



City of Appleton

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

Meeting Agenda - Final-revised Common Council

Wednesday, April 20, 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
[22-0477](#) Common Council Meeting Minutes of April 6, 2022

Attachments: [CC Minutes 4-6-22.pdf](#)
- G. BUSINESS PRESENTED BY THE MAYOR
[22-0486](#) Board & Commission Reappointments

Attachments: [April 2022 Misc Committee Reappts Memo.pdf](#)
- H. PUBLIC PARTICIPATION
- I. PUBLIC HEARINGS
[22-0315](#) Public Hearing on the proposed amendment of Article X of Chapter 23 of the Municipal Code, relating to Floodplain Zoning.

Attachments: [Notice of Public Hearing TA 1-22 Floodplain Ch. 23.pdf](#)
- J. SPECIAL RESOLUTIONS
- K. ESTABLISH ORDER OF THE DAY
- L. COMMITTEE REPORTS

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[22-0423](#) Request from All Tied up for a street occupancy permit to place tables and chairs in the College Avenue beautification strip at 324 E. College Avenue.

Attachments: [All Tied Up Floral Cafe.pdf](#)

Legislative History

4/11/22 Municipal Services recommended for approval
Committee

[22-0424](#) Request from Hilton Appleton Paper Valley Hotel to extend their street occupancy permit for dumpsters on College Avenue (Meters CAW 301, 303 & 305) through April 30, 2022.

Attachments: [Hilton Appleton Paper Valley-dumpsters.pdf](#)

Legislative History

4/11/22 Municipal Services recommended for approval
Committee

[22-0425](#) Request from Hilton Appleton Paper Valley Hotel for a street occupancy permit for a construction container on the Superior Street side of 333 W. College Avenue through May 31, 2022.

Attachments: [Hilton Appleton Paper Valley-storage container.pdf](#)

Legislative History

4/11/22 Municipal Services recommended for approval
Committee

[22-0426](#) Approve Inter Governmental Agreement with Outagamie County for the CTH JJ (Lightning Drive to Cherryvale Avenue) Reconstruction Project.

Attachments: [CTH JJ-Lightning Dr to Cherryvale Ave.pdf](#)

Legislative History

4/11/22 Municipal Services recommended for approval
Committee

[22-0427](#) Approve Inter Governmental Agreement with Outagamie County for the CTH E & EE (CTH JJ to Applehill Boulevard) Reconstruction Project.

Attachments: [CTH E & EE.pdf](#)

Legislative History

4/11/22 Municipal Services recommended for approval
Committee

4/13/22 Safety and Licensing Committee recommended for approval
The Report to the Common Council, including the Findings of Fact and Conclusions of Law and Recommendation to Revoke Core's Lounge, LLC combination alcohol license was approved.

[22-0454](#)

Request to Purchase Fire Truck via Sole Source.

Attachments: [04-06-22_Sole_Source_Engine.pdf](#)

Legislative History

4/13/22 Safety and Licensing Committee recommended for approval

[22-0232](#)

Class "B" Beer and "Class C" Wine License application for All Tied Up Floral Cafe LLC d/b/a All Tied Up Floral Cafe, Aaron Phillipson, Agent, located at 324 E College Ave, contingent upon approval from the Community Development, Health, Public Works and Inspections departments.

Attachments: [All Tied Up Floral Cafe.pdf](#)

[Resolution_324ECollegeAve_SUP#3-22_SIGNED.pdf](#)

Legislative History

4/13/22 Safety and Licensing Committee recommended for approval

[22-0363](#)

Class "B" Beer and "Class C" Wine License application for Area 509 LLC d/b/a Area 509, Reginald Desamour, Agent, located at 1025 N Badger Ave, contingent upon approval from the Community Development and Health departments.

Attachments: [Area 509.pdf](#)

Legislative History

4/13/22 Safety and Licensing Committee recommended for approval

[22-0375](#)

Class "B" Beer and Reserve "Class B" Liquor License application for Topsy Taco & Tequila Bar LLC d/b/a Topsy Taco & Tequila Bar, Sarah J Gregory, Agent, located at 127 S Memorial Dr, contingent upon approval from the Community Development, Health and Inspections departments.

Attachments: [Topsy Taco & Tequila Bar.pdf](#)

[Resolution_127SMemorialDr_SUP#2-22_SIGNED.pdf](#)

Legislative History

4/13/22 Safety and Licensing Committee recommended for approval

[22-0410](#) Class "B" Beer and "Class B" Liquor License Change of Agent application for GT Limited d/b/a Rascals Bar & Grill, Karen Blodgett, New Agent, located at 702 E Wisconsin Ave.

Attachments: [Karen A Blodgett S&L.pdf](#)

Legislative History

4/13/22 Safety and Licensing Committee recommended for approval

[22-0415](#) Class "B" Beer and "Class B" Liquor License Change of Agent application for Urban Modern Kitchen LLC d/b/a Urban Modern Kitchen, Regina R Hueckman, New Agent, located at 800 E Wisconsin Ave.

Attachments: [Regina R Hueckman -2nd S&L.pdf](#)

Legislative History

4/13/22 Safety and Licensing Committee recommended for approval

[22-0416](#) "Class A" Liquor License application for Kedaar LLC d/b/a Appleton Clark, Lekha Timilsaina, Agent, located at 1200 W Wisconsin Ave, contingent upon approval from the Finance and Inspections departments.

Attachments: [Appleton Clark.pdf](#)

Legislative History

4/13/22 Safety and Licensing Committee recommended for approval

[22-0417](#) Class "B" Beer and "Class B" Liquor Temporary Premise Amendment for Dairyland Brew Pub, Dorri Schmidt, Agent, located at 1216 E Wisconsin Ave, contingent upon approval from the Fire, Health, Inspections and Police departments.

Attachments: [Dairyland Brew Pub S&L.pdf](#)

Legislative History

4/13/22 Safety and Licensing Committee recommended for approval

3. MINUTES OF THE CITY PLAN COMMISSION

[22-0349](#) Request to approve Zoning Ordinance Text and Map Amendments to Article X Floodplain Zoning of Chapter 23 of the Municipal Code relating to Section 23-205(b)(2) General provisions; Official maps and revisions; Official maps based on other studies, as identified in the attached staff report

Attachments: [StaffReport AmendFloodplainOrd AppleFields CLOMR For03-23-22.pdf](#)

Legislative History

3/23/22 City Plan Commission recommended for approval
Proceeds to Council on April 20, 2022.

[22-0447](#) Request to approve Special Use Permit #5-22 for a restaurant with alcohol sales and service located at 1103 West College Avenue (Tax Id #31-3-1064-00), as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (2/3 vote of Common Council required for approval)

Attachments: [StaffReport 1103WCollegeAve SUP For04-13-22.pdf](#)

Legislative History

4/13/22 City Plan Commission recommended for approval

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

5. MINUTES OF THE FINANCE COMMITTEE

[22-0485](#) Request to approve the following 2022 Budget amendment:

CEA Replacement Fund

Debt Proceeds	+\$345,000
CEA Replacement	+\$410,800
Vehicles	+\$755,800

To purchase a PUC Engine using debt proceeds and available CEA replacement funds (2/3 vote of Council required)

Attachments: [2022 Fire Truck Purchase.pdf](#)

[04-06-22 Sole Source Engine.pdf](#)

[22-0461](#) Request approval to award the Sole Source Purchase of Grit Classifier System #2 Rebuild Parts through Saveco North America Inc in the amount of \$37,936

Attachments: [Grit Classifier Rebuild Work.pdf](#)

Legislative History

4/11/22 Finance Committee recommended for approval

[22-0463](#)

Request to award the Wastewater Treatment Plant Sludge Thickening Building fire alarm system alterations contract to Faith Technologies in the amount of \$28,160 along with the following 2022 Budget adjustment:

Wastewater Sludge Thickening Bldg Fire Alarm CIP proj	+\$28,160
Wastewater Utility Belt Filter project	- \$28,160

to transfer available funds from the Wastewater Utility Belt Filter project to the new Wastewater Sludge Thickening Building Fire Alarm modification CIP project

Attachments: [2022 AWWTP Fire Alarm System Alterations.pdf](#)

Legislative History

4/11/22 Finance Committee recommended for approval

[22-0464](#)

Request to approve the following 2022 Budget amendments:

Water

Distribution Operations and Maintenance	+\$43,850
Distribution Capital Improvements	- \$43,850

Wastewater

Collection Systems	+\$40,000
Public Works Capital Improvements	- \$40,000

Stormwater

Facility Maintenance	+\$90,000
Capital Construction	- \$90,000

General Fund

Street Repair	+\$15,000
Sidewalk Construction	- \$15,000

to reclassify capital budget funds to operations budgets for miscellaneous concrete and street repair costs (2/3 vote of Council required)

Legislative History

4/11/22 Finance Committee recommended for approval

[22-0465](#)

Request to award Unit J-22 Mini Storm Sewer Construction to Alfson Excavating, LLC in an amount not to exceed \$200,000

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

Legislative History

4/11/22 Finance Committee recommended for approval

[22-0466](#) Request to award Unit X-22 Sewer & Water Main Reconstruction No. 2 to Kruczek Construction, Inc in the amount of \$877,778 with a 7.5% contingency of \$65,833 for a project total not to exceed \$943,611

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

Legislative History

4/11/22 Finance Committee recommended for approval

[22-0468](#) Request to approve Contract Amendment / Change Order No. 1 to contract 11-22, Unit W-22 Sewer and Water Reconstruction No. 1 for the addition of ARPA funding to facilitate removal and replacement of public-side lead water services encountered during water main reconstruction in the amount of \$20,000 resulting in no change to contract contingency. Overall contract increases from \$1,469,167 to \$1,489,167

Attachments: [Unit W-22 Change Order No. 1.pdf](#)

Legislative History

4/11/22 Finance Committee recommended for approval

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

7. MINUTES OF THE UTILITIES COMMITTEE

[22-0449](#) Approval to single source and award 2022E Stormwater Consulting Services Contract for assistance with the Interstate 41 Reconstruction Project to Brown and Caldwell in an amount not to exceed \$30,000.

Attachments: [2022E Single Source 41 Reconstruction BC award.pdf](#)

Legislative History

4/12/22 Utilities Committee recommended for approval

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

10. MINUTES OF THE BOARD OF HEALTH

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

[22-0478](#) Ordinances #27-22 to #33-22

Attachments: [Ordinances to Council 4-20-22.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. CLOSED SESSION

[22-0487](#) The Common Council may go into closed session pursuant to State Statute §19.85(1)(a) for the purpose of deliberating the revocation of an alcohol license and then reconvene into open session.

- T. ADJOURN

Kami Lynch, City Clerk

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

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



City of Appleton

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Meeting Minutes - Final Common Council

Wednesday, April 6, 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 Martin.

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

Present: 16 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matthew Reed, Alderperson Alex Schultz, Alderperson Michael Smith, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Joe Prohaska, Alderperson Chad Doran and Mayor Jake Woodford

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

All Departments were represented.

F. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[22-0411](#)

Common Council Meeting Minutes of March 16, 2022

Attachments: [CC Minutes 3-16-22.pdf](#)

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

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

Abstained: 1 - Mayor Jake Woodford

G. BUSINESS PRESENTED BY THE MAYOR

[22-0418](#) Recognition of poems selected for the 2022 Sidewalk Poetry Program

The 2022 Sidewalk Poems were read.

[22-0419](#) Proclamations

- Arbor Day
- Library Week
- Public Health Week
- Autism Acceptance Month
- Earth Day
- Golden Rule Day

Attachments: [Arbor Day Proclamation.pdf](#)
[Library Week Proclamation.pdf](#)
[Public Health Week Proclamation.pdf](#)
[Autism Acceptance Month Proclamation.pdf](#)
[Earth Day Proclamation.pdf](#)
[Golden Rule Day Proclamation.pdf](#)

H. PUBLIC PARTICIPATION

I. PUBLIC HEARINGS

[22-0332](#) Public Hearing on Special Resolution 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)

Attachments: [2-P-22 Public Hearing Notice.pdf](#)

*The following spoke during the hearing:
Paul Rieckmann, 1731 N Alvin Street*

[22-0316](#)

Public Hearing for Rezoning #2-22 for 217 S. Badger Avenue from C-2 General Commercial to C-1 Neighborhood Mixed Use.

Attachments: [RZ #2_22 Notice of Public Hearing.pdf](#)

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

J. SPECIAL RESOLUTIONS

[22-0333](#)

Final Resolution 2-P-22; Sanitary Laterals, Storm Laterals, and Storm Main

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

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

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

Abstained: 1 - Mayor Jake Woodford

K. ESTABLISH ORDER OF THE DAY

[22-0347](#)

Request to approve Special Use Permit #4-22 for a restaurant with alcohol sales and service, and associated outdoor seating area, located at 1025 North Badger Avenue (Tax Id #31-5-2090-00), as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (2/3 vote of Common Council required for approval)

Attachments: [StaffReport_1025NBadgerAve_SUP_For3-23-22.pdf](#)

Aldersperson Smith moved, seconded by Aldersperson Prohaska, that the Special Use Permit be amended to add an additional condition:

7. Applicant shall construct a fence around the outdoor seating area that is adjacent to residentially zoned properties. Fence shall comply with Section 23-4 of the zoning code and the applicant shall obtain required building permits.

Roll Call. Motion carried by the following vote:

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

Abstained: 2 - Alderperson Alex Schultz and Mayor Jake Woodford

Alderperson Prohaska moved, seconded by Alderperson Hartzheim, that the Special Use Permit be approved as amended. Roll Call. Motion carried by the following vote:

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

Abstained: 2 - Alderperson Alex Schultz and Mayor Jake Woodford

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

Alderperson Hartzheim moved, Alderperson Prohaska seconded, to approve the balance of the agenda. The motion carried by the following vote:

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

Abstained: 1 - Mayor Jake Woodford

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[22-0304](#)

Approve Parking restriction change on the 1300 block of W. Harris Street (west of Mason Street). Follow-Up to Six-Month Trial Period

Attachments: [1300 block of W. Harris Street.pdf](#)

This Report Action Item was approved.

[22-0397](#)

Request from Brett Pawloski, 818 W Marquette Street, to have his sidewalk snow removal assessment of \$75 waived.

Attachments: [818 W Marquette St.pdf](#)

This Report Action Item was approved.

[22-0398](#)

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

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

This Report Action Item was approved.

[22-0399](#)

Approve change to intersection control at the Amelia Street/Wayne Street intersection. Follow-up to Sixth-Month Trial Period.

Attachments: [Amelia St-Wayne St.pdf](#)

This Report Action Item was approved.

[22-0400](#)

Approve change to intersection control at the Bedford Lane/Chestnut Lane/Plank Road intersection. Follow-up to Sixth-Month Trial Period.

Attachments: [Bedford La-Chestnut La-Plank Road.pdf](#)

This Report Action Item was approved.

[22-0401](#)

Approve change to intersection control at the Osprey Drive/Ridgehaven Lane intersection. Follow-up to Sixth Month Trial Period.

Attachments: [Osprey Dr-Ridgehaven La.pdf](#)

This Report Action Item was approved.

[22-0402](#)

Approve installation of Yield signs on Zion Lane/Zion Court at Sequoia Drive.

Attachments: [Zion La-Zion Ct at Sequoia Dr.pdf](#)

This Report Action Item was approved.

[22-0404](#)

Request from the Community Blood Center to waive the \$9/day/parking meter fee for five (5) stalls on College Avenue on April 27th, August 31st, October 26th and December 28th.

This Report Action Item was approved.

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[22-0329](#)

"Class A" Liquor License application for Badger Gas Inc, Kalwinder Kaur, Agent, located at 911 W College Ave, contingent upon approval from the Fire, Health and Inspections departments.

Attachments: [Badger Gas Inc.pdf](#)

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION

[22-0250](#)

Request to approve Rezoning #2-22 for the subject parcel located at 217 South Badger Avenue (Tax Id #31-3-0907-00), including to the centerline of the adjacent railroad line and the adjacent one-half (1/2) right-of-way of South Badger Avenue and West Eighth Street, as shown on the attached maps, from C-2 General Commercial District to C-1 Neighborhood Mixed Use District

Attachments: [StaffReport_217SBadgerAv_Rezoning_For03-09-22.pdf](#)

This Report Action Item was approved.

[22-0343](#)

Request to approve Special Use Permit #2-22 for a restaurant with alcohol sales and service located at 127 South Memorial Drive (Tax Id #31-3-0972-00), as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (2/3 vote of Common Council required for approval)

Attachments: [StaffReport_127SMemorialDr_SUP_For3-23-22.pdf](#)
[EmailofSupportforSUP_GregDeCleene_3-22-22.pdf](#)

This Report Action Item was approved.

[22-0345](#)

Request to approve Special Use Permit #3-22 for a restaurant with alcohol sales and service located at 324 East College Avenue (Tax Id #31-2-0343-00), as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (2/3 vote of Common Council required for approval)

Attachments: [StaffReport_324ECollegeAve_SUP_For03-23-22.pdf](#)

This Report Action Item was approved.

[22-0351](#)

Request to approve the Extraterritorial Final Plat for Auburn Estates located in the Town of Grand Chute as shown on the attached maps

Attachments: [StaffReport_AuburnEstates_FinalPlat_For03-23-22.pdf](#)

This Report Action Item was approved.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

5. MINUTES OF THE FINANCE COMMITTEE

[22-0386](#)

Request approval to deed City owned land on Gardenia Drive in the Village of Little Chute to the abutting property owners with no future special assessments for the future street connection

Attachments: [Gardenia Dr memo.pdf](#)

This Report Action Item was approved.

[22-0393](#)

Request to award the City of Appleton's 2022 AWWTP Hardscape Renovation project to Vinton Construction Co, Inc in the amount of \$335,602 with a contingency of 12% for a project total not to exceed \$375,875, along with the following 2022 budget amendment:

AWWTP Electrical Distribution Upgrades project	- \$ 67,821
AWWTP Hardscape Renovation project	+\$ 67,821

to transfer excess funds from the Electrical Distribution Upgrades project to the Hardscape Renovation project

Attachments: [2022 AWWTP Hardscapes Repairs with Budget transfer.pdf](#)

This Report Action Item was approved.

[22-0394](#)

Request to approve the following 2021 Budget amendments:

Community Development Block Grant Fund

Federal Grant	+\$292,876
Grant Payments	+\$292,876

to record additional federal funds received in the Community Development Block Grant program (2/3 vote of Council required)

Emergency Shelter Grant Fund

Federal Grant	+\$546,081
Grant Payments	+\$546,081

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

Housing Rehabilitation Loan Fund

Federal Grant	+\$107,332
Project Repayments	+\$ 31,631
Grant Payments	+\$138,963

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

City Center Capital Projects Fund

Fund Balance Applied	+\$ 4,158
Machinery & Equipment	+\$ 4,158

to record additional expense related to equipment (2/3 vote of Council required)

Attachments: [2021 Final Budget adjustments_.pdf](#)

This Report Action Item was approved.

[22-0403](#)

Request to approve appropriate funding authority to pay Parks & Recreation Seasonal Employee incentives (also appears on the Human Resources agenda and the Parks & Recreation agenda as informational items)

Attachments: [2022 Seasonal Pay \(Finance\).pdf](#)

This Report Action Item was approved.

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE[22-0369](#)

****CRITICAL TIMING**** Request to approve the Offer to Purchase from Romenesko Developments, Inc. to purchase Lot 14 of Southpoint Commerce Park Plat No. 2, consisting of approximately 2.16 acres, at a purchase price of \$86,400 (\$40,000 per acre), which includes a commission of 8% payable to Romenesko Developments, Inc.

Attachments: [Romenesko Offer to Purchase Memo to CEDC 3-23-22.pdf](#)
[Romenesko Offer to Purchase Lot 14 Southpoint 3-15-22.pdf](#)
[SPCP Deed Restrictions.pdf](#)
[Southpoint Commerce Park Map Subject Parcel.pdf](#)

This Report Action Item was approved.

7. MINUTES OF THE UTILITIES COMMITTEE[22-0373](#)

Award Unit F-22, Sanitary and Storm Sewer Cleaning and Televising, to Green Bay Pipe & TV, LLC in an amount not to exceed \$244,500.

Attachments: [Unit F-22.pdf](#)

This Report Action Item was approved.

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE[22-0383](#)

Request to approve DPW to modify 1.5 FTE Purchasing Clerk to 2.0 FTE Purchasing Clerk.

Attachments: [MSB memo TO change for Purchasing.pdf](#)
[MSB TO draft 3-1-22.pdf](#)

This Report Action Item was approved.

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION[22-0356](#)

Approve Award Recommendation for a Valley Transit Support Vehicle

Attachments: [Support Vehicle recommendation.pdf](#)

This Report Action Item was approved.

10. MINUTES OF THE BOARD OF HEALTH

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

[22-0412](#)

Ordinances #22-22 to #25-22, and Ordinance #26-22 (Growth of Weeds & Grass)

Attachments: [Ordinances to Council 4-6-22.pdf](#)

Alderson Fenton moved, seconded by Alderson Wolff, that the Ordinances be approved. Roll Call. Motion carried by the following vote:

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

Abstained: 1 - Mayor Jake Woodford

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

R. OTHER COUNCIL BUSINESS

[22-0420](#)

Alderson Send-off

S. ADJOURN

Alderson Reed moved, seconded by Alderson Smith, that the meeting be adjourned at 7:37 p.m. Roll Call. Motion carried by the following vote:

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

Nay: 1 - Alderson Michael Smith


Abstained: 1 - Mayor Jake Woodford

Kami Lynch, City Clerk



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

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

TO: Members of the Common Council
FROM: Mayor Jacob A. Woodford 
DATE: April 13, 2022
RE: Confirmation of Committee, Commission, & Board Reappointments

It is with pleasure that I present the following reappointments for your confirmation at the April 20, 2022, Common Council meeting.

BOARD OF HEALTH – Reappointments

Kathleen Fuchs	2-year Term	Term Expires April 2024
Cathy Spears	2-year Term	Term Expires April 2024
Deborah Werth	2-year Term	Term Expires April 2024

BOARD OF REVIEW – Reappointments

Kyle Lobner	1-year Term	Term Expires April 2023
Linda Marx	1-year Term	Term Expires April 2023
Sean Morgan	1-year Term	Term Expires April 2023

BOARD OF ZONING APPEALS – Reappointments

Karen Cain	3-year Term	Term Expires May 2025
Paul McCann	3-year Term	Term Expires May 2025

CITY PLAN COMMISSION – Reappointment

Sabrina Robins	3-year Term	Term Expires April 2025
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FOX CITIES AREA ROOM TAX COMMISSION – Appointment & Reappointment

Cindy Evers	1-year Term	Term Expires May 2023
Karen Harkness	1-year Term	Term Expires May 2023

FOX CITIES TRANSIT COMMISSION – Reappointment

Richard Detienne	3-year Term	Term Expires April 2025
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NOTICE OF PUBLIC HEARING
OF THE
APPLETON COMMON COUNCIL

NOTICE IS HEREBY GIVEN of an Public Hearing to be held before the Common Council in Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, on Wednesday, April 20, 2022, at 7:00 P.M., or as soon thereafter as can be heard, for the purpose of amending Article X of Chapter 23 of the Municipal Code relating to Floodplain Zoning that is required by state and federal law.

The City of Appleton is considering amending Article X. Floodplain Zoning Division 1. Statutory Authorization, Finding of Fact, Statement of Purpose, Title and General Provisions. Sec. 23-205 (b) (2) Official maps based on other studies related to CLOMR – Case #21-05-3029R.

This notification invites you to express your views or concerns regarding the above-described request. All persons interested are invited to attend this meeting and will be given an opportunity to be heard. 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 Council.

A copy of the proposed Floodplain Zoning Ordinance amendment materials are available by contacting Pete Neuberger, P.E., Project Engineer in the Department of Public Works at 920-832-6474 or by email at peter.neuberger@appleton.org or by contacting Don Harp, Principal Planner in the Community and Economic Development Department at 920-832-6466 or by email at don.harp@appleton.org.

March 24, 2022

KAMI LYNCH
CITY CLERK

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



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): Aaron Phillipson Company: All Tied Up Floral Cafe LLC
Address: 10 Hycroft Ct. Appleton WI 54914 Telephone: 920-257-4067 FAX:
e-mail: aaron@alltiedupappleton.com
Applicant Signature: Date: 3/23/2022

Occupancy Information

General Description: Looking to have bistro tables for customers on covered pavement to have coffee/food.
Street Address: 324 E. College Ave. Tax Key No.:
Street: college ave. From: To:
Multiple Streets:

(Department use only)

Table with 3 columns: Occupancy Type, Sub-Type, Location. Includes checkboxes for Permanent, Temporary, Amenity, Blanket, Block Party, Sandwich Board, Tables/Chairs, Dumpster, POD/Container, Obstruction, Sidewalk, Terrace, Roadway.

Additional Requirements

Plan/Sketch Certificate of Insurance Bond Other:

Traffic Control Requirements

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

The Granlee 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 Granlee or any sub-contractor working for them.

APPROVED BY: DATE: (Department of Public Works)



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): Linda Garvey Company: Hilton Appleton Paper Valley
Address: 333 W College Ave Telephone: 920-733-8000 FAX:
Appleton WI 54911 e-mail: lgarvey@Appletonpw.com
Applicant Signature: Linda Garvey Date: 3-23-22

Occupancy Information

General Description: TWO DUMPSTERS FOR CONSTRUCTION MATERIAL
Street Address: 333 W. College Ave Appleton Tax Key No.:
Street: From: 11-1-22 To: 4-30-22
Multiple Streets:

(Department use only)

Occupancy Type

- Permanent (\$40)
Temporary - max. 35 days (\$40)
Amenity/Annual (\$40)
Blanket/Annual (\$250)
Block Party (\$15)

Sub-Type

- Sandwich Board
Tables / Chairs
Dumpster x 2
POD / Container
Obstruction / Other

Location

- Sidewalk
Terrace
Roadway

Additional Requirements

- Plan/Sketch Certificate of Insurance Bond
Other:

Traffic Control Requirements

Type of Street: Proposed Traffic Control:
Arterial/CBD City Manual Page(s)
Collector State Manual Page(s)
Local Other (attach plan)

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

Additional Requirements:

Approved by: Date:

This permit approval is subject to the following conditions:

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

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

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

APPROVED BY:

(Department of Public Works)

DATE:



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): Linda Garvey Company: Hilton Appleton Paper Valley
Address: 333 W. College Ave Appleton, WI 54911 Telephone: 920-733-8000 FAX:
Applicant Signature: Linda Garvey e-mail: lgarvey@appletonprh.com Date: 3-28-22

Occupancy Information

General Description: 40 yd. F+ Storage Containers Superior Street next to hotel
Street Address: Tax Key No.:
Street: Superior St. From: 3/26/22 To: 5/31/22
Multiple Streets:

(Department use only)

Table with 3 columns: Occupancy Type, Sub-Type, Location. Includes checkboxes for Permanent, Temporary, Amenity/Annual, Blanket/Annual, Block Party, Sandwich Board, Tables/Chairs, Dumpster, POD/Container, Obstruction/Other, Sidewalk, Terrace, Roadway.

Additional Requirements

Plan/Sketch Certificate of Insurance Bond Other:

Traffic Control Requirements

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

This permit approval is subject to the following conditions:

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

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

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

APPROVED BY: DATE: (Department of Public Works)

OUTAGAMIE COUNTY HIGHWAY DEPARTMENT

COUNTY / MUNICIPAL AGREEMENT

For an Urban County Trunk Highway Improvement Project

DATE:	<u>3/2022 BIL Application</u>
PROJECT:	<u>CTH JJ Reconstruction</u>
HIGHWAY:	<u>CTH "JJ" / E. Edgewood Drive</u>
LIMITS:	<u>Lightning Drive to Cherryvale Avenue</u>
MUNICIPALITY:	<u>City of Appleton</u>

The signatory municipality **City of Appleton**, hereinafter called the Municipality, through its undersigned duly authorized officers or officials, hereby requests the County of Outagamie, through its Highway Department, hereinafter called the County, to initiate and effect the highway or street improvement hereinafter described.

PROJECT DESCRIPTION:

This agreement is for the engineering design, right-of-way acquisition, and reconstruction of CTH "JJ" from Lightning Drive to Cherryvale Drive / east city limit. The 1.1-mile highway corridor is in need of reconstruction to meet future traffic capacity and development needs. The highway is anticipated to be reconstructed to a 2-lane urban cross section with on-street bicycle accommodations provided on both sides of the roadway. A 5-ft sidewalk and multimodal trail are anticipated to be provided along the north and south sides of the roadway, respectively. The existing intersection at French Road is anticipated to be reconstructed to add capacity and improve safety and operations. Stormwater treatment facilitie(s) are anticipated to accommodate stormwater from the urbanized roadway. Local utilities (i.e. sanitary sewer, watermain, etc) extended, replaced, and/or adjusted with this project will be the responsibility of the Municipality. Outagamie County may receive funding through the WisDOT Local Program to offset a portion of qualifying design and construction costs.

COST ESTIMATE AND PARTICIPATION							
PHASE	***** ESTIMATED COSTS *****						
	Total Estimated Cost	WisDOT STP Funds #		Outagamie County		City of Appleton	
		Cost	Cost	%	Cost	%	Cost
ENGINEERING: *							
CTH JJ Roadway	\$200,000	\$0	80%	\$20,000	10%	\$20,000	10%
French Road Intersection	\$100,000	\$0	80%	\$10,000	10%	\$10,000	10%
Utility Design	TBD	\$0	0%	\$0	0%	TBD	100%
TOTAL ENGINEERING	\$300,000	\$0		\$30,000		\$30,000	
RIGHT OF WAY:	\$200,000	\$0	0%	\$200,000	100%	\$0	0%
CONSTRUCTION: *							
CTH JJ Roadway	\$4,200,000	\$3,360,000	80%	\$420,000	10%	\$420,000	10%
French Road Intersection	\$800,000	\$640,000	80%	\$80,000	10%	\$80,000	10%
Local Utilities	TBD	\$0	0%	\$0	0%	TBD	100%
TOTAL CONSTRUCTION	\$5,000,000	\$4,000,000		\$500,000		\$500,000	
TOTAL PROJECT COST	\$5,500,000	\$4,000,000		\$730,000		\$530,000	

* Includes assumed oversight (WisDOT, County) costs.

Subject to change based on terms of executed State/Municipal Agreement (SMA)

This request for the programming, engineering design and construction of an urban highway improvement is subject to the terms and conditions that follow and is made by the undersigned under proper authority to make such requests for the designated Municipality and upon acceptance by the Highway Commissioner shall constitute an agreement between the County and the Municipality unless specifically modified or amended by supplemental written agreement between the County and the Municipality.

TERMS & CONDITIONS

1. When Federal Funds are involved, the improvement will be subject to the applicable Federal Aid Highway Acts and Regulations of the Federal Highway Administration, U.S. Department of Transportation.
2. This is a joint agreement between the County and the Municipality. The Municipality will be kept informed on the project status and will have input regarding the project. This project will be administered under the County Administrative Rule 10-02.
3. If the Municipality should withdraw the project, it will pay to the County any cost(s) that has been incurred by the County on behalf of the project.
4. **The project costs shown in the agreement are an estimate.** The Municipality will be invoiced periodically, and agrees to pay based on actual costs incurred plus a fixed administration fee. Such costs may be greater or less than the estimated amount(s), however, the Municipality acknowledges that costs between the time this agreement is executed and the actual time of construction may vary.
5. The County's obligation to perform under this contract shall be subject to County Board appropriation of funds sufficient to fund the County's obligations herein.
6. The County and Municipality agree and understand that the Municipality is reserving its rights to assess any and all costs incurred by the Municipality for this project. The Municipality and County hereby further agree that the Municipality has the right to assess any of its costs upon terms deemed acceptable by the Municipality subject to the following: In the event county property is assessed or subject to assessment, the County reserves the right to object to the propriety and / or correctness of the assessment formula or methodology, however, such right to object does not extend to the Municipality's ability to assess. The County's right to object includes the ability to challenge the assessment methodology or formula in circuit court and to pursue appeals of circuit court decisions.
7. Operations and Maintenance responsibilities of facilities built with this project will be determined during design.

Outagamie County will typically maintain the following items:

- a. Roadway pavement surface and roadway base bounded by flangelines of curb and gutter and terminating at the end of the radius along connecting streets.
- b. Curb & gutter along the County Trunk Highway terminating at the end of the radius along connecting streets
- c. Roadway and/or mainline driveway culverts that are independent of the storm sewer system.
- d. Roadway signing and pavement markings necessary for safe operation & control of vehicular traffic.
- e. Street lighting required for the safety & operation of an intersection.
- f. Median island surfacing, if present.
- g. Typical County mowing and brush clearing within the right-of-way.
- h. Maintain records of the highway, right-of-way, and approved utility and access permits.

The Municipality will typically maintain the following items:

- a. Roadway pavement and curb & gutter located along connecting side streets beyond termini defined above.
- b. Storm sewer drainage pipes, structures, & ancillary stormwater treatment features.
- c. Off-road sidewalks, multimodal facilities, and pedestrian crossings.
- d. Signing and pavement markings necessary for sidewalks, trail crossings, or multi-modal facilities.
- e. Street lighting not required for the safety & operation of an intersection.
- f. Aesthetic mowing and care of trees, shrubs, and/or landscaping features located within the Highway right-of-way.
- g. Maintenance of connecting side streets terminating at the end of curb radii or crosswalk, whichever is farther from the County highway centerline.
- h. Local utility mains and/or service lines including sanitary sewers, water mains, etc.
- i. Public utility appurtenances located on the right-of-way including manholes, water valves, hand holes, etc.
- j. Additional amenities requested by the Municipality.

APPROVALS & CONCURRENCE

BY: _____
Dean E. Steingraber, P.E. Outagamie County Date
Highway Commissioner

BY: _____
Signed for and on behalf of: City of Appleton Date
Title:

BY: _____
Signed for and on behalf of: City of Appleton Date
Title:

OUTAGAMIE COUNTY HIGHWAY DEPARTMENT

COUNTY / MUNICIPAL AGREEMENT

For an Urban County Trunk Highway Improvement Project

DATE:	<u>3/2022 BIL Application</u>
PROJECT:	<u>CTH E Reconstruction</u>
HIGHWAY:	<u>CTH "E" & "EE" / N. Ballard Road</u>
LIMITS:	<u>CTH JJ to Apple Hill Blvd</u>
MUNICIPALITY:	<u>City of Appleton</u>

The signatory municipality **City of Appleton**, hereinafter called the Municipality, through its undersigned duly authorized officers or officials, hereby requests the County of Outagamie, through its Highway Department, hereinafter called the County, to initiate and effect the highway or street improvement hereinafter described.

PROJECT DESCRIPTION:

This agreement is for the engineering design, right-of-way acquisition, and reconstruction of CTH "E" from CTH JJ to CTH E and CTH "EE" from CTH E to Apple Hill Blvd. The 1.1-mile highway corridor is in need of reconstruction to meet future traffic capacity and development needs. The highway is anticipated to be expanded to a 3-lane or 4-lane urban cross section with on-street bicycle accommodations. Off-street accommodations are anticipated in the form of a 5-ft sidewalk and 10-ft multimodal trail. The existing intersections at CTH JJ (Edgewood Drive) and CTH E (Apple Creek Road) are anticipated to be reconstructed to add capacity and improve safety and operations. Stormwater treatment facilitie(s) are anticipated to accommodate stormwater from the urbanized roadway. Local utilities (i.e. sanitary sewer, watermain, etc.) extended, replaced, and/or adjusted with this project will be the responsibility of the Municipality. Outagamie County may receive funding through the WisDOT Local Program to offset a portion of qualifying design and construction costs.

COST ESTIMATE AND PARTICIPATION							
PHASE	***** ESTIMATED COSTS *****						
	Total Estimated Cost	WisDOT STP Funds #		Outagamie County		City of Appleton	
		Cost	Cost	%	Cost	%	Cost
ENGINEERING: *							
CTH E (South segment)	\$150,000	\$120,000	80%	\$15,000	10%	\$15,000	10%
CTH EE (North segment)	\$150,000	\$120,000	80%	\$15,000	10%	\$15,000	10%
CTH E & EE Intersection	\$100,000	\$80,000	80%	\$10,000	10%	\$10,000	10%
Utility Design	\$100,000	\$0	0%	\$0	0%	\$100,000	100%
TOTAL ENGINEERING	\$500,000	\$320,000		\$40,000		\$140,000	
RIGHT OF WAY:	\$500,000	\$0	0%	\$500,000	100%	\$0	0%
CONSTRUCTION: *							
CTH E (South segment)	\$4,000,000	\$3,200,000	80%	\$400,000	10%	\$400,000	10%
CTH EE (North segment)	\$2,000,000	\$1,600,000	80%	\$200,000	10%	\$200,000	10%
CTH E & EE Intersection	\$2,000,000	\$1,600,000	80%	\$200,000	10%	\$200,000	10%
Local Utilities	TBD	\$0	0%	\$0	0%	TBD	100%
TOTAL CONSTRUCTION	\$8,000,000	\$6,400,000		\$800,000		\$800,000	
TOTAL PROJECT COST	\$9,000,000	\$6,720,000		\$1,340,000		\$940,000	

* Includes assumed oversight (WisDOT, County) costs.

Subject to change based on terms of executed State/Municipal Agreement (SMA)

This request for the programming, engineering design and construction of an urban highway improvement is subject to the terms and conditions that follow and is made by the undersigned under proper authority to make such requests for the designated Municipality and upon acceptance by the Highway Commissioner shall constitute an agreement between the County and the Municipality unless specifically modified or amended by supplemental written agreement between the County and the Municipality.

TERMS & CONDITIONS

1. When Federal Funds are involved, the improvement will be subject to the applicable Federal Aid Highway Acts and Regulations of the Federal Highway Administration, U.S. Department of Transportation.
2. This is a joint agreement between the County and the Municipality. The Municipality will be kept informed on the project status and will have input regarding the project. This project will be administered under the County Administrative Rule 10-02.
3. If the Municipality should withdraw the project, it will pay to the County any cost(s) that has been incurred by the County on behalf of the project.
4. **The project costs shown in the agreement are an estimate.** The Municipality will be invoiced periodically, and agrees to pay based on actual costs incurred plus an administration fee. Such costs may be greater or less than the estimated amount(s), however, the Municipality acknowledges that costs between the time this agreement is executed and the actual time of construction may vary.
5. The County's obligation to perform under this contract shall be subject to County Board appropriation of funds sufficient to fund the County's obligations herein.
6. The County and Municipality agree and understand that the Municipality is reserving its rights to assess any and all costs incurred by the Municipality for this project. The Municipality and County hereby further agree that the Municipality has the right to assess any of its costs upon terms deemed acceptable by the Municipality subject to the following: In the event county property is assessed or subject to assessment, the County reserves the right to object to the propriety and / or correctness of the assessment formula or methodology, however, such right to object does not extend to the Municipality's ability to assess. The County's right to object includes the ability to challenge the assessment methodology or formula in circuit court and to pursue appeals of circuit court decisions.
7. Operations and Maintenance responsibilities of facilities built with this project will be finalized during design.

Outagamie County will typically maintain the following items:

- a. Roadway pavement surface and roadway base bounded by flangelines of curb and gutter and terminating at the end of the radius along connecting streets.
- b. Curb & gutter along the County Trunk Highway terminating at the end of the radius along connecting streets
- c. Roadway and/or mainline driveway culverts that are independent of the storm sewer system.
- d. Roadway signing and pavement markings necessary for safe operation & control of vehicular traffic.
- e. Street lighting required for the safety & operation of an intersection.
- f. Median island surfacing, if present.
- g. Typical County mowing and brush clearing within the right-of-way.
- h. Maintain records of the highway, right-of-way, and approved utility and access permits.

The Municipality will typically maintain the following items:

- a. Roadway pavement and curb & gutter located along connecting side streets beyond termini defined above.
- b. Storm sewer drainage pipes, structures, & ancillary stormwater treatment features.
- c. Off-road sidewalks, multimodal facilities, and pedestrian crossings.
- d. Signing and pavement markings necessary for sidewalks, trail crossings, or multi-modal facilities.
- e. Street lighting not required for the safety & operation of an intersection.
- f. Aesthetic mowing and care of trees, shrubs, and/or landscaping features located within the Highway right-of-way.
- g. Maintenance of connecting side streets terminating at the end of curb radii or crosswalk, whichever is farther

- from the County highway centerline.
- h. Local utility mains and/or service lines including sanitary sewers, water mains, etc.
- i. Public utility appurtenances located on the right-of-way including manholes, water valves, hand holes, etc.
- j. Additional amenities requested by the Municipality.

APPROVALS & CONCURRENCE

BY: _____
 Dean E. Steingraber, P.E. Outagamie County Date
 Highway Commissioner

BY: _____
 Signed for and on behalf of: City of Appleton Date
 Title:

BY: _____
 Signed for and on behalf of: City of Appleton Date
 Title:



"... 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: April 6, 2022
Re: Parking restriction change on the 400 block of W. College Avenue
Follow-Up to Six-Month Trial Period

At the request of the Appleton Police Department, the Traffic Section recently reviewed the existing parking restrictions on the north side of the 400 block of W. College Avenue. Based on APD's experience, the existing restrictions (*5-minute Loading Zone* from 5 p.m. to 11 p.m. and *Taxi Loading Zone* from 11 p.m. to 3 a.m.) were no longer appropriate based on the actual demand. For example, very few taxis were using it, while a large number of rideshare vehicles looking for a place to legally stand as they load and unload passengers.

Based on the various considerations, a six-month trial was proposed to remove the existing restrictions and replace them with a "standard" *15-minute Loading Zone* (5 p.m. to 3 a.m.). This trial was approved by the Common Council on 8/4/21 and the signage was changed shortly thereafter.

We believe the changes accomplished the goal of addressing the original issue. We did not receive any feedback or complaints from the public during the six-month trial period. Based on this, we recommend making the changes permanent.



To accomplish this, the following ordinance action is required:

1. **Repeal Ord. 122-04:** "Designate a loading/unloading zone for Taxi's Only from 11:00 p.m. to 3:00 a.m. on the north side of College Avenue from Walnut Street to Division Street. Tow Zone."
2. **Repeal Ord. 121-04:** "Designate a 5-minute loading/unloading zone from 5:00 p.m. to 11:00 p.m. on the north side of College Avenue from Walnut Street to Division Street. Tow Zone."
3. **Create:** "Designate a 15-minute loading/unloading zone from 5:00 p.m. to 3:00 a.m. on the north side of College Avenue from a point 35 feet east of Walnut Street to a point 80 feet west of Division Street. Tow Zone."



"... 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: April 6, 2022
Re: Parking restriction change on the 300/400 block of N. Division Street
Follow-Up to Six-Month Trial Period

At the request of the *Pillars Adult & Family Shelter* (located at 400 N. Division Street), the Traffic Section recently reviewed the existing parking restrictions on the east side of the 300/400 block of N. Division Street. The representative from Pillars (Marth Baldwin, Crisis Housing Director) raised concerns about the existing 90-minute parking zone being unnecessarily restrictive for her clients. She requested the zone be changed to a 2-hour parking zone.

After a review of our historical records, it was unclear why the zone was designated with a 90-minute limit, especially considering the vast majority of our time-limited zones are designated with a 2-hour limit.

Based on the various considerations, we felt the change to a 2-hour time limit would help standardize the zone and would assist Pillars' clients in conducting their business. No negative impacts were anticipated. A six-month trial was initiated on 10/5/21 to test the changes.

We believe the changes accomplished the goal of addressing the original issue. We did not receive any feedback or complaints from the public during the six-month trial period. Based on this, we recommend making the changes permanent.

To accomplish this, the following ordinance action is required:

1. **Create:** "Parking be restricted to two hours from 9:00 a.m. to 6:00 p.m., except Sundays and Holidays, on the east side of Division Street from a point 95 feet north of Franklin Street to a point 180 feet north of Franklin Street."
2. **Create:** Parking be prohibited on the east side of Division Street from a point 180 feet north of Franklin Street to a point 295 feet north of Franklin Street."
3. **Create:** "Parking be restricted to two hours from 9:00 a.m. to 6:00 p.m., except Sundays and Holidays, on the east side of Division Street from Packard Street to a point 250 feet south of Packard Street."
4. **Create:** Parking be prohibited on the east side of Division Street from Franklin Street to a point 95 feet north of Franklin Street."

April 5, 2022

Submitted to: Municipal Services and Director of Public Works: Paula Vandehey
From: Creative Downtown Appleton Inc. (CDA) and Appleton Downtown Inc.

Public parklet proposal:

Creative Downtown Appleton Inc. (CDA) and Appleton Downtown Inc. are requesting approval to place an on street modular parklet for the duration of May 1st through October 31st 2022. The parklet would be located in 2 parking stalls State St. Stall # 178 & 179 across the street from the Mile of Music mural. Images are attached.

The features of the proposed Public Parklet include:

- The parklet is a prefabricated Street Deck unit by Archatrak. Images and the installation manual are attached with unit specifications.
- The size of the unit would be 6 feet wide by 32 feet long. It is a steel frame on raised support pedestals. The decking is low maintenance porcelain pavers. The fence panels and planters are powder coated galvanized steel.
- **Access:** the unit is an ADA compliant design. The elevated adjustable steel frame allows for curb level entry and free flowing street drainage.
- **Safety:** LED lighting and reflective tape along the top railing would be added. The steel fence and planters add additional safety while still providing visual sight into the unit as shown in the attached images.
- **Comfort:** the unit would be furnished with powder coated commercial grade tables and chairs.
- **Artful elements:** The eight steel planters are wrapped with mural vinyl images of world instruments.

Additional features:

- The fence planters will be planted with eatable fragrant herbs. With signs inviting the public to enjoy.
- We would like to add a pet waste station and leash hooks to welcome our furry friends.
- Signage on the unit includes sponsor recognition and a sign stating *no alcohol allowed*. As shown in attached image

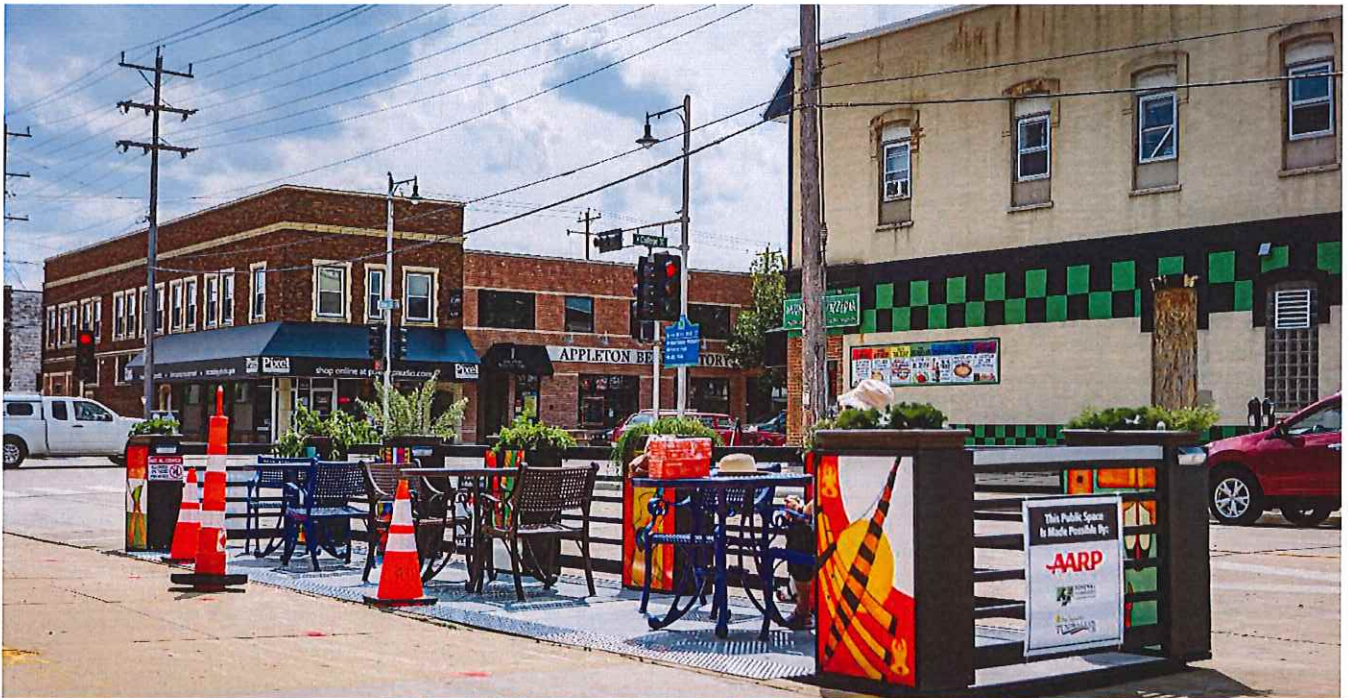
Installation: CDA/ADI will coordinate installation of the unit. We will source a team to complete the install. We would ask for the City to provide an inspection of the unit.

Maintenance: ADI will be responsible for daily cleaning of the parklet and any related maintenance or repair of the unit. A garbage can will be added to the unit this year.

Drainage: The unit is constructed with a pedestal and frame design to allow for adequate drainage. Please see attached image.

Ownership and Insurance: the parklet unit will be owned by CDA and included within our liability insurance policy. We will work with the City on requirements to provided needed certificate of insurance listing City of Appleton as additionally insured.

Expenses: CDA will cover all expenses related to the purchase, install and maintenance of the parklet unit, features and furniture as well as fees related to lost parking revenue.







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

January 2022

CITY OF APPLETON ON-STREET PARKLET POLICY

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

PROCEDURE

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

All written submittals shall contain the following information:

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

APPROVAL CRITERIA

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

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

PURCHASED PARKING FEE

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

PERMIT ISSUANCE

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

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

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

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

CITY OF APPLETON,
a Wisconsin Municipal Corporation,
100 N. APPLETON STREET
APPLETON, WI 54911

COMPLAINT

v.

Core's Lounge, LLC
Agent: Kor Xiong
1350 WEST COLLEGE AVENUE
SUITE D
APPLETON, WI 54911

OFFICE OF CITY CLERK
FILED
MAR 29 2022
APPLETON, WISCONSIN

On Wednesday, April 13, 2022 at 5:30 P.M., the Safety and Licensing Committee of the Common Council of the City of Appleton will meet in the Council Chamber, 6th floor of the City Center, 100 North Appleton Street, Appleton, Wisconsin, at which time the Appleton Police Department, by Assistant Chief Polly Olson, a resident of the City of Appleton, will ask the Committee to recommend to the Common Council that it revoke the alcohol beverage license issued to Core's Lounge LLC, with a registered agent of Kor Xiong, for the licensed premises Core's Lounge, located at 1350 W College Avenue Suite D, Appleton, Wisconsin, 54911.

The recommendation of the Appleton Police Department and Assistant Chief Polly Olson, is being made based upon information and belief regarding the following incidents:

INCIDENT ONE

1. On July 25, 2021, Nou Vang, a manager of Core's Lounge, was issued a citation for Excessive Noise and a citation for Open After Hours.
2. On Sunday, July 25, 2021, at 2:00 AM, Officer Justice and Lieutenant Delplaine responded to a noise complaint at Core's Lounge. Officers could hear music emanating from the business while standing on the north sidewalk of the 1300 block of West Washington. Due to the

excessive noise, and after discussion with Nou Vang, she was cited for Excessive Noise.

3. After addressing the noise complaint with Nou Vang, Officer Justice estimated 20 people were still located in the bar area drinking alcohol. At approximately 2:30 AM, Nou Vang stated that individuals that were not employees would be leaving the bar.

4. At approximately 2:42, officers reentered the bar and again talked to Nou Vang about non-employees continuing to remain on the premises after the bar close after assuring officers the non-employees would leave. Nou Vang was informed multiple times that non-employees must vacate the bar but allowed non-employees to remain. Nou Vang was informed that because she failed to vacate the non-employees from the bar, she would also be cited for Open after Hours.

5. On November 10, 2021, Nou Vang, was found guilty of the Excessive Noise citation by a plea of No Contest.

6. Pursuant to the City of Appleton Code Sec. 9-54, the aforementioned violation requires the assessment of forty-five (45) demerit points.

7. On November 10, 2021, Nou Vang was also found guilty of the Open After Hours citation by a plea of No Contest.

8. Pursuant to the City of Appleton Code Sec. 9-54, the aforementioned violation requires the assessment of fifty (50) demerit points.

9. Pursuant to Chapter 125 of the Wisconsin Statutes, and interpretations thereof, the licensee, Kor Xiong, is answerable for these acts and therefore ninety-five (95) demerit points have been attributed to his license pursuant to the aforementioned "Incident One."

INCIDENT TWO

10. On September 4, 2021, Kor Xiong, an owner of Core's Lounge, was issued a

citation for Failure to Vacate Premises.

11. On September 4, 2021, Officer Grier-Welch responded to a noise complaint that there was loud music coming from the bar, the Officer noted that this was the third call for service for the bar that evening.

12. Officer Grier-Welch arrived at Core's Lounge at approximately 3:00 AM and could hear music playing inside. Through the window, he also observed three females dancing on the dance floor, one of which appeared to be drinking a beer. Multiple individuals were also observed sitting and standing at the bar, a bartender behind the bar, and drinks still on the bar in front of people.

13. After eventually gaining access to the bar, Officer Grier-Welch had a conversation with both the bar manager, Nou Vang, and the owner, Kor Xiong, regarding the noise complaint and the patrons remaining inside the bar well past bar closing time. Based upon the officer's observations of patrons with drinks and showing no intentions of leaving the premise, a citation was written to Kor Xiong for Open After Hours.

14. On November 10, 2021, Kor Xiong was found guilty of the Open After Hours citation by a Plea of No Contest.

15. Pursuant to the City of Appleton Code Sec. 9-54, the aforementioned violation requires the assessment of fifty (50) demerit points.

16. Pursuant to Chapter 125 of the Wisconsin Statutes, and interpretations thereof, the licensee, Kor Xiong, is answerable for this act and therefore fifty (50) demerit points shall be attributed to his license pursuant to the aforementioned "Incident Two."

INCIDENT THREE

17. On February 13, 2022, Nou Vang, a manager of Core's Lounge, was issued a

citation for Permitting Underage Person to Loiter on Premises.

18. On February 18, 2022, Lieutenant Nagel reviewed a report from a disturbance that occurred at Core's Lounge on February 13, 2022. Upon reviewing the report, Lieutenant Nagel determined that there were several underage persons inside the licensed premises. Six (6) separate citations were issued to underage persons loitering on premises as a result of the disturbance on February 13, 2022. As a result of numerous underage persons at Core's Lounge that evening, a citation was written to Nou Vang for Permitting Underage Person to Loiter on Premises.

19. On March 9, 2022, Nou Vang was found guilty of Permitting Underage Person to Loiter on Premises.

20. Pursuant to the City of Appleton Code Sec. 9-54, the aforementioned violation requires the assessment of eighty (80) demerit points.

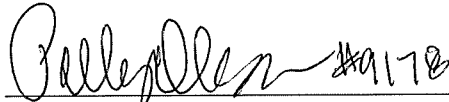
21. Pursuant to Chapter 125 of the Wisconsin Statutes, and interpretations thereof, the licensee, Kor Xiong, is answerable for this act and eighty (80) demerit points shall be attributed to his license pursuant to the aforementioned "Incident Three."

RECOMMENDATION

The above information indicates that on three separate occasions, state and/or local laws were violated by the licensee, Kor Xiong, or by his agents/employees working at the licensed premises. In accordance with the Appleton Municipal Code Sec. 9-54, the license holder has accumulated two hundred twenty-five (225) demerit points within an eighteen month period. The Code further requires that when demerit points totaling two hundred (200) or more are accumulated, the license shall be revoked. Upon an assessment of the demerit points, and considering the serious nature of these violations, the Appleton Police Department is requesting

that the Safety and Licensing Committee revoke the license issued to Core's Lounge LLC, with a registered agent of Kor Xiong for 1534 West College Ave. Suite D, Appleton Wisconsin; and, pursuant to Sec. 125.12(2)(c) that Kor Xiong not be granted a license under Ch. 125 for a period of 12 months from the date of revocation.

Dated this 29th day of March, 2022.



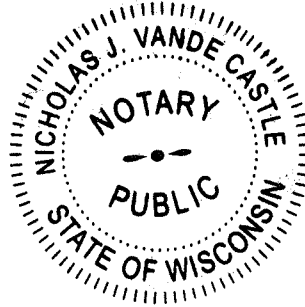
Assistant Chief Polly Olson
Appleton Police Department

OUTAGAMIE COUNTY, WISCONSIN

Subscribed and sworn to before me
this 29th day of March, 2022.



Notary Public, State of Wisconsin
My commission is permanent.





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

LEGAL SERVICES DEPARTMENT

Office of the City Attorney

100 North Appleton Street

Appleton, WI 54911

Phone: 920/832-6423

Fax: 920/832-5962

March 29, 2022

Core's Lounge
ATTN: KOR XIONG
1350 West College Avenue
Suite D
Appleton, WI 54911

Dear Kor:

The purpose of this letter is to inform you of the status of your licensed premise, Core's Lounge, located at 1350 West College Avenue, in the city of Appleton.

Your establishment recently had a violation for Permitting Underage Person to Loiter on Premises on February 2, 2022, which resulted in a conviction on March 9, 2022. Pursuant to Appleton Municipal Code Sec. 9-54, the violation carries an assessment of 80 demerit points. With this latest demerit point assessment, your license for this establishment has now accumulated a total of 225 demerit points within the last 18 months. Be advised that, according to Sec. 9-54 of the Appleton Municipal Code, if any establishment holding an alcohol license accumulates 200 or more demerit points within an 18-month period, the license is subject to revocation.

As a result of the total number of points accumulated, you are requested to appear before the Safety and Licensing Committee for a license revocation hearing on **Wednesday, April 13, 2022, at 5:30 p.m.** in the Council Chambers on the sixth floor of City Hall located at 100 North Appleton Street. Enclosed please find your copy of the Summons and Complaint. Pursuant to Wisconsin Statutes Chapter 125, you are entitled to a hearing. You may have an attorney represent you at the hearing, at your own expense, but are not required to do so. In addition, you may voluntarily surrender your license, thus avoiding the time and expense of a hearing.

These options may have different outcomes that I would be happy to discuss with you in more detail. Please contact me as soon as possible to discuss these matters. I can be reached at (920) 832-1580.

Respectfully,

Nicholas J. Vande Castle
Assistant City Attorney

Enclosure

Christopher R. Behrens
City Attorney

Amanda Abshire
Deputy City Attorney

Darrin M. Glad
Assistant City Attorney

Nicholas J. Vande Castle
Assistant City Attorney

STATE OF WISCONSIN

CITY OF APPLETON

**CITY OF APPLETON,
a Wisconsin Municipal Corporation,
100 N. APPLETON STREET
APPLETON, WI 54911**

SUMMONS

v.

**Core's Lounge, LLC
Agent: Kor Xiong
1350 WEST COLLEGE AVENUE
SUITE D
APPLETON, WI 54911**

TO: Any City of Appleton Police Department Officer

PLEASE TAKE NOTICE THAT,

**KOR XIONG
1350 WEST COLLEGE AVENUE, SUITE D
APPLETON, WI 54911**

is commanded to appear at the Safety and Licensing Committee Meeting on Wednesday, April 13, 2022, at 5:30 p.m. in the Council Chambers, 100 North Appleton Street in the city of Appleton and show cause why his Reserve "Class B" and Class "B" Alcoholic Beverage Licenses should not be revoked in accordance with Wis. Stat. Sec. 125.12.

Dated in Appleton, Wisconsin this 29th day of March, 2022.

CITY OF APPLETON



Kami Lynch, City Clerk

AFFIDAVIT OF SERVICE



STATE OF WISCONSIN

OUTAGAMIE COUNTY

I hereby certify that on the 01 day of APRIL, 2022, in the City of Appleton and County of OUTAGAMIE, I served a copy of the Summons and Complaint on Kor Xiong, personally and leaving him a true copy thereof.

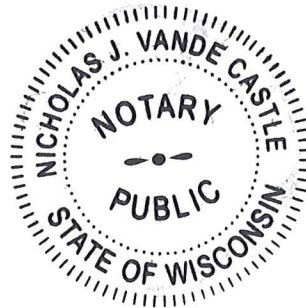
Wm. McE...
Signature of Officer Serving Summons
Appleton Police Department

04/01/22 2:00 PM
Date and Time of Serving

1350 W. COLLEGE AVE.
Location/Place where Defendant was Served

Subscribed and sworn to before me this
12 day of April, 2022.

[Signature]
Notary Public, State of Wisconsin
My commission is permanent.

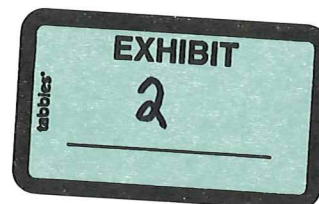


CITY OF APPLETON,
a Wisconsin Municipal Corporation,
100 N. APPLETON STREET
APPLETON, WI 54911

SUMMONS

v.

Core's Lounge, LLC
Agent: Kor Xiong
1350 WEST COLLEGE AVENUE
SUITE D
APPLETON, WI 54911



TO: Any City of Appleton Police Department Officer

PLEASE TAKE NOTICE THAT,

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1350 WEST COLLEGE AVENUE, SUITE D
APPLETON, WI 54911

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Dated in Appleton, Wisconsin this 29th day of March, 2022.

CITY OF APPLETON



Kami Lynch, City Clerk

**CITY OF APPLETON,
a Wisconsin Municipal Corporation,
100 N. APPLETON STREET
APPLETON, WI 54911**



COMPLAINT

v.

**Core's Lounge, LLC
Agent: Kor Xiong
1350 WEST COLLEGE AVENUE
SUITE D
APPLETON, WI 54911**

**OFFICE OF CITY CLERK
FILED
MAR 29 2022
APPLETON, WISCONSIN**

On Wednesday, April 13, 2022 at 5:30 P.M., the Safety and Licensing Committee of the Common Council of the City of Appleton will meet in the Council Chamber, 6th floor of the City Center, 100 North Appleton Street, Appleton, Wisconsin, at which time the Appleton Police Department, by Assistant Chief Polly Olson, a resident of the City of Appleton, will ask the Committee to recommend to the Common Council that it revoke the alcohol beverage license issued to Core's Lounge LLC, with a registered agent of Kor Xiong, for the licensed premises Core's Lounge, located at 1350 W College Avenue Suite D, Appleton, Wisconsin, 54911.

The recommendation of the Appleton Police Department and Assistant Chief Polly Olson, is being made based upon information and belief regarding the following incidents:

INCIDENT ONE

1. On July 25, 2021, Nou Vang, a manager of Core's Lounge, was issued a citation for Excessive Noise and a citation for Open After Hours.
2. On Sunday, July 25, 2021, at 2:00 AM, Officer Justice and Lieutenant Delplaine responded to a noise complaint at Core's Lounge. Officers could hear music emanating from the business while standing on the north sidewalk of the 1300 block of West Washington. Due to the

excessive noise, and after discussion with Nou Vang, she was cited for Excessive Noise.

3. After addressing the noise complaint with Nou Vang, Officer Justice estimated 20 people were still located in the bar area drinking alcohol. At approximately 2:30 AM, Nou Vang stated that individuals that were not employees would be leaving the bar.

4. At approximately 2:42, officers reentered the bar and again talked to Nou Vang about non-employees continuing to remain on the premises after the bar close after assuring officers the non-employees would leave. Nou Vang was informed multiple times that non-employees must vacate the bar but allowed non-employees to remain. Nou Vang was informed that because she failed to vacate the non-employees from the bar, she would also be cited for Open after Hours.

5. On November 10, 2021, Nou Vang, was found guilty of the Excessive Noise citation by a plea of No Contest.

6. Pursuant to the City of Appleton Code Sec. 9-54, the aforementioned violation requires the assessment of forty-five (45) demerit points.

7. On November 10, 2021, Nou Vang was also found guilty of the Open After Hours citation by a plea of No Contest.

8. Pursuant to the City of Appleton Code Sec. 9-54, the aforementioned violation requires the assessment of fifty (50) demerit points.

9. Pursuant to Chapter 125 of the Wisconsin Statutes, and interpretations thereof, the licensee, Kor Xiong, is answerable for these acts and therefore ninety-five (95) demerit points have been attributed to his license pursuant to the aforementioned "Incident One."

INCIDENT TWO

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citation for Failure to Vacate Premises.

11. On September 4, 2021, Officer Grier-Welch responded to a noise complaint that there was loud music coming from the bar, the Officer noted that this was the third call for service for the bar that evening.

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INCIDENT THREE

17. On February 13, 2022, Nou Vang, a manager of Core's Lounge, was issued a

citation for Permitting Underage Person to Loiter on Premises.

18. On February 18, 2022, Lieutenant Nagel reviewed a report from a disturbance that occurred at Core's Lounge on February 13, 2022. Upon reviewing the report, Lieutenant Nagel determined that there were several underage persons inside the licensed premises. Six (6) separate citations were issued to underage persons loitering on premises as a result of the disturbance on February 13, 2022. As a result of numerous underage persons at Core's Lounge that evening, a citation was written to Nou Vang for Permitting Underage Person to Loiter on Premises.

19. On March 9, 2022, Nou Vang was found guilty of Permitting Underage Person to Loiter on Premises.

20. Pursuant to the City of Appleton Code Sec. 9-54, the aforementioned violation requires the assessment of eighty (80) demerit points.

21. Pursuant to Chapter 125 of the Wisconsin Statutes, and interpretations thereof, the licensee, Kor Xiong, is answerable for this act and eighty (80) demerit points shall be attributed to his license pursuant to the aforementioned "Incident Three."

RECOMMENDATION

The above information indicates that on three separate occasions, state and/or local laws were violated by the licensee, Kor Xiong, or by his agents/employees working at the licensed premises. In accordance with the Appleton Municipal Code Sec. 9-54, the license holder has accumulated two hundred twenty-five (225) demerit points within an eighteen month period. The Code further requires that when demerit points totaling two hundred (200) or more are accumulated, the license shall be revoked. Upon an assessment of the demerit points, and considering the serious nature of these violations, the Appleton Police Department is requesting

that the Safety and Licensing Committee revoke the license issued to Core's Lounge LLC, with a registered agent of Kor Xiong for 1534 West College Ave. Suite D, Appleton Wisconsin; and, pursuant to Sec. 125.12(2)(c) that Kor Xiong not be granted a license under Ch. 125 for a period of 12 months from the date of revocation.

Dated this 19th day of March, 2022.



Assistant Chief Polly Olson
Appleton Police Department

OUTAGAMIE COUNTY, WISCONSIN

Subscribed and sworn to before me
this 29th day of March, 2022.



Notary Public, State of Wisconsin
My commission is permanent.





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

LEGAL SERVICES DEPARTMENT

Office of the City Attorney

100 North Appleton Street

Appleton, WI 54911

Phone: 920/832-6423

Fax: 920/832-5962

March 29, 2022

Core's Lounge
ATTN: KOR XIONG
1350 West College Avenue
Suite D
Appleton, WI 54911



Dear Kor:

The purpose of this letter is to inform you of the status of your licensed premise, Core's Lounge, located at 1350 West College Avenue, in the city of Appleton.

Your establishment recently had a violation for Permitting Underage Person to Loiter on Premises on February 2, 2022, which resulted in a conviction on March 9, 2022. Pursuant to Appleton Municipal Code Sec. 9-54, the violation carries an assessment of 80 demerit points. With this latest demerit point assessment, your license for this establishment has now accumulated a total of 225 demerit points within the last 18 months. Be advised that, according to Sec. 9-54 of the Appleton Municipal Code, if any establishment holding an alcohol license accumulates 200 or more demerit points within an 18-month period, the license is subject to revocation.

As a result of the total number of points accumulated, you are requested to appear before the Safety and Licensing Committee for a license revocation hearing on **Wednesday, April 13, 2022, at 5:30 p.m.** in the Council Chambers on the sixth floor of City Hall located at 100 North Appleton Street. Enclosed please find your copy of the Summons and Complaint. Pursuant to Wisconsin Statutes Chapter 125, you are entitled to a hearing. You may have an attorney represent you at the hearing, at your own expense, but are not required to do so. In addition, you may voluntarily surrender your license, thus avoiding the time and expense of a hearing.

These options may have different outcomes that I would be happy to discuss with you in more detail. Please contact me as soon as possible to discuss these matters. I can be reached at (920) 832-1580.

Respectfully,

Nicholas J. Vande Castle
Assistant City Attorney

Enclosure

Christopher R. Behrens
City Attorney

Amanda Abshire
Deputy City Attorney

Darrin M. Glad
Assistant City Attorney

Nicholas J. Vande Castle
Assistant City Attorney

FILED
11-11-2021
Clerk of Circuit Court
Outagamie County
2021FO000803

BY THE COURT:

DATE SIGNED: November 11, 2021

Electronically signed by Barb Bocik
Clerk of Court



STATE OF WISCONSIN CIRCUIT COURT OUTAGAMIE COUNTY

City of Appleton vs. Nou Vang

Judgment of Conviction

and Sentence to the
County Jail/Fine/Forfeiture

Date of Birth: 11-16-1986

Case No. 2021FO000803

The defendant was found guilty of the following offense(s):

Table with 7 columns: Ct., Description, Violation, Plea, Severity, Date(s) Committed, Trial To, Date(s) Convicted. Row 1: 1 Radio or electronic sound amp dev. prohibited, AC 12-87, No Contest, Forf. U, 07-25-2021, 11-10-2021

The defendant is guilty as convicted and sentenced as follows:

Table with 7 columns: Ct., Sent. Date, Sentence, Length, Begin date, Begin time, Agency, Comments. Row 1: 1 11-10-2021 Forfeiture / Fine

Obligation Detail:

Table with 6 columns: Ct., Schedule, Amount, Days to Pay, Due Date, Failure to Pay Action, Victim. Row 1: 1 Local Forf. Violations, 114.50, 30, 12-10-2021, Standard Enforcement

Obligation Summary:

Table with 10 columns: Ct., Fine & Forfeiture, Court Costs, Attorney Fees, Joint and Several Restitution, Other, Mandatory Victim/Wit. Surcharge, 5% Rest. Surcharge, DNA Anal. Surcharge, Totals. Row 1: 1, 6.17, 99.16, Attorney Fees, 9.17, 114.50

Total Obligations: 114.50

It is adjudged that 0 days sentence credit are due pursuant to §973.155, Wisconsin Statutes.

It is ordered that the Sheriff take the defendant into custody.

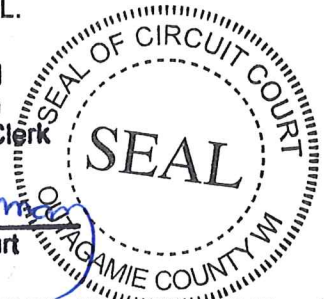
THIS IS A FINAL ORDER FOR THE PURPOSE OF APPEAL.

DISTRIBUTION:

Brian Figy, Court Commissioner
County Sheriff

This document (1 pages) is a full and true copy of the original on file in the office of the Outagamie County Clerk of Circuit Court, State of Wisconsin.

3-18-22 Date Deputy Clerk of Court



FILED
11-11-2021
Clerk of Circuit Court
Outagamie County
2021FO000802

BY THE COURT:

DATE SIGNED: November 11, 2021

Electronically signed by Barb Bocik
Clerk of Court



STATE OF WISCONSIN CIRCUIT COURT OUTAGAMIE COUNTY

City of Appleton vs. Nou Vang

Judgment of Conviction

and Sentence to the
County Jail/Fine/Forfeiture

Date of Birth: 11-16-1986

Case No. 2021FO000802

The defendant was found guilty of the following offense(s):

Table with 7 columns: Ct., Description, Violation, Plea, Severity, Date(s) Committed, Trial To, Date(s) Convicted. Row 1: 1 Open after hours/failure to vacate premises, AC 9-52(4), No Contest, Forf. U, 07-25-2021, 11-10-2021

The defendant is guilty as convicted and sentenced as follows:

Table with 7 columns: Ct., Sent. Date, Sentence, Length, Begin date, Begin time, Agency, Comments. Row 1: 1 11-10-2021 Forfeiture / Fine

Obligation Detail:

Table with 5 columns: Ct., Schedule, Amount, Days to Pay, Due Date, Failure to Pay Action, Victim. Row 1: 1 Local Forf. Violations, 114.50, 30, 12-10-2021, Standard Enforcement

Obligation Summary:

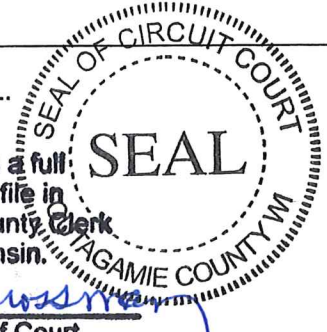
Table with 9 columns: Ct., Fine & Forfeiture, Court Costs, Attorney Fees, Joint and Several Restitution, Other, Mandatory Victim/Wit. Surcharge, 5% Rest. Surcharge, DNA Anal. Surcharge, Totals. Row 1: 1, 6.17, 99.16, 9.17, 114.50

Total Obligations: 114.50

It is adjudged that 0 days sentence credit are due pursuant to §973.155, Wisconsin Statutes.

It is ordered that the Sheriff take the defendant into custody.

THIS IS A FINAL ORDER FOR THE PURPOSE OF APPEAL.



This document (1 pages) is a full and true copy of the original on file in the office of the Outagamie County Clerk of Circuit Court, State of Wisconsin.

DISTRIBUTION:

Brian Figy, Court Commissioner
County Sheriff

3-18-22 Shila Hussner
Date Deputy/Clerk of Court

FILED
11-11-2021
Clerk of Circuit Court
Outagamie County
2021FO000968

BY THE COURT:

DATE SIGNED: November 11, 2021

Electronically signed by Barb Bocik
Clerk of Court



STATE OF WISCONSIN CIRCUIT COURT OUTAGAMIE COUNTY

City of Appleton vs. Kor Xiong

Judgment of Conviction

and Sentence to the
County Jail/Fine/Forfeiture

Date of Birth: 10-27-1982

Case No. 2021FO000968

The defendant was found guilty of the following offense(s):

Table with 7 columns: Ct., Description, Violation, Plea, Severity, Date(s) Committed, Trial To, Date(s) Convicted. Row 1: 1 Open after hours/failure to vacate premises, AC 9-52(4), No Contest, Forf. U, 09-04-2021, 11-10-2021

The defendant is guilty as convicted and sentenced as follows:

Table with 7 columns: Ct., Sent. Date, Sentence, Length, Begin date, Begin time, Agency, Comments. Row 1: 1 11-10-2021 Forfeiture / Fine

Obligation Detail:

Table with 7 columns: Ct., Schedule, Amount, Days to Pay, Due Date, Failure to Pay Action, Victim. Row 1: 1 Local Forf. Violations, 114.50, 30, 12-10-2021, Standard Enforcement

Obligation Summary:

Table with 10 columns: Ct., Fine & Forfeiture, Court Costs, Attorney Fees, Joint and Several Restitution, Other, Mandatory Victim/Wit. Surcharge, 5% Rest. Surcharge, DNA Anal. Surcharge, Totals. Row 1: 1, 6.17, 99.16, 9.17, 114.50

Total Obligations: 114.50

It is adjudged that 0 days sentence credit are due pursuant to §973.155, Wisconsin Statutes.

[] It is ordered that the Sheriff take the defendant into custody.

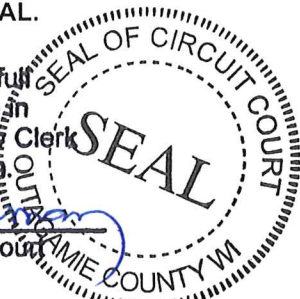
THIS IS A FINAL ORDER FOR THE PURPOSE OF APPEAL.

DISTRIBUTION:

Brian Figy, Court Commissioner
County Sheriff

This document (1 pages) is a full and true copy of the original on file in the office of the Outagamie County Clerk of Circuit Court, State of Wisconsin.

3-18-22 Sheila Sussman
Date Deputy/Clerk of Court





POLICE DEPARTMENT

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

November 23rd, 2021

Core's Lounge
Kor Xiong
1350 W College Avenue
Appleton, WI 54914



RE: Demerit Point Assessment

Dear License Holder:

The purpose of this letter is to inform you of the status of your licensed premise, Core's Lounge, located at 1350 W College Avenue in the City of Appleton.

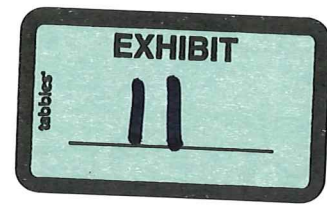
Your establishment recently had a violation for Open After Hours (2) and Noise Violation, which resulted in a conviction on November 10th, 2021. Pursuant to Appleton City Ordinance 9-52, the violation carries an assessment of 50 demerit points. Pursuant to Appleton City Ordinance 12-87, the violation carries an assessment of 45 demerit points. At this time, your license for this establishment has a total of 145 demerit points within the last 12 months and 145 demerit points within the last 18 months.

Please remember that if any beer/liquor license accumulates 150-199 demerit points within a 12 month period the license is subject to suspension for not less than 10 days nor more than 90 days. If any beer/liquor license accumulates 200 or more demerit points within an 18 month time period, the license is subject to being revoked. A copy of the ordinance was provided to you at the time you received your license. You can also view all City of Appleton Ordinances at www.appleton.org. If your license is subject to either of the above, please contact me at your earliest convenience to address this matter.

The City of Appleton Police Department offers free training to help ensure your establishment is operating in a manner that is safe and legal. If you have any questions regarding this recent violation and/or are interested in taking advantage of this free training, please contact me at 832-5524.

Sincerely,

Lt. Adam Nagel #9191



To whom this may concern,

I would like to speak on behalf of Nou and Kor Vang about their business license getting revoked. During the event that was held on February 12, 2022, I, Jenelle Vang, went to the event because a well known artist in our community was attending. Although the event was held at a bar, most events held at Course Lounge are 18 plus, and so I, and a couple of friends had just assumed that this event held on Valentine's weekend was also an 18 plus event. They do also sell food and nonalcoholic drinks to those who are not of age, and speaking as one of the many that received a ticket, I could not buy or receive drinks that contained alcohol in them. Nou and Kor do an amazing job at getting to know their customers and making sure all of their customers who come in for alcoholic drinks are over the age of 21. My presence during this event should not be a reflection of the business itself, for it is a great place that allows everyone to feel a part of all of the special events that they hold.

Thank you.

Email: Jenellevang04@gmail.com

Phone Number : 715-574-4088



I am serena xiong, Kor's eldest child and a first generation hmong american that is going to attend college in September of 2022. Its very important to me that my dad is able to continue to keep his liquor license and business running because its his only form of income, in which i expect him, as my dad, to help me pay my college tuition. Without his liquor license, he will no longer be able keep the bar running to support me financially along with my three younger brothers. With the financial support that i expect from my dad, I will be able to succeed better, not only as an upcoming college student, but as an individual. His support is something I'd like to continue having, so I ask you to allow him to continue with his business.

Serena Xiong

920-252-2494



Dang Thao
(920) 841-6567
Dangthao9527@gmail.com

Hello, my name is Dang Thao. I am a part-time bartender at Cores Lounge. I would like to start off by saying that in Cores Lounge they provide a safe and comfortable environment for minorities and myself included. As a minority we have limited public social entertainment in the Appleton area. My time helping with bartending at Cores Lounge, I've always made sure to check everyone's ID to safely serve the community. Although I was not there during the incident on that particular night, I can safely say that the owners are very responsible in keeping great care of themselves, their customers, and the bar policy that includes anything with the law. I personally choose Cores Lounge as one of the best public social entertainment because they have allowed relaxed seating, couches and a fun karaoke. Aside from alcohol, they also serve amazing nourishments and beverages. If Cores Lounge is shut down, you would be taking away a great way of connecting for most minorities of Hmong people. Please reconsider from taking that connection as we have already discussed better security to avoid such incidents from happening again in the future.



April 12th, 2022

To whom it may concern:

My name is Pa Houa Yang. I am a licensed practical nurse at a long term care skilled nursing facility in Menasha. I have been a regular customer of Core's Lounge for the last two years. My family and friends patronize Core's Lounge almost every weekend. We go to Core's because we are treated like family, as Core used to be married to my cousin. I feel that Core's Lounge is safe as I feel safe while I am there. There have been times where I would stay after bar close to help clean up. Again, I do not mind helping, as he is family. Core is a friendly business owner, but is not afraid to put people in their places, if needed. I have seen him and his bartenders ask for proof of identification from non-regulars or people he does not know. His patrons have a great deal of respect for him. Core's Lounge is safe place to relax after a hard week's work. My family and I choose Core's Lounge over all the other Hmong bars in the area because of this very reason. Please take this letter into consideration while making your decision whether or not to revoke Core's Lounge's liquor license. Please do not hesitate to contact me with any further questions and thank you for your consideration.

A handwritten signature in black ink, appearing to read "P. Yang".

Pa Houa Yang
920-809-2079



Lue J Thor
406 Hawk St.
Oshkosh WI, 54902
12th April, 2022

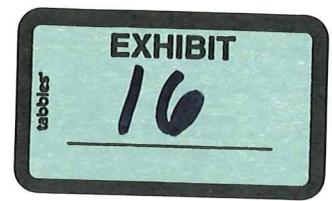
I, Lue Thor understand the situation Core's Lounge is in as I am supportive of this bar. It has been great experience in meeting new people during my darkest times when needed.

I have seen Core's Lounge do many things such as having karaoke for when they are open, for having live music events to support the Hmong artists that perform songs and their new songs. They have hosted multicultural nights in the events to spread culture from other areas and dress up in traditional clothing which I have not seen before at any other bars.

I believe there are many people who are supportive of this bar, there is not many Hmong bars around as other Hmong bars around support each other to give each other breaks. I believe it would be lost to many others and family to lose Core's Lounge as those who are not comfortable with going to other bars are felt welcomed into this bar just as I was with some of the happiest moments of my life.

Sincerely,
Lue J Thor

A handwritten signature in blue ink, appearing to be "Lue J Thor", written in a cursive style.



Hi,

Let me start my introducing myself. My name is Choua Moua and I'm located in Maplewood, Minnesota. I work in the IT department at Boston Scientific. I travel to Appleton, WI for work and leisure. Cores Lounge is a quiet neighbourhood bar. It's a place makes me feel like a home away from home. Please reconsider revoking their liquor license.

Thanks,

Choua Moua

Cell: 651-955-9940

Email: cmoua247@gmail.com

A handwritten signature in black ink, appearing to be "Choua Moua".



Pa Lee (She/Her/Hers)
On-site Crisis Domestic Violence Advocate
Northeast Wisconsin Hmong Providers Group
1707 Hamilton Street
Manitowoc, WI 54220
(920) 374-0988
Leep29@uwgb.edu

April 12th, 2022

To Whom It May Concern,

My name is Pa Lee. I am a customer, friend and colleague of the staff and owners of Cores Lounge. I am writing this letter because I feel it is necessary to talk about the character of Core's Lounge, their owners, business partners and staff. I've known of and seen Core's Lounge in business for the past 2 years. Over this period of time, I've seen a couple who have put their lives into their work, two individuals and business partners who have exerted a lot of energy and worked hard coping with and learning how to run a business, balancing making a living and providing for their family, while attempting to establish that their business is a reflection of their customer's needs and wants.

Currently I live in Manitowoc, which is an hour away where I work as a Crisis and On Site Domestic Violence Advocate while participating in community outreach in the Hmong Community with the Northeast Wisconsin Hmong Providers Group and due to a relationship that has grown from being a customer to a friend, I've continue to be a regular supporter of the business. They have always made me feel welcomed and I've seen them endure and grow so much, while I've help them out and collaborated with them on projects/events on numerous occasions. I've been present and worked occasionally as and with staff, while opening and during closing hours and they have always tried their best to ensure that their employees, family and friends feel heard, stay safe, are away from harm's way. They always vocalizing the importance of having designated drivers and always wish for the safety of their customers as they head home.

Repeatedly they've stated that they hope to be different from other establishments and do not just, want to be owners but they aspire to have a connection with their customers from all different experiences. Following, Core's Lounge has many ties to the community. Through my work as a Crisis and On-site Domestic Violence Advocate and my work in community outreach, both Nou and Kor have allowed me to use their business to help with projects and fundraisers. Last year during April's Sexual Assault Awareness Month, Nou and Kor allowed me to advertise our organization at their bar, in hopes to connect the Hmong community and to bring awareness

that Hmong Advocates and resources are available for victims of Domestic Violence and Sexual Assault. As some know, alcohol is present in many sexual assault cases. We know that the Hmong community is greatly underrepresented and sexual assaults/domestic violence in the Hmong community are likely to go unreported. Nou and Kor decided and agreed that it would be a great idea to let their customers know that there are safe spaces out there and they lent their voices and their business to let customers know that violence, sexual assault, harassment and racism are not accepted in their establishment, not just during Sexual Assault Awareness Month but all year long. I think that speaks volumes. They accept anyone into their business but they also want to make sure that respect and safety is also a top priority and they know this is a work in progress. They continue to work on it daily and Nou has continued to collaborate with me, always lending an open ear and an open mind when it comes to idea of potential fundraisers and projects. This past summer Core's Lounge allowed me to carry out a weekend fundraiser to raise funds for a customer of theirs who father passed away as they needed help with funds for the funeral -- which happily, we were able to raise hundreds of dollars. We have many projects in store including possibly raising money for a Hmong elderly woman who is currently in the hospital, who made Hmong themed cloth face masks for me, when I would attend events regarding my outreach projects aimed at the Hmong community. I hope that we can continue to serve the Hmong community in this way.

Though I know that everyone is questioning the safety of the public with this establishment, I can say that in those moments Nou and Kor will always try their best to make sure that their customers are not at risk. During the unfortunate event of a shooting that occurred on February 13th, 2022 outside of Core's Lounge, I was present and witness many things. During that alarming time, Kor, without hesitation ran to the front entrance and barricaded the door shut, while putting himself between a crowd and the door, to make sure that none of his customers could leave because he was worried about their safety. As many people pleaded and screamed stating they need to go outside (where the shooter was) to find their friends and family members, Kor would not allow it because he was worried about the presence of the shooter and didn't want anyone to get hurt. During this night, Nou and Kor, even though outnumbered and with no extra security, they made sure that their customers and staff were safe and cared for. They tried to console their customers, fed and gave them free food from their bar and restaurant and stayed until everyone was done with questioning. I myself had to stay until 7 am and even at that time, there was still, what seemed like 2 handful of witnesses still waiting to be questioned.

Even after that terrifying event, Nou and Kor still came back later that night to clean up the establishment. In these heightened moments, you will discover, not only who they are as business owners but the extension of their character; that it takes great courage but even greater love/selfless-ness for others, to do what they did. I do think that due to their love for others and their quick thinking, it did have a positive impact, resulting in only one injury that night, in relation to the shooting. Though it is still heartbreaking and devastating to hear, we are also all very grateful and fortunate because it could have been so much worse.

As for other incidents, Nou and Kor like any business can always improve, I agree with and respect the council's concern and point of view, that the safety of the public should be a top

priority and that some things can't go on. In addition, that changes need to and hopefully can be made. I am asking for the council to have some leniency and consider that because they are new business owners, it would be disappointing to have their business be revoked of its license. Instead please greatly consider suspending their license temporarily and help them with resources, educating them on how to make improvements. The council, if possible allow them to open and only open once the council feels they have been educated properly and taken the proper precautions or measures to improve, address and fix the concerns that you as a council and the public may have. I do want the council to consider everything I've mention, from their ally-ship when it comes to issues of domestic violence, sexual assault, racism, etc. to their love for their customers and their business. I want the council to also know that through my personal connection with them, I do not see them as just owners of a bar, I do see them as small business owners because I see how much effort and commitment they pour into their business. I see them as individuals trying to achieve the American Dream while being minorities and breaking crippling generational norms. I do not know if you know this about their business but Nou handles the finances and the accounts related to Core's Lounge. She is not just a bartender but she is a Hmong Woman of color who handles the financial and business aspect and is as much of a business owner as her partner Kor, something only women in the past generations can dream of. Kor, moved to Appleton and is a tax paying citizen but is also a cisgender Hmong man, who willingly converses with female Hmong customers on topics of relationships, the Hmong culture, norms and stereotypes. He is willing to not only lend his perspective on the issues but is willing to hear their voices out and respond with patience and without being patronizing. They run their business not a lot of available help/staff and I know them both to be very giving, as every few months they construct dinners in appreciation of their customers, friends and family because of it. I know them to be courteous, eager to learn and attempt to improve every chance they get. I believe they are able to make the necessary changes if needed to make sure that this doesn't happen again. In conclusion, I would find it really hard to believe that Core's Lounge would be unable to make an improvement. I hope you consider giving them another chance and allow them to continue setting an example and a standard, not just as business owners but as individuals to the rest of the community. Thank you!

Sincerely,

A handwritten signature in black ink, appearing to read "Pa Lee". The signature is written in a cursive, flowing style with a large initial "P" and "L".

Pa Lee

**IN THE CITY OF APPLETON,
OUTAGAMIE COUNTY, STATE OF
WISCONSIN, BEFORE THE
SAFETY AND LICENSING COMMITTEE**

CITY OF APPLETON,
A Wisconsin Municipal Corporation
100 North Appleton Street
Appleton, WI 54911

v.

CORE'S LOUNGE, LLC
Agent: Kor Xiong
1350 West College Avenue
Suite D
Appleton, WI 54911

REPORT TO THE COMMON COUNCIL OF THE CITY OF APPLETON

The above matter came before the Safety and Licensing Committee on April 13, 2022, after a Complaint was filed with the City Clerk on March 29, 2022, requesting that the alcohol beverage license issued to Core's Lounge, LLC be revoked. A copy of this report shall be given to the complainant and licensee. If either the complainant or licensee files an objection to this report with the City Clerk prior to the matter being decided by the Common Council, they will have an opportunity to present arguments supporting the objection to the Common Council, who shall determine whether the arguments shall be presented orally or in writing or both.

FINDINGS OF FACT

1. Core's Lounge, LLC, doing business as Core's Lounge, has a premises licensed by the City of Appleton for retail alcohol beverage sales located at 1350 W. College Ave. in Appleton, Wisconsin.
2. Kor Xiong is the owner for Core's Lounge, LLC.
3. Nou Vang is an employee of Core's Lounge, LLC.
4. Core's Lounge, LLC possesses a Combination Retail License for Class "B" Fermented Malt Beverages and Reserve "Class B" Intoxicating Liquors.

5. On November 10, 2021, Nou Vang was found guilty and convicted of Excessive Noise based on her conduct while working at Core's Lounge on July 25, 2021.
6. On November 10, 2021, Nou Vang was found guilty and convicted of Open After Hours based on her conduct while working at Core's Lounge on July 25, 2021.
7. On November 10, 2021, Kor Xiong was found guilty and convicted of Open After Hours based on his conduct and position at Core's Lounge on September 4, 2021.
8. On November 23, 2021, notice was sent to Kor Xiong indicating that the license had acquired 145 demerit points within the last 12 and 18 months and that for demerit points totaling 150-199 within 12 months the license may be suspended and for 200 or more demerit points within 18 months the license may be revoked.
9. On March 9, 2022, Nou Vang was found guilty and convicted of Permitting Underage Person to Loiter on Premises based on her conduct while working at Core's Lounge on February 13, 2022.
10. On March 29, 2022, Polly Olson, a resident of Appleton, filed a sworn, written Complaint with the City of Appleton Clerk requesting revocation of the alcohol beverage license issued to Core's Lounge.
11. On April 1, 2022, a Summons and Complaint was served on Kor Xiong commanding him to appear before the Safety and Licensing Committee on April 13, 2022, at 5:30 p.m. to show cause why his alcohol beverage license should not be revoked.
12. On April 13, 2022, Kor Xiong appeared at the Safety and Licensing Committee meeting and denied the complaint.

CONCLUSIONS OF LAW

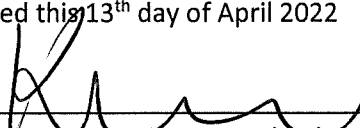
1. The Safety and Licensing Committee of the Common Council of the City of Appleton has proper jurisdiction to conduct a revocation hearing for alcohol beverage licenses pursuant to Section 9-54 of the Municipal Code of the City of Appleton and Wis. Stat. §125.12.
2. The Safety and Licensing Committee can revoke an alcohol beverage license for causes provided in Wis. Stat. §125.12, including violations of municipal regulations adopted under Wis. Stat. §125.10.
3. The Demerit Point System contained in Section 9-54 of the Municipal Code of the City of Appleton is a municipal regulation adopted under Wis. Stat. §125.10.
4. Pursuant to Section 9-54 of the Municipal Code of the City of Appleton, upon the conviction for Excessive Noise and based on the evidence presented, this violation is concluded to be substantially related to the retail sale of alcohol beverages and is a conviction for Other Acts-Noise Complaints. **Therefore, 45 demerit points shall be assigned to the licensee as of the date of violation, July 25, 2021.**

5. Pursuant to Section 9-54 of the Municipal Code of the City of Appleton, upon the conviction for Open After Hours and based on the evidence presented, this violation is concluded to be substantially related to the retail sale of alcohol beverages. **Therefore, 50 demerit points shall be assigned to the licensee as of the date of violation, July 25, 2021.**
6. Pursuant to Section 9-54 of the Municipal Code of the City of Appleton, upon the conviction for Open After Hours and based on the evidence presented, this violation is concluded to be substantially related to the retail sale of alcohol beverages. **Therefore, 50 demerit points shall be assigned to the licensee as of the date of violation, September 4, 2021.**
7. Pursuant to Section 9-54 of the Municipal Code of the City of Appleton, upon the conviction for Permitting Underage Person to Loiter on Premises and based on the evidence presented, this violation is concluded to be substantially related to the retail sale of alcohol beverages. **Therefore, 80 demerit points shall be assigned to the licensee as of the date of violation, February 13, 2022.**
8. The licensee was properly warned of the consequences of additional violations by the notification sent on November 23, 2021, pursuant to Section 9-54(d) of the Municipal Code of the City of Appleton.
9. The Safety and Licensing Committee concludes that the total number of demerit points assessed to the Core's Lounge, LLC within an 18-month period beginning on the date of the first conviction above is 225.
10. The Safety and Licensing Committee concludes that Section 9-54(d)(3) of the Municipal Code of the City of Appleton calls for the revocation of a license when the total number of demerit points within an 18-month period is 200 or greater.
11. The Safety and Licensing Committee concludes that the Complaint is found to be true.

RECOMMENDATION

Based on the above findings of fact and conclusions of law, the Safety and Licensing Committee recommends that the Common Council of the City of Appleton **FIND THE COMPLAINT TO BE TRUE AND REVOKE** the Combination Retail License for Class "B" Fermented Malt Beverages and Reserve "Class B" Intoxicating Liquors issued to Core's Lounge, LLC.


Dated this 13th day of April 2022





Alderperson Katie Van Zeeland
Chairperson, Safety and Licensing Committee

CITY OF APPLETON

FIRE DEPARTMENT

 700 N. Drew Street
Appleton, WI 54911

 (920) 832-5810

 (920) 832-5830

 jeremy.hansen@appleton.org

MEMORANDUM

April 06, 2022

To: Katie Van Zeeland, Chair – Safety & Licensing Committee and Common Council
From: Jeremy Hansen, Fire Chief
Cc: Ryan Weyers, Deputy Fire Chief
Re: Request to Purchase Fire Truck via Sole Source

The Appleton Fire Department (AFD) is requesting to purchase a PUC Engine prior to May 1, 2022 to avoid a 7% price increase and any subsequent inflationary price increases that may occur later this year. Lead time for receiving a fire truck after it is ordered has increased from 17 to about 23 months. Here is a quick cost breakdown:

Purchase Date	Price	Savings before May 1 st
Prior to May 1, 2022	\$790,800	\$55,200
After May 1, 2022	\$846,000	

Under this scenario, no payment would be required until delivery. However, prepayment discounts are available based on interest rates. The estimated prepayment saving is:

Purchase Date	Price	Savings before May 1 st	Prepayment Savings	Total Savings
Prior to May 1, 2022	\$790,800	\$55,200	\$35,000	\$90,200
After May 1, 2022	\$846,000		\$38,000	\$38,000

Historically, the city has exercised the prepayment option. I have no doubt this option will exist in the future. Which brings the known savings to \$ 55,200 if we purchase the vehicle prior to May 1, 2022. What we don't know is if there will be additional price increases between May 1st and the end of the year.

The AFD has purchased identical PUC Engine in 2017 and 2019. This would be the third nearly identical vehicle purchased. The department has identified that standardizing our fleet will improve efficiencies and safety by providing consistency from one truck to the next for personnel moving from one station to another. Efficiencies will also be gained relating to maintenance of the vehicles. By ordering the same PUC Engine, the department will save significant staff time by eliminating the need to develop specifications for each truck. The department will also save significant staff time training on the new truck prior to putting it in service.

The AFD has a long-standing relationship with Pierce Manufacturing and has seen the innovation, cooperation, improved pricing, as well as their commitment and direct involvement in the growth of our city. When the department has encountered issues with our vehicles, Pierce Manufacturing has been extremely responsive to our needs.

Plans are currently underway to proceed with the order prior to May 1, 2022 to avoid the 7% price increase. Therefore, the AFD requests the approval to order and prepay the PUC Engine via sole source with Fire Apparatus & Equipment, Pierce Manufacturing.

If you have any questions or concerns, please do not hesitate to contact me at (920) 832-5810. Thank you for your consideration.



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
<input checked="" type="checkbox"/> Class C wine	\$ 100
<input type="checkbox"/> Class A liquor	\$
<input type="checkbox"/> Class A liquor (cider only)	\$ N/A
<input type="checkbox"/> Class B liquor	\$
<input type="checkbox"/> Reserve Class B liquor	\$
<input type="checkbox"/> Class B (wine only) winery	\$
Publication fee	\$ 60
TOTAL FEE	\$ 260

Name (individual / partners give last name, first, middle; corporations / limited liability companies give registered name)
All Tied Up Floral Cafe, 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>Phillipson</u>	(First) <u>Aaron</u>	(Middle Name) <u>Paul</u>	Home Address (Street, City or Post Office, & Zip Code) <u>10 Hycrest Ct. Appleton 54914</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>Phillipson</u>	(First) <u>Aaron</u>	(Middle Name) <u>Paul</u>	Home Address (Street, City or Post Office, & Zip Code) <u>10 Hycrest Ct Appleton 54914</u>
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

1. Trade Name All Tied up floral cafe Business Phone Number 920-257-4667
 2. Address of Premises 324 E College Ave Post Office & Zip Code Appleton 54911

3. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.)
1st floor space of building. Approx 1385 sqft. Alcoholic beverages will be stored in kitchen - approx 192 sqft and in floral storage approx 156 sqft. Alcoholic beverages will be sold/served in dining area of business.

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
currently taking online responsible server course.
7. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? Yes No
If yes, explain.
8. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? **If yes, explain** Yes No
9. (a) Corporate/limited liability company applicants only: Insert state WI and date 5/7/2017 of registration.
- (b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? **If yes, explain** Yes No
- (c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? **If yes, explain.** Yes No
10. Does the applicant understand they must register as a Retail Beverage Alcohol Dealer with the federal government, Alcohol and Tobacco Tax and Trade Bureau (TTB) by filing (TTB form 5630.5d) before beginning business? [phone 1-877-882-3277] Yes No
11. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776] Yes No
12. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? Yes No

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

Contact Person's Name (Last, First, M.I.) <i>Phillipson, Aaron P</i>	Title/Member <i>President</i>	Date <i>2/14/2022</i>
Signature <i>[Signature]</i>	Phone Number [REDACTED]	Email Address [REDACTED]

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk <i>2/21/22</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: Aaron Phillipson

2. Name of Business: All Tied Up Floral Cafe

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

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

3. Address of Business: 324 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 _____ No X

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

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

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

<u>Aaron</u>	<u>P</u>	<u>Phillipson</u>	<u> </u>	<u> </u>
First name	M.I.	Last name	Date of Birth	
			/	/
First name	M.I.	Last name	Date of Birth	
			/	/
First name	M.I.	Last name	Date of Birth	
			/	/
First name	M.I.	Last name	Date of Birth	

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

Name: N/A New Construction

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: N/A New construction

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

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

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

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

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

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

N/A months ago.

10. Seating capacity: Inside approx 16-25 Outside approx 6-8

11. Operating hours (Inside the building): M-F 6am-8pm Fri-Sat 6am-8pm Sun 9-2
Operating hours (Outdoor seating areas): M-F 8am-5pm Fri-Sat 8am-5pm Sun 9-2

12. Employees/Staff

Number of floor personnel 4-6 Number of door checkers 0

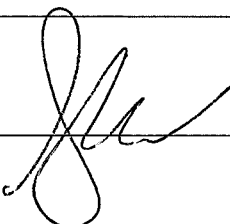
13. In general, state the size and operational details of the proposed establishment:

a. Gross floor building area of the premises to be licensed: 1385 square feet.

b. Gross outdoor seating areas of the premises to be licensed: 48 square feet.

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

Full service florist, cafe, coffee house, gift and retail sales,
and evening food ~~and~~ wine and beer sales.

Signature 

Date 2/21/2022

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 Douglas
 City

The undersigned duly authorized officer/member/manager of All Tied Up Floral Cafe 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

All Tied Up
(Trade Name)

located at 324 E College Ave Appleton, WI 54911

appoints Aaron Phillipson
(Name of Appointed Agent)

10 Hycrest 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).
All Tied Up Floral Cafe - Town of Buchanan

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? 42 years

Place of residence last year 10 Hycrest St. Appleton, WI 54914

For: All Tied Up Floral Cafe
(Name of Corporation / Organization / Limited Liability Company)

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

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

ACCEPTANCE BY AGENT

I, Aaron Phillipson, hereby accept this appointment as agent for the
(Print / type Agent's Name)

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

[Signature] 2/21/22 Agent's age [Redacted]
(Signature of Agent) (Date)
10 Hycrest St. Appleton, WI 54914 Date of birth [Redacted]
(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)

**CITY OF APPLETON
RESOLUTION FOR SPECIAL USE PERMIT #3-22
324 EAST COLLEGE AVENUE**

WHEREAS, Aaron Phillipson, All Tied Up Floral Cafe, has applied for a Special Use Permit for a restaurant with alcohol sales and service located at 324 East College Avenue also identified as Parcel Number 31-2-0343-00; and

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

WHEREAS, the City of Appleton Plan Commission held a public hearing on March 23, 2022 on Special Use Permit #3-22, at which all those wishing to be heard were allowed to speak or present written comments and other materials at the public hearing; and

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

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

WHEREAS, the City of Appleton Plan Commission reviewed the standards for imposing conditions on the Special Use Permit under Section 23-66(c)(5) of the Municipal Code, and forwarded Special Use Permit #3-22 to the City of Appleton Common Council with a favorable conditional or not favorable (CIRCLE ONE) recommendation; and

WHEREAS, the City of Appleton Common Council has reviewed the report and recommendation of the City of Appleton Plan Commission at their meeting on April 6, 2022.

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

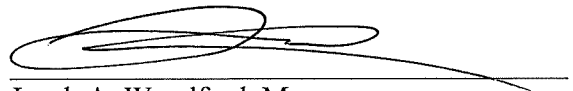
1. Determines all standards listed under Sections 23-66(e)(1-8) of the Municipal Code are found in the affirmative YES or NO (CIRCLE ONE)
2. If NO, the City of Appleton Common Council hereby denies Special Use Permit #3-22 for a restaurant with alcohol sales and service located at 324 East College Avenue, also identified as Parcel Number 31-2-0343-00, based upon the following standards and determinations: (List reason(s) why the Special Use Permit was denied)
3. If YES, the City of Appleton Common Council hereby approves Special Use Permit #3-22 for a restaurant with alcohol sales and service located at 324 East College Avenue, also identified as Parcel Number 31-2-

0343-00, subject to the following conditions as they are related to the purpose of the City of Appleton Municipal Code and based on substantial evidence:

CONDITIONS OF APPROVAL FOR SPECIAL USE PERMIT #3-22

- A. The applicant shall receive approval of a Liquor License from the City Clerk prior to serving alcohol on the premises.
 - B. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.
 - C. The site shall be kept free of litter and debris.
 - D. All Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws shall be complied with.
 - E. Any expansions of the special use, changes to the development plan(s), plan of operation or any conditions of approval may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance. Contact the Community and Economic Development Department to discuss any proposed changes.
4. The City Clerk’s Office is hereby directed to give a copy of this resolution to the owner/applicant, Community and Economic Development Department, Inspections Division, and any other interested party.

Adopted this 6th day of April, 2022.


Jacob A. Woodford, Mayor

ATTEST:

Kami Lynch, City Clerk

Original Alcohol Beverage Retail License Application

(Submit to municipal clerk.)

For the license period beginning: 07/01/2021 ending: 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
<input checked="" type="checkbox"/> Class C wine	\$ 100
<input type="checkbox"/> Class A liquor	\$
<input type="checkbox"/> Class A liquor (cider only)	\$ N/A
<input type="checkbox"/> Class B liquor	\$
<input type="checkbox"/> Reserve Class B liquor	\$
<input type="checkbox"/> Class B (wine only) winery	\$
Publication fee	\$ 67
TOTAL FEE	\$ 267.00

Name (individual / partners give last name, first, middle; corporations / limited liability companies give registered name)
Area 509, 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>Desamour</u>	(First) <u>Reginald</u>	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code) <u>1629 S Nicolet Rd #1 Appleton, WI 54914</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>Desamour</u>	(First) <u>Reginald</u>	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code) <u>1629 S Nicolet Rd #1 Appleton 54914</u>
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

1. Trade Name Area 509 Business Phone Number _____

2. Address of Premises 1625 N Badger Ave Appleton, WI 54914 Post Office & Zip Code 54914

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

Limited service Caribbean restaurant with indoor seating for 22
Outdoor grassy area for outdoor seating. Future plans for
outdoor bar in shipping container. Possibly will host food trucks
at times and live music, per approval.

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
course completed 2/21/22
7. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? Yes No
If yes, explain.
8. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? **If yes, explain** Yes No
9. (a) **Corporate/limited liability company applicants only:** Insert state WI and date 2/10/22 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>Desamour, Reginald</u>	Title/Member <u>Member</u>	Date <u>2/20/2022</u>
Signature <u>Reginald Desamour</u>	Phone Number <u>920-702-7009</u>	Email Address <u>area509appleton@gmail.com</u>

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk <u>2-22-2022</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: Reginald Desamour

2. Name of Business: Area 509

(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: 1025 N Badger Ave, Appleton, WI 54914

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

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

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

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

<u>Reginald</u>		<u>Desamour</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: Joseph Santonato
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: San Rocco's Pizza

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

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

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

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

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

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

? months ago.

10. Seating capacity: Inside 22 Outside 50-70

11. Operating hours (Inside the building): 11a-8p M-F 11a-10p F/Sat 11a-8p Sun
Operating hours (Outdoor seating areas): 4p-8p M-T 4p-10p F/Sat 4p-8p Sun

12. Employees/Staff

Number of floor personnel 10 Number of door checkers n/a

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

- a. Gross floor building area of the premises to be licensed: 1452 square feet.
- b. Gross outdoor seating areas of the premises to be licensed: 6666 square feet.
- c. Below, identify the operational details of the proposed establishment:

Area 509 will be a limited service Caribbean restaurant with indoor seating for 22. Outdoor area will have outdoor dining and a shipping container bar. Possibly host a food truck and live music upon approval

Ronald Desrosiers
Signature

2/21/22
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 Area 509, 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 Area 509
(Trade Name)

located at 1025 N Badger Ave, Appleton, WI 54914

appoints Reginald Desamour
(Name of Appointed Agent)

1629 S Nicolet #1 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 completed

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 10 years

Place of residence last year 1629 S Nicolet #1 Appleton, WI 54914

For: Area 509, LLC
(Name of Corporation / Organization / Limited Liability Company)

By: Reginald Desamour
(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, Reginald Desamour, 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.

Reginald Desamour 2/21/22 Agent's age
(Signature of Agent) (Date)

1629 S Nicolet Rd #1 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)

Original Alcohol Beverage Retail License Application

(Submit to municipal clerk.)

For the license period beginning: 7/1/21 ending: 6/30/22
(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	
[REDACTED]	
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 type="checkbox"/> Class B liquor	\$
<input checked="" type="checkbox"/> Reserve Class B liquor	\$ <u>10500</u>
<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)
Tipsy Taco + Tequila Bar 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>Gregory</u>	(First) <u>Sarah</u>	(Middle Name) <u>Jane</u>	Home Address (Street, City or Post Office, & Zip Code) <u>111 E Water St Apt 105 Appleton, 54911</u>
Vice President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Secretary / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Treasurer / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Agent Last Name <u>Gregory</u>	(First) <u>Sarah</u>	(Middle Name) <u>Jane</u>	Home Address (Street, City or Post Office, & Zip Code) <u>111 E Water St. Apt 105 Appleton 54911</u>
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

1. Trade Name Tipsy Taco + Tequila Bar Business Phone Number _____
 2. Address of Premises 127 S Memorial Post Office & Zip Code Appleton, 54911



3. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.)
4 dining rooms, bar, bar tables, 2 portable indoor bars, storage room.

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

5. (a) Was this premises licensed for the sale of liquor or beer during the past license year? Yes No
 (b) If yes, under what name was license issued? _____

6. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? **If yes, explain** Yes No
7. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? Yes No
If yes, explain.
8. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? **If yes, explain** Yes No
9. (a) **Corporate/limited liability company applicants only:** Insert state WI and date 11/31/22 of registration.
- (b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? **If yes, explain** Yes No
Sangria's Mexican Grill LLC
215 S Memorial Dr.
Appleton WI 54911
- (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>Gregory, Sarah J</u>	Title/Member <u>owner</u>	Date <u>3/11/22</u>
Signature <u>Sarah Gregory</u>	Phone Number 	Email Address 

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk <u>3-14-22</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

Liquor License Questionnaire

1. Name of Applicant: Sarah Gregory

2. Name of Business: Tipsy Taco & Tequila Bar
 (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: 127 S Memorial Dr Appleton, WI 54911

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

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

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

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

<u>Sarah</u>	<u>J</u>	<u>Gregory</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 ^{leasing} buying the premise and equipment from?

Name: ZCF QOZB LLC Christopher Francy managing member
 First name Middle Initial Last name

Address: _____
 City State ZIP

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

Name: _____

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

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

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

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

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

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

_____ months ago.

10. Seating capacity: Inside 300 Outside 0

11. Operating hours (Inside the building): Sun 11am-8pm M-Thu 11am-9pm Fri/Sat 11am-10pm
Operating hours (Outdoor seating areas): NA

12. Employees/Staff

Number of floor personnel 12-15 Number of door checkers _____

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

- a. Gross floor building area of the premises to be licensed: 7758 square feet.
- b. Gross outdoor seating areas of the premises to be licensed: 0 square feet.
- c. Below, identify the operational details of the proposed establishment:

full service restaurant/Bar

4 dining rooms

Bar + 2 mobile bars + tequila Bar

Lounge area

Southern
Signature

3/14/22
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 City of Appleton County of Outagamie

The undersigned duly authorized officer/member/manager of Tipsy Taco + Tequila Bar 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 Tipsy Taco + Tequila Bar
(Trade Name)

located at 127 S Memorial Dr. Appleton, WI 54911

appoints Sarah Gregory
(Name of Appointed Agent)
111 E Water St apt 105 Appleton, WI 54911
(Home Address of Appointed Agent)

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

Yes No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).
Sangria's Mexican Grill, Appleton, WI

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? 20+ years

Place of residence last year 121 E Water St apt 118 Appleton, WI 54911

For: Tipsy Taco + Tequila Bar LLC
(Name of Corporation / Organization / Limited Liability Company)

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

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

ACCEPTANCE BY AGENT

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

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

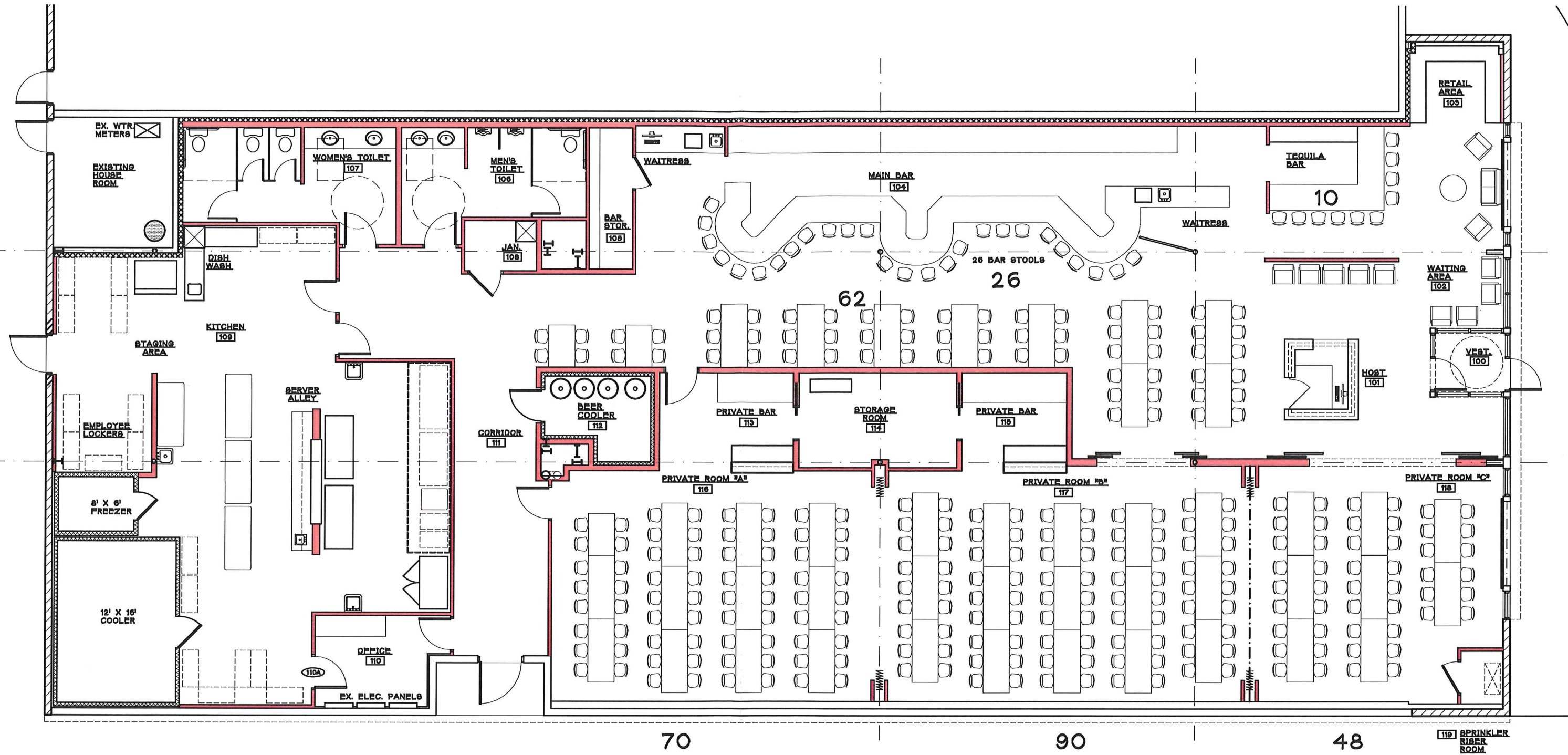
[Signature] 3/11/22
(Signature of Agent) (Date)
111 E Water St apt 105 Appleton, WI 54911
(Home Address of Agent)

Agent's age [Redacted]
Date of birth [Redacted]

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)



450 MAX CAPACITY PER TOILET FIXTURE COUNT
 306 SEATING CAPACITY

7,758 sf

FLOOR PLAN NORTH
 SCALE: 3/16"=1'-0"

**CITY OF APPLETON
RESOLUTION FOR SPECIAL USE PERMIT #2-22
RESTAURANT WITH ALCOHOL
127 SOUTH MEMORIAL DRIVE**

WHEREAS, Sarah Gregory, Tipsy Taco, has applied for a Special Use Permit for a restaurant with alcohol sales and service located at 127 South Memorial Drive, also identified as Parcel Number 31-3-0972-00; and

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

WHEREAS, the City of Appleton Plan Commission held a public hearing on March 23, 2022 on Special Use Permit #2-22, at which all those wishing to be heard were allowed to speak or present written comments and other materials at the public hearing; and

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

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

WHEREAS, the City of Appleton Plan Commission reviewed the standards for imposing conditions on the Special Use Permit under Section 23-66(c)(5) of the Municipal Code, and forwarded Special Use Permit #2-22 to the City of Appleton Common Council with a favorable conditional or not favorable (CIRCLE ONE) recommendation; and

WHEREAS, the City of Appleton Common Council has reviewed the report and recommendation of the City of Appleton Plan Commission at their meeting on April 6, 2022.

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

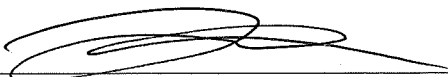
1. Determines all standards listed under Sections 23-66(e)(1-8) of the Municipal Code are found in the affirmative YES or NO (CIRCLE ONE)
2. If NO, the City of Appleton Common Council hereby denies Special Use Permit #2-22 for a restaurant with alcohol sales and service located at 127 South Memorial Drive, also identified as Parcel Number 31-3-0972-00, based upon the following standards and determinations: (List reason(s) why the Special Use Permit was denied)
3. If YES, the City of Appleton Common Council hereby approves Special Use Permit #2-22 for a restaurant with alcohol sales and service located at 127 South Memorial Drive, also identified as Parcel Number 31-3-

0972-00, subject to the following conditions as they are related to the purpose of the City of Appleton Municipal Code and based on substantial evidence:

CONDITIONS OF APPROVAL FOR SPECIAL USE PERMIT #2-22:

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

Adopted this 6th day of April, 2022.



Jacob A. Woodford, Mayor

ATTEST:



Kami Lynch, City Clerk

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 GT Limited
(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 Rascals Bar & Grill
(Trade Name)

located at 702 E Wisconsin Ave, Appleton, WI 54911

appoints Karen A Blodgett
(Name of Appointed Agent)
715 E Hancock St, Appleton, WI 54911
(Home Address of Appointed Agent)

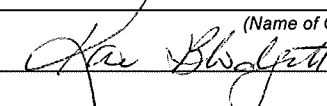
to act for the corporation/organization/limited liability company with full authority and control of the premises and of all business relative to alcohol beverages conducted therein. Is applicant agent presently acting in that capacity or requesting approval for any corporation/organization/limited liability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

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

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

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 28 years

Place of residence last year 715 E Hancock St, Appleton, WI 54911

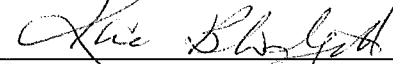
For: GT Limited
(Name of Corporation / Organization / Limited Liability Company)
 By: 
(Signature of Officer / Member / Manager)

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, Karen A Blodgett, 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.

 3/2/22 Agent's age ●●●
(Signature of Agent) (Date)
715 E Hancock St, Appleton, WI 54911 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)

Auxiliary Questionnaire Alcohol Beverage License Application

Submit to municipal clerk.

Individual's Full Name (please print) (last name)		(first name)		(middle name)	
Blodgett		Karen		A	
Home Address (street/route)		Post Office	City	State	Zip Code
715 E Hancock St			Appleton	WI	54911
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.
- Officer** of GT LTD
(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? 28 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
GT Limited	702 E Wisconsin Ave, Applet	06/01/2021	PRESENT
Employer's Name	Employer's Address	Employed From	To
Re/Max 24/7 Real Est	2835 W College Ave, Appleto	04/21/2009	06/30/2021

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)

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 City of Appleton County of Outagamie

The undersigned duly authorized officer/member/manager of Urban Modern Kitchen
(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

Urban Modern Kitchen
(Trade Name)

located at 800 E Wisconsin Ave

appoints Regina Heckman
(Name of Appointed Agent)

2825 S Wheatfield Dr Appleton, WI 54915
(Home Address of Appointed Agent)

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

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

Draft Gastropub

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? 25 yrs

Place of residence last year 2825 S Wheatfield Dr Appleton, WI 54915

For: Urban Modern Kitchen
(Name of Corporation / Organization / Limited Liability Company)

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

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

ACCEPTANCE BY AGENT

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

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

[Signature] 3/23/22 Agent's age 33
(Signature of Agent) (Date)

2825 S Wheatfield Dr Appleton, WI 54915 Date of birth 01/01/89
(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)

Auxiliary Questionnaire Alcohol Beverage License Application

Submit to municipal clerk.

Individual's Full Name (please print) (last name) Hueckman		(first name) Regina		(middle name) Rae	
Home Address (street/route) 2825 S Wheatfield Dr		Post Office Appleton	City Appleton	State WI	Zip Code 54915
Home Phone Number ●●●●●●●●		Age ●●	Date of Birth ●●/●●/●●	Place of Birth Prentice, WI	

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

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

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

Agent of **Urban Modern Kitchen**
(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? 25 yrs

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. Draft Gastropub
(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

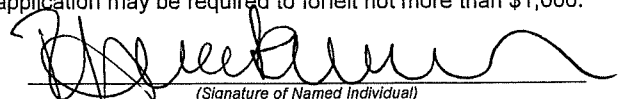
If yes, identify. Draft Gastropub 664 W Ridgerview Dr.
(Name of Wholesale Licensee or Permittee) (Address By City and County)

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

Employer's Name Draft Gastropub	Employer's Address 664 W Ridgerview Dr	Employed From Oct 2019	To Present
Employer's Name Urban Modern	Employer's Address 800 E Wisconsin Ave	Employed From May 2021	To Present

Kitchen

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)

Original Alcohol Beverage Retail License Application

(Submit to municipal clerk.)

For the license period beginning: July -1-2021 ending: June -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 type="checkbox"/> Class B beer	\$
<input type="checkbox"/> Class C wine	\$
<input checked="" type="checkbox"/> Class A liquor	\$ <u>300</u>
<input type="checkbox"/> Class A liquor (cider only)	\$ N/A
<input type="checkbox"/> Class B liquor	\$
<input type="checkbox"/> Reserve Class B liquor	\$
<input type="checkbox"/> Class B (wine only) winery	\$
Publication fee	\$ <u>60</u>
TOTAL FEE	\$ <u>360</u>

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

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

President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
<u>Timisaing</u>	<u>Lekha</u>	<u>Nath</u>	<u>7312 Pinegrove Lane Two Rivers, WI 54241</u>
Vice President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
<u>Joshi</u>	<u>Bashudev</u>		<u>1131 W Commercial St Appleton, WI 54914</u>
Secretary / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
<u>Thapa</u>	<u>Cranesh</u>	<u>Bahadur</u>	<u>1131 W Commercial St Appleton, WI 54914</u>
Treasurer / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
<u>Adhikari</u>	<u>Manav</u>		<u>2210 meadowland Dr, Sheboygan, WI 53081</u>
Agent Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
<u>Timisaing</u>	<u>Lekha</u>	<u>Nath</u>	<u>7312 Pinegrove Lane Two Rivers, WI 54241</u>
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

1. Trade Name Appleton Clark Business Phone Number 920-882-9829
 2. Address of Premises 1200 W Wisconsin Ave Post Office & Zip Code 54914

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

28x28 sq. ft Convenience store and cooler.

4. Legal description (omit if street address is given above): 1200 W Wisconsin Ave Appleton, WI 54914

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? Appleton Clark

6. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? **If yes, explain** Yes No

7. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? Yes No
If yes, explain.

8. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? **If yes, explain** Yes No

9. (a) **Corporate/limited liability company applicants only:** Insert state WI and date 04-01-21 of registration.

(b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? **If yes, explain** Yes No

(c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? Yes No
If yes, explain.

Krishna food mart Two Rivers, WI 54241

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>Graa Thapa Ganesh Bahadur</u>	Title/Member <u>Manager</u>	Date <u>03-15-22</u>
Signature <u>[Signature]</u>	Phone Number <u>[Redacted]</u>	Email Address <u>[Redacted]</u>

TO BE COMPLETED BY CLERK

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



City of Appleton Alcohol License Questionnaire

1. Name of Applicant: Lekha Nath Timilsaina

2. Name of Business: Kedar LLC

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

- Restaurant
- Tavern/Night Club/Wine Bar
- Microbrewery/Brewpub
- Painting/Craft Studio
- Other (describe) Gas station with convenience store

3. Address of Business: 1200 W Wisconsin Ave Appleton, WI, 54911

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

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

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

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

Lekha	Nath	Timilsaina	●	/	●	/	●	●	●
First name	M.I.	Last name		Date of Birth					
Manav		Adhikari	●	/	●	/	●	●	
First name	M.I.	Last name		Date of Birth					
Bashudev		Joshi		/	/				
First name	M.I.	Last name		Date of Birth					
Ganesh	Bahadur	Thapa	●	/	●	/	●	●	
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 Current owner

Address: _____
City State ZIP

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

Name: Kedar LLC

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

Restaurant

Tavern/Night Club/Wine Bar

Microbrewery/Brewpub

Painting/Craft Studio

Other (describe) Gas station with convenience store

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

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

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

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

0 months ago.

10. Seating capacity: Inside Outside

11. Operating hours (Inside the building): 8 AM to 10 PM

Operating hours (Outdoor seating areas):

12. Employees/Staff

Number of floor personnel 2 Number of door checkers

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

a. Gross floor building area of the premises to be licensed: 785 square feet.

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

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

Gas station with convenience store.

[Signature]

03-15-22

Signature

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 City of Appleton County of Outagamie

The undersigned duly authorized officer/member/manager of Kedkar 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 Appleton Clark

located at 1200 W Wisconsin Ave Appleton, WI 54914
(Trade Name)

appoints Lekha Nath Timbisang
(Name of Appointed Agent)

7312 Pinegrove Lane Two Rivers, WI 54241
(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? 12 yrs

Place of residence last year Two Rivers WI

For: Kedkar LLC
(Name of Corporation / Organization / Limited Liability Company)

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

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

ACCEPTANCE BY AGENT

I, Lekha Nath Timbisang, hereby accept this appointment as agent for the
(Print / Type Agent's Name)

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

[Signature] 03-15-22
(Signature of Agent) (Date)

Agent's age [Redacted]

7312 Pinegrove Lane Two Rivers WI 54241
(Home Address of Agent)

Date of birth [Redacted]

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>3/30/22</u>
License Fee	\$10.00/event	Acct: CLCAGP
Receipt	<u>3412-3</u>	

SECTION 1 – LICENSE INFORMATION

Name of Establishment <u>Dairyland Brew Pub</u>	
Address of Establishment <u>1216 E Wisconsin Ave</u>	
Name of Agent <u>Dorri Schmidt</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

See Attached

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>To Allow more Attendance for Benefit for Kevin Reil - in front parking lot</u>
--	--

Please list the date(s) and time(s) that this temporary premise amendment will be utilized:

4-24-22 11am - 7pm

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:

FOR OFFICE USE ONLY

Department	Approve	Deny	By	Reason
Comm. Dev.				
Finance				
Fire				
Health				
Inspections				
Police				
S&L	Council	Date Issued	Exp. Date	License Number

Amelia

Kennelworth

Driveway

Driveway

Patio
Here

DBP

Allowed

Allowed

Front
Side
Lot

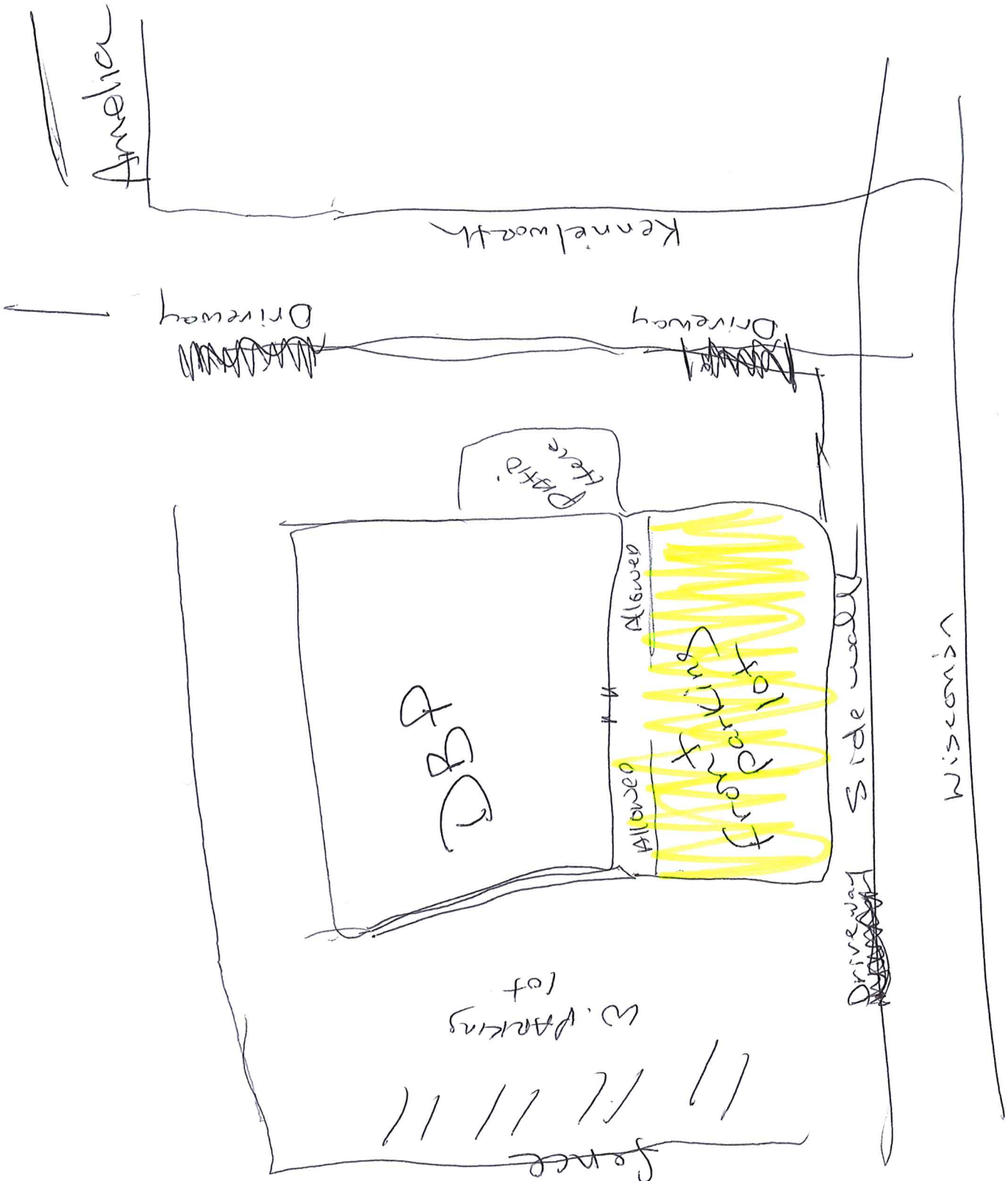
Side wall

Driveway

Wisconsin

W. Parking
lot

11 11 11 11 11
fence





REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Public Hearing Date: March 23, 2022

Common Council Public Hearing Date: April 20, 2022

Item: Floodplain Zoning Amendment - Article X. Floodplain Zoning Division 1. Statutory Authorization, Finding of Fact, Statement of Purpose, Title and General Provisions. Sec. 23-205 (b) (2) Official maps based on other studies related to CLOMR – Case #21-05-3029R.

Staff Contact: Peter Neuberger, P.E., Department of Public Works, Engineering Division

Prepared by: Don Harp, Principal Planner

GENERAL INFORMATION

Owner: Doctors Properties, LLC c/o Henry Chou

Subject Site: Apple Fields plat

Project: Installation of a culvert and fill placement within the Apple Fields plat

Staff Contact/Initiated By: Peter Neuberger, P.E., Department of Public Works, Engineering Division

Petitioner's Request: Floodplain Zoning Amendment - Article X. Floodplain Zoning Division 1. Statutory Authorization, Finding of Fact, Statement of Purpose, Title and General Provisions. Sec. 23-205 (b) (2) Official maps based on other studies related to CLOMR – Case #21-05-3029R.

BACKGROUND/ANALYSIS

The Federal Emergency Management Agency (FEMA) requires local units of government to adopt the national floodplain map so any changes to the national floodplain maps, such as this change in base flood elevation (*the elevation of surface water resulting from a flood that has a 1% chance of equaling or exceeding that level in any given year*), must be approved as a text/map amendment.

The City has received comments and preliminary approval of a Conditional Letter of Map Revision (CLOMR) from the Federal Emergency Management Agency (FEMA) for installation of a culvert and fill placement within the Apple Fields plat. (See attached CLOMR Case #21-05-3029R)

Floodplain Zoning Amendment Chapter 23 Zoning Ordinance
March 23, 2022
Page 2

The Apple Fields plat is located in an area upstream of the limits of the current floodplain mapping, and the proposed changes are required to meet the Department of Natural Resources (DNR) and the Federal Emergency Management (FEMA) requirements for the proposed project. Changes to the floodplain are occurring on the subject property and on adjacent property upstream. Where floodplain elevations increase on neighboring property as a result of the project, the developer has obtained floodplain easements on the affected property.

Following the issuance of the CLOMR, the property owner installs the culvert and fill on the property. Upon completion of the project, the data required on pages 5 and 6 of the CLOMR are submitted to FEMA in order to have an official Letter of Map Amendment or Revision (LOMA/LOMR) issued which officially adjusts the FEMA Floodplain and Flood Insurance Rate Map (FIRM).

Technical Review Group (TRG) Report: This item appeared on the March 1, 2022 TRG agenda. No negative comments were received from participating departments.

RECOMMENDATION:

Pending public comments, staff recommends the proposed amendments to Article X Floodplain Zoning of Chapter 23 of the Municipal Code, Section 23-205 (b) (2) Official maps based on other studies, as attached,
BE APPROVED.

PROPOSED ZONING ORDINANCE TEXT AMENDMENTS

The text recommended to be added is underlined.

Sec. 23-205. General provisions.

(a) ***Areas to be regulated.*** This ordinance regulates all areas that would be covered by the regional flood or base flood as shown on the Flood Insurance Rate Map (FIRM) or other maps approved by DNR. Base flood elevations are derived from the flood profiles in the Flood Insurance Study (FIS) and are shown as AE, A1-30, and AH Zones on the FIRM. Other regulatory zones are displayed as A and AO zones. Regional Flood Elevations (RFE) may be derived from other studies. If more than one map or revision is referenced, the most restrictive information shall apply.

(b) ***Official maps and revisions.*** The boundaries of all floodplain districts are designated as A, AE, AH, AO or A1-30 on the maps based on the Flood Insurance Study (FIS) listed below. Any change to the base flood elevations (BFE) or any changes to the boundaries of the floodplain or floodway in the FIS or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA through the Letter of Map Change process (see Division 8 *Amendments*) before it is effective. No changes to RFE's on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Department of Public Works, City of Appleton. If more than one map or revision is referenced, the most restrictive information shall apply.

(1) ***Official maps based on the FIS:***

- a. Calumet County Flood Insurance Rate Map (FIRM), panel numbers 55015C0007E, 55015C0026E and 55015C0027E dated February 4, 2009; with corresponding profiles that are based on the Calumet County Flood Insurance Study (FIS), dated February 2009, volume number 55015CV000A.
- b. Outagamie County Flood Insurance Rate Map (FIRM) panel numbers 55087C0304E, and 55087C0308E dated January 20, 2016; with corresponding profiles that are based on the Flood Insurance Study (FIS) dated January 20, 2016, volume number 55087CV000B.
- c. Outagamie County Flood Insurance Rate Map (FIRM) panel numbers 55087C0309D, 55087C0314D, 55087C0316D, 55087C0317D, 55087C0318D, 55087C0319D, 55087C0330, 55087C0338D, 55087C0427D, 55087C0431D and 55087C451D dated July 22, 2010; with corresponding profiles that are based on the Outagamie County Flood Insurance Study (FIS) dated July 22, 2010 volume number 55087CV000A.
- d. Outagamie County Flood Insurance Rate Map (FIRM) panel numbers 55087C0328D, 55087C0329D, 55087C0336D, 55087C0337D dated July 22, 2010 and revised August 23, 2013 with corresponding profiles that are based on the Outagamie County Flood Insurance Study (FIS) dated July 22, 2010 volume number 55087CV000A, all revised and annotated pursuant to FEMA Letter of Map Revision Determination Document Case No: 12-05-6032P, Issue Date April 10, 2013, Effective Date August 23, 2013.

Approved by: The DNR and FEMA

(2) ***Official maps based on other studies.*** Any maps referenced in this section must be approved by the DNR and be more restrictive than those based on the FIS at the site of the proposed development.

- a. LOMR – Case #11-05-7670P, Floodway and Floodplain revisions between Flood Insurance Study (FIS) Cross Section AW to BA, Outagamie County Flood Insurance Rate Map (FIRM) panels 55087C0318D and 55087C0319D, dated July 22, 2010. This reflects changes on the Fox River from just downstream of the Private Middle Dam to approximately 250 feet upstream of the Appleton Upper Dam.

- b. LOMR – Case #13-05-7920P, Floodplain revisions between Flood Insurance Study (FIS) Cross Section AN to AM, Outagamie County Flood Insurance Rate panels 55087C0319D, dated July 22, 2010. This reflects changes along the south side of the Fox River from the College Avenue Bridge to approximately 850 feet downstream.
- c. LOMR – Case #17-05-1963P. Floodplain revisions on Outagamie County Flood Insurance Study (FIS) AAL Tributary Cross Section C, Outagamie County Flood Insurance Rate Map (FIRM) panel 55087C0336D, effective September 29, 2017. This reflects changes along the AAL Tributary from just downstream of Lightning Drive to approximately 200 feet upstream of East Glenhurst Lane.
- d. LOMR – Case #17-05-3854P. Floodplain revisions to Outagamie County Flood Insurance Study (FIS) Fox River Cross Section AS through AW, Outagamie County Flood Insurance Rate Map (FIRM) panel 55087C0319D, effective February 16, 2018. This reflects changes along the Fox River from just upstream of railroad to just downstream of South Oneida Street.
- e. LOMR – Case #20-05-2300P. Floodplain revisions to Outagamie County Flood Insurance Study (FIS) Apple Creek North Cross Section H through J, Outagamie County Flood Insurance Rate Map (FIRM) panel 55087C0328D, effective July 22, 2010. This reflects changes along Apple Creek North from approximately 1,440 feet downstream of Harrier Lance to approximately 160 feet downstream of Ballard Road.
- f. CLOMR – Case #21-05-3029R. Floodplain revisions to Outagamie County Flood Insurance Study (FIS) AAL Tributary from just upstream of East Glenhurst Lane to approximately 500 feet upstream of Everbreeze Circle, Outagamie County Flood Insurance Rate Map (FIRM) panel 55087C0336D, effective November 1, 2021.
- ~~g.~~ g. Kensington Pond Dam Failure analysis approved by the Department of Natural Resources on January 7, 2008, including:
 - 1. Map dated July 2007 and titled “Figure 2, City of Appleton, Kensington Pond Dam Break Analysis, Hydraulic Shadow” (Hydraulic Shadow boundary from Cross Section 0.001 to 4.84).
 - 2. Floodway data table dated 8/28/2007 and titled “Table F-10, Maximum Water Surface Elevations, Kensington Pond Dam Break Analysis, City of Appleton”.
 - 3. Flood profiles dated 7/10/2007 and titled “Figure 3, Maximum Water Surface Profiles” (Hydraulic Shadow profile from Garners Creek Sta 0 to Sta 25000). Revisions made as a result of DNR review and received from Pete Neuberger via email 2/23/2021.
- ~~h.~~ h. Outagamie County Flood Storage District Map Panel 1 of 2 approved by Wisconsin Department of Natural Resources and dated January 20, 2016. Prepared by DNR, approved by DNR.



Federal Emergency Management Agency

Washington, D.C. 20472

November 1, 2021

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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

IN REPLY REFER TO:

Case No.: 21-05-3029R
Community Name: City of Appleton, WI
Community No.: 555542

Dear Mayor Woodford:

We are providing our comments with the enclosed Conditional Letter of Map Revision (CLOMR) on a proposed project within your community that if constructed as proposed could revise the effective Flood Insurance Study report and Flood Insurance Rate Map for your community.

If you have any questions regarding the floodplain management regulations for your community, the National Flood Insurance Program (NFIP) in general, or technical questions regarding this CLOMR, please contact the Director, Mitigation Division of the Federal Emergency Management Agency (FEMA) Regional Office in Chicago, Illinois at (312) 408-5500, or the FEMA Mapping and Insurance eXchange (FMIX) toll free at 1-877-336-2627 (1-877-FEMA MAP). Additional information about the NFIP is available on our website at <https://www.fema.gov/flood-insurance>.

Sincerely,

Patrick "Rick" F. Sacbibit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration

List of Enclosures:

Conditional Letter of Map Revision Comment Document

cc: Ms. Paula Vandehey
Director of Public Works
City of Appleton

Mr. Brian Cunningham, CFM
State NFIP Coordinator
Wisconsin Department of Natural Resources

Mr. John R. Davel, P.E.
President
Davel Engineering & Environmental, Inc.



Federal Emergency Management Agency

Washington, D.C. 20472

CONDITIONAL LETTER OF MAP REVISION COMMENT DOCUMENT

COMMUNITY INFORMATION		PROPOSED PROJECT DESCRIPTION	BASIS OF CONDITIONAL REQUEST
COMMUNITY	City of Appleton Outagamie County Wisconsin	CULVERT FILL	HYDROLOGIC ANALYSIS 1D HYDRAULIC ANALYSIS FLOODWAY UPDATED TOPOGRAPHIC DATA
	COMMUNITY NO.: 555542		
IDENTIFIER	Apple Fields	APPROXIMATE LATITUDE & LONGITUDE: 44.309, -88.370 SOURCE: USGS QUADRANGLE DATUM: NAVD 88	
AFFECTED MAP PANELS			
TYPE: FIRM* NO.: 55087C0336D DATE: July 22, 2010		* FIRM - Flood Insurance Rate Map	

FLOODING SOURCE AND REACH DESCRIPTION

AAL Tributary - from just upstream of East Glenhurst Lane to approximately 500 feet upstream of East Everbreeze Circle

PROPOSED PROJECT DESCRIPTION

Flooding Source	Proposed Project	Location of Proposed Project
AAL Tributary	Fill Placement	Just upstream and downstream of East Everbreeze Circle, as well as 180 feet and 265 feet upstream of East Glenhurst Lane
	New Culvert	220 feet upstream of East Glenhurst Lane

SUMMARY OF IMPACTS TO FLOOD HAZARD DATA

Flooding Source	Effective Flooding	Proposed Flooding	Increases	Decreases
AAL Tributary	BFEs*	BFEs	Yes	Yes
	No BFEs	BFEs	Yes	None
	Zone AE	Zone AE	Yes	Yes
	Zone A	Zone AE	Yes	None
	No Floodway	Floodway	Yes	None

* BFEs - Base (1-percent-annual-chance) Flood Elevations

COMMENT

This document provides the Federal Emergency Management Agency's (FEMA's) comment regarding a request for a CLOMR for the project described above. This document is not a final determination; it only provides our comment on the proposed project in relation to the flood hazard information shown on the effective National Flood Insurance Program (NFIP) map. We reviewed the submitted data and the data used to prepare the effective flood hazard information for your community and determined that the proposed project meets the minimum floodplain management criteria of the NFIP. Your community is responsible for approving all floodplain development and for ensuring that all permits required by Federal or State/Commonwealth law have been received. State/Commonwealth, county, and community officials, based on their knowledge of local conditions and in the interest of safety, may set higher standards for construction in the Special Flood Hazard Area (SFHA), the area subject to inundation by the base flood. If the State/Commonwealth, county, or community has adopted more restrictive or comprehensive floodplain management criteria, these criteria take precedence over the minimum NFIP criteria.

This comment is based on the flood data presently available. If you have any questions about this document, please contact the FEMA Mapping and Insurance eXchange (FMIX) toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional Information about the NFIP is available on the FEMA website at <https://www.fema.gov/flood-insurance>.

Patrick "Rick" F. Sacbibit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency
Washington, D.C. 20472

**CONDITIONAL LETTER OF MAP REVISION
COMMENT DOCUMENT (CONTINUED)**

COMMUNITY INFORMATION

To determine the changes in flood hazards that will be caused by the proposed project, we compared the hydraulic modeling reflecting the proposed project (referred to as the proposed conditions model) to the hydraulic modeling used to prepare the Flood Insurance Study (FIS) (referred to as the effective model). If the effective model does not provide enough detail to evaluate the effects of the proposed project, an existing conditions model must be developed to provide this detail. This existing conditions model is then compared to the effective model and the proposed conditions model to differentiate the increases or decreases in flood hazards caused by more detailed modeling from the increases or decreases in flood hazards that will be caused by the proposed project.

The table below shows the changes in the BFEs:

BFE Comparison Table

Flooding Source: AAL Tributary		BFE Change (feet)	Location of maximum change
Existing vs. Effective	Maximum increase	0.00	N/A
	Maximum decrease	0.02	Approximately 150 feet upstream of East Glenhurst Lane
Proposed vs. Existing	Maximum increase	0.82	Approximately 300 feet upstream of East Glenhurst Lane
	Maximum decrease	0.11	Approximately 250 feet upstream of East Everbreeze Circle
Proposed vs. Effective	Maximum increase	0.00	N/A
	Maximum decrease	0.03	Approximately 150 feet upstream of East Glenhurst Lane

Increases due to the proposed project that exceed those permitted under Paragraphs (c)(10) or (d)(3) of Section 60.3 of the NFIP regulations must adhere to Section 65.12 of the NFIP regulations. With this request, your community has complied with all requirements of Paragraph 65.12(a) of the NFIP regulations. Compliance with Paragraph 65.12(b) also is necessary before FEMA can issue a Letter of Map Revision when a community proposes to permit encroachments into the effective regulatory floodway that will cause BFE increases in excess of those permitted under Paragraph 60.3(d)(3).

NFIP regulations Subparagraph 60.3(b)(7) requires communities to ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained. This provision is incorporated into your community's existing floodplain management ordinances; therefore, responsibility for maintenance of the altered or relocated watercourse, including any related appurtenances such as bridges, culverts, and other drainage structures, rests with your community. We may request that your community submit a description and schedule of maintenance activities necessary to ensure this requirement.

This comment is based on the flood data presently available. If you have any questions about this document, please contact the FEMA Mapping and Insurance eXchange (FMIX) toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional Information about the NFIP is available on the FEMA website at <https://www.fema.gov/flood-insurance>.

Patrick "Rick" F. Sacbbit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency

Washington, D.C. 20472

CONDITIONAL LETTER OF MAP REVISION COMMENT DOCUMENT (CONTINUED)

COMMUNITY INFORMATION (CONTINUED)

DATA REQUIRED FOR FOLLOW-UP LOMR

Upon completion of the project, your community must submit the data listed below and request that we make a final determination on revising the effective FIRM, and FIS report. If the project is built as proposed and the data below are received, a revision to the FIRM and FIS report would be warranted.

- Form 1, entitled "Overview & Concurrence Form". Detailed application and certification forms must be used for requesting final revisions to the maps. Therefore, when the map revision request for the area covered by this letter is submitted, Form 1 must be included. If as-built conditions differ from the proposed plans, please submit new forms, which may be accessed at <https://www.fema.gov/flood-maps/change-your-flood-zone/paper-application-forms/mt-2>, or annotated copies of the previously submitted forms showing the revised information.
- Form 2, entitled "Riverine Hydrology & Hydraulics Form."
- Form 3, entitled "Riverine Structures Form."
- Hydraulic analyses, for as-built conditions, of the base flood; the 10-percent, 2-percent, and 0.2 percent annual chance floods; and the regulatory floodway, together with a topographic work map showing the revised floodplain and floodway boundaries. Please ensure that the revised information ties in with the current effective information at the downstream and upstream ends of the revised reach.
- An annotated copy of the FIRM, at the scale of the effective FIRM, that shows the revised floodplain and floodway boundary delineations shown on the submitted work map and how they tie into the floodplain and floodway boundary delineations shown on the current effective FIRM at the downstream and upstream ends of the revised reach.
- As-built plans, certified by a registered professional engineer, of all proposed project elements.
- A copy of the public notice distributed by your community, stating its intent to revise the regulatory floodway, or a signed statement by your community that it has notified all affected property owners and affected adjacent jurisdictions.
- Documentation of the individual legal notices sent to property owners who will be affected by any widening/shifting of the base floodplain and/or any BFE increases along AAL Tributary.
- Evidence that your community has, prior to approval of the proposed encroachment, adopted floodplain management ordinances that incorporate the increased BFEs and revised floodway boundary delineations to reflect the post-project conditions, as stated in Paragraph 65.12(b).

This comment is based on the flood data presently available. If you have any questions about this document, please contact the FEMA Mapping and Insurance eXchange (FMIX) toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional Information about the NFIP is available on the FEMA website at <https://www.fema.gov/flood-insurance>.

A handwritten signature in black ink, appearing to read "Rick Sacbbit".

Patrick "Rick" F. Sacbbit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency
Washington, D.C. 20472

**CONDITIONAL LETTER OF MAP REVISION
COMMENT DOCUMENT (CONTINUED)**

COMMUNITY INFORMATION (CONTINUED)

- A letter stating that your community will adopt and enforce the modified regulatory floodway, OR, if the State/Commonwealth has jurisdiction over either the regulatory floodway or its adoption by your community, a copy of your community's letter to the appropriate State/Commonwealth agency notifying it of the modification to the regulatory floodway and a copy of the letter from that agency stating its approval of the modification.
- FEMA's fee schedule for reviewing and processing requests for conditional and final modifications to published flood information and maps may be accessed at <https://www.fema.gov/flood-maps/change-your-flood-zone/status/flood-map-related-fees>. The fee at the time of the map revision submittal must be received before we can begin processing the request. Payment of this fee can be made through a check or money order, made payable in U.S. funds to the National Flood Insurance Program, or by credit card (Visa or MasterCard only). Please forward the payment, along with the revision application, to the following address:

LOMC Clearinghouse
3601 Eisenhower Avenue, Suite 500
Alexandria, VA 22304-6426

After receiving appropriate documentation to show that the project has been completed, FEMA will initiate a revision to the FIRM and FIS report. Because the flood hazard information (i.e., base flood elevations, base flood depths, SFHAs, zone designations, and/or regulatory floodways) will change as a result of the project, a 90-day appeal period will be initiated for the revision, during which community officials and interested persons may appeal the revised flood hazard information based on scientific or technical data.

This comment is based on the flood data presently available. If you have any questions about this document, please contact the FEMA Mapping and Insurance eXchange (FMIX) toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional Information about the NFIP is available on the FEMA website at <https://www.fema.gov/flood-insurance>.

A handwritten signature in black ink, appearing to read "Rick F. Sacibit".

Patrick "Rick" F. Sacibit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency
Washington, D.C. 20472

**CONDITIONAL LETTER OF MAP REVISION
COMMENT DOCUMENT (CONTINUED)**

COMMUNITY INFORMATION (CONTINUED)

COMMUNITY REMINDERS

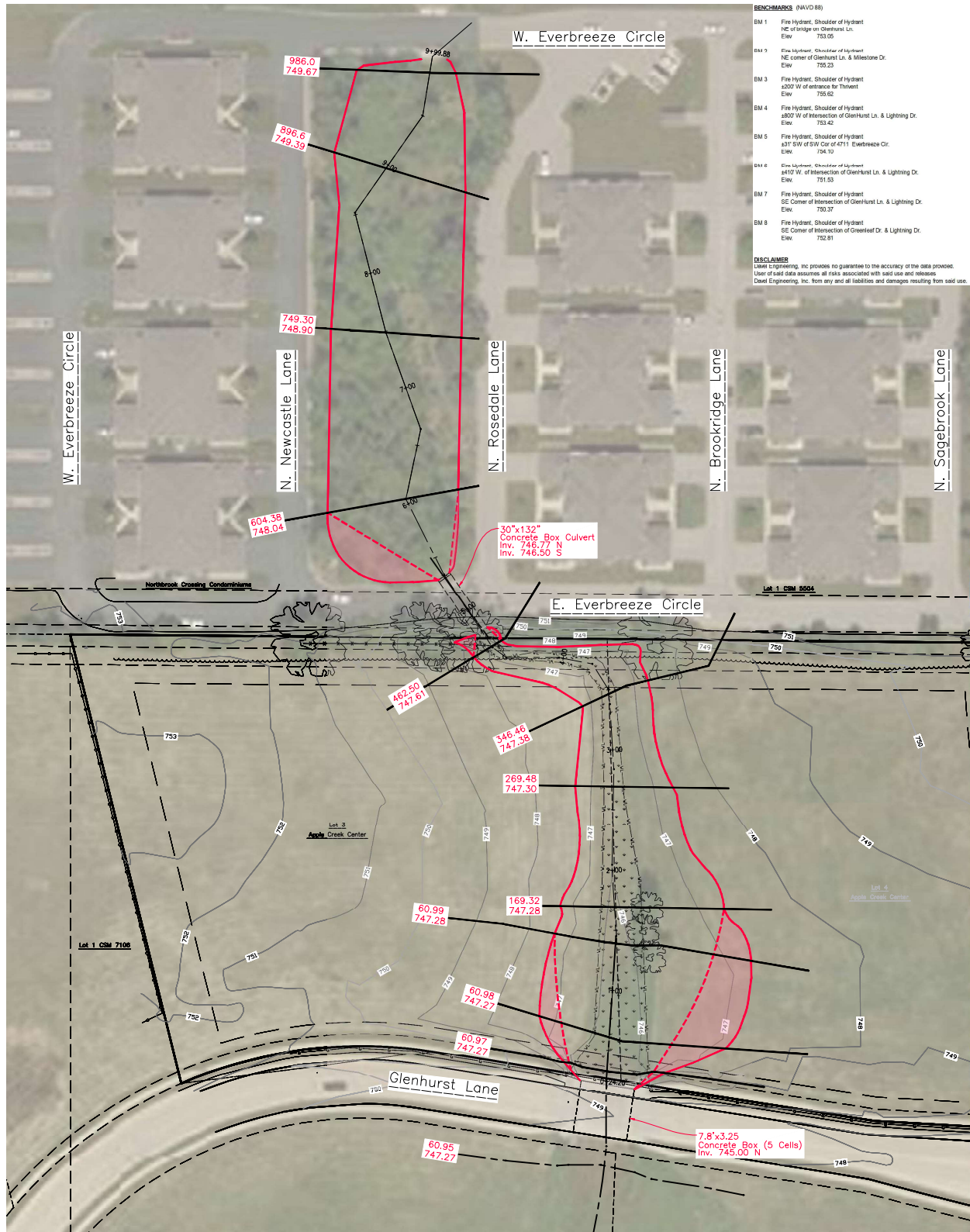
We have designated a Consultation Coordination Officer (CCO) to assist your community. The CCO will be the primary liaison between your community and FEMA. For information regarding your CCO, please contact:

Ms. Mary Beth Caruso
Director, Mitigation Division
Federal Emergency Management Agency, Region V
536 South Clark Street, Sixth Floor
Chicago, IL 60605
(312) 408-5500

This comment is based on the flood data presently available. If you have any questions about this document, please contact the FEMA Mapping and Insurance eXchange (FMIX) toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional Information about the NFIP is available on the FEMA website at <https://www.fema.gov/flood-insurance>.

A handwritten signature in black ink, appearing to read "Rick Sacbbit".

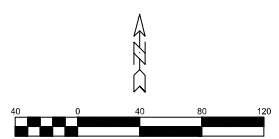
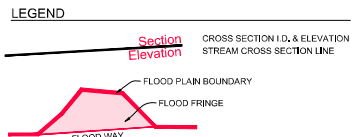
Patrick "Rick" F. Sacbbit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration



BENCHMARKS (NAVD 88)

BM 1	Fire Hydrant, Shoulder of Hydrant NE of bridge on Greenway Ln. Elev. 753.05
BM 2	Fire Hydrant, Shoulder of Hydrant NE corner of Glenhurst Ln. & Milestone Dr. Elev. 755.23
BM 3	Fire Hydrant, Shoulder of Hydrant s200 W of entrance for Thivent Elev. 755.62
BM 4	Fire Hydrant, Shoulder of Hydrant s802 W of intersection of Glenhurst Ln. & Lighting Dr. Elev. 753.42
BM 5	Fire Hydrant, Shoulder of Hydrant s31' SW of SW Cor of 4711 Everbreeze Cir. Elev. 746.10
BM 6	Fire Hydrant, Shoulder of Hydrant s410' W of intersection of Glenhurst Ln. & Lighting Dr. Elev. 751.33
BM 7	Fire Hydrant, Shoulder of Hydrant SE Corner of Intersection of Glenhurst Ln. & Lighting Dr. Elev. 750.37
BM 8	Fire Hydrant, Shoulder of Hydrant SE Corner of Intersection of Greenleaf Dr. & Lighting Dr. Elev. 752.81

DISCLAIMER
 Davel Engineering, Inc. provides no guarantee to the accuracy of the data provided. User of said data assumes all risks associated with said use and releases Davel Engineering, Inc. from any and all liabilities and damages resulting from said use.



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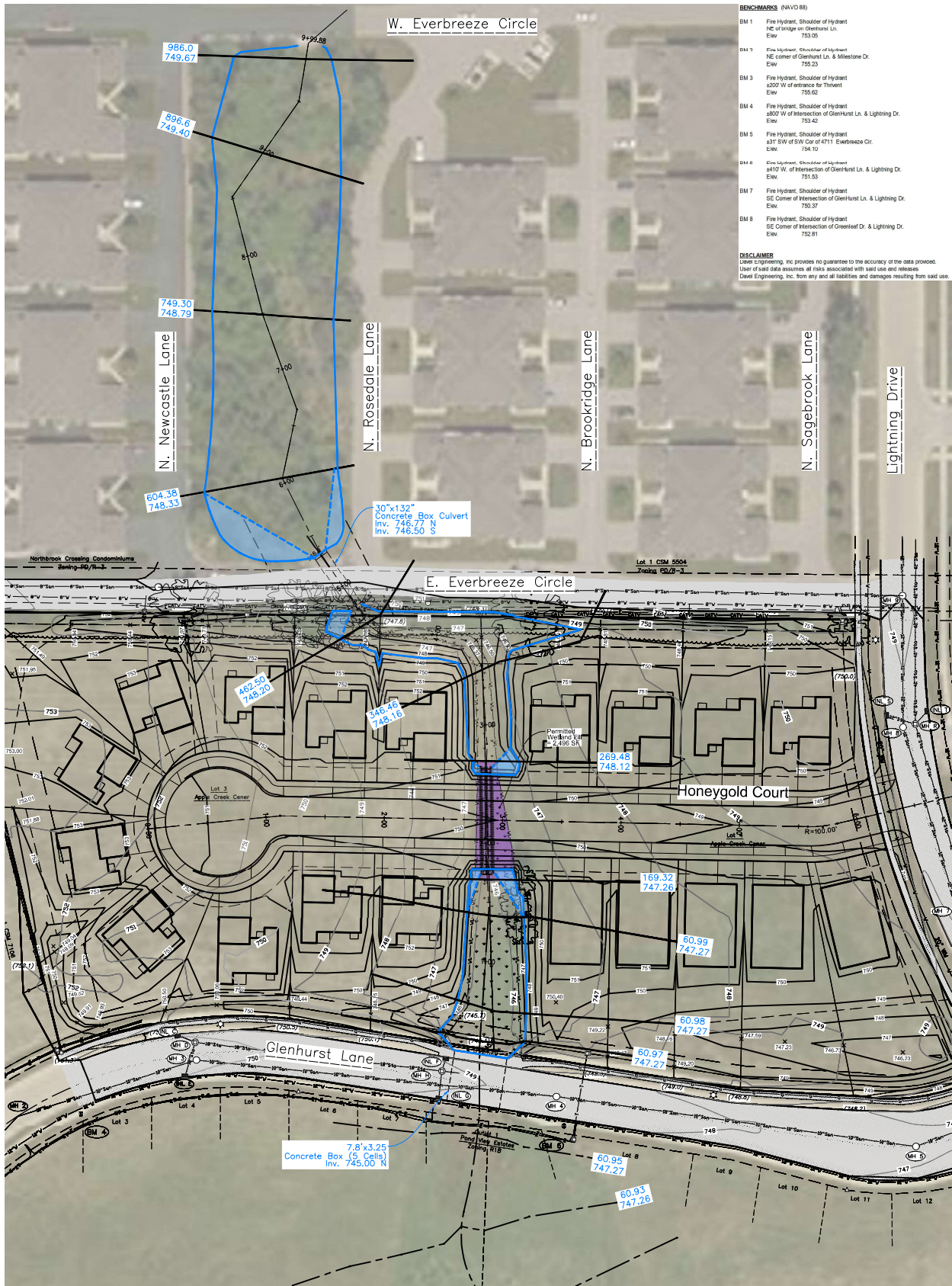
Plot No.	50
Author	JND
Check	Jennifer
Date	07/28/2021
File Name	5629\Flood.dwg

Apple Fields
 City of Appleton, Outagamie County, WI
 For: Doctors Properties, LLC

**100-YEAR FLOOD
 EXISTING CONDITIONS**



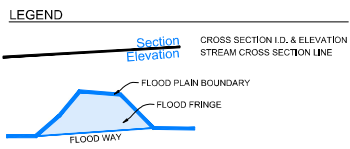
DAVEL ENGINEERING & ENVIRONMENTAL, INC.
 Civil Engineers and Land Surveyors
 1164 Province Terrace, Menasha, WI 54952
 Ph: 920-891-1868 Fax: 920-441-0804
 www.davel.pro



BENCHMARKS (NAVD 88)

BM 1	Fire Hydrant, Shoulder of Hydrant NE corner of Greenway Ln.	Elev. 753.05
BM 2	Fire Hydrant, Shoulder of Hydrant NE corner of Glenhurst Ln. & Milestone Dr.	Elev. 753.23
BM 3	Fire Hydrant, Shoulder of Hydrant 200' W of entrance for Thivent	Elev. 755.62
BM 4	Fire Hydrant, Shoulder of Hydrant 200' W of intersection of Glenhurst Ln. & Lightning Dr.	Elev. 753.42
BM 5	Fire Hydrant, Shoulder of Hydrant 331' SW of SW Cor of 4711 Everbreeze Cir.	Elev. 756.10
BM 6	Fire Hydrant, Shoulder of Hydrant 2410' W. of intersection of Glenhurst Ln. & Lightning Dr.	Elev. 751.33
BM 7	Fire Hydrant, Shoulder of Hydrant SE Corner of Intersection of Glenhurst Ln. & Lightning Dr.	Elev. 750.37
BM 8	Fire Hydrant, Shoulder of Hydrant SE Corner of Intersection of Greenleaf Dr. & Lightning Dr.	Elev. 752.81

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Sheet	51
Drawn by	Jennifer
Checked by	JND
Approved by	JND
File Name	5629\Flood.dwg
Print Date	07/28/2021
Scale	AS SHOWN

Apple Fields
 City of Appleton, Outagamie County, WI
 For: Doctors Properties, LLC

**100-YEAR FLOOD
 PROPOSED CONDITIONS**



**DAVEL ENGINEERING &
 ENVIRONMENTAL, INC.**
 Civil Engineers and Land Surveyors
 1164 Province Terrace, Menasha, WI 54952
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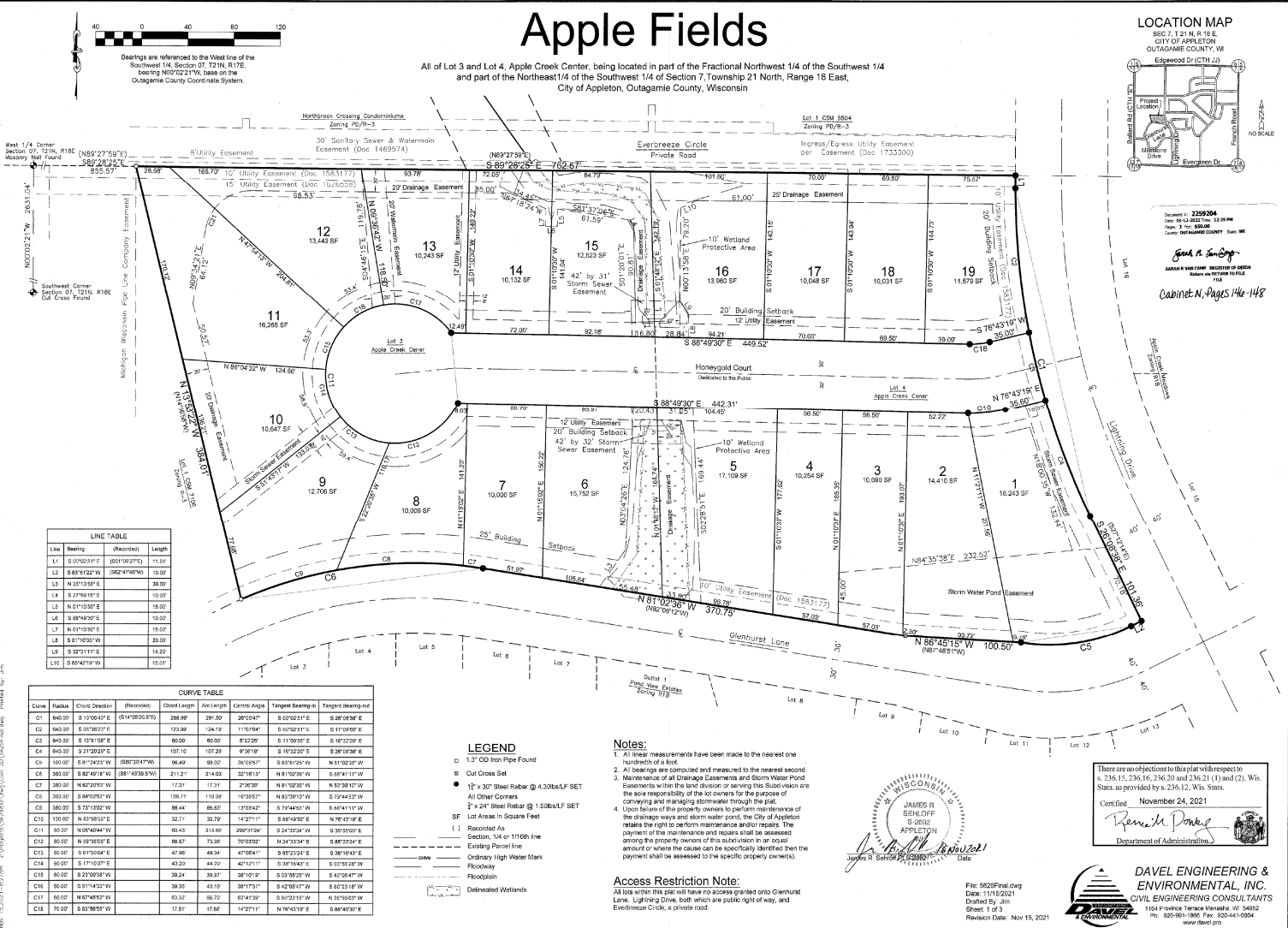
Apple Fields

All of Lot 3 and Lot 4, Apple Creek, being located in part of the Fractional Northwest 1/4 of the Southwest 1/4 and part of the Northeast 1/4 of the Southwest 1/4 of Section 7, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin

LOCATION MAP



Document # 2259204
 Date 04/15/2021 File 03/18/2019
 Page # 3 of 3 \$60.00
 County OUTAGAMIE COUNTY State WI
James R. Sheloff
 SURVEYOR
 Cabinet N-Pages 146-148



Line	Bearing	(Percent)	Length
L1	S 02°02'31\"	(86°19'57\"	11.51'
L2	S 88°43'22\"	(92°47'48\"	10.00'
L3	N 3°13'58\"		38.00'
L4	S 27°58'51\"		10.00'
L5	N 0°12'09\"		16.50'
L6	S 88°49'09\"		10.00'
L7	N 67°10'30\"		14.00'
L8	S 97°10'59\"		20.00'
L9	S 32°13'11\"		14.30'
L10	S 65°42'19\"		15.01'

Curve	Radius	Chord	(Percent)	Chord Length	Arc Length	Center Angle	Tangent Bearing in	Tangent Bearing out
C1	640.00	S 1°02'40\"	(81°49'20.87\"	288.99	291.50	26°10'47\"	S 02°02'31\"	S 28°18'58\"
C2	640.00	S 88°49'22\"		123.88	124.78	11°57'04\"	S 67°02'31\"	S 91°09'50\"
C3	640.00	S 1°02'40\"		46.50	46.50	9°32'30\"	S 11°06'56\"	S 18°32'02\"
C4	640.00	S 21°32'25\"		101.10	101.23	9°36'18\"	S 18°32'25\"	S 28°08'28\"
C5	100.00	S 81°42'33\"	(80°20'47\"	66.49	68.02	35°53'37\"	N 81°10'30\"	N 81°02'10\"
C6	380.00	S 82°49'18\"	(88°14'38.67\"	211.21	214.03	32°16'13\"	N 81°10'30\"	S 60°41'11\"
C7	380.00	N 88°23'09\"		17.31	17.31	2°30'52\"	N 81°10'30\"	N 80°39'17\"
C8	380.00	N 88°23'09\"		130.78	130.79	10°39'57\"	N 80°39'17\"	S 70°42'37\"
C9	380.00	S 72°13'02\"		88.44	88.57	1°52'33\"	S 72°44'53\"	S 65°41'13\"
C10	100.00	N 87°58'55\"		32.71	32.79	14°27'11\"	S 88°49'22\"	N 76°47'01\"
C11	65.00	N 68°04'44\"		60.43	61.38	259°31'24\"	S 24°33'34\"	S 30°55'07\"
C12	65.00	N 68°04'44\"		66.87	73.35	70°52'52\"	N 24°33'34\"	S 80°33'41\"
C13	65.00	S 91°03'04\"		47.96	49.34	47°06'47\"	S 89°23'24\"	S 28°16'40\"
C14	65.00	S 91°03'04\"		43.29	44.30	40°12'11\"	S 89°23'24\"	S 02°59'29\"
C15	65.00	S 22°30'28\"		39.24	39.37	38°10'19\"	S 03°06'28\"	S 42°06'47\"
C16	65.00	S 91°14'32\"		39.35	43.10	38°17'19\"	S 42°06'27\"	S 82°33'24\"
C17	65.00	N 87°48'57\"		61.32	65.70	61°41'39\"	S 80°22'15\"	N 35°16'50\"
C18	70.00	S 82°08'55\"		17.81	17.66	14°27'11\"	N 76°43'19\"	S 88°46'20\"

LEGEND
 1.3\" Iron Pipe Found
 Cut Cross Section
 1\" x 30\" Steel Rebar @ 4.000L/F SET
 All Other Corners
 2\" x 24\" Steel Rebar @ 1.500L/F SET
 SF Lot Areas in Square Feet
 () Recorded PL
 Section, 1/4 or 1/16th Line
 Existing Parcel Line
 Ordinary High Water Mark
 Floodway
 Floodplain
 Delineated Wetlands

Notes:
 1. All linear measurements have been made to the nearest one hundredth of a foot.
 2. All bearings are computed and measured to the nearest second.
 3. Maintenance of all Easements and Storm Water Pond Easements within the land division or serving this Subdivision are the sole responsibility of the lot owners for the purpose of conveying and managing stormwater through the plat.
 4. Upon issue of the property owners to perform maintenance of the drainage ways and storm water pond, the City of Appleton retains the right to perform maintenance and/or repairs. The payment of the maintenance and repairs shall be assessed among the property owners of this subdivision in an equal amount or where the cause can be specifically identified then the payment shall be assessed to the specific property owners.

WISCONSIN
 JAMES R. SHELOFF
 SURVEYOR
 APPLETON
 JAMES R. SHELOFF
 Date

There are no objections to this plat with respect to s. 236.15, 236.16, 236.20 and 236.21 (1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats.
 Certified November 24, 2021
 Department of Administration

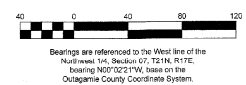
Access Restriction Note:
 All lots within this plat have no access granted onto Glenhurst Lane, Lightning Drive, both of which are public right of way, and Everbreaze Circle, a private road.

File: 6629Final.dwg
 Date: 11/19/2021
 Drawn By: Jim
 Sheet 1 of 3
 Revision Date: Nov 15, 2021

DAVEL ENGINEERING & ENVIRONMENTAL, INC.
 CIVIL ENGINEERING CONSULTANTS
 1161 Providence Terrace Menasha, WI 54952
 Ph: 920.901.1800 Fax: 920.941.0004
 www.davel.com

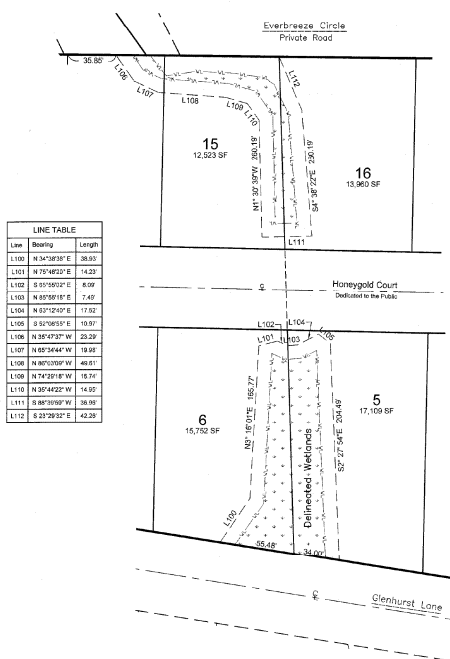
Apple Fields

All of Lot 3 and 1 of 4, Apple Creek Center, being located in part of the Fractional Northwest 1/4 of the Southwest 1/4 and part of the Northeast 1/4 of the Southwest 1/4 of Section 7, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin



These exhibits are a representation of current conditions and regulations, at the time of plotting. For the City's current interpretation of City of Appleton code 11.20(2) dimensional location of these lines is required. Due to changing nature of environmental conditions and regulatory nature of wetlands, flow plan and existing high water mark these dimensions should only act as a guide and actual field conditions inside legislative regulations are held over dimensions shown on this map.

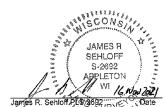
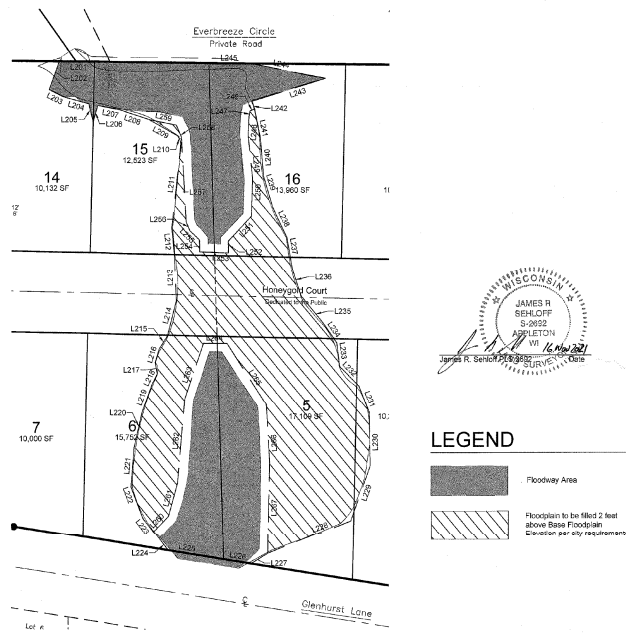
Wetland Protected Area Exhibit:



Wetland Protected Area Setback Exhibit:

- Outbreak shown in per. City of Appleton protective area in City of Appleton Code 20-312(1)
- The following requirements apply as excerpted from City of Appleton Municipal Code 20-312(2):
- (3) The following requirements shall be met:
- Impervious surfaces shall be kept out of the protective area entirely or (as may be approved by the City of Appleton) to the maximum extent practicable.
 - 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 upstate overland flow areas under sheet flow conditions. (Subject to the issuance of all applicable permits) nonnegative 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.
 - Best 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.
 - Protective areas do not apply to:
 - Post-construction sites from which runoff does not enter the surface water, including wetlands, without first being treated by a Stormwater Management Practice that has been approved by the City of Appleton), except to the extent that vegetative ground cover is necessary to maintain bank stability.

LINE TABLE	LINE TABLE		
L194	N 84°58'33" E	L499	S 69°37'31" W
L195	N 85°38'44" W	L500	N 80°15'00" W
L196	N 85°38'44" W	L501	S 51°55'02" E
L197	N 85°38'44" W	L502	N 89°58'18" E
L198	N 85°38'44" W	L503	N 87°24'22" E
L199	N 85°38'44" W	L504	S 32°08'55" E
L200	N 85°38'44" W	L505	N 85°47'37" W
L201	N 85°38'44" W	L506	N 85°47'37" W
L202	N 85°38'44" W	L507	N 85°47'37" W
L203	N 85°38'44" W	L508	N 85°47'37" W
L204	N 85°38'44" W	L509	N 85°47'37" W
L205	N 85°38'44" W	L510	N 85°47'37" W
L206	N 85°38'44" W	L511	N 85°47'37" W
L207	N 85°38'44" W	L512	N 85°47'37" W
L208	N 85°38'44" W	L513	N 85°47'37" W
L209	N 85°38'44" W	L514	N 85°47'37" W
L210	N 85°38'44" W	L515	N 85°47'37" W
L211	N 85°38'44" W	L516	N 85°47'37" W
L212	N 85°38'44" W	L517	N 85°47'37" W
L213	N 85°38'44" W	L518	N 85°47'37" W
L214	N 85°38'44" W	L519	N 85°47'37" W
L215	N 85°38'44" W	L520	N 85°47'37" W
L216	N 85°38'44" W	L521	N 85°47'37" W
L217	N 85°38'44" W	L522	N 85°47'37" W
L218	N 85°38'44" W	L523	N 85°47'37" W
L219	N 85°38'44" W	L524	N 85°47'37" W
L220	N 85°38'44" W	L525	N 85°47'37" W
L221	N 85°38'44" W	L526	N 85°47'37" W
L222	N 85°38'44" W	L527	N 85°47'37" W
L223	N 85°38'44" W	L528	N 85°47'37" W
L224	N 85°38'44" W	L529	N 85°47'37" W
L225	N 85°38'44" W	L530	N 85°47'37" W
L226	N 85°38'44" W	L531	N 85°47'37" W
L227	N 85°38'44" W	L532	N 85°47'37" W
L228	N 85°38'44" W	L533	N 85°47'37" W
L229	N 85°38'44" W	L534	N 85°47'37" W
L230	N 85°38'44" W	L535	N 85°47'37" W
L231	N 85°38'44" W	L536	N 85°47'37" W
L232	N 85°38'44" W	L537	N 85°47'37" W
L233	N 85°38'44" W	L538	N 85°47'37" W
L234	N 85°38'44" W	L539	N 85°47'37" W
L235	N 85°38'44" W	L540	N 85°47'37" W
L236	N 85°38'44" W	L541	N 85°47'37" W
L237	N 85°38'44" W	L542	N 85°47'37" W
L238	N 85°38'44" W	L543	N 85°47'37" W
L239	N 85°38'44" W	L544	N 85°47'37" W
L240	N 85°38'44" W	L545	N 85°47'37" W
L241	N 85°38'44" W	L546	N 85°47'37" W
L242	N 85°38'44" W	L547	N 85°47'37" W
L243	N 85°38'44" W	L548	N 85°47'37" W
L244	N 85°38'44" W	L549	N 85°47'37" W
L245	N 85°38'44" W	L550	N 85°47'37" W
L246	N 85°38'44" W	L551	N 85°47'37" W
L247	N 85°38'44" W	L552	N 85°47'37" W
L248	N 85°38'44" W	L553	N 85°47'37" W
L249	N 85°38'44" W	L554	N 85°47'37" W
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L251	N 85°38'44" W	L556	N 85°47'37" W
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L253	N 85°38'44" W	L558	N 85°47'37" W
L254	N 85°38'44" W	L559	N 85°47'37" W
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L256	N 85°38'44" W	L561	N 85°47'37" W
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L259	N 85°38'44" W	L564	N 85°47'37" W
L260	N 85°38'44" W	L565	N 85°47'37" W
L261	N 85°38'44" W	L566	N 85°47'37" W
L262	N 85°38'44" W	L567	N 85°47'37" W
L263	N 85°38'44" W	L568	N 85°47'37" W
L264	N 85°38'44" W	L569	N 85°47'37" W
L265	N 85°38'44" W	L570	N 85°47'37" W
L266	N 85°38'44" W	L571	N 85°47'37" W
L267	N 85°38'44" W	L572	N 85°47'37" W
L268	N 85°38'44" W	L573	N 85°47'37" W
L269	N 85°38'44" W	L574	N 85°47'37" W
L270	N 85°38'44" W	L575	N 85°47'37" W
L271	N 85°38'44" W	L576	N 85°47'37" W
L272	N 85°38'44" W	L577	N 85°47'37" W
L273	N 85°38'44" W	L578	N 85°47'37" W
L274	N 85°38'44" W	L579	N 85°47'37" W
L275	N 85°38'44" W	L580	N 85°47'37" W
L276	N 85°38'44" W	L581	N 85°47'37" W
L277	N 85°38'44" W	L582	N 85°47'37" W
L278	N 85°38'44" W	L583	N 85°47'37" W
L279	N 85°38'44" W	L584	N 85°47'37" W
L280	N 85°38'44" W	L585	N 85°47'37" W
L281	N 85°38'44" W	L586	N 85°47'37" W
L282	N 85°38'44" W	L587	N 85°47'37" W
L283	N 85°38'44" W	L588	N 85°47'37" W
L284	N 85°38'44" W	L589	N 85°47'37" W
L285	N 85°38'44" W	L590	N 85°47'37" W
L286	N 85°38'44" W	L591	N 85°47'37" W
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L288	N 85°38'44" W	L593	N 85°47'37" W
L289	N 85°38'44" W	L594	N 85°47'37" W
L290	N 85°38'44" W	L595	N 85°47'37" W
L291	N 85°38'44" W	L596	N 85°47'37" W
L292	N 85°38'44" W	L597	N 85°47'37" W
L293	N 85°38'44" W	L598	N 85°47'37" W
L294	N 85°38'44" W	L599	N 85°47'37" W
L295	N 85°38'44" W	L600	N 85°47'37" W



LEGEND

- Floodway Area
- Floodplain to be filed 2 feet above Base Floodplain Elevation per any requirements

Flood Plain Area Exhibit:

Floodplain is shown per FEMA Conditional Letter of Map Revision (LOMR) 21-05-3029R, dated November 1, 2021, and is subject to change based on the pending FEMA Letter of Map Revision (LOMR) after FEMA approved proposed fill placement by developer is complete. Subject to final determination by the Director of Public Works, the City of Appleton will withhold the building occupancy permits for any proposed structures to be located within floodplain fill areas on Lots 5, 6, 15, and 16 until FEMA issues the LOMR.

The floodplain is regulated by City of Appleton Municipal Code Chapter 23 Article X (Floodplain Zoning). A City of Appleton floodplain zoning official map revision is pending, dependent upon issuance of a FEMA LOMR. The following activities are prohibited within the floodplain unless a City of Appleton Floodplain Permit has been issued authorizing the activity: grading, placement of fill material, and/or the placement or construction of any structures that occupy volumes above the existing ground surface.

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

Certified November 24, 2021

James R. Sehlhoff
Department of Administration

File: 5829Final.dwg
Date: 11/19/2021
Created By: Jim
Sheet: 2 of 3
Revision Date: Nov 16, 2021

DAVEL ENGINEERING & ENVIRONMENTAL, INC.
CIVIL ENGINEERING CONSULTANTS
1184 Province Terrace Menasha, WI 54952
Ph: 920-661-1668 Fax:

Apple Fields

All of Lot 3 and Lot 4, Apple Creek Center, being located in part of the Fractional Northwest 1/4 of the Southwest 1/4 and part of the Northeast 1/4 of the Southwest 1/4 of Section 7, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin

Surveyor's Certificate

I, James R. Seibel, Professional Land Surveyor, hereby certify that in full compliance with the provisions of Chapter 238 of the Wisconsin Statutes and the subdivision regulations of the City of Appleton, and under the direction of Doctors Properties, LLC, owner of said land, I have surveyed and reassembled Apple Fields, that such plat correctly represents all exterior boundaries and the subdivision of the land surveyed, and that the land is all of Lot 3 and Lot 4, Apple Creek Center, being located in part of the Fractional Northwest 1/4 of the Southwest 1/4 and part of the Northeast 1/4 of the Southwest 1/4 of Section 7, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin, containing 279,377 Square Feet (6.438 Acres) of land more or less, subject to all easements, and restrictions of record.

Given under my hand and seal of the State of Wisconsin, this 15th day of December, 2021.

James R. Seibel
 JAMES R. SEIBEL
 LAND SURVEYOR
 WI
 No. 52692

Owner's Certificate

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

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

City of Appleton
 Department of Administration

Dated this 15th day of December, 2021.

In the presence of: Doctors Properties, LLC

Huang-Liang Chou
 Sign
 Huang-Liang Chou
 Print Name
 Member, Doctors Properties, LLC
 Title



State of Wisconsin)
 Calumet County ss

Personally came before me this 15th day of December, 2021, the above property owner(s) to me known to be the persons who executed the foregoing instrument and acknowledge the same.

James R. Seibel
 My Commission Expires 3/1/2023

Utility Easement Provisions

An easement for electric, natural gas, and communications service is hereby granted by Doctors Properties, LLC, Grantor, to: Wisconsin Electric Power Company and Wisconsin Gas, LLC, Wisconsin corporations doing business as We Energies, Grantee, SBC, Grantee, and Time Warner Cable, Grantee

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

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

Doctors Properties, LLC

Huang-Liang Chou
 Sign
 Huang-Liang Chou
 Print Name
 Member, Doctors Properties, LLC
 Title

City of Appleton Approval

Resolved, that the plat of Apple Fields, in the City of Appleton, Outagamie County, Wisconsin, Doctors Properties, LLC, owners, is hereby approved by the Common Council of the City of Appleton.

Jason A. Woodford
 Jason A. Woodford, Mayor
 Date 12/16/21

Karin Lynch
 Karin Lynch, Clerk
 Date 12/15/2021

Treasurer's Certificate

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

John D. Hoover
 John D. Hoover
 City Treasurer
 Date 12/16/21

Paula Anderson
 Paula Anderson
 County Treasurer
 Date 11/12/22

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

The property owner of record: Doctors Properties, LLC
 Recording Information: Doc No. 2149383
 Parcel Number(s): 311-6501-03, 311-6501-04

Water Main and Storm Sewer Easement Provisions

An easement for Water Main and Storm Sewer is hereby granted by Doctors Properties, LLC, Grantor, to: THE CITY OF APPLETON, Grantee.

- Purpose: The purpose of this easement is for the Grantee to access, install, regrade, replace, relocate, operate, maintain, repair and replace watermain, storm sewer, and associated appurtenances. Grantee does hereby agree to compensate Grantor fully for any damage caused directly or indirectly from said maintenance, repair, replacement or relocation of said watermain, storm sewer, and associated appurtenances that occur outside of the easement area. Trees, bushes, branches and roots may be trimmed or removed so as not to interfere with grantee's use of the easement area.
- Access: Grantee or its agents shall have the right to enter the grantor's land for the purpose of exercising its rights in the easement area.
- Buildings or Other Structures: Buildings or any other type of structure shall not be placed over Grantee's facilities or in, upon or over the property within the lines marked "Drainage, Storm Sewer or Watermain Easement".
- Elevation: The grantor agrees that the elevation of the existing ground surface within the easement area will not be altered without the written consent of grantee.
- Restoration: Grantee agrees that it will restore subsurface materials on grantor's land, as nearly as is reasonably possible, to the prior existing condition when conducting all future maintenance, regrading or repair activities. Grantor shall be responsible for all surface restoration. Grantee shall not be required to restore or compensate for any improvements or improved surfaces such as, but not limited to, curb and gutter, hard pavements, sidewalks, structures, trees, shrubs and landscaping, disturbed as a result of the maintenance activities described herein.
- Notification: Grantee agrees that it shall give timely notice to the Grantor of routine maintenance work. Grantor and Grantor agree to cooperate in good faith to minimize interference or disruption to the normal facility operations. Grantee shall provide advance notice to Grantor (except in emergency situations, in which event notice shall be provided as soon as is practical) of any activity with a reasonable likelihood of interfering or disrupting the operation Grantor's facility, and to conduct such activities at mutually agreeable times.

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

Huang-Liang Chou
 Sign
 Huang-Liang Chou
 Print Name
 Member, Doctors Properties, LLC
 Title

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

Certified November 24, 2021

Thomas D. Dreyer
 Department of Administration

Revision Date: Sep 01, 2021
 File: 5620Final.dwg
 Date: 09/01/2021
 Drafted By: jim
 Sheet: 3 of 3

DAVEL ENGINEERING & ENVIRONMENTAL, INC.
 CIVIL ENGINEERING CONSULTANTS
 1166 Providence Terrace, Menasha, WI 54952
 Ph: 920.961.1868 Fax: 920.441.0854
 www.davel.com



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Date: April 13, 2022

Common Council Meeting Date: April 20, 2022

Item: Special Use Permit #5-22 for restaurant with alcohol sales and service located at 1103 West College Avenue

Case Manager: Don Harp, Principal Planner

GENERAL INFORMATION

Owner: Jordan Banda – 1800 West Rogers Avenue

Applicant: Russell Leary – 1800 West Rogers Avenue

Address/Parcel #: 1103 West College Avenue (Tax Id #31-3-1064-00)

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

BACKGROUND

On December 2, 2021, the Inspections Division issued Building Permit #B21-1145 for remodeling the subject site into a restaurant with a bar area.

The Appleton Elks Lodge #337 sold the subject site to Jordan Banda (owner) pursuant to Warranty Deed Document #2230993, executed on April 16, 2021.

On May 19, 1998, Certificate of Occupancy and Compliance #98-41 was issued by the Inspections Division to allow the Appleton Elks Club to occupy the subject site for a place of entertainment.

On August 2, 1995, the Common Council approved Special Use Permit (SUP) #8-95 to permanently run with the Appleton Elks Lodge #337 for a "private club with a bar" located at 1103 West College Avenue. Note: SUP 8-95 cannot be transferred to another person/entity.

STAFF ANALYSIS

Project Summary: Mill City Public House is restaurant with alcohol sales serving lunch and dinner meals, including a bar area. In addition, take-out food orders will be offered. The business operations (dining, bar, kitchen/cooler/freezer, restroom and office areas) will utilize the ground floor of the 4,120 square foot building. The basement area is not included in this review.

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

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

Special Use Permit #5-22
April 13, 2022
Page 2

Zoning Development Standards (Restaurant): The review of the zoning development/off-street parking standards of the C-2 General Commercial District for the restaurant use is under the purview of the Inspections Division pursuant to Building Permit #B21-1145. Prior to the Certificate of Occupancy and Compliance being issued, the Inspections Division will ensure the remodeling project for the restaurant use complies with the Zoning Ordinance regulations.

Zoning Ordinance Requirements (Alcohol Sales): The subject property has a zoning designation of C-2 General Commercial District. Per Section 23-113(e) of the Municipal Code, a restaurant with alcohol sales requires a Special Use Permit in the C-2 District. In order to permit alcohol sales and service in conjunction with the proposed restaurant, the Plan Commission makes a recommendation to the Common Council who will make the final decision on the Special Use Permit. A two-thirds (2/3) vote of the Common Council is required for approval.

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

North: C-2 General Commercial District. The adjacent land uses to the north are currently a mix of uses, including personal storage, retail and personal/professional services.

South: R-1B Single-family and R-2 Two-family district. The adjacent land uses to the south are currently one/two family residential.

East: C-2 General Commercial District. The adjacent land use to the east is professional office building.

West: C-2 General Commercial District. The adjacent land use to the west is an unoccupied commercial building.

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

Goal 1 – Community Growth

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

Goal 8 – Economic Development

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

OBJECTIVE 9.5 Economic Development:

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

Special Use Permit #5-22
April 13, 2022
Page 3

OBJECTIVE 10.2 Land Use:

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

OBJECTIVE 10.5 Land Use:

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

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

Finding of Fact: This request was reviewed in accordance with the standards for granting a Special Use Permit under Section 23-66(e)(1-8) of the Municipal Code: (1. *proper zoning district:* C-2 zoning allows restaurants with alcohol as a special use permit; 2. *zoning district regulations:* prior to the Certificate of Occupancy and Compliance being issued, the Inspections Division will ensure the remodeling project for the restaurant use complies with the Zoning Ordinance regulations pursuant to Building Permit #B21-1145; 3. *special regulations:* stipulations 1, 2, 3 and 4 (below) address the special regulations for restaurants with alcohol sales; 4. *consistent with comprehensive plan and other plans:* yes, see above analysis; 5. *Traffic ingress/egress:* the proposed use is not expected to create undue traffic congestion in the public streets, it is anticipated customers will utilize the existing driveway located on the alley to enter and exit the parking lot; 6. *landscaping and screening:* not applicable to this use. 7. *neighborhood compatibility with predominant land uses in this area:* the proposed use is located near other commercial uses in this area of City; 8. *impact on services:* the City has existing utilities, services and equipment in place to serve this proposed use). These standards were found in the affirmative, as long as all stipulations are satisfied.

Technical Review Group (TRG) Report: This item appeared on the March 22, 2022 TRG agenda. No negative comments were received from participating departments.

RECOMMENDATION

Staff recommends, based on the above, that Special Use Permit #5-22 for a restaurant with alcohol sales and service located at 1103 West College Avenue (Tax Id #31-3-1064-00), as shown on the attached maps and per attached plan of operation, along with the attached resolution, **BE APPROVED** to run with the land, subject to the following conditions:

Special Use Permit #5-22
April 13, 2022
Page 4

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

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

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

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

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

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

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

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

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

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

**CITY OF APPLETON
RESOLUTION FOR SPECIAL USE PERMIT #5-22
RESTAURANT WITH ALCOHOL
1103 WEST COLLEGE AVENUE**

WHEREAS, Russell Leary, Mill City Public House, has applied for a Special Use Permit for a restaurant with alcohol sales and service located at 1103 West College Avenue, also identified as Parcel Number 31-3-1064-00; and

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

WHEREAS, the City of Appleton Plan Commission held a public hearing on April 13, 2022 on Special Use Permit #5-22, at which all those wishing to be heard were allowed to speak or present written comments and other materials at the public hearing; and

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

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

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

WHEREAS, the City of Appleton Common Council has reviewed the report and recommendation of the City of Appleton Plan Commission at their meeting on April 20, 2022.

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

1. Determines all standards listed under Sections 23-66(e)(1-8) of the Municipal Code are found in the affirmative YES or NO (CIRCLE ONE)
2. If NO, the City of Appleton Common Council hereby denies Special Use Permit #5-22 for a restaurant with alcohol sales and service located at 1103 West College Avenue, also identified as Parcel Number 31-3-1064-00, based upon the following standards and determinations: (List reason(s) why the Special Use Permit was denied)

3. If YES, the City of Appleton Common Council hereby approves Special Use Permit #5-22 for a restaurant with alcohol sales and service at 1103 West College Avenue, also identified as Parcel Number 31-3-1064-00, subject to the following conditions as they are related to the purpose of the City of Appleton Municipal Code and based on substantial evidence:

CONDITIONS OF APPROVAL FOR SPECIAL USE PERMIT #5-22:

- A. The applicant shall receive approval of a Liquor License from the City Clerk prior to serving alcohol on the premises.
 - B. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.
 - C. The site shall be kept free of litter and debris.
 - D. All Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws shall be complied with.
 - E. Any expansions of the special use, changes to the development plan(s), plan of operation or any conditions of approval may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance. Contact the Community and Economic Development Department to discuss any proposed changes.
4. The City Clerk’s Office is hereby directed to give a copy of this resolution to the owner/applicant, Community and Economic Development Department, Inspections Division, and any other interested party.

Adopted this _____ day of _____, 2022.

Jacob A. Woodford, Mayor

ATTEST:

Kami Lynch, City Clerk

PLAN OF OPERATION AND LOCATIONAL INFORMATION

Business information:

Name of business: Mill City Public House

Years in operation: New

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

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

Detailed explanation of proposed business activities:

Full service bar & grill style restaurant. Regular lunch and dinner service wed-Saturday. Once-per-month specialty dinner on Monday evening. Dine-in and takeout offered.

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

(square feet) 4500

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

(square feet) 4500

Occupancy limits:

Maximum number of persons permitted to occupy the building or tenant space as determined by the International Building Code (IBC) or the International Fire Code (IFC), whichever is more restrictive: 99 persons.

Proposed Hours of Operation for Indoor Uses:

Day	From	To
Monday thru Thursday <i>Wed- Thurs only</i>	11am	9pm
Friday	11am	9pm
Saturday	11am	9pm
Sunday	closed	

Production/Storage information:

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

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

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

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

Outdoor Space Uses:

(Check applicable outdoor space uses)

- Patio
- Deck
- Sidewalk Café
- Other _____

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

Size: _____ square feet

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

Fencing Landscaping Other _____ Height _____ feet

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

If yes, please describe:

Are there plans for outdoor music/entertainment? Yes No

If yes, describe how the noise will be controlled:

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

Proposed Hours of Operation for Outdoor Space:

Day	From	To
Monday thru Thursday		
Friday		
Saturday		
Sunday		

NOTE: Hours of Operation for Outdoor Uses (Sidewalk Café with Alcohol):

*******Municipal Code Section 9-262(b)(4): The permit holder can begin serving alcoholic beverages in the sidewalk café at 4:00 p.m. Monday through Friday and 11:00 a.m. on Saturday and Sunday. All alcoholic beverages must be removed from the sidewalk café by 9:30 p.m.**

Describe Any Potential Noise Emanating From the Proposed Use:

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

Standard HVAC, we do not anticipate any mechanical noise issues.

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

Indoor space is isolated, with no outdoor seating planned we do not anticipate noise issues.

Off-Street Parking:

Number of spaces existing on-site: 13

Number of spaces proposed on-site: ~~25~~ 25 *
* Parking agreement with 1109 W College.

Street Access:

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

Street access is adequate.

Other Licensed Premises:

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

List nearby licensed premises: None within two blocks.

Stuc's Pizza - 110 N Douglas Street
Pierri's Pizza - 815 W College Ave

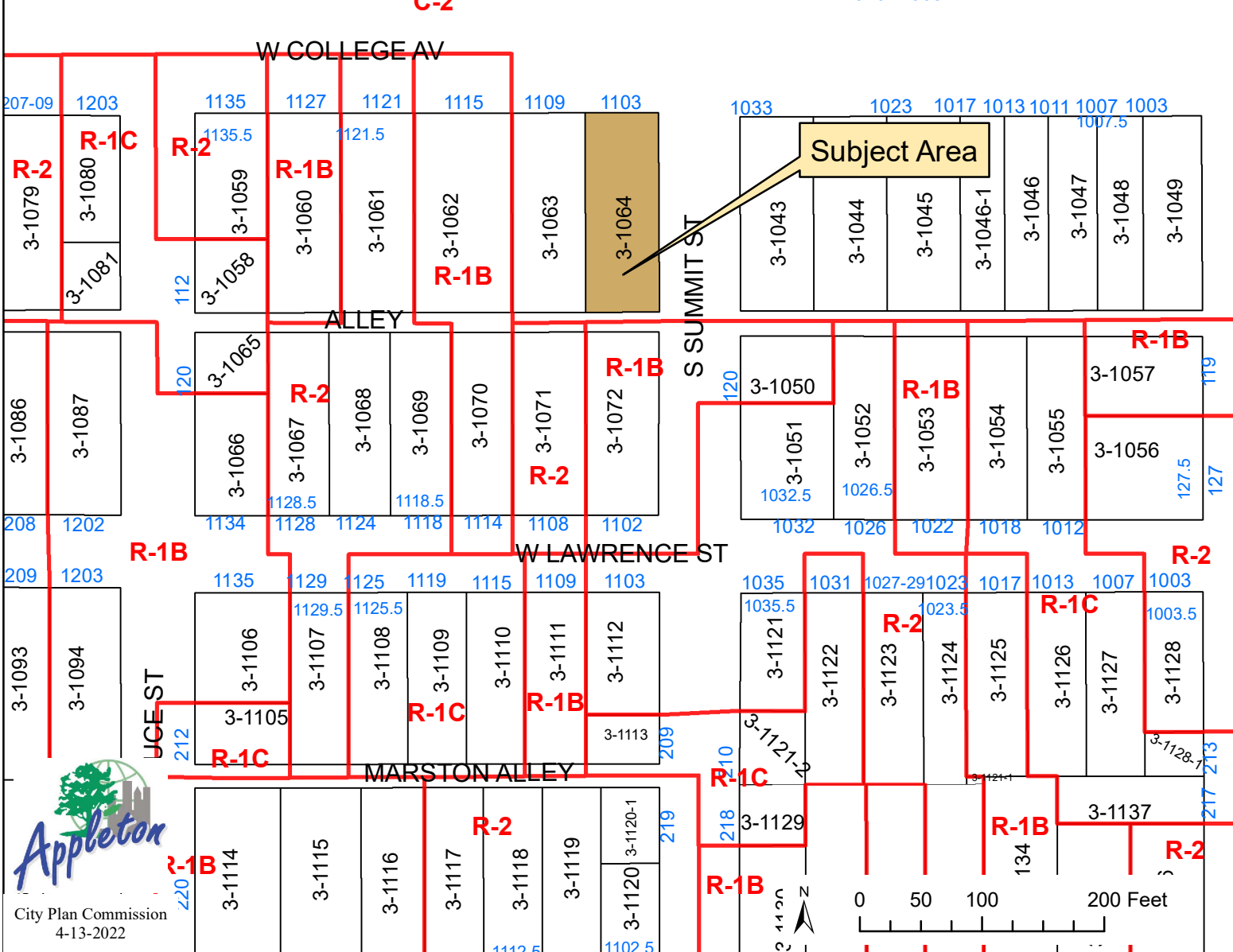
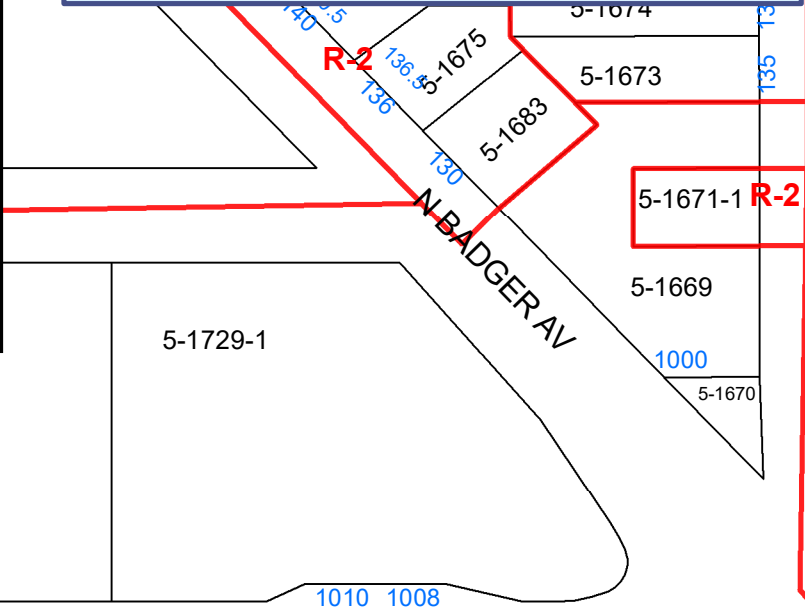
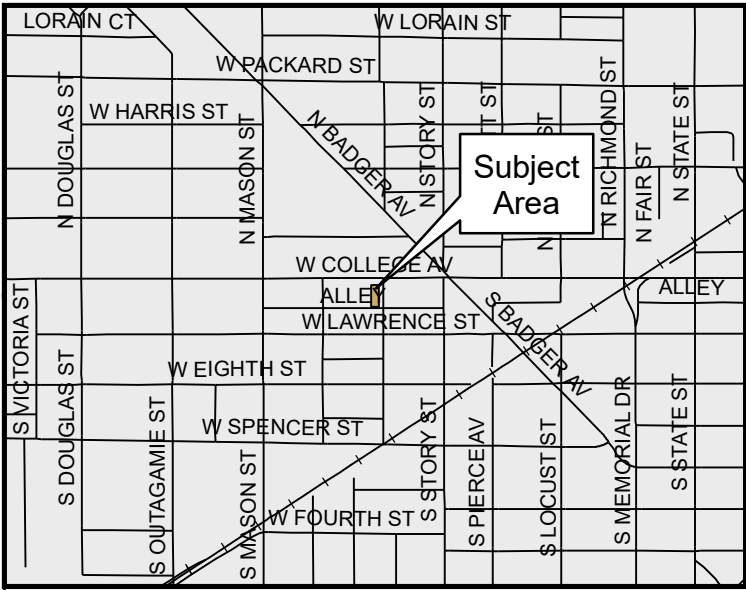
Number of Employees:

Number of existing employees: —

Number of proposed employees: 8

Number of employees scheduled to work on the largest shift: 6

Special Use Permit
 Restaurant with Alcohol sales and service
 1103 West College Avenue
 Zoning Map



W COLLEGE AV

Special Use Permit
Restaurant with Alcohol sales and service
1103 West College Avenue
Aerial Map

1109

1103

3-1063

3-1064

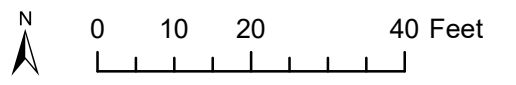
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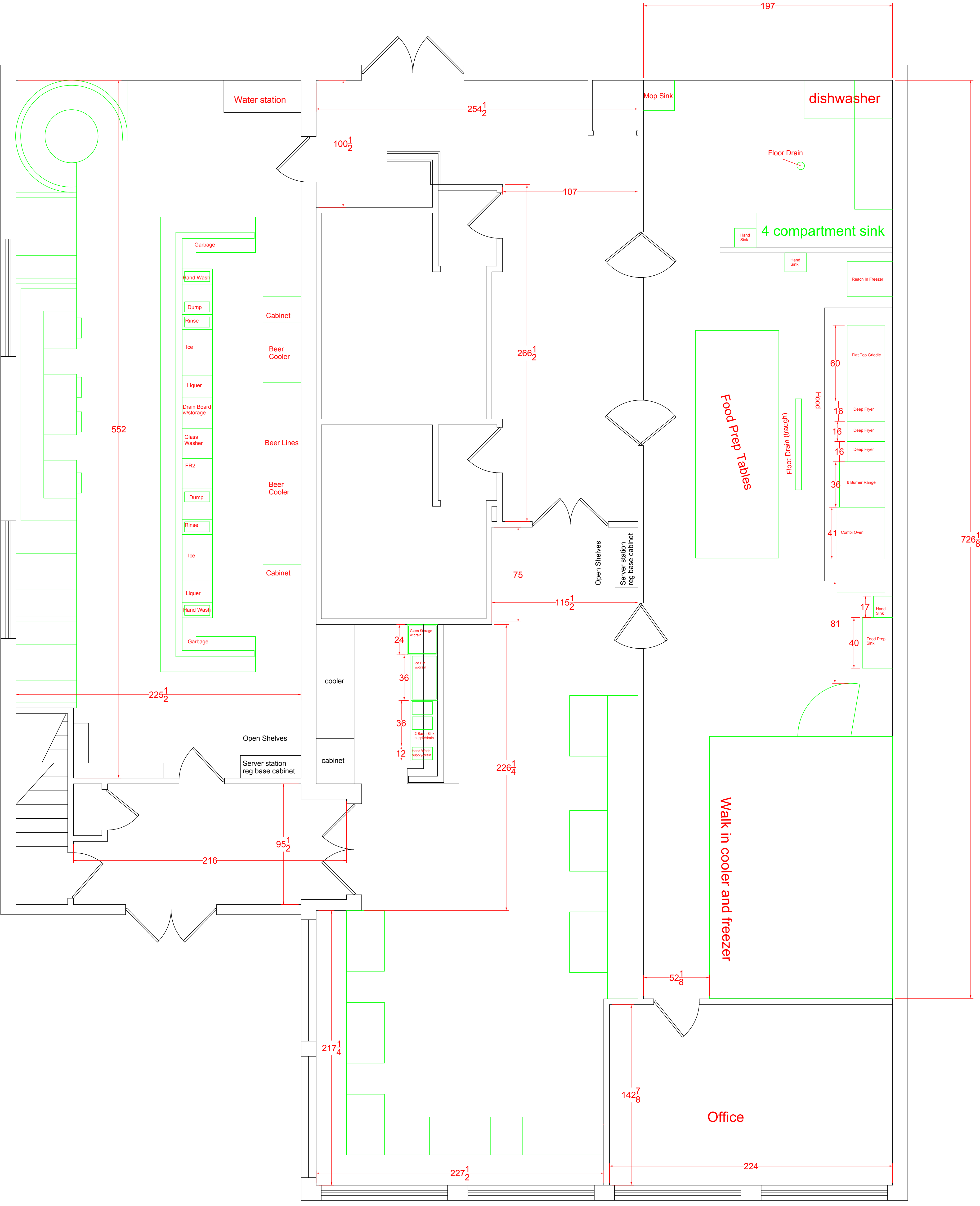
Subject Area

ALLEY



City Plan Commission
4-13-2022







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

TO: Finance Committee
FROM: Jeri Ohman, Finance Director
DATE: April 19, 2022
RE: Request to Approve Budget Amendment for Fire Truck Purchase

The Appleton Fire Department (AFD) is requesting to purchase a PUC Engine prior to May 1, 2022 to avoid a 7% price increase and any subsequent inflationary price increases that may occur later this year. The purchase price details are:

Purchase Date	Price	Prepayment Savings	Final Purchase Price	Total Savings
Prior to May 1, 2022	\$790,800	\$35,000	\$755,800	\$90,200*
After May 1, 2022	\$846,000	\$38,000	\$808,000	\$38,000

*Total Savings amount reflects the savings of \$55,200 for purchasing prior to May 1st plus the prepayment savings of \$35,000.

The purchase price of the vehicle, if ordered before May 1st and applying the prepayment savings, would be \$755,800. The source of funding requested is a combination of CEA Replacement funds and an increase in the amount of general obligation debt issued in 2022 as follows:


CEA Replacement Fund	\$410,800
Debt Proceeds	<u>\$345,000</u>
Purchase Price	\$755,800


This item was approved by the CEA Review Committee on April 11, 2022. A copy of that memo is attached for your review.


Thank you for your consideration of this budget adjustment. Feel free to contact me if you have questions.

CITY OF APPLETON

FIRE DEPARTMENT

 700 N. Drew Street
Appleton, WI 54911

 (920) 832-5810

 (920) 832-5830

 jeremy.hansen@appleton.org

MEMORANDUM

April 06, 2022

To: Katie Van Zeeland, Chair – Safety & Licensing Committee and Common Council
From: Jeremy Hansen, Fire Chief
Cc: Ryan Weyers, Deputy Fire Chief
Re: Request to Purchase Fire Truck via Sole Source

The Appleton Fire Department (AFD) is requesting to purchase a PUC Engine prior to May 1, 2022 to avoid a 7% price increase and any subsequent inflationary price increases that may occur later this year. Lead time for receiving a fire truck after it is ordered has increased from 17 to about 23 months. Here is a quick cost breakdown:

Purchase Date	Price	Savings before May 1 st
Prior to May 1, 2022	\$790,800	\$55,200
After May 1, 2022	\$846,000	

Under this scenario, no payment would be required until delivery. However, prepayment discounts are available based on interest rates. The estimated prepayment saving is:

Purchase Date	Price	Savings before May 1 st	Prepayment Savings	Total Savings
Prior to May 1, 2022	\$790,800	\$55,200	\$35,000	\$90,200
After May 1, 2022	\$846,000		\$38,000	\$38,000

Historically, the city has exercised the prepayment option. I have no doubt this option will exist in the future. Which brings the known savings to \$ 55,200 if we purchase the vehicle prior to May 1, 2022. What we don't know is if there will be additional price increases between May 1st and the end of the year.

The AFD has purchased identical PUC Engine in 2017 and 2019. This would be the third nearly identical vehicle purchased. The department has identified that standardizing our fleet will improve efficiencies and safety by providing consistency from one truck to the next for personnel moving from one station to another. Efficiencies will also be gained relating to maintenance of the vehicles. By ordering the same PUC Engine, the department will save significant staff time by eliminating the need to develop specifications for each truck. The department will also save significant staff time training on the new truck prior to putting it in service.

The AFD has a long-standing relationship with Pierce Manufacturing and has seen the innovation, cooperation, improved pricing, as well as their commitment and direct involvement in the growth of our city. When the department has encountered issues with our vehicles, Pierce Manufacturing has been extremely responsive to our needs.

Plans are currently underway to proceed with the order prior to May 1, 2022 to avoid the 7% price increase. Therefore, the AFD requests the approval to order and prepay the PUC Engine via sole source with Fire Apparatus & Equipment, Pierce Manufacturing.

If you have any questions or concerns, please do not hesitate to contact me at (920) 832-5810. Thank you for your consideration.





"...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: Utilities Deputy Director, Chris Stempa

Date: April 7, 2022

Re: *Award the Sole Source Purchase of Grit Classifier System #2 Rebuild Parts through Saveco North America Inc. in the amount of \$37,936.*

In 2000, a capital project was completed at the Appleton Wastewater Treatment Plant (AWWTP) that facilitated the transition from an aerated channel grit removal system to a circular vortex chamber and grit classifier system. The original grit classifiers were manufactured by FSM Frankenberger GmbH & Co. Raw wastewater enters the Grit and Screenings Building (B-Building) from which it flows through one of three mechanical bar screens where objects larger than 1/4 inch in diameter are removed. The wastewater then flows into one or both vortex grit removal chambers. Air can be diffused into the channels ahead of the grit chambers to suspend the particulate organic material. Wastewater enters the vortex chamber tangentially, flows around the conical tank and exits parallel to the inlet. The heavy mineral solids or grit settle in the lower hopper from which it is transferred by self-priming centrifugal pumps to the washing and classification system located inside of B-Building.

Following the failure of Grit Classifier #1 in early 2021, an inspection was conducted by the FSM equipment representative, Saveco North America Inc., to assess repair and/or replacement options. A complete list of recommended Original Equipment Manufacturer (OEM) replacement parts was provided based on their inspection that could be incorporated into a maintenance project to restore operation and extend the useful life of the existing grit classifier system.

In August 2021, Saveco North America Inc. (Saveco) provided a quotation for the necessary rebuild parts after completion of the equipment inspection. As the FSM grit classifier equipment OEM, Saveco is the sole distributor of these parts required for the rebuild work. The total quoted cost of the rebuild parts totaled \$30,887 each. As a comparison, the cost of a new grit classifiers totaled \$60,000 (not installed). That purchase was immediately acted upon following Finance Committee approval and Common Council sole source authorization. Unfortunately, the equipment was not received until March 2022 because of substantial supply

chain related delays (note that FSM equipment is manufactured in Germany) which impacted the timeline to advance procurement of the second grit classifier rebuild assembly.

REQUEST FOR QUOTATIONS – OEM SOLE SOURCE PARTS & REBUILD SERVICES

On March 25, 2022, Saveco provided an updated quotation for the second and final grit classifier equipment rebuild assembly which totaled \$37,936. The 23% increase since August 2021 is the result of stainless steel shortages internationally which have been compounded by the conflict in Ukraine. Since the grit classifier equipment is almost entirely comprised by stainless steel, the previously described impact on cost is greater than other types of goods. Similar increases for other stainless steel components have been observed with ongoing projects at the AWWTP.

RECOMMENDATION:

I am requesting sole source purchase award of Grit Classifier System #2 rebuild parts through Saveco North America Inc. in the amount of \$37,936.

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



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

**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: 4/11/2022

RE: Action: Approve budget transfer of \$28,160 from the Wastewater Utility Belt Filter project to fund the new Wastewater Sludge Thickening Building Fire Alarm modification CIP project.

Action: Award contract to Faith Technologies in the amount of \$28,160 for Wastewater Treatment Plant Sludge Thickening Building fire alarm system alterations.

In 2022 the Wastewater Treatment Plant sludge thickening building's tanks have undergone improvements. As a result of these improvements, the existing fire alarm system in the sludge thickening room has been impacted, requiring alterations to meet National Fire Protection Association (NFPA) requirements.

In January 2022 the Parks, Recreation, and Facilities Management Department conducted a walkthrough of the code-required fire protection system alterations with three qualified fire protection contractors. Two of the three contractors have not responded to providing cost estimates to complete the alterations. The cost estimates were received as follows:

Faith Technologies	\$28,160
Best Defense Fire Protection & Security, Inc.	No bid
Legacy Communications	No bid

\$21,800 of the cost estimate is comprised of explosion-proof rated materials and explosion-proof fire protection devices. Explosion-proof materials and equipment costs are two to three times more than standard materials and devices. The sludge thickening room is rated by the National Electrical Code as a Class 1 Division 2 area containing flammable gases or vapors in sufficient quantities to pose risk of explosion or ignition. Due to this classification, all materials and electric devices including fire protection devices shall be explosion-proof rated.

The \$41,900 balance of the CIP budget for the Receiving Station recoating and improvements (WWTP DAF Conversion Project) was part of the recently approved 2022 special consideration

budget carry-over to provide for additional funding needs for the Belt Filter Press upgrade contractor costs that will be bid later in 2022. The requested budget amendment will move \$28,160 from the approved \$41,900 budget to fund the cost of the required fire alarm modifications. The Finance Department, Utilities Department, and Parks, Recreation, and Facilities Management Department are in agreement and recommend awarding a contract to Faith Technologies in the amount of \$28,160.

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

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 J-22 Mini Storm Sewer Construction

Be awarded to:

Name: Alfson Excavating, LLC
Address: 14523 Clarks Mills Road
P.O. Box 117
Valders, WI 54245

In the amount of : _____

With a _____ % contingency of : _____

For a project total not to exceed : _____

**** OR ****

In an amount Not To Exceed : _____ \$200,000.00

Budget: _____ \$200,000.00
Estimate: _____ \$200,000.00
Committee Date: _____ 04/11/22
Council Date: _____ 04/20/22

Bid Tabulation

J-22 Mini Storm Sewer Construction

03/28/2022 01:45 PM CDT

Bid Item	Item Description	Quantity	Unit	Alfson Excavating LLC		Wood Sewer & Excavating		Highway Landscapers, Inc.		Robert Immel Excavating	
				Unit Price	Item Total	Unit Price	Item Total	Unit Price	Item Total	Unit Price	Item Total
1	Furnish & Install 6" Storm Sewer	3400	lin.ft.	\$38.00	\$129,200.00	\$45.00	\$153,000.00	\$49.76	\$169,184.00	\$53.30	\$181,220.00
2	Furnish & Install 6" Storm Lateral	700	lin.ft.	\$40.00	\$28,000.00	\$40.00	\$28,000.00	\$48.80	\$34,160.00	\$72.00	\$50,400.00
3	Furnish & Install 4" Storm Riser	600	lin.ft.	\$45.00	\$27,000.00	\$35.00	\$21,000.00	\$46.70	\$28,020.00	\$54.50	\$32,700.00
4	Furnish & Install 6" Storm Riser	100	lin.ft.	\$40.00	\$4,000.00	\$40.00	\$4,000.00	\$51.05	\$5,105.00	\$58.00	\$5,800.00
5	Connect Sump Pump	10	each	\$100.00	\$1,000.00	\$150.00	\$1,500.00	\$250.00	\$2,500.00	\$200.00	\$2,000.00
6	Furnish & Install Auger Section	900	lin.ft.	\$40.00	\$36,000.00	\$55.00	\$49,500.00	\$67.00	\$60,300.00	\$50.00	\$45,000.00
7	Furnish & Construct PVC Yard Drain (Special Provisions 5.04.2)	5	each	\$500.00	\$2,500.00	\$1,760.00	\$8,800.00	\$1,540.00	\$7,700.00	\$1,075.00	\$5,375.00
8	Furnish & Construct Concrete Yard Drain (Special Provisions 5.04.1)	1	each	\$1,000.00	\$1,000.00	\$3,400.00	\$3,400.00	\$1,950.00	\$1,950.00	\$2,350.00	\$2,350.00
Base Bid Total:					\$228,700.00		\$269,200.00		\$308,919.00		\$324,845.00

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 X-22 Sewer & Water Reconstruction #2

Be awarded to:

Name: Kruczek Construction Inc.
Address: 3636 Kewaunee Road
Green Bay, WI 54311

In the amount of : \$877,777.77
With a 7.5 % contingency of : \$65,833.33
For a project total not to exceed : \$943,611.10

**** OR ****

In an amount Not To Exceed : _____

Budget: \$661,325.00
Estimate: \$877,500.00
Committee Date: 04/11/22
Council Date: 04/20/22

Bid Tabulation
X-22 Water Main Reconstruction
03/21/2022 01:45 PM CDT

Bid Item	Item Description	Quantity	Unit	Kruczek Construction Inc.		Advance Construction Inc.	
				Unit Price	Item Total	Unit Price	Item Total
1	12" Water Main	1950	lin. ft.	\$109.50	\$213,525.00	\$120.00	\$234,000.00
2	8" Water Main	2850	lin. ft.	\$81.50	\$232,275.00	\$109.00	\$310,650.00
3	6" Hydrant Lead	60	lin. ft.	\$132.00	\$7,920.00	\$80.00	\$4,800.00
4	Hydrant	7	each	\$5,700.00	\$39,900.00	\$5,236.00	\$36,652.00
5	12" Gate Valve	7	each	\$4,490.00	\$31,430.00	\$3,939.00	\$27,573.00
6	8" Gate Valve	14	each	\$2,540.00	\$35,560.00	\$2,235.00	\$31,290.00
7	6" Gate Valve	8	each	\$1,825.00	\$14,600.00	\$1,607.00	\$12,856.00
8	4" Gate Valve	1	each	\$1,530.00	\$1,530.00	\$1,351.00	\$1,351.00
9	12" Bend	8	each	\$1,050.00	\$8,400.00	\$1,000.00	\$8,000.00
10	8" Bend	20	each	\$500.00	\$10,000.00	\$490.00	\$9,800.00
11	1" Service	600	lin. ft.	\$81.75	\$49,050.00	\$78.50	\$47,100.00
12	1 1/2" Service	140	lin. ft.	\$81.25	\$11,375.00	\$49.00	\$6,860.00
13	4" Service	30	lin. ft.	\$164.00	\$4,920.00	\$104.50	\$3,135.00
14	6" Service	30	lin. ft.	\$181.00	\$5,430.00	\$120.50	\$3,615.00
15	Service Connection	40	each	\$555.00	\$22,200.00	\$653.00	\$26,120.00
16	Curb Box (Complete)	40	each	\$400.00	\$16,000.00	\$159.00	\$6,360.00
17	Pav't Markings Yellow 4"	250	lin. ft.	\$3.50	\$875.00	\$3.50	\$875.00
18	Pav't Markings White 4"	250	lin. ft.	\$3.50	\$875.00	\$3.50	\$875.00
19	Pav't Markings channel 8"	100	lin. ft.	\$5.75	\$575.00	\$5.75	\$575.00
20	Pav't Markings Crosswalk 6"	20	lin. ft.	\$8.50	\$170.00	\$8.50	\$170.00
21	Pav't Markings Stop Line 18"	20	lin. ft.	\$15.00	\$300.00	\$14.75	\$295.00
22	Pav't Markings Symbols/Arrows	4	each	\$275.00	\$1,100.00	\$275.00	\$1,100.00
23	Type "D-M" Inlet Protection	19	each	\$100.00	\$1,900.00	\$100.00	\$1,900.00
24	12" Sediment Log	150	lin. ft.	\$10.00	\$1,500.00	\$7.50	\$1,125.00
25	Trackout Control	220	sq. yd.	\$7.00	\$1,540.00	\$19.00	\$4,180.00
26	Silt Fence	1400	lin. ft.	\$2.00	\$2,800.00	\$2.00	\$2,800.00
27	3" HMA Apron	45	sq. yd.	\$51.00	\$2,295.00	\$94.50	\$4,252.50
28	4" HMA Pavement	275	sq. yd.	\$35.00	\$9,625.00	\$47.50	\$13,062.50
29	5" Concrete Apron	220	sq. yd.	\$60.00	\$13,200.00	\$67.50	\$14,850.00
30	5" Concrete Sidewalk	60	sq. yd.	\$59.00	\$3,540.00	\$67.50	\$4,050.00
31	7" 3-Day H.E. Concrete Pavement	200	sq. yd.	\$86.00	\$17,200.00	\$85.00	\$17,000.00
32	8" 3-Day H.E. Concrete Pavement	450	sq. yd.	\$90.00	\$40,500.00	\$90.00	\$40,500.00
33	Concrete Curb & Gutter	300	lin. ft.	\$40.00	\$12,000.00	\$50.00	\$15,000.00
34	Truncated Dome	40	sq. ft.	\$35.00	\$1,400.00	\$40.00	\$1,600.00
35	Temp. Traffic Control	1	l.s.	\$59,167.77	\$59,167.77	\$15,791.00	\$15,791.00
36	Flowable Fill	25	cu. yd.	\$100.00	\$2,500.00	\$85.00	\$2,125.00
37	Extra Stone Bedding	25	cu. yd.	\$24.00	\$600.00	\$35.00	\$875.00

Base Bid Total:

\$877,777.77

\$913,163.00

Bid Tabulation
X-22 Water Main Reconstruction
03/21/2022 01:45 PM CDT

Bid Item	Item Description	Quantity	Unit	PTS Contractors, Inc		Dorner Inc.	
				Unit Price	Item Total	Unit Price	Item Total
1	12" Water Main	1950	lin. ft.	\$114.00	\$222,300.00	\$130.00	\$253,500.00
2	8" Water Main	2850	lin. ft.	\$105.00	\$299,250.00	\$125.00	\$356,250.00
3	6" Hydrant Lead	60	lin. ft.	\$97.00	\$5,820.00	\$100.00	\$6,000.00
4	Hydrant	7	each	\$5,050.00	\$35,350.00	\$5,319.00	\$37,233.00
5	12" Gate Valve	7	each	\$3,950.00	\$27,650.00	\$4,267.00	\$29,869.00
6	8" Gate Valve	14	each	\$2,260.00	\$31,640.00	\$2,446.00	\$34,244.00
7	6" Gate Valve	8	each	\$1,635.00	\$13,080.00	\$1,754.00	\$14,032.00
8	4" Gate Valve	1	each	\$1,400.00	\$1,400.00	\$1,463.00	\$1,463.00
9	12" Bend	8	each	\$970.00	\$7,760.00	\$824.00	\$6,592.00
10	8" Bend	20	each	\$500.00	\$10,000.00	\$441.00	\$8,820.00
11	1" Service	600	lin. ft.	\$90.00	\$54,000.00	\$80.00	\$48,000.00
12	1 1/2" Service	140	lin. ft.	\$72.00	\$10,080.00	\$60.00	\$8,400.00
13	4" Service	30	lin. ft.	\$180.00	\$5,400.00	\$189.00	\$5,670.00
14	6" Service	30	lin. ft.	\$195.00	\$5,850.00	\$206.00	\$6,180.00
15	Service Connection	40	each	\$765.00	\$30,600.00	\$595.00	\$23,800.00
16	Curb Box (Complete)	40	each	\$405.00	\$16,200.00	\$304.00	\$12,160.00
17	Pav't Markings Yellow 4"	250	lin. ft.	\$0.95	\$237.50	\$3.70	\$925.00
18	Pav't Markings White 4"	250	lin. ft.	\$0.95	\$237.50	\$3.70	\$925.00
19	Pav't Markings channel 8"	100	lin. ft.	\$5.15	\$515.00	\$6.10	\$610.00
20	Pav't Markings Crosswalk 6"	20	lin. ft.	\$10.30	\$206.00	\$9.00	\$180.00
21	Pav't Markings Stop Line 18"	20	lin. ft.	\$10.30	\$206.00	\$15.60	\$312.00
22	Pav't Markings Symbols/Arrows	4	each	\$155.00	\$620.00	\$290.00	\$1,160.00
23	Type "D-M" Inlet Protection	19	each	\$103.00	\$1,957.00	\$100.00	\$1,900.00
24	12" Sediment Log	150	lin. ft.	\$7.70	\$1,155.00	\$10.80	\$1,620.00
25	Trackout Control	220	sq. yd.	\$4.60	\$1,012.00	\$20.00	\$4,400.00
26	Silt Fence	1400	lin. ft.	\$2.00	\$2,800.00	\$2.20	\$3,080.00
27	3" HMA Apron	45	sq. yd.	\$55.00	\$2,475.00	\$67.10	\$3,019.50
28	4" HMA Pavement	275	sq. yd.	\$55.00	\$15,125.00	\$67.10	\$18,452.50
29	5" Concrete Apron	220	sq. yd.	\$64.00	\$14,080.00	\$65.50	\$14,410.00
30	5" Concrete Sidewalk	60	sq. yd.	\$60.00	\$3,600.00	\$65.50	\$3,930.00
31	7" 3-Day H.E. Concrete Pavement	200	sq. yd.	\$91.00	\$18,200.00	\$93.50	\$18,700.00
32	8" 3-Day H.E. Concrete Pavement	450	sq. yd.	\$96.00	\$43,200.00	\$98.80	\$44,460.00
33	Concrete Curb & Gutter	300	lin. ft.	\$48.00	\$14,400.00	\$42.20	\$12,660.00
34	Truncated Dome	40	sq. ft.	\$35.00	\$1,400.00	\$35.90	\$1,436.00
35	Temp. Traffic Control	1	l.s.	\$14,619.00	\$14,619.00	\$17,684.00	\$17,684.00
36	Flowable Fill	25	cu. yd.	\$83.00	\$2,075.00	\$85.00	\$2,125.00
37	Extra Stone Bedding	25	cu. yd.	\$20.00	\$500.00	\$28.00	\$700.00

Base Bid Total:

\$915,000.00

\$1,004,902.00

Bid Tabulation
X-22 Water Main Reconstruction
03/21/2022 01:45 PM CDT

Bid Item	Item Description	Quantity	Unit	Carl Bowers & Sons Inc.		Jossart Brothers, Inc.	
				Unit Price	Item Total	Unit Price	Item Total
1	12" Water Main	1950	lin. ft.	\$138.00	\$269,100.00	\$144.00	\$280,800.00
2	8" Water Main	2850	lin. ft.	\$113.00	\$322,050.00	\$137.00	\$390,450.00
3	6" Hydrant Lead	60	lin. ft.	\$100.00	\$6,000.00	\$125.00	\$7,500.00
4	Hydrant	7	each	\$5,400.00	\$37,800.00	\$5,100.00	\$35,700.00
5	12" Gate Valve	7	each	\$4,300.00	\$30,100.00	\$4,425.00	\$30,975.00
6	8" Gate Valve	14	each	\$2,400.00	\$33,600.00	\$2,500.00	\$35,000.00
7	6" Gate Valve	8	each	\$1,900.00	\$15,200.00	\$1,800.00	\$14,400.00
8	4" Gate Valve	1	each	\$1,600.00	\$1,600.00	\$1,500.00	\$1,500.00
9	12" Bend	8	each	\$1,100.00	\$8,800.00	\$1,075.00	\$8,600.00
10	8" Bend	20	each	\$600.00	\$12,000.00	\$500.00	\$10,000.00
11	1" Service	600	lin. ft.	\$100.00	\$60,000.00	\$115.00	\$69,000.00
12	1 1/2" Service	140	lin. ft.	\$120.00	\$16,800.00	\$110.00	\$15,400.00
13	4" Service	30	lin. ft.	\$140.00	\$4,200.00	\$115.00	\$3,450.00
14	6" Service	30	lin. ft.	\$161.00	\$4,830.00	\$125.00	\$3,750.00
15	Service Connection	40	each	\$1,000.00	\$40,000.00	\$800.00	\$32,000.00
16	Curb Box (Complete)	40	each	\$500.00	\$20,000.00	\$800.00	\$32,000.00
17	Pav't Markings Yellow 4"	250	lin. ft.	\$4.00	\$1,000.00	\$0.95	\$237.50
18	Pav't Markings White 4"	250	lin. ft.	\$4.00	\$1,000.00	\$0.95	\$237.50
19	Pav't Markings channel 8"	100	lin. ft.	\$7.00	\$700.00	\$5.25	\$525.00
20	Pav't Markings Crosswalk 6"	20	lin. ft.	\$12.00	\$240.00	\$10.50	\$210.00
21	Pav't Markings Stop Line 18"	20	lin. ft.	\$13.00	\$260.00	\$10.50	\$210.00
22	Pav't Markings Symbols/Arrows	4	each	\$275.00	\$1,100.00	\$160.00	\$640.00
23	Type "D-M" Inlet Protection	19	each	\$100.00	\$1,900.00	\$105.00	\$1,995.00
24	12" Sediment Log	150	lin. ft.	\$20.00	\$3,000.00	\$8.00	\$1,200.00
25	Trackout Control	220	sq. yd.	\$5.00	\$1,100.00	\$20.00	\$4,400.00
26	Silt Fence	1400	lin. ft.	\$3.00	\$4,200.00	\$2.05	\$2,870.00
27	3" HMA Apron	45	sq. yd.	\$50.00	\$2,250.00	\$95.00	\$4,275.00
28	4" HMA Pavement	275	sq. yd.	\$53.00	\$14,575.00	\$45.00	\$12,375.00
29	5" Concrete Apron	220	sq. yd.	\$58.50	\$12,870.00	\$61.50	\$13,530.00
30	5" Concrete Sidewalk	60	sq. yd.	\$58.50	\$3,510.00	\$61.50	\$3,690.00
31	7" 3-Day H.E. Concrete Pavement	200	sq. yd.	\$85.00	\$17,000.00	\$90.00	\$18,000.00
32	8" 3-Day H.E. Concrete Pavement	450	sq. yd.	\$90.00	\$40,500.00	\$95.00	\$42,750.00
33	Concrete Curb & Gutter	300	lin. ft.	\$40.00	\$12,000.00	\$42.00	\$12,600.00
34	Truncated Dome	40	sq. ft.	\$34.00	\$1,360.00	\$36.00	\$1,440.00
35	Temp. Traffic Control	1	l.s.	\$30,000.00	\$30,000.00	\$15,000.00	\$15,000.00
36	Flowable Fill	25	cu. yd.	\$150.00	\$3,750.00	\$125.00	\$3,125.00
37	Extra Stone Bedding	25	cu. yd.	\$30.00	\$750.00	\$25.00	\$625.00

Base Bid Total:

\$1,035,145.00

\$1,110,460.00

CONTRACT AMENDMENT & CHANGE ORDER

Change Order No. 1

Date 04/06/22

Contract No. 11-22 for the following public work : Unit W-22 Sewer and Water Reconstruction No. 1

between Kruczek Construction Inc., 3636 Kewaunee Road Green Bay, WI 54311
 (Contractor Name) (Contractor Address)

and the City of Appleton dated: 2/28/2022 is hereby changed in the following particular wit:

Item No.	Account No.	Current Contract Amount	Current Contingency	C.O. Amount (+/-)	Contingency (+/-)	New Contract Total	New Contingency Total
1	<u>5371.680905</u>	<u>\$309,866.04</u>	<u>\$23,239.95</u>			<u>\$309,866.04</u>	<u>\$23,239.95</u>
2	<u>5431.680903</u>	<u>\$655,182.08</u>	<u>\$49,138.66</u>			<u>\$655,182.08</u>	<u>\$49,138.66</u>
3	<u>5230.680904</u>	<u>\$356,868.54</u>	<u>\$26,765.14</u>			<u>\$356,868.54</u>	<u>\$26,765.14</u>
4	<u>5427.640800</u>	<u>\$44,750.00</u>	<u>\$3,356.25</u>			<u>\$44,750.00</u>	<u>\$3,356.25</u>
5	<u>ARPA Funds</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$20,000.00</u>	<u>\$0.00</u>	<u>\$20,000.00</u>	<u>\$0.00</u>
6						<u>\$0.00</u>	<u>\$0.00</u>
7						<u>\$0.00</u>	<u>\$0.00</u>
8						<u>\$0.00</u>	<u>\$0.00</u>
9						<u>\$0.00</u>	<u>\$0.00</u>
10						<u>\$0.00</u>	<u>\$0.00</u>
	Total	\$1,366,666.66	\$102,500.00	\$20,000.00	\$0.00	\$1,386,666.66	\$102,500.00

Reason for Change: Addition of ARPA funding to facilitate removal and replacement of public-side lead water services encountered during water main reconstruction.

The Contract Time will be (increased / decreased / unchanged) by this Change Order: unchanged Days

The Date of Completion as of the date of this Change Order therefore is: unchanged

Finance Committee Agenda Date: 04/11/22

Date approved by Council: 04/20/22

Department of Public Works – Engineering Division

MEMO

TO: Utilities Committee

FROM: Paula Vandehey, Director of Public Works
Sue Olson, Staff Engineer
Pete Neuberger, Staff Engineer

DATE: April 4, 2022

RE: Approval to single source and award 2022E stormwater consulting services contract for assistance with the Interstate 41 Reconstruction project to Brown and Caldwell in an amount not to exceed \$30,000.

The Department of Public Works is requesting approval to single source and award 2022E stormwater consulting services contract for assistance with the Interstate 41 Reconstruction project to Brown and Caldwell (BC) in an amount not to exceed \$30,000.

DPW staff have been contacted by WisDOT's stormwater consultant who are beginning the stormwater management planning and design for the Interstate 41 reconstruction project. BC is currently completing the update to the Citywide stormwater management plan and has the most current mapping and modeling available.

Work under this contract will include:

- Assist the City with providing the requested mapping, modeling and other data for both City and privately owned stormwater management practices impacted by WisDOT's project
- Communicate directly with WisDOT's consultant on the City's behalf
- Attend meetings with WisDOT's consultant as needed
- Review proposed concepts and plans from WisDOT
- Clarify impact of WisDOT plans on City TMDL requirements
- Provide recommendations to the City on WisDOT proposed stormwater management plans

The stormwater management plan for the Interstate 41 project may take several years to develop and additional contracts may be needed. Based on the work BC has already completed for the Citywide Stormwater Management Plan and their performance on past projects with the City, staff is recommending award of this project to BC.

27-22

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 4-6-2022)

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 as follows:

INSTALL STOP SIGNS ON:

Wayne Street at Amelia 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.

28-22

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 4-6-2022)

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 as follows:

INSTALL STOP SIGNS ON:

Chestnut Lane at Plank Road/Bedford Lane

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.

29-22

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 4-6-2022)

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 as follows:

INSTALL STOP SIGNS ON:

Ridgehaven Lane at Osprey Drive

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.

30-22

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 4-6-2022)

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 as follows:

INSTALL YIELD SIGNS ON:

Zion Lane/Zion Court at Sequoia Drive

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.

31-22

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 4-6-2022)

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.

Parking be prohibited on the south side of Harris Street from Mason Street to a point 115 feet west of Mason 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.

32-22

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 – 4-6-2022)

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 (to become effective January 1, 2023).**

(e) **Yellow Ramp: 3-hour time limit in the western bay of level 1.**

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

33-22

AN ORDINANCE AMENDING SECTION 23-205(b)(2) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO GENERAL PROVISIONS; OFFICIAL MAPS AND REVISIONS; OFFICIAL MAPS BASED ON OTHER STUDIES.

(City Plan Commission – 4-20-2022)

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

Section 1: That Section 23-205(b)(2) of Chapter 23 of the Municipal Code of the City of Appleton, relating to general provisions; official maps and revisions; official maps based on other studies, is hereby amended to read as follows:

Sec. 23-205. General provisions.

(b) ***Official maps and revisions.*** The boundaries of all floodplain districts are designated as A, AE, AH, AO or A1-30 on the maps based on the Flood Insurance Study (FIS) listed below. Any change to the base flood elevations (BFE) or any changes to the boundaries of the floodplain or floodway in the FIS or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA through the Letter of Map Change process (see Division 8 *Amendments*) before it is effective. No changes to RFE's on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Department of Public Works, City of Appleton. If more than one map or revision is referenced, the most restrictive information shall apply.

- (2) ***Official maps based on other studies.*** Any maps referenced in this section must be approved by the DNR and be more restrictive than those based on the FIS at the site of the proposed development.
- a. LOMR – Case #11-05-7670P, Floodway and Floodplain revisions between Flood Insurance Study (FIS) Cross Section AW to BA, Outagamie County Flood Insurance Rate Map (FIRM) panels 55087C0318D and 55087C0319D, dated July 22, 2010. This reflects changes on the Fox River from just downstream of the Private Middle Dam to approximately 250 feet upstream of the Appleton Upper Dam.
 - b. LOMR – Case #13-05-7920P, Floodplain revisions between Flood Insurance Study (FIS) Cross Section AN to AM, Outagamie County Flood Insurance Rate panels 55087C0319D, dated July 22, 2010. This reflects changes along the south side of the Fox River from the College Avenue Bridge to approximately 850 feet downstream.
 - c. LOMR – Case #17-05-1963P. Floodplain revisions on Outagamie County Flood Insurance Study (FIS) AAL Tributary Cross Section C, Outagamie County Flood Insurance Rate Map (FIRM) panel 55087C0336D, effective September 29, 2017. This reflects changes along the AAL Tributary from just downstream of Lightning Drive to approximately 200 feet upstream of East Glenhurst Lane.

- d. LOMR – Case #17-05-3854P. Floodplain revisions to Outagamie County Flood Insurance Study (FIS) Fox River Cross Section AS through AW, Outagamie County Flood Insurance Rate Map (FIRM) panel 55087C0319D, effective February 16, 2018. This reflects changes along the Fox River from just upstream of railroad to just downstream of South Oneida Street.
- e. LOMR – Case #20-05-2300P. Floodplain revisions to Outagamie County Flood Insurance Study (FIS) Apple Creek North Cross Section H through J, Outagamie County Flood Insurance Rate Map (FIRM) panel 55087C0328D, effective July 22, 2010. This reflects changes along Apple Creek North from approximately 1,440 feet downstream of Harrier Lance to approximately 160 feet downstream of Ballard Road.
- f. CLOMR – Case #21-05-3029R. Floodplain revisions to Outagamie County Flood Insurance Study (FIS) AAL Tributary from just upstream of East Glenhurst Lane to approximately 500 feet upstream of Everbreeze Circle, Outagamie County Flood Insurance Rate Map (FIRM) panel 55087C0336D, effective November 1, 2021.
- g. Kensington Pond Dam Failure analysis approved by the Department of Natural Resources on January 7, 2008, including:
 - 1. Map dated July 2007 and titled “Figure 2, City of Appleton, Kensington Pond Dam Break Analysis, Hydraulic Shadow” (Hydraulic Shadow boundary from Cross Section 0.001 to 4.84).
 - 2. Floodway data table dated 8/28/2007 and titled “Table F-10, Maximum Water Surface Elevations, Kensington Pond Dam Break Analysis, City of Appleton”.
 - 3. Flood profiles dated 7/10/2007 and titled “Figure 3, Maximum Water Surface Profiles” (Hydraulic Shadow profile from Garners Creek Sta 0 to Sta 25000). Revisions made as a result of DNR review and received from Pete Neuberger via email 2/23/2021.
- h. Outagamie County Flood Storage District Map Panel 1 of 2 approved by Wisconsin Department of Natural Resources and dated January 20, 2016. Prepared by DNR, approved by DNR.

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