by the City of Appleton, not to exceed the total estimated construction cost of the stormwater management practices approved under the permit unless otherwise specified in the permit.

The amount of the maintenance performance security shall be determined by the City of Appleton, not to exceed ten- (10-) years of the maintenance costs estimated in the stormwater plan. The performance security shall contain forfeiture provisions for failure to complete work specified in the stormwater management plan.

Conditions for the release of performance security are as follows:

- (1) The installation performance security shall be released in full only upon submission of “as built plans” and written certification by the design engineer that the stormwater practice(s) were installed and function as intended in accordance with the approved plan and other applicable provisions of this ordinance. The City of Appleton may make provisions for a partial pro-rata release of the performance security based on the completion of various development stages including the final inspection of landscaping material.
- (2) The maintenance performance security, minus any costs incurred by the City of Appleton to conduct required maintenance, design, engineering, preparation, checking and review of designs, plans and specifications; supervision and inspection to ensure that construction is in compliance with applicable plans, specifications, regulations and ordinances; and legal, administrative and fiscal work undertaken to assure and implement such compliance, shall be released at such time that the responsibility for practice maintenance is passed on to another private entity, via an approved maintenance agreement, or to the City of Appleton.

(e) **Permit conditions.** All permits issued under this ordinance shall be subject to the following conditions, and holders of permits issued under this ordinance shall be deemed to have accepted these conditions. The City of Appleton may suspend or revoke a permit for violation of a permit condition, following written notification of the responsible party. An action by the City of Appleton to suspend or revoke this permit may be appealed in accordance with Sec. 20-327 of this ordinance.

- (1) Compliance with this permit does not relieve the responsible party of the responsibility to comply with other applicable federal, state and local laws and regulations.
- (2) The responsible party shall design, install, and maintain all structural and nonstructural stormwater management measures in accordance with the approved stormwater management plan, maintenance agreement, and this permit.
- (3) The responsible party shall notify the City of Appleton at least three (3) business days before commencing any work in conjunction with the stormwater management plan, and within five (5) business days upon completion of the stormwater management practices.

If required as a special condition, the permit holder shall make additional notification according to a schedule set forth by the City of Appleton so that practice installations can be inspected during construction.

- (4) Completed stormwater management practices must pass a final inspection to determine if they are in accordance with the approved stormwater management plan and ordinance. The inspection must be made by the City of Appleton, or other competent professionals. The City of Appleton shall notify the permit holder in writing of any changes required in such practices to bring them into compliance with the conditions of this permit. The responsible party is further required to submit an as-built plan and a certificate of completion, stating the completion of the permitted work is in accordance with the stormwater management plan, City of Appleton, state and federal requirements. The certificate must be signed by the design engineer.
- (5) The responsible party shall notify the City of any significant modifications it intends to make to an approved stormwater management plan. The City of Appleton may require that the proposed modifications be submitted for approval prior to incorporation into the stormwater management plan and execution by the responsible party.

(6) The responsible party shall maintain all stormwater management practices specified in the approved stormwater management plan until the practices either become the responsibility of the City of Appleton, or are transferred to a subsequent responsible party as specified in the approved maintenance agreement.

(7) The responsible party authorizes the City of Appleton to perform any work or operations necessary to bring stormwater management measures into conformance with the approved stormwater management plan, and consents to placing associated costs upon the tax roll as a special lien against the property which

may be collected as special charges pursuant to §66.0627, Wis. Stat., by the City of Appleton or to charging such costs against the letter of credit or cash bond posted for the project.

(8) If so directed by the City of Appleton, the responsible party shall repair at the permit holder's own expense all damage to adjoining municipal facilities and drainage ways caused by runoff, where such damage is caused by activities that are not in compliance with the approved stormwater management plan.

(9) The responsible party shall permit property access to the City of Appleton or its designee for the purpose of inspecting the property for compliance with the approved stormwater management plan and this permit.

(10) Where necessary, it shall be the responsibility of the permit holder to obtain any appropriate easements or other necessary property/interests with affected property owners concerning the prevention of endangerment to property or public safety. Issuance of this permit does not create or affect any such rights.

(11) The owner is subject to the enforceable actions detailed in Sec. 20-326 of this ordinance if the responsible party fails to comply with the terms of this permit.

(f) ***Permit duration.*** The responsible party must start the permit activities within one (1) year of the date the permit is issued. An extension of one (1) year may be granted by the Director, provided a written request is submitted to the Director prior to the expiration date for the initial permit. If permit activities are not started, then a new permit application and

fee may be required.

(g) *Fee in lieu of on-site stormwater management practices.* Where the City of Appleton waives all or part of the minimum on-site stormwater management requirements under Sec. 20-313(c) of this ordinance, or where the waiver is based on the provision of adequate stormwater facilities provided by the City of Appleton downstream of the proposed development or redevelopment, as provided for under Sec. 20-312 of this ordinance, the applicant shall be required to pay a fee in an amount as determined by the City of Appleton pursuant to §66.0617, Wis. Stat. and any other applicable law.

Secs. 20-322 – 20-325. Reserved.

DIVISION 4. ENFORCEMENT AND APPEALS

Sec. 20-326. Enforcement and penalties.

(a) Any land disturbing construction activity or any post-construction runoff initiated after the effective date of this ordinance by any person, firm, association or corporation subject to the ordinance provisions shall be deemed a violation unless conducted in accordance with the requirements of this ordinance.

(b) The City of Appleton shall notify the responsible party or owner by certified mail of any non-complying land disturbing construction activity or post construction runoff. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action and additional enforcement action, which may be taken.

(c) Upon receipt of written notification from the City of Appleton, the responsible party or owner shall correct work that does not comply with the stormwater management plan or other provisions of this permit. The responsible party or owner shall make corrections as necessary to meet the specifications and schedule set forth by the City of Appleton in the notice.

(d) If the violations to a permit issued pursuant to this ordinance are likely to result in damage to properties, public facilities, or waters of the state, the City of Appleton may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the City of Appleton plus interest and legal costs shall be billed to the responsible party or owner.

(e) The City of Appleton is authorized to post a stop work order on all land disturbing construction activity that is in violation of this ordinance, or to request the Appleton City Attorney to obtain a cease and desist order.

(f) The City of Appleton may revoke a permit issued under this ordinance for non-compliance with ordinance provisions.

(g) Any permit revocation, stop work order or cease and desist order shall remain in effect unless retracted by the City of Appleton or by a court of competent jurisdiction.

(h) The City of Appleton is authorized to refer any violation of this ordinance, or of a stop work order or cease and desist order issued pursuant to this ordinance to the Appleton City Attorney for the commencement of further legal proceedings.

(i) Any person, firm, association or corporation who does not comply with the provisions of this ordinance shall be subject to the general penalty provisions of the Appleton Municipal Code Sec. 1-16. Each day that the violation exists shall constitute a separate offense.

(j) Violations of this ordinance deemed to be a public nuisance shall be subject to abatement under Sec. 12-32 of the City of Appleton Municipal Code or compliance with this ordinance may be enforced by injunctive order in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctive proceedings.

(k) When the City of Appleton determines that the holder of a permit issued pursuant to this ordinance has failed to follow practices set forth in the stormwater management plan submitted and approved pursuant to Sec. 20-321 of this ordinance, or has failed to comply with schedules set forth in said stormwater management plan, the City of Appleton or a party designated by the City of Appleton may enter upon the land and perform the work or other operations necessary to bring the condition of said lands into conformance with requirements of the approved plan. The City of Appleton shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any performance or maintenance security posted pursuant to Sec. 20-321 of this ordinance. Where such a security has not been established, or where such a security is insufficient to cover these

costs, the costs and expenses shall be entered on the tax roll as a special charge against the property.

Sec. 20-327. Appeals.

(a) *Appeals.* The Utilities Committee of the Appleton Common Council shall hear and recommend to Council appeals where it is alleged that there is error in any order, decision or determination made by the City of Appleton in administering this ordinance. The Committee shall use the rules, procedures, duties and powers authorized by statute in hearing and recommending appeals.

Upon appeal, the Committee may recommend to Council relief from the provisions of this ordinance that are not contrary to the public interest or provisions of state regulations, and where owing to special conditions a literal enforcement of this ordinance will result in unnecessary hardship.

(b) *Who may appeal.* Appeals to the Utilities Committee of the City of Appleton may be taken by any aggrieved person or by an officer, department, board or bureau of the City of Appleton affected by any decision of the City of Appleton. Written appeals shall be filed with the City Clerk. The Utilities Committee will make a recommendation within forty-five (45) calendar days of filing of the appeal. If the Utilities Committee takes no action within forty-five (45) calendar days, the appeal will automatically be sent to Council with a recommendation for approval. Either party may file a written request for a time extension with the City Clerk.

Secs. 20-328 – 20-330. Reserved.

DIVISION 5. SEVERABILITY

Sec. 20-331. Severability.

If any section or portion thereof shall be declared by a decision of a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and not affect the validity of all other provisions, sections or portion thereof of the ordinance which shall remain in full force and effect.

DIVISION VI. EFFECTIVE DATE.

Sec. 20-332. Effective date.

This ordinance is in full force and effect on August 1, 2022.

Section 2: This ordinance shall be in full force and effect on August 1, 2022.

20-22

AN ORDINANCE AMENDING THE
COMPREHENSIVE PLAN FOR THE
CITY OF APPLETON.

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

Section 1: The Comprehensive Plan 2010-2030 Future Land Use Map for the following
area of the city be amended as follows:

#1-22: For land located at 1312 North Division Street, City of Appleton, Outagamie County, Wisconsin (Tax Id#31-6-0598-00), including the adjacent one-half (1/2) right-of-way of North Division Street, from future One and Two-Family Residential land use to Mixed Use land use.

LEGAL DESCRIPTION:

PART OF LOTS 1 AND 2, BLOCK 1 OF THE PLAT OF HARRIMAN AND PARKHURST'S ADDITION TO APPLETON, SAID PLAT LOCATED IN THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 23, T21N-R17E, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT SOUTH 1/4 CORNER OF SECTION 23, T21N-R17E; THENCE S89°38'52"W, 1147.00 FEET ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION; THENCE N00°06'37"W, 143.96 FEET TO THE POINT OF BEGINNING; THENCE S89°40'59"W, 123.87 FEET TO THE EAST RIGHT OF WAY OF NORTH DIVISION STREET; THENCE N00°07'12"W, 50.00 FEET ALONG SAID RIGHT OF WAY TO THE NORTH LINE OF LOT 1 OF THE PLAT OF HARRIMAN AND PARKHURST'S ADDITION TO APPLETON; THENCE N89°40'59"E, 123.88 FEET ALONG NORTH LINE OF LOTS 1 AND 2 OF SAID PLAT; THENCE S00°06'37"E, 50.00 FEET ALONG THE EAST LINE OF SAID LOT 2 TO THE POINT OF BEGINNING, INCLUDING THE ADJACENT ONE-HALF (1/2) RIGHT-OF-

WAY OF NORTH DIVISION STREET.

PARCEL CONTAINS 6,194 SQUARE FEET / 0.14 ACRES, MORE OR LESS.

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

21-22

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

(City Plan Commission – 3-16-2022)

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

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

To rezone Parcel #31-6-0598-00 located at 1312 North Division Street and Parcel #31-6-0599-00 located at 336 West Wisconsin Avenue, including the adjacent one-half (1/2) right-of-way of North Division Street and West Wisconsin Avenue, from R-1C Central City Residential District and C-2 General Commercial District to C-1 Neighborhood Mixed Use District. (Rezoning #1-22 – Maritime Bar Expansion)

LEGAL DESCRIPTION:

PARCEL #6-0599:

PART OF LOT 2, BLOCK 1 OF THE PLAT OF HARRIMAN AND PARKHURST'S ADDITION TO APPLETON, SAID PLAT LOCATED IN THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 23, T21N-R17E, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT SOUTH 1/4 CORNER OF SECTION 23, T21N-R17E; THENCE S89°38'52" W, 1147.00 FEET ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION; THENCE N00°06'37" W, 37.02 FEET TO THE NORTH RIGHT OF WAY OF WEST WISCONSIN AVENUE AND THE POINT OF BEGINNING; THENCE S89°40'40" W, 62.20 FEET ALONG SAID RIGHT OF WAY; THENCE N00°02'15" W,

106.95 FEET ALONG THE WEST LINE OF LOT 2 OF THE PLAT OF HARRIMAN AND PARKHURST'S ADDITION TO APPLETON; THENCE N89°40'59"E, 62.07 FEET TO THE EAST LINE OF SAID LOT 2; THENCE S00°06'37"E, 106.94 FEET ALONG THE EAST LINE OF SAID LOT 2 TO THE POINT OF BEGINNING, INCLUDING THE ADJACENT ONE-HALF (1/2) RIGHT-OF-WAY OF WEST WISCONSIN AVENUE.

PARCEL CONTAINS 6,645 SQUARE FEET / 0.15 ACRES, MORE OR LESS.

PARCEL #6-0598:

PART OF LOTS 1 AND 2, BLOCK 1 OF THE PLAT OF HARRIMAN AND PARKHURST'S ADDITION TO APPLETON, SAID PLAT LOCATED IN THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 23, T21N-R17E, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT SOUTH 1/4 CORNER OF SECTION 23, T21N-R17E; THENCE S89°38'52"W, 1147.00 FEET ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION; THENCE N00°06'37"W, 143.96 FEET TO THE POINT OF BEGINNING; THENCE S89°40'59"W, 123.87 FEET TO THE EAST RIGHT OF WAY OF NORTH DIVISION STREET; THENCE N00°07'12"W, 50.00 FEET ALONG SAID RIGHT OF WAY TO THE NORTH LINE OF LOT 1 OF THE PLAT OF HARRIMAN AND PARKHURST'S ADDITION TO APPLETON; THENCE N89°40'59"E, 123.88 FEET ALONG NORTH LINE OF LOTS 1 AND 2 OF SAID PLAT; THENCE S00°06'37"E, 50.00 FEET ALONG THE EAST LINE OF SAID LOT 2 TO THE POINT OF BEGINNING, INCLUDING THE ADJACENT ONE-HALF (1/2) RIGHT-OF-WAY OF NORTH DIVISION STREET.

PARCEL CONTAINS 6,194 SQUARE FEET / 0.14 ACRES, MORE OR LESS.

COMMON DESCRIPTION:

1312 North Division Street (Tax Id #31-6-0598-00) and 336 West Wisconsin Avenue (Tax Id #31-6-0599-00) and the adjacent one-half right-of-way of North Division Street and West Wisconsin Avenue

Section 2: This Ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication the Director of Community and Economic Development is authorized and directed to make the necessary changes to the Official Zoning Map in accordance with this Ordinance.