



City of Appleton

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

Meeting Agenda - Final Common Council

Wednesday, April 5, 2023

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
[23-0313](#) Common Council Meeting Minutes of March 15, 2023

Attachments: [CC Minutes 3-15-23.pdf](#)
- G. BUSINESS PRESENTED BY THE MAYOR
[23-0323](#) Recognition of poems selected for the 2023 Sidewalk Poetry Program

[23-0325](#)

Proclamations:

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

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

[23-0324](#)

Alder send-off

[23-0326](#)

Committee Appointments & Reappointments

Attachments: [Committee Appointments ' Reappointments 4'5'2023.pdf](#)

H. PUBLIC PARTICIPATION

I. PUBLIC HEARINGS

[23-0249](#)Public Hearing for Planned Development #1-01 Major Amendment -
Meade Pond, LLC

Attachments: [Public Hearing Notice PD 1-01 Amendment.pdf](#)

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

L. COMMITTEE REPORTS

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[23-0164](#) Resolution #1-R-23 Adoption of Language to Control the Unintended Misuse/Overuse of Pesticides, Herbicides and Fertilizers on Public Property

Attachments: [#1-R-23 Chemical Fertilizer and Pesticide Use.pdf](#)

[23-0274](#) Approve Contract Amendment / Change Order No. 1 to contract Unit T-21 Movable Bridge Inspections with AECOM, to perform bridge inspections and prepare a rehabilitation report for the Lawe Street Bascule Bridge, per WisDOT Trans 213 Local Bridge Program requirements, in the amount of \$11,400.00 resulting in no change to contract contingency. Overall contract increases from \$95,061.00 to \$106,461.00.

Attachments: [Contract Amendment-Change Order No.1 Unit T-21.pdf](#)

Legislative History

3/20/23	Municipal Services Committee	recommended for approval
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[23-0285](#)

Approve Memorandum of Understanding with Bird Rides, Inc. to initiate a Dockless, Stand-up Electric Scooter Program for 2023.

Attachments: [Bird Rides MOU.pdf](#)

Legislative History

3/20/23	Municipal Services Committee	recommended for approval
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[23-0286](#)

Approve College Avenue Lane Reconfiguration Pilot Project

Attachments: [College Avenue Lane Reconfiguration Consideration.pdf](#)

Legislative History

3/20/23	Municipal Services Committee	recommended for approval
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[23-0292](#)

Request from Hilton Appleton Paper Valley Hotel for a Street Occupancy Permit to place tables and chairs in the College Avenue beautification strip at 333 W. College Avenue.

Attachments: [Hilton Street Occupancy Permit.pdf](#)

Legislative History

3/20/23	Municipal Services Committee	recommended for approval
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2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[23-0289](#)

Request to Apply for Capital Credit Union's Elevate Communities Grant

Attachments: [Capital Credit Union Elevate Communities Program Grant Tracking Form.pdf](#)

[23-0251](#) Class "A" Beer and "Class A" Liquor License application for Tiffani's Bridal & Consignment d/b/a Tiffani's Bridal, Tiffani Ebben, Agent, located at 210 W College Ave 2nd Floor, contingent upon approval from the Community Development, Health and Inspections departments.

Attachments: [Tiffani's Bridal.pdf](#)

[23-0247](#) Class "B" Beer and "Class B" Liquor License Permanent Premise Amendment application for Stone Arch Brewpub Inc, Steven Lonsway, Agent, located at 1004 S Olde Oneida St, contingent upon approval from the Community Development and Inspections departments.

Attachments: [Stone Arch Brewpub.pdf](#)

[23-0214](#) Class "B" Beer and "Class B" Liquor Temporary Premise Amendment application for Sangria's Mexican Grill, Sarah Gregory, Agent, located at 215 S Memorial Dr, on May 5, 2023, contingent upon approval from the Finance department.

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

[23-0327](#) Class "B" Beer and "Class B" Liquor License Change of Premise application for Calaveras Fine Fusion LLC d/b/a Calaveras Fine Fusion, Rebekka Garcia, Agent, New location at 511 W College Ave, contingent upon approval from all departments.

Attachments: [Calaveras Fine Fusion.pdf](#)

[23-0284](#) Secondhand Mall/Flea License renewal application for Ye Old Goat, Meghan Keller, applicant, located at 1919 E Calumet St.

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

3. MINUTES OF THE CITY PLAN COMMISSION

[23-0206](#) Request to approve Major Amendment to Planned Development (PD) Overlay District #1-01 for Meade Pond LLC for 28 parcels located on E. Pondview Court amending the recorded Implementation Plan Document #1417611 as specified in the attached staff report and Amended Implementation Plan Document and subject to the condition listed (Associated with Action Item #23-0207)

Attachments: [StaffReport_MeadePondLLC_PD#1-01_MajorAmend_For3-8-23.pdf](#)

Legislative History

3/8/23 City Plan Commission recommended for approval
Proceeds to Council on April 5, 2023.

[23-0207](#) Request to approve The Villas at Meade Pond Preliminary Plat as shown on the attached maps and subject to the conditions in the attached staff report (Associated with Action Item #23-0206)

Attachments: [StaffReport_VillasatMeadePond_PreliminaryPlat_For3-8-23.pdf](#)

Legislative History

3/8/23 City Plan Commission recommended for approval
Proceeds to Council on April 5, 2023.

[23-0262](#) Request to approve Special Use Permit #1-23 for an automobile sales and display lot use located at 520 East Northland Avenue (Tax Id #31-6-3150-00), 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_MidValleyMotors_SUP_For03-22-23.pdf](#)

Legislative History

3/22/23 City Plan Commission recommended for approval

[23-0263](#) Request to approve the Seville Properties Ballard & Werner Road Annexation consisting of approximately 39.913 acres located at N2751 County Road EE, currently in the Town of Center, as shown on the attached maps, subject to the stipulation in the attached staff report

Attachments: [StaffReport_SevilleProperties_Ballard-WernerRd_Annexation_For3-22-23.pdf](#)

Legislative History

3/22/23 City Plan Commission recommended for approval

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

5. MINUTES OF THE FINANCE COMMITTEE

[23-0295](#) Request to award Unit E-23 Miscellaneous Concrete & Street Excavation Repairs to Al Dix Concrete, Inc. in an amount not to exceed \$473,850.

Attachments: [Unit E-23.pdf](#)

Legislative History

3/20/23 Finance Committee recommended for approval

[23-0296](#) Request to reject all bids for Unit X-23 Water Main Reconstruction.

Attachments: [Bid Rejection - Unit X-23.pdf](#)

Legislative History

3/20/23 Finance Committee recommended for approval

[23-0298](#)

Request to approve the 2022-2023 Budget carryover appropriations:

1. Items not under contract \$39,533,841
2. Items requesting Special Consideration \$293,616

(2/3 vote of Council required)

Attachments: [Not Under Contract 2022-2023 Carryover.pdf](#)

[Special Consideration 2022-2023 Carryover.pdf](#)

Legislative History

3/20/23 Finance Committee recommended for approval

[23-0303](#)

Request to approve the following 2022 Budget amendments:

Community Development Block Grant Fund

Federal Grant	+\$97,393
Grant Payments	+\$97,393

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

Emergency Shelter Grand Fund

Federal Grant	+\$302,687
Grant Payment	+\$302,687

to record additional funds received in the Emergency Shelter Grant program (2/3 vote of Council required)

Room Tax Administration Fund

Room Taxes	+\$78,405
Other Contracts/Obligation	+\$78,405

to record additional room taxes received (2/3 vote of Council required)

Wheel Tax Fund

Wheel Tax	+\$80,469
Transfer Out - General Fund	+\$80,469

to record additional wheel taxes received (2/3 vote of Council required)

Bioterrorism Grant Fund

Health Grants	+\$18,246
Salaries/Fringes	+\$18,246

to record additional Bioterrorism Grant funds received (2/3 vote of Council required)

Debt Service Fund

Premium on Debt Issue	+\$222,356
Consulting Services	+\$ 9,002
Interest Expense	+\$213,354

to record additional expense related to the 2022 debt issue (2/3 vote of Council required)

TIF #11 Fund

Fund Balance Applied	+\$116,265
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Tax Refunds	+\$ 41,460
Salaries/Fringe	+\$ 74,805

to record additional expense for tax refunds issued and increased salary and fringe costs (2/3 vote of Council required)

General Fund

Salaries/Fringe Benefits - Human Resources	+\$23,096
Salaries/Fringe Benefits - Community & Economic Dev.	+\$17,512
Wage Reserve	-\$40,608

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

Attachments: [2022 Final Budget Adjustments.pdf](#)

Legislative History

3/20/23 Finance Committee recommended for approval

[23-0306](#)

Request to award Unit D-23 Sidewalk Construction to BMD Concrete Innovations in an amount not to exceed \$293,000.

Attachments: [Unit D-23.pdf](#)

Legislative History

3/20/23 Finance Committee recommended for approval

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

[23-0215](#)

Request to approve the REVISED 2023-2024PY Community Development Block Grant (CDBG) funding as specified in the attached community partner allocation recommendations

Attachments: [Alloc Recs 2023 Final Award Memo to CEDC 3-22-23.pdf](#)

[2023 CDBG Community Partner Award Recommendations Updated.pdf](#)

[2023 CDBG Simple Summary Award Recommendations Updated.pdf](#)

[Alloc Recs Memo to CEDC 11-9-22.pdf](#)

Legislative History

3/22/23 Community & Economic Development Committee recommended for approval

7. MINUTES OF THE UTILITIES COMMITTEE

[23-0291](#)

Award Unit R-23 Chemical Root Foaming of Sanitary Sewers to Duke's Root Control, Inc. in an amount not to exceed \$25,000.

Attachments: [Attachment - Utilities Committee - 03-21-23 - Award of Contract Unit R-23.pdf](#)

Legislative History

3/21/23 Utilities Committee recommended for approval

[23-0300](#) Award the Sole Source Purchase of Secondary Clarifier Algae Sweep System from Ford Hall Company, Inc., in the amount of \$131,040 with a 15% contingency of \$19,656 for a project total not to exceed \$150,696.

Attachments: [Secondary Clarifier Algae Sweep System Sole Source Ford Hall.pdf](#)

Legislative History

3/21/23 Utilities Committee recommended for approval

[23-0301](#) Sole Source Engineering Services Contract to McMahon as part of Phase II Belt Filter Press Equipment Upgrades Project in the amount of \$162,000 with a 15% contingency of \$24,300 for a Project Total not to exceed \$186,300.

Attachments: [Engineering Services Contract Phase II Belt Filter Press Equipment Upgrades S](#)

Legislative History

3/21/23 Utilities Committee recommended for approval

[23-0302](#) Sole Source Engineering Services Contract to McMahon as part of the 2023 Digester Piping and Heat Exchanger Replacement Project in the amount of \$85,300 with a 15% contingency of \$12,795 for a Project Total not to exceed \$98,095.

Attachments: [2023 Digester Piping and Heat Exchanger Replacement Project Sole Source M](#)

Legislative History

3/21/23 Utilities Committee recommended for approval

[23-0304](#) Award purchase of Primary Digester Circulation Pump from Crane Engineering in the amount of \$27,774.

Attachments: [230317_CraneEngineering_DigCirPumpPurchase.pdf](#)

Legislative History

3/21/23 Utilities Committee recommended for approval

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

[23-0280](#) Authorization to Award Tire Leasing contract to Bridgestone Americas Tire Operations, LLC

Attachments: [Award Recommendation Bridgestone.pdf](#)

Legislative History

3/21/23 Fox Cities Transit Commission recommended for approval

10. MINUTES OF THE BOARD OF HEALTH

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

[23-0314](#) Ordinance #14-23 (Seville Properties Ballard & Werner Road Annexation)

Attachments: [Ordinances to Council 4-5-23.pdf](#)

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

R. OTHER COUNCIL BUSINESS

S. ADJOURN

Kami Lynch, City Clerk

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

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

**We are currently experiencing intermittent issues/outages with our audio/video equipment. Meeting live streams and recordings are operational but unreliable at times. This is due to delays in receiving necessary system hardware components. We continue to look for solutions in the interim and we hope to have these issues resolved soon.*



City of Appleton

100 North Appleton Street
Appleton, WI 54911-4799
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Meeting Minutes - Final Common Council

Wednesday, March 15, 2023

7:00 PM

Council Chambers

A. CALL TO ORDER

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

B. INVOCATION

The Invocation was offered by Alderperson Schultz.

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

Present: 16 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Israel Del Toro, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Joss Thyssen, Alderperson Alex Schultz, Alderperson Vaya Jones, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Christopher Croatt, 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

[23-0231](#)

Common Council Meeting Minutes of March 1, 2023

Attachments: [CC Minutes 3-1-23.pdf](#)

Alderperson Hartzheim moved, seconded by Alderperson Van Zeeland, 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 Israel Del Toro, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Joss Thyssen, Alderperson Alex Schultz, Alderperson Vaya Jones, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Christopher Croatt and Alderperson Chad Doran

Abstained: 1 - Mayor Jake Woodford

G. BUSINESS PRESENTED BY THE MAYOR

H. PUBLIC PARTICIPATION

I. PUBLIC HEARINGS

[23-0253](#)

Public Hearing on Special Resolution 1-P-23; Concrete Pavement, Driveway Aprons, and Sidewalk Construction
Amethyst Drive (Bluetopaz Dr to Aquamarine Dr)
Amethyst Drive (Providence Ave (w/o) to Bluetopaz Dr)
Bluetopaz Dr (Providence Ave (w/o) to Amethyst Dr)

Attachments: [1-P-23 Public Hearing Notice.pdf](#)

The following spoke during the Public Hearing:

- Dan Dahl, 5654 N Amethyst Drive
- Elizabeth Miller, 5636 N Amethyst Drive
- Devin O'Brien, 3111 E Blue Topaz Drive

[23-0255](#)

Public Hearing on Special Resolution 2-P-23; Sanitary Laterals, Storm Laterals, and Storm Main
Alice St (Drew St to Union St)
Linwood Ave (College Ave to Summer Ave)
Rankin St (College Ave to Alton St)
Summit St (Packard St to Elsie St)
Summit St (Prospect Ave to Fourth St)

Attachments: [2-P-23 Public Hearing Notice.pdf](#)

The Public Hearing was held, no one spoke during the hearing.

J. SPECIAL RESOLUTIONS

[23-0254](#)

Final Resolution 1-P-23; Concrete Pavement, Sidewalk Construction, and Driveway Aprons

Attachments: [Final Resolution 1-P-23 Concrete Paving Sidewalks and Aprons.pdf](#)

Aldersperson Hartzheim moved, seconded by Aldersperson Croatt, 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 Israel Del Toro, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Joss Thyssen, Aldersperson Alex Schultz, Aldersperson Vaya Jones, Aldersperson Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim, Aldersperson Christopher Croatt and Aldersperson Chad Doran

Abstained: 1 - Mayor Jake Woodford

[23-0256](#)

Final Resolution 2-P-23; Sanitary Laterals, Storm Laterals, and Storm Main

Attachments: [Final Resolution 2-P-23 Sanitary Laterals, Storm Laterals, Storm Main.pdf](#)

Aldersperson Hartzheim moved, seconded by Aldersperson Croatt, 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 Israel Del Toro, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Joss Thyssen, Aldersperson Alex Schultz, Aldersperson Vaya Jones, Aldersperson Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim, Aldersperson Christopher Croatt and Aldersperson Chad Doran

Abstained: 1 - Mayor Jake Woodford

K. ESTABLISH ORDER OF THE DAY

[23-0229](#)

Request to award the 2023 AWWTP Hardscape Renovation Project contract to Vinton Construction Co., Inc. in the amount of \$499,980.65 with a 12% contingency of \$60,000 for a project total not to exceed \$559,980.65, along with the following budget amendment:

2023 AWWTP Roof Replacement Project	- \$150,000
2023 AWWTP Hardscape Renovation Project	+ \$150,000

To adjust for the increased cost of the project.

Attachments: [2023 AWWTP Hardscapes Repairs with Budget transfer.pdf](#)

Aldersperson Croatt moved, seconded by Aldersperson Firkus, that the Contract Award be approved. Roll Call. Motion carried by the following vote:

Aye: 15 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Israel Del Toro, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Joss Thyssen, Aldersperson Alex Schultz, Aldersperson Vaya Jones, Aldersperson Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim, Aldersperson Christopher Croatt and Aldersperson Chad Doran

Excused: 1 - Mayor Jake Woodford

[23-0230](#)

Request to award Unit A-23 Concrete Paving to Vinton Construction Co., Inc. in the amount of \$5,331,314.05 with a 2% contingency of \$106,626.28 for a project total not to exceed \$5,437,940.33 (ATTACHMENTS), contingent upon approval of the following:

- Postpone new concrete paving on Amethyst Drive (Bluetopaz Dr. to Aquamarine Dr.) to 2024 and re-budget funds in 2024.
- Reallocate \$200,000 from our 2023 Lightning Drive stream crossing/pond construction project and re-budget these funds in 2024.

Budget Amendment TIF 11:

Debt Proceeds	+\$ 1,025,000
Infrastructure Construction	+\$ 1,025,000

To amend the project costs within TIF 11 and increase the 2023 General Obligation debt issue for the same amount.

Attachments: [Attachement - Finance Committee - 3-06-23 - Award Memo and Request for Budget Amendment - Units A-23 and B-23.pdf](#)
[Award of Contract Unit A-23.pdf](#)

Aldersperson Fenton moved, seconded by Aldersperson Croatt, that the Contract Award be approved. Roll Call. Motion carried by the following vote:

Aye: 13 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Israel Del Toro, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Joss Thyssen, Aldersperson Alex Schultz, Aldersperson Vaya Jones, Aldersperson Kristin Alfheim, Aldersperson Nate Wolff and Aldersperson Christopher Croatt

Nay: 2 - Aldersperson Sheri Hartzheim and Aldersperson Chad Doran

Abstained: 1 - Mayor Jake Woodford

[23-0234](#)

Request to award Unit B-23 Asphalt Pavement Reconstruction to Vinton Construction Co., Inc. in the amount of \$684,731.28 with a 4% contingency of \$27,500 for a project total not to exceed \$712,231.28. (ATTACHMENT), contingent upon approval of the following:

- Postpone asphalt paving on Helen Street (Pauline St. to Glendale Ave.) to 2024 and re-budget funds in 2024.

Attachments: [Award of Contract Unit B-23.pdf](#)

Aldersperson Fenton moved, seconded by Aldersperson Croatt, that the Contract Award be approved. Roll Call. Motion carried by the following vote:

Aye: 13 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Israel Del Toro, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Joss Thyssen, Aldersperson Alex Schultz, Aldersperson Vaya Jones, Aldersperson Kristin Alfheim, Aldersperson Nate Wolff and Aldersperson Christopher Croatt

Nay: 2 - Aldersperson Sheri Hartzheim and Aldersperson Chad Doran

Abstained: 1 - Mayor Jake Woodford

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

Aldersperson Hartzheim moved, Aldersperson Van Zeeland seconded, to approve the balance of the agenda. The motion carried by the following vote:

Aye: 15 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Israel Del Toro, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Joss Thyssen, Aldersperson Alex Schultz, Aldersperson Vaya Jones, Aldersperson Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim, Aldersperson Christopher Croatt and Aldersperson Chad Doran

Abstained: 1 - Mayor Jake Woodford

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[23-0201](#)

License Transfer of the Class "B" Beer and "Class B" Liquor License for Grand Meridian Inc d/b/a Grand Meridian, Christopher M Vandeyacht, Agent, located at 2621 N Oneida St, contingent upon approval from the Finance, Fire and Inspections departments.

Attachments: [License Transfer - Grand Meridian.pdf](#)

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

5. MINUTES OF THE FINANCE COMMITTEE

[23-0235](#)

Request to award Unit C-23 Sidewalk Sawcutting to ASTI Sawing, Inc. in an amount not to exceed \$30,000. (ATTACHMENT)

Attachments: [Award of Contract Unit C-23.pdf](#)

This Report Action Item was approved.

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

[23-0209](#)

Request to approve staff entering a written agreement with Urbane 115, LLC, pursuant to Section 4.1.1 of the Development Agreement (Phase I), to extend the completion date to November 30, 2023 and grant staff authority to administratively approve an additional six (6) month extension to May 31, 2024, if warranted, for a mixed-use development located on the southeast corner of E. Washington Street and S. Oneida Street (Tax Id #31-2-0281-01) in Tax Increment Financing District No. 11

Attachments: [Urbane 115 LLC Ph 1 DA Extension of Terms Memo to CEDC 3-8-23.pdf](#)
[Request from Merge-Urbane 115 for Phase 1 Completion Extension.pdf](#)
[1st Amendment to Merge-Urbane 115 Development Agreement Recorded Ph 1.pdf](#)
[Merge Conway TIF #11 Development Agreement Recorded Ph 1.pdf](#)

This Report Action Item was approved.

[23-0210](#)

Request to approve an agreement between the City of Appleton and Urbane 115 LLC to memorialize responsibilities for the Community Development Investment (CDI) grant awarded by the Wisconsin Economic Development Corporation (WEDC) for the redevelopment located at 115 E. Washington Street (Tax Id #31-2-0281-01)

Attachments: [Urbane 115 LLC CDI Grant Agreement Memo to CEDC 3-8-23.pdf](#)
[CDI Grant Administration Agrm-Urbane 115+City of Appleton.pdf](#)
[Contract for Execution-CDI Grant-WEDC+City of Appleton.pdf](#)
[WEDC CDI Grant Urbane 115 LLC Memo to CEDC 9-28-22.pdf](#)
[Resolution #2022-07 WEDC CDI Grant Urbane 115 LLC SIGNED.pdf](#)

This Report Action Item was approved.

[23-0211](#)

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

Attachments: [Business-Industrial Park Land Value Memo to CEDC 3-8-23.pdf](#)
[Exhibit A-Ind Land Sales Comparison.pdf](#)
[Exhibit B-Ind Land Sales Ask Price Comparison.pdf](#)
[Southpoint Commerce Park Map_2-23.pdf](#)

This Report Action Item was approved.

7. MINUTES OF THE UTILITIES COMMITTEE

[23-0216](#)

Approve 2022 Annual Stormwater Report to DNR

Attachments: [2022 MS4 Annual report w attachments.pdf](#)

This Report Action Item was approved.

[23-0217](#)

Award of Unit K-23 Native Landscape Management Contract to NES Ecological Services - A Division of Robert. Lee & Associates, in an amount not to exceed \$215,000.

Attachments: [K-23 Contract Award Util Memo FINAL 03-01-2023.pdf](#)

This Report Action Item was approved.

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

[23-0218](#)

Request for Over Hire of Residential Building Inspector Position.

Attachments: [Overhire Memo 3-1-23.pdf](#)

This Report Action Item was approved.

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

10. MINUTES OF THE BOARD OF HEALTH

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

[23-0252](#)

Ordinance #13-23

Attachments: [Ordinances to Council 3-15-23.pdf](#)

Aldersperson Hartzheim moved, seconded by Aldersperson Van Zeeland, that the Ordinance be approved. Roll Call. Motion carried by the following vote:

Aye: 15 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Israel Del Toro, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Joss Thyssen, Aldersperson Alex Schultz, Aldersperson Vaya Jones, Aldersperson Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim, Aldersperson Christopher Croatt and Aldersperson Chad Doran

Abstained: 1 - Mayor Jake Woodford

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

[23-0276](#)

Resolution #2-R-23 Resolution to Eliminate No Mow May

Attachments: [#2-R-23 Resolution to Eliminate No Mow May \(1\).pdf](#)

R. OTHER COUNCIL BUSINESS

S. ADJOURN

Alderson Hartzheim moved, seconded by Alderson Croatt, that the meeting be adjourned at 7:41 p.m. Roll Call. Motion carried by the following vote:

Aye: 15 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Brad Firkus, Alderson Israel Del Toro, Alderson Katie Van Zeeland, Alderson Denise Fenton, Alderson Maiyoua Thao, Alderson Joss Thyssen, Alderson Alex Schultz, Alderson Vaya Jones, Alderson Kristin Alfheim, Alderson Nate Wolff, Alderson Sheri Hartzheim, Alderson Christopher Croatt and Alderson Chad Doran

Abstained: 1 - Mayor Jake Woodford

Kami Lynch, City Clerk

PROCLAMATION



Office of the Mayor

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD, Mayor of the City of Appleton, Wisconsin, do hereby proclaim April 1, 2023, as

Golden Rule Day

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

Signed and sealed this 24th day of March 2023.



JACOB A. WOODFORD
MAYOR OF APPLETON

PROCLAMATION



Office of the Mayor

WHEREAS, hemophilia is a rare genetic bleeding disorder in which one of the proteins that cause the blood to clot is missing, or there is not enough of it to work properly, causing people to bleed longer; and

WHEREAS, there are 30,000-33,000 people living with hemophilia nationwide and it is found in all populations; and

WHEREAS, the symptoms of hemophilia vary from person to person but can include prolonged bleeding, excessive or unexplained bruising, frequent nosebleeds, and heavy menstrual periods; and

WHEREAS, without effective blood clotting, cuts and internal injuries have difficulty healing, and internal bleeding into the joints can result in pain and permanent damage; and

WHEREAS, hemophilia is typically a lifelong condition which is primarily treated with infusions of a protein involved in blood clotting.

NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD, Mayor of the City of Appleton, Wisconsin, do hereby proclaim April 17, 2023, as

Hemophilia Awareness Day

in Appleton and encourage residents to recognize that individuals with hemophilia depend on our community blood supply, blood products, and blood safety.

Signed and sealed this 24th day of March 2023.



JACOB A. WOODFORD
MAYOR OF APPLETON

PROCLAMATION



Office of the Mayor

WHEREAS all species play a unique role in the complex web of life and contribute to the ecosystem upon which all life on Earth depends; hence, protecting this ecosystem is crucial to the survival of this planet and its inhabitants; and

WHEREAS, wild animal populations are declining, and the Earth faces an era of mass extinction, which is in large part a result of human activity, including degradation of ecosystems, deforestation, pollution, and climate change; and

WHEREAS, by the year 2050, as many as 80% of all people will live in cities and biodiversity and the natural environment play an important part in city life, including generating oxygen, purifying the air, controlling pests and the spread of disease, pollination, and providing recreational opportunities and wellbeing; and

WHEREAS, many plants, wild animals, and pollinators live in urbanized landscapes, and cities thereby have a responsibility to examine the ecological impacts of their activities and ways to protect biodiversity; and

WHEREAS, it is more important than ever to cooperate locally and internationally to continue making progress, because sustainability will only be achieved by meeting the needs of the present without compromising the needs of the future; and

WHEREAS, Earth Day is an annual reminder of the constant need for environmental stewardship, advocacy, and sustainability efforts.

NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD, Mayor of the City of Appleton, Wisconsin, do hereby proclaim April 22, 2023, as

Earth Day

in Appleton and encourage residents, businesses, and institutions to celebrate the Earth and promote the protection of our species and environment.

Signed and sealed this 24th day of March 2023.

JACOB A. WOODFORD
MAYOR OF APPLETON



PROCLAMATION



Office of the Mayor

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, now known as Arbor Day; and

WHEREAS, Arbor Day was first observed with the planting of more than one million trees in Nebraska, and is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource that provide sustenance, energy, and building materials; and

WHEREAS, trees in Appleton increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, the City of Appleton has been recognized as a Tree City USA by the National Arbor Day Foundation and we plan to continue our tree-planting practices.

NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD, Mayor of the City of Appleton, Wisconsin, do hereby proclaim April 28, 2023, as

Arbor Day

in Appleton and encourage residents to celebrate Arbor Day, support efforts to protect our trees and woodlands, and plant trees to gladden the heart and promote the wellbeing of this and future generations.



Signed and sealed this 24th day of March 2023.

JACOB A. WOODFORD
MAYOR OF APPLETON

*Pursuant to this Proclamation and in accordance with the Special Flag Policy, a special flag will be flown at City Hall on Friday, April 28, 2023.

PROCLAMATION



Office of the Mayor

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD, Mayor of the City of Appleton, Wisconsin, do hereby proclaim the week of April 3-9, 2023, as

Public Health Week

in Appleton and encourage residents to celebrate Public Health Week and the work of those dedicated to improving the health and wellbeing of all people in our community.

Signed and sealed this 24th day of March 2023.



JACOB A. WOODFORD
MAYOR OF APPLETON

PROCLAMATION



Office of the Mayor

WHEREAS, on September 1, 1897, the City of Appleton opened its first publicly owned library and reading room using the council quarters above Petersen-Rehbein Meat Market at 106 W. College Avenue and hiring Agnes Dwight as the first professional librarian in the City.

WHEREAS, over the past 126 years the Appleton Public Library has evolved alongside our community, serving as a source of information, innovation, inclusion, and community connectedness.

WHEREAS, the library staff and the community work in partnership to build strong communities and promote civic engagements through transformative partnerships, programs, services and expertise; and

WHEREAS, our library is a symbol of our community's aspirations and a welcoming beacon for all to learn, know, gather, and grow.

NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD, Mayor of the City of Appleton, Wisconsin, do hereby proclaim April 23-29, 2023, as

Library Week

in Appleton and encourage all residents to visit the temporary library at 2411 S. Kensington Drive. I encourage patrons to join in the programming that will occur throughout the community, continue to access the library's website and electronic resources, and look forward to the new library's grand opening.

Signed and sealed this 24th day of March 2023.



JACOB A. WOODFORD
MAYOR OF APPLETON

PROCLAMATION



Office of the Mayor

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD, Mayor of the City of Appleton, Wisconsin, do hereby proclaim April 2023 as

Autism Acceptance Month

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

Signed and sealed this 24th day of March 2023.




JACOB A. WOODFORD
MAYOR OF APPLETON



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

OFFICE OF THE MAYOR

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

TO: Members of the Common Council
FROM: Mayor Jacob A. Woodford 
DATE: March 31, 2023
RE: Confirmation of Appointments & Reappointments

It is with pleasure that I present the following recommendations for your confirmation at the April 5, 2023, Common Council meeting.

BOARD OF HEALTH – Reappointments

Emma Kane	2 Year Term	Term Ends April 2025
Dr. Lee Vogel	2 Year Term	Term Ends April 2025

BOARD OF REVIEW – Reappointments

Kyle Lobner	1 Year Term	Term Ends April 2024
Linda Marx	1 Year Term	Term Ends April 2024
Sean Morgan	1 Year Term	Term Ends April 2024

BOARD OF ZONING APPEALS – Reappointments

Kevin Loosen	3 Year Term	Term Ends May 2026
Kelly Sperl	3 Year Term	Term Ends May 2026

BUSINESS IMPROVEMENT DISTRICT BOARD – Appointment

David Kress	3 Year Term	Term Ends December 2024
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CITY PLAN COMMISSION – Reappointment

Isaac Uitenbroek	3 Year Term	Term Ends April 2026
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HISTORIC PRESERVATION COMMISSION – Reappointments

Dan Meissner	3 Year Term	Term Ends May 2026
Nancy Peterson	3 Year Term	Term Ends May 2026

LIBRARY BOARD – Reappointments

Margret Mann	3 Year Term	Term Ends June 2026
Lisa Nett	3 Year Term	Term Ends June 2026
Nancy Scheuerman	3 Year Term	Term Ends June 2026

POLICE AND FIRE COMMISSION – Reappointment

Pamela De Leest	5 Year Term	Term Ends May 2028
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POLICE CHIEF’S COMMUNITY ADVISORY BOARD – Appointments

Chris Clarke	3 Year Term	Term Ends April 2026
Mark Cochrane	3 Year Term	Term Ends April 2026
Melissa Dickenson	3 Year Term	Term Ends April 2026
Samantha George	3 Year Term	Term Ends April 2026
Michelle Hedtke	3 Year Term	Term Ends April 2026
Ryan Korth	3 Year Term	Term Ends April 2026
Kara Miller	3 Year Term	Term Ends April 2026
Randy Pynenberg	3 Year Term	Term Ends April 2026
Kathleen Salm	3 Year Term	Term Ends April 2026
Ilan Shapiro	3 Year Term	Term Ends April 2026
Debbie Wagner	3 Year Term	Term Ends April 2026

Chris Clarke received his bachelor’s degree from Syracuse’s LeMoyne College, and his master’s and Juris Doctorate degrees from Manhattan College and Pace University. His career has been in higher education. He is currently serving as Vice President for Student Life at Lawrence University, having moved with his family to Appleton last summer. Chris’ previous work includes Manhattan College, Wagner College, The Juilliard School, and Shippensburg University. Chris and his wife have three children and two dogs.

Mark Cochrane served in the Air force as a recruiter and currently works for Outagamie County in a human resources and recruitment/retention role. He believes law enforcement is a key factor in a community where people are proud to live, and residents can partner with and support law enforcement by adding community perspective. Mark looks forward to adding value to this board and assisting APD in any way possible. He has been an Appleton homeowner since 1999 where he and his wife have raised two children.

Melissa Dickenson has lived in Appleton since 1993 and has raised her children here. Melissa currently works at Appleton North High School as a secretary. This role has allowed her to be very connected to the community helping families and students. She enjoys living in Appleton and looks forward to giving back to the community with participation on this board.

Samantha George has 24 years of experience teaching special education in the Hortonville School District. She and her husband have two growing boys, two dogs, and three cats. As a family, they enjoy camping and spending time in northern Wisconsin.

Michelle Hedtke (Mickie) has a degree in criminal justice and psychology and has been a social worker since 1999. She has worked in Child Protection, Juvenile Justice, and with Special Needs Adoptions prior to her current role with Winnebago Mental Health Institution. She has a daughter in college and a daughter attending Fox Valley Lutheran. Mickie looks forward to helping find new ways to support collaboration between APD and the community.

Ryan Korth was raised in Appleton and graduated from Appleton North High School. He served on submarines in the Navy from 1999-2005, in the Marines from 2005-2015, and served two tours in Iraq followed by work in Homeland Security until 2022. Ryan currently owns a small business in De Pere, Wisconsin.

Kara Miller earned her bachelor's degree in Psychology from DePaul University and her master's degree in Public Health from UW-Madison where she also received her Graduate/Professional Certificate in Global Health. She currently works as a care manager for Lakeland Care managing long term care for adults who have physical disabilities, developmental disabilities, and serious and persistent mental illnesses. Prior to care management, Kara worked as an inpatient human service specialist for those in crisis and experiencing severe symptoms of addiction and mental illness at Tellurian. Kara is also an advocate for animal welfare and environmental health.

Randy Pynenberg grew up in the Fox Valley. Following high school, he studied electrical engineering at Michigan Tech, and later earned a master's degree in Electrical Engineering from Michigan Tech and an M.B.A. from Marquette University. Randy returned to the Fox Valley in 2016 to raise his daughter, and currently lives downtown where they feel part of the community. Randy looks forward to participating on this board to better understand the challenges and priorities of APD and to provide a voice for community concerns.

Kathleen Salm graduated from UW-Oshkosh with a bachelor's degree in Elementary Education. Her career has consisted of substitute teaching in several school districts and teaching summer school math. She also spent time as a travel agent. Kathleen has volunteer experience from Rebuilding Together, Trout Museums, White Heron/New Voices, Vets & Friends, to APD where she currently transcribes handwritten Day Books and plays McGruff the Crime Dog, along with her husband, and is involved in the kids fishing program. Kathleen is married and has two adult daughters.

Ilan Shapiro went to kindergarten and first grade in Appleton before his family moved to Milwaukee. He completed his medical training at UW Oshkosh and his surgical training in New York City. Ilan moved back to Appleton to raise his family and practiced medicine here for 30 years before retirement. During his career, he worked with many officers in the emergency rooms at both St. E's and Theda Clark. That experience along with his immigrant background helps him to identify with our diverse community and makes him a good fit for this board.

Debbie Wagner and her husband have three children. She has been an active community volunteer for over 20 years for nonprofits including Oneida Nation Food Pantry, LEAVEN, Harbor House, and Feeding America. Debbie looks forward to serving on the board to help make our community a better place, so more people want to raise families here.

NOTICE OF PUBLIC HEARING
OF THE
APPLETON COMMON COUNCIL

The City of Appleton Common Council will conduct a Public Hearing on Wednesday, April 5, 2023, at 7:00 P.M., or as soon thereafter as can be heard, in Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street for the following proposed Major Amendment to Planned Development request:

Proposed Major Change to Planned Development (PD) Overlay District: The applicant, Jim Feeney, has submitted a request on behalf of all the property owners whose addresses are 806, 812, 813, 818, 819, 824, 825, 830, 831, 836, 837, 842, 843, 900, 901, 906, 907, 912, 913, 918, 919, 924, 925, 930, 931, 936, 937, and 940 E. Pondview Court who propose changes to the requirements and development plans for the Meade Pond, L.L.C. PD Overlay District #1-01 (PD #1-01). The property owners are proposing amendments to Section A. Land Uses, Section B. Development Standards, Section C. Required Improvements, Section D. Implementation, and Exhibit A and delete Exhibits G and H of the Implementation Plan Document. This document was recorded in the Outagamie County Register of Deeds Office on July 19, 2001 as Document No. 1417611 for Meade Pond, L.L.C. (PD #1-01).

(PD #1-01) IS LOCATED IN ALDERMANIC DISTRICT: 7 – Alderperson Maiyoua Thao

A copy of the proposed changes to the requirements relating to the above-referenced Planned Development (PD) Overlay District is available in the Appleton Community and Economic Development Department or the Office of the City Clerk from 8:00 a.m. until 4:30 p.m., Monday through Friday.

All persons interested are invited to attend this meeting and will be given an opportunity to be heard.

Any questions regarding this matter should be directed to Don Harp, Principal Planner, in the Community and Economic Development Department at 920-832-6466 or by email at don.harp@appleton.org.

CITY CLERK
KAMI LYNCH

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

RESOLUTION #1-R-23

ON THE ADOPTION OF LANGUAGE TO CONTROL THE UNINTENDED MISUSE OR AND OVERUSE OF PESTICIDES, HERBICIDES AND FERTILIZERS ON PUBLIC PROPERTY

Date: February 15, 2023

Submitted By: Alderperson Del Toro – District 4, Alderperson Meltzer – District 2, Alderperson Fenton – District 6, Alderperson Schultz – District 9, Alderperson Wolff – District 12

Referred To: Legal Services Department, Department of Public Works, Department of Parks & Recreation, Health Department

Resolution Summary:

This resolution commits to educating our community regarding the proper use of lawn care chemicals including fertilizer, and pesticides. The resolution takes into consideration that chemicals should be applied with using the explicit guidelines stated by their labels and only under certain conditions. This resolution reflects the city's commitment to a cleaner environment and protects the health and well-being of users the public right of way.

WHEREAS, the runoff from private application and overuse of chemical fertilizers and lawn care products can enter into our local waterways and negatively impact water quality; and

WHEREAS, the misuse of chemical non-organic lawn treatments causes unintended drift and scatter on city sidewalks and adjacent properties which can be hazardous to the health of our citizen's, our pet's and our urban wildlife populations; and

WHEREAS, spray application of chemical fertilizers, herbicides and pesticides are ineffective when applied under certain environmental conditions and may drift by wind dispersal or wash off into our stormwater system; and

WHEREAS, the City of Appleton is committed to good stewardship of our natural ecosystems as evidenced by our standing certifications as a Bird City, Bee City, Monarch City and Tree City USA, and

WHEREAS, the City of Appleton is committed to maintaining a healthy watershed and reducing chemical runoff into our water bodies; and

WHEREAS, the City of Appleton adopted a Health in all Policies ordinance which inherently covers regulations governing public property including city sidewalks, terraces and other public rights-of-way and the misuse of potentially hazardous applications of non-organic controls which may be absorbed or ingested by our citizens and our pets; and

WHEREAS, the Municipal Code of the City of Appleton includes definitions, regulations and means of enforcement of private citizen requirements to maintain safe, open and hazard-free sidewalks; and

WHEREAS, Wisconsin Law offers protection (ATCP 29.50) against overspray and chemical drift of pesticide that protects local and commercial food producers;

LET IT BE RESOLVED that the city is committed to working to educate the public about best use of lawn care chemicals, guidelines and regulations, reporting methods and will include educational information of such on the City website, social media, and in any applicable city mailings and publications; and

BE IT FURTHER RESOLVED, that chemical fertilizers (to include sprays, granular and powder form pesticides (which include herbicides and insecticides) shall not be applied to city-owned public rights-of-way, which is commonly the edge of the sidewalk adjacent to the property owner. These rules and regulations are to apply to all private and public property with areas less than 5 acres; and

BE IT FURTHER RESOLVED, that liquid or aerosolized chemical pesticides and fertilizers applied by private citizens, shall be applied only to their property and should not spread beyond property boundaries into city-owned or privately-owned neighboring properties. Application of lawn-care chemicals must follow the application guidelines stated on the chemical's label where the "label is the law"; and

BE IT FURTHER RESOLVED, that chemical fertilizers and pesticides shall not be applied on any property during any rainy days (or potentially rainy weather) or on windy days (winds in excess of 5 miles per hour) or at temperatures above 80°F (the point where these chemicals can become volatilized and ineffective); and

BE IT FURTHER RESOLVED, that any property that uses chemical fertilizers and pesticides, whether personally applied or contracted, shall display visible signage of the exact chemical compounds being applied to their lawns along with contact information for local poison control in case of bystander or pedestrian unintentional exposure, and

BE IT FURTHER RESOLVED, that any lawn care chemical application will not be allowed in areas within 250 ft from any site identified by Driftwatch, FieldWatch and BeeCheck state registry; and

BE IT FURTHER RESOLVED, any application by a private citizen which can be identified as being in violation of these pesticide application guidelines may be subject to the same fines established for violation of existing sidewalk policy, and;

BE IT FURTHER RESOLVED, that in extreme cases where manual removal or mowing of noxious weeds as defined by the state of WI has proven to be ineffective, a permit to spray may be applied for and granted by the city for application of chemical treatments in areas less than 5 acres.

CONTRACT AMENDMENT & CHANGE ORDER

Change Order No. 1

Date 03/20/23

Contract No. _____ for the following public work : Unit T-21 Movable Bridge Inspections

between AECOM Technical Services , 1555 N RiverCenter Drive, Suite 214, Milwaukee, WI 53212
 (Contractor Name) (Contractor Address)

and the City of Appleton dated: 3/26/2021 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	17032.6404.3510	\$95,061.00	\$0.00	\$11,400.00		\$106,461.00	\$0.00
2						\$0.00	\$0.00
3						\$0.00	\$0.00
4						\$0.00	\$0.00
5						\$0.00	\$0.00
6						\$0.00	\$0.00
7						\$0.00	\$0.00
8						\$0.00	\$0.00
9						\$0.00	\$0.00
10						\$0.00	\$0.00
	Total	\$95,061.00	\$0.00	\$11,400.00	\$0.00	\$106,461.00	\$0.00

Reason for Change: The Lawe Street Bascule Bridge is eligible for rehabilitation funding. Trans 213, Local Bridge Program, requires applicants to fund a rehabilitation report prior to applying for funding. This change order will approve AECOM to perform the required inspections and write the report per WisDOT requirements. Based on past inspections, maintenance recommendations include electrical, mechanical, structural and painting, which will part of a future DOT led project if our application is approved.

The Contract Time will be (increased / decreased / unchanged) by this Change Order: - Days

The Date of Completion as of the date of this Change Order therefore is: 12/31/25

Finance Committee Agenda Date: 03/20/23

Date approved by Council: 04/05/23

CHANGE ORDER

This Change Order No. 01, with an effective date of March 09, 2023 is issued under the Consulting Services Agreement (“Agreement”) dated March 26, 2021 by and between City of Appleton, a Wisconsin Public Entity (“Client”) and AECOM Technical Services, Inc., a California corporation (“AECOM”); each also referred to individually as a “Party” and collectively as “Parties”. This Change Order modifies the Agreement as follows:

1. Changes to the Services:

AECOM will develop a Bridge Rehabilitation Report, as defined by WisDOT for purposes of Bipartisan Infrastructure Law (BIL) or Local Bridge Program Funding, for the Lawe Street Bridge. The additional work includes inspection of the bridge beyond that already included with the movable bridge inspection. The report will include Sufficiency Rating calculation, construction alternatives, two cost estimates (one for rehabilitation and one for reconstruction), recommendation, and appendices.

2. Change to Deliverables:

A Bridge Rehabilitation Report for Lawe Street Bridge is added to the list of deliverables.

3. Change in Project Schedule (attach schedule if appropriate):

The inspection of the bridge will take place during the regularly scheduled movable bridge inspection on April 4, 2023. The Bridge Rehab Report will be delivered to City of Appleton by April 28, 2023.

4. Change in AECOM’s Compensation:

The Services set forth in this Change Order will be compensated on the following basis:

- No change to Compensation
- Time & Material (See **Exhibit B** for the Hourly Labor Rate Schedule)
- Time and Materials with a Not- to-Exceed amount of (\$). The Hourly Labor Rate Schedule is set forth in **EXHIBIT B** (if applicable). Reimbursable expenses are included in the overall Not to Exceed cap.
- Lump Sum [\$11,400]

Milestone/Deliverable & Date	Payment Amount
Bridge Rehab Report; April 28, 2023	\$11,400

- Cost Plus Fixed Fee:** [Cost \$ and Fee \$]

Therefore, the total authorized Compensation, inclusive of this Change Order is \$.

5. Project Impact:

None

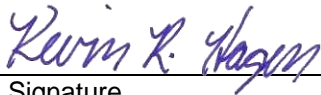
6. **Other Changes** (including terms and conditions):

None

- 7. All other terms and conditions of the Agreement remain unchanged.
- 8. Each Party represents that the person executing this Change Order has the necessary legal authority to do so on behalf of the respective Party.

AECOM Technical Services, Inc.

CLIENT: City of Appleton



Signature

Kevin Hagen, P.E.

Printed Name

Associate Vice President, Bridge Group Leader

Printed Title

3/9/2023

Date

200 Indiana Avenue
Stevens Point, WI 54481

Signature

Printed Name

Printed Title

Date

100 North Appleton Street
Appleton, WI 54911-4799

[End of the Change Order]



DEPARTMENT OF PUBLIC WORKS

100 North Appleton Street

Appleton, WI 54911

TEL (920) 832-6474

FAX (920) 832-6489

MEMO

To: Municipal Services Committee
From: Danielle Block, P.E. Director of Public Works
Date: March 15, 2023
Re: Approve Memorandum of Understanding (MOU) with Bird Rides, Inc. to initiate a Dockless, Stand-up Electric Scooter Program for 2023

The 2022 Pilot Program with Bird Rides, Inc. continued to be a success with 58,133 trips and 109,818 miles traveled. The number of trips more than doubled and the number of miles traveled more than tripled over 2021. It has now been two-years since Birds landed in the City. Based on feedback received during the previous years and recent feedback from the Municipal Services Committee meeting, staff has come to an agreement with Bird.

Items to note within the 2023 MOU with Bird includes, MOU attached:

1. Continuation of a dockless, stand-up electric scooter program. Moving from the term “Pilot” to the term “Program.”
2. Term of the Program. The term is limited to a 1-year agreement.
3. Per ride fee has been increased from \$0.10 per ride to \$0.20 per ride. As noted in the agreement, this payment is intended to recoup administrative, educational and enforcement expenses incurred by the City. Based on our analysis, this would generate approximately \$10,000 annually, covering our costs and allowing staff to respond to any issues.

Items address during negotiations with Bird:

- At the request of the City, Bird will initiate the ID check feature. This feature is intended to curb or eliminate the underage use of Bird scooters. Bird’s first line of defense is creating custom messaging that they send out to all riders through the app. This messaging informs riders of the rules. However, Bird also has the ability to turn on an ID check for a couple of weeks to curb any issues and reduce the number of underage riders, if this is problem. Bird prefers not to have the ID check a permanent feature because it can be a barrier for people who do not have an ID. This feature does not have to be written into the MOU and would be part of the day-to-day coordination with Bird.
- Bird has generated a more detailed and useful monthly report featuring. This report will be supplied to the Committee as an informational item monthly during the 2023 season. An example report from August 2022 is attached.

MEMORANDUM OF UNDERSTANDING

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

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

WITNESSETH:

WHEREAS Bird, represented by Caitlin Goodspeed, has previously operated two Bird stand-up electric scooter pilot programs in the City of Appleton. The first began in April 2021 and ended in December 2021; and the second began in February 2022 and ended in December 2022.

WHEREAS the City, whose address is City of Appleton Clerk, 100 North Appleton Street, Appleton, WI 54911-4799, is willing to continue with another Bird stand-up electric scooter agreement with the City of Appleton to continue to evaluate the desire of establishing a regulatory framework for the long-term operation of Bird stand-up electric scooters within the City as well as to better determine the regulatory cost to the City; and

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

Section 1. DEFINITIONS

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

- 1.5. “Equipment” shall mean dockless, stand-up electric scooters.
- 1.6. “Geo-fencing” shall mean the ability of Bird to create no-ride or no-parking zones using GPS to create a digital fence around a designated area, that is marked as a red zone on the Bird app.
- 1.7. “Improperly parked” shall mean electric scooters parked in violation of section 5.5. of this MOU.
- 1.8. “Notice” and “Notification” shall mean notice from the public or notification from the City.
- 1.9. “Preferred parking area” shall mean areas designated in the Bird app as a location where customers may finish their ride and park the Bird electric scooter in order to receive a discount on the customer’s next ride of a Bird electric scooter.
- 1.10. “Unsafe” shall mean any dockless, stand-up electric scooters, that could cause harm or injury to a customer or anyone else within the public right-of-way despite being operated in a reasonable manner.
- 1.11. “Unused electric scooter” shall mean any dockless, stand-up electric scooter parked in one location for more than 7 consecutive days without being used.

Section 2. PURPOSE AND GOALS

- 2.1. It is the purpose of the City to continue a Dockless, Stand-up Electric Scooter Program (hereinafter the “program”) with Bird, to further observe, solicit feedback on, and evaluate the effectiveness of electric scooters in Appleton. In addition, the City shall further track the administrative, educational, and enforcement costs to the City associated with establishing an electric scooter program to more accurately determine the cost of a licensing scheme. There is no guarantee electric scooters will remain in the City after the completion of this program. Upon the conclusion of this program, the City shall take time to evaluate any feedback received, determine whether the following goals have been achieved, and to develop a more long-term licensing plan for the operation of Bird electric scooters, should the City create such a license. Electric scooters may provide many benefits to residents and visitors of Appleton. Electric scooters have the potential to help the City improve outcomes related to equity, congestion mitigation, health, and access to opportunity. The City also realizes the potential for disruption to pedestrian ways and other public rights of way. The parties agree that this program is intended to be fluid and subject to change in order to ensure the success of the program and further agree to work together to ensure the same. Changes to the MOU will comply with section 3.4 below.
- 2.2. The Goals of this program are as follows:

- 2.2.1. Increase transportation options: Electric scooters have the potential to reduce reliance on motor vehicles and ride sharing services for short trips, decreasing congestion and air quality impacts.
- 2.2.2. Expand access to transit: Electric scooters may provide links to public transit, assisting with connectivity and solving the first mile/last-mile problem.
- 2.2.3. Evaluate impacts on access to the public right-of-way: Bird must show a commitment to keeping pedestrian ways, streets, and other public rights-of-way unobstructed by electric scooters for other users. Most importantly, electric scooters must be parked and maintained in a manner that provides clear path for people walking and maintains access to businesses, residential units, and other buildings.
- 2.2.4. Evaluate the costs to the City: The City shall further track the costs of an electric scooter program to the City, including but not limited to costs associated with enforcement activities, administrative, and educational.

Section 3. DURATION

3.1. Term.

The term of this MOU shall be made effective upon signature by the parties and shall remain in effect, unless otherwise terminated, until December 31, 2023.

3.2. Suspension.

The program may be immediately suspended at any point and without cause by either the Director of the City of Appleton Department of Public Works (hereinafter “DPW”) or the Chief of the City of Appleton Police Department (hereinafter “APD”) for the purpose of working through any concerns with Bird.

3.3. Termination.

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

3.4. Modification.

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

Section 4. DUTIES OF BIRD

4.1. Maximum number of scooters and zones of operation.

- 4.1.1. Bird shall provide a maximum of three hundred-fifty (350) electric scooters within the City throughout the duration of the MOU.
- 4.1.2. At the commencement of the MOU, no more than two hundred (200) electric scooters shall be initially deployed within the city. The initial distribution of electric scooters in the City shall be as follows: a maximum of one hundred (100) electric scooters shall be deployed within the downtown zone (between Wisconsin Avenue and Calumet Street), a maximum of fifty (50) electric scooters shall be deployed within the northside zone (north of Wisconsin Avenue), and a maximum of fifty (50) electric scooters shall be deployed within the southside zone (south of Calumet Street).
- 4.1.3. Bird shall deploy electric scooters in groups of no more than ten (10) in any given location to ensure electric scooters are equally distributed around locations within the zones of operation.
- 4.1.4. A review of the maximum number of electric scooters within the City or within a specific zone may be requested by either party. The parties agree to work together to come to a resolution for the duration of the MOU.

4.2. Local operations.

Bird shall provide name and contact information for representative to the City within thirty (30) days after execution of this agreement.

4.3. Reporting and data sharing.

- 4.3.1. Aggregate customer demographic data that does not identify individual customers, payment methods, of their individual trip history, gathered by Bird shall be provided to the Director of DPW on at least a monthly basis using anonymized keys.
- 4.3.2. The following information shall be required on the first of each month throughout the duration of the MOU, or as directed by the Director of DPW:
 - 4.3.2.1. Total downloads, active customers & repeat customer information;
 - 4.3.2.2. List of reported parking complaints including: description, location of incident, description of Bird response, and response time;
 - 4.3.2.3. Incidents of electric scooter theft and vandalism;

4.3.2.4. Electric scooter maintenance reports;

4.3.2.5. Complaints received by Bird;

4.3.2.6. Accident/crash information; and

4.3.2.7. Payment method information.

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

4.4. Submerged electric scooters.

Bird acknowledges that submerged electric scooters in the City waterways may result in the release of hazardous wastes into the environment. Bird also acknowledges that there is a prohibition against discharging hazardous material as set forth in Sec. 6-61(a) of the Code. If a Bird electric scooter is submerged in a City waterway, Bird shall commence removal and site restoration as required in Sec. 6-61(c). If Bird fails to comply with removal, the City may respond, cause removal and require reimbursement pursuant to Sec. 6-61(d) of the Code. The City also retains discretion to issue citations pursuant to Sec. 6-61(g).

4.5. Relocation requests.

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

4.6. Safety education.

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

4.7. Operation outside the City of Appleton.

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

4.8. Equipment maintenance.

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

4.9. Geo-fencing of downtown bridges.

Bird shall geo-fence all downtown bridges to prevent customers from ending their ride on them in order to increase accessibility for pedestrians. The parties acknowledge that customers may traverse the downtown bridges.

4.10. Preferred parking zones.

Bird agrees to work with the City to create preferred parking zones within the City prior to the deployment of Bird electric scooters. The parties agree that, throughout the duration of the MOU, they will continue to work jointly to adjust the preferred parking zones as necessary.

Section 5. OPERATING REGULATIONS

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

5.2. Safety requirements.

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

5.2.2. The maximum motor-assist speed for electric scooters shall be 15 mph except along College Avenue between Drew Street and Richmond Street, where it shall be 12 mph.

5.3. Electric scooter availability and hours of operation.

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

a transfer or assignment of this MOU, and Bird remains responsible for all obligations and requirements under this MOU.

5.3.2. Hours of operation.

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

5.3.3. Winter operation.

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

5.4. Proper electric scooter use.

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

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

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

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

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

5.5. Proper electric scooter parking.

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

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

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

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

- 5.5.5. On roadways without sidewalks, electric scooters may be parked in the roadway if the right-of-way and the pedestrian way are not obstructed.
- 5.5.6. Electric scooters shall not be parked on private property without the express consent of the owner.
- 5.5.7. Electric scooters shall not be parked within, or obstruct access to, parking spaces; parklets; transit stops, including bus stops, streetcar stops, shelters, and passenger waiting areas; entryways; driveways; or crosswalks.
- 5.5.8. All electric scooters shall be parked in an upright position with two (2) wheels making a point of contact with the ground and in such a manner as to not constitute a hazard to pedestrians, traffic, or property.
- 5.5.9. Electric scooters shall not be parked on all downtown bridges within the City of Appleton. Bird agrees to further assist with this prohibition as stated in Section 4.9 of this MOU.

Section 6. INSURANCE REQUIREMENTS

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

Section 7. INDEMNIFICATION

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

Section 8. MISCELLANEOUS

8.1. Assignment.

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

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

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

For the City:

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

For Bird:

8605 Santa Monica Blvd. #20388
West Hollywood, CA 90069

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

8.3. Payment.

Bird agrees to pay to the City \$0.20 per ride in order to recoup administrative, educational, and enforcement expenses incurred by the City. Payment shall be made on a monthly basis and shall be made payable to City of Appleton – Finance Department.

8.4. No Waiver.

No failure to exercise, and no delay in exercising, any right, power or remedy, including payment, hereunder, on the part of the City or County shall operate as a waiver hereof, nor shall any single or partial exercise of any right, power or remedy preclude any other or further exercise thereof or the exercise of any other right, power or remedy. A waiver of any covenant, term or condition contained herein

shall not be construed as a waiver of any subsequent breach of the same covenant, term or condition.

8.5. Construction of Agreement.

8.4.1. This Agreement is intended to be solely between the parties hereto. No part of the Agreement shall be construed to add, supplement, amend, abridge, or repeal existing rights, benefits or privileges of any third party or parties, including but not limited to employee of either of the parties.

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

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

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

8.6. Public Records.

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

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

BIRD RIDES, INC.

By: _____
Printed Name: _____
Date: _____

By: _____
Printed Name: _____
Date: _____

SIGNATURES CONTINUE ON THE FOLLOWING PAGE

CITY OF APPLETON

By: _____

Jacob A. Woodford, Mayor

Date: _____

By: _____

Kami Lynch, City Clerk

Date: _____

Approved as to form:

Christopher R. Behrens, City Attorney

CityLaw A21-0079



APPLETON, WI + BIRD AUGUST 2022 REPORT



Data	August 2022
Number of Rides	7081
Total # of Users	2113
# of commuters	98.00
Community Pricing Participants	N/A
Banned User Information	0
Maintenance	42
Reported Incidents	2
Reported Issues/Complaints	4





DEPARTMENT OF PUBLIC WORKS

100 North Appleton Street

Appleton, WI 54911

TEL (920) 832-6474

FAX (920) 832-6489

MEMO

To: Municipal Services Committee
From: Danielle Block, P.E. Director of Public Works
Date: March 15, 2023
Re: Approve College Avenue Lane Reconfiguration **Pilot** Project

The City of Appleton has been working internally through 2022 to address concerns related to the traffic along College Avenue, in particular from State Street to Drew Street. This corridor of College Avenue serves as an important arterial street connecting residents and visitors to goods, services and employment. Over time, the corridor has evolved giving way to a demand to serve a variety of uses and users. Public feedback within this segment of College Avenue has focused on traffic speed, traffic noise, pedestrian safety, parking, emergency services and business access.

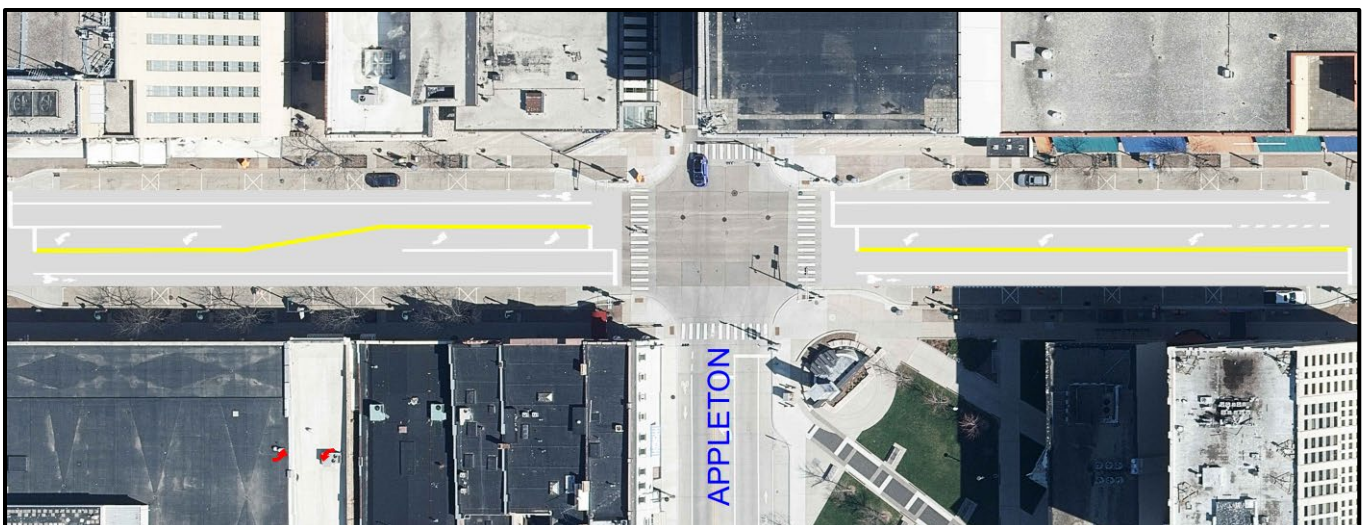
The City has explored and implemented several concepts to improve conditions along College Avenue: amenity strips, enhanced crosswalk pavement markings, early walk signal, mid-block crossings, increased enforcement and patrol. While these efforts have likely mitigated some negative effects of the increased traffic and speed, there remains a desire to calm the corridor and create a comfortable environment for all users.

A lane reconfiguration along College Avenue has been investigated and design by City Engineering staff. This redesign would simply involve the restriping of travel lanes along College Avenue to one lane in each direction, with a center left turn lane at each intersection from State Street to Drew Street. With the additional width afforded, a bike lane in each direction would also be striped. Parking would remain unchanged.

The project concept was first presented in January of 2023. Since that time, staff has met with stakeholders, held listening sessions and workshops, provided additional resources and materials. All project layouts, presentations, video modeling, lane reconfiguration research and case studies can be found here:

<https://www.appleton.org/government/public-works/project-information>

Project Intersection Example (College Avenue at Appleton Street)



Pilot Project Proposal

Staff is recommending the College Avenue Lane Reconfiguration Project be proposed as a **pilot** project with a duration of 18 months. Assuming construction completion and signal timing modifications are completed by late fall of 2023, the pilot project would be evaluated in spring of 2025.

The following metrics may be used to determine the success of the project:

- Quantitative Data:
 - Traffic Counts
 - Bike/Pedestrian/Scooter Counts
 - Crashes
 - Vehicle Speeds
 - Total Roadway Closures due to Aggressive Driving
 - Parking Meter Revenue along College Avenue
- Qualitative Data:
 - Business/Community Member Feedback
 - APD/AFD Feedback

Process & Construction Timeline

- March 20, 2023 – Action Item –Municipal Services Committee to consider approval of the College Avenue Lane Reconfiguration Pilot Project.
- April 5, 2023 – Action Item - If approved by Municipal Services Committee, the project will move to consideration by Council.
- April 2023 – If the project is approved, DPW will send the project out for public bidding. Staff will review bids and prepare recommendation to award.
- April/May 2023 – Municipal Services Committee to Consider approval of the contract award to restripe College Avenue. If approved, consideration by Council.
- Mid-June/Summer 2023 – Project start date is dependent upon contractor availability and weather. It is anticipated the total construction time would be approximately 2-weeks.
- Late Summer through December 2023 – Signal improvements/modifications.
- Late Summer and beyond – additional data collection and traffic monitoring. Reporting and status updates to Municipal Services Committee.

Education & Marketing Update

As part of our stakeholder engagement, feedback indicated a desire for education and marketing related to the proposal. If the project proposal is approved, staff will begin generating education and marketing materials to be distributed to the general public and business community. Topics that will be covered in the materials:

- College Avenue Corridor History.
- Project Purpose and Need.
- Education on a 4-to 3-Lane Reconfiguration.
- Construction Timeline and Staging.
- Marketing Materials to Promote the Corridor.



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 Avenue Telephone: 920-733-8000 FAX:
Appleton, WI 54911 e-mail: lgarvey@appletonpvh.com
Applicant Signature: Linda Garvey Date:

Occupancy Information

General Description: We are seeking permission to add tables and chairs on the terrace in front of the hotel. This would be on the western end of the property in front of Starbucks.
Street Address: 333 W. College Avenue Tax Key No.:
- or -
Street: From: To:
Multiple Streets:

(Department use only)

Table with 3 columns: Occupancy Type, Sub-Type, Location. Includes options like Permanent (\$40), Temporary - max. 35 days (\$40), Amenity/Annual (\$40), Blanket/Annual (\$250), Block Party (\$15), 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.
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 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:



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

4/5/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Marsh & McLennan Agency, LLC 1600 W. 7th Street Suite 300 Fort Worth TX 76102	CONTACT NAME: Amy Rosenbam PHONE (A/C, No, Ext): 817-877-3660 E-MAIL ADDRESS: amy.rosenbam@marshmma.com	FAX (A/C, No): 817-877-3480	
	INSURER(S) AFFORDING COVERAGE		
INSURED Driftwood Hospitality Management LLC Driftwood Hospitality Management II LLC 11770 US Hwy One East Tower Suite 202 North Palm Beach FL 33408	INSURER A: Starr Indemnity & Liability Company		NAIC # 38318
	INSURER B: Great American Insurance Company		16691
	INSURER C: Evanston Insurance Company		35378
	INSURER D:		
	INSURER E:		
	INSURER F:		

COVERAGES

CERTIFICATE NUMBER: 2047542180

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> No Ded/SIR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC <input type="checkbox"/> OTHER:	Y	Y	1000100161221	3/19/2022	3/19/2023	EACH OCCURRENCE \$2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$300,000 MED EXP (Any one person) \$ Excluded PERSONAL & ADV INJURY \$2,000,000 GENERAL AGGREGATE \$4,000,000 PRODUCTS - COMP/OP AGG \$4,000,000 Policy Aggregate \$10,000,000
A	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY	Y	Y	1000198205221 1000198206221	3/19/2022 3/19/2022	3/19/2023 3/19/2023	COMBINED SINGLE LIMIT (Ea accident) \$2,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$	Y	Y	1000589669221	3/19/2022	3/19/2023	EACH OCCURRENCE \$5,000,000 AGGREGATE \$5,000,000 \$
A	<input checked="" type="checkbox"/> WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N	N/A	1000004553	3/19/2022	3/19/2023	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$1,000,000 E.L. DISEASE - EA EMPLOYEE \$1,000,000 E.L. DISEASE - POLICY LIMIT \$1,000,000
A B C	Liquor Liability *Crime Employee Theft *EPLI Claims Made	Y	Y	1000302542221 SAAE5897640200 MKLV4MML000204	3/19/2022 3/19/2022 3/19/2022	3/19/2023 3/19/2023 3/19/2023	Each Common Cause Aggregate \$2,000,000 *Crime & EPLI \$4,000,000 See Remarks

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

GL Policy Includes Crime for Guest Property (Innkeepers) \$100,000 Aggregate

Certified Acts of Terrorism is included

*Garagekeepers Legal Liability Applies to specific locations on file with company : GKLL Limit \$500,000 \$2,500 Deductible Comp/Collision.

WC-applicable to all states except monopolistic states of ND,OH,PR,WA,WY

See Attached...

CERTIFICATE HOLDER**CANCELLATION**

Hilton Worldwide Holdings Inc
 7930 Jones Branch Drive
 McLean VA 22102
 USA

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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ADDITIONAL REMARKS SCHEDULE

AGENCY Marsh & McLennan Agency, LLC		NAMED INSURED Driftwood Hospitality Management LLC Driftwood Hospitality Management II LLC 11770 US Hwy One East Tower Suite 202 North Palm Beach FL 33408	
POLICY NUMBER		EFFECTIVE DATE:	
CARRIER	NAIC CODE		

ADDITIONAL REMARKS

**THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,
FORM NUMBER: 25 FORM TITLE: CERTIFICATE OF LIABILITY INSURANCE**

Worldwide Jurisdiction is included.

Additional Insured form #OG184 edition 4/12, #CG2011 edition 12/19, #CG2026 edition 12/193, #CG2015 edition 12/193 and #OG218 edition 10/14 apply to the General Liability policy.

Waiver of subrogation form #CG2404 edition 12/19 applies to the General Liability policy.
Primary & Non-Contributory General Liability form #OG152 edition 4/12 applies to the General Liability policy.

Additional Insured form #SICA1016 edition 6/20 applies to the Automobile Liability policy.
Waiver of subrogation form #SICA1020 edition 9/19 applies to the Automobile Liability policy.
Primary and Noncontributory form #CA0449 edition 11/16 applies to the Automobile policy.

Waiver of subrogation form #WC000313 edition 4/84 applies to the Workers Compensation policy.

Notice of Cancellation to Third Parties form #SIIL102 edition 10/14 applies to the General Liability policy.
Notice of Cancellation to Third Parties form #SICA1015 edition 7/11 applies to the Automobile Liability policy.
Notice of Cancellation to Third Parties form #WC990618, #WC990605, #WC990605IL, #WC990605MD and #WC990605MO apply to the Worker's Comp policy.

The General Liability policy includes a blanket additional insured endorsement to the certificate holder only when there is a written contract between the named insured and the certificate holder that requires such status.

The General Liability policy contains an endorsement with "Primary and NonContributory" wording that may apply only when there is a written contract between the named insured and the certificate holder that requires such wording.

The General Liability policy contains a blanket waiver of subrogation endorsement that may apply only when there is a written contract between the named insured and the certificate holder that requires such wording.

The Automobile Liability policy contains language that provides additional insured status to the certificate holder only when there is a written contract between the named insured and the certificate holder that requires such status.

The Automobile liability policy includes waiver of subrogation wording that may apply only when there is a written contract between the named insured and the certificate holder that requires such wording.

The Automobile liability policy includes primary and noncontributory wording that may apply only when there is a written contract between the named insured and the certificate holder that requires such wording.

The Worker's Compensation policy includes a waiver of subrogation endorsement that may apply only when there is a written contract between the named insured and the certificate holder that requires such wording.

The General Liability, Automobile Liability, Worker's Compensation policies includes a blanket notice of cancellation to the certificate holder endorsement, providing for 30 days advance written notice if the policy is canceled by the company, or 10 days written notice before the policy is canceled for nonpayment of premium. Notice is sent to certificate holders with mailing addresses on file with the agent or the company. The endorsement does not provide for notice of cancellation to the certificate holder if the named insured requests cancellation.

*Crime Policy Includes Fidelity: Employee Theft Limit \$1,000,000/Retention: \$25,000 - ERISA Fidelity Limit \$1,000,000/No Retention

*EPLI: Limit \$2,000,000/Retention \$100,000

Professional Liability (Claims Made): Policy No. MPL30012076900 - Policy Period: 10/9/21-22 - Endurance Assurance Corporation - \$2,000,000 Each Claim/\$2,000,000 Aggregate/\$25,000 Retention

Cyber Liability: Policy Number 1000634548211 - Policy Period: 12/1/21-22 - Starr Indemnity & Liability Company - Limit: \$5,000,000 Limit Aggregate/\$50,000 Retention

Excess Liability: Policy No. P00100081849801 - Policy Period: 3/19/22-23 - Axis Surplus Lines Insurance - NAIC 26620 - Limit: \$5,000,000 Excess \$5,000,000

Excess Liability: Policy No. ECO2358628826 - Policy Period: 3/19/22-23 - The Ohio Casualty Insurance Company - NAIC 24074 - Limit: \$10,000,000 Excess of \$10,000,000

Excess Liability: Policy No. XC83X00364221 - Policy Period: 3/19/22-23 - Everest National Insurance Company - NAIC 10120 - Limit: \$15,000,000 Excess \$20,000,000

Excess Liability: Policy No. 03133054 - Policy Period: 3/19/22-23 - Allied World National Assurance Company - NAIC 10690 - Limit: \$15,000,000 Excess \$35,000,000

Excess Liability: Policy No. USL014028226 - Policy Period: 3/19/22-23 - Fireman's Fund Insurance Company - NAIC 21873 - Limit: \$25,000,000 Excess \$50,000,000

Excess Liability: Policy No. CX00G1422 - Policy Period: 3/19/22-23 - Aspen American Insurance Company - NAIC 43460 - Limit: \$25,000,000 Excess



ADDITIONAL REMARKS SCHEDULE

AGENCY Marsh & McLennan Agency, LLC		NAMED INSURED Driftwood Hospitality Management LLC Driftwood Hospitality Management II LLC 11770 US Hwy One East Tower Suite 202 North Palm Beach FL 33408	
POLICY NUMBER		EFFECTIVE DATE:	
CARRIER	NAIC CODE		

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,
FORM NUMBER: 25 **FORM TITLE:** CERTIFICATE OF LIABILITY INSURANCE

\$75,000,000

Re: Hilton Hotel Paper Valley - 333 West College Avenue, Appleton, WI 54911

Certificate Holder Includes: Hilton Worldwide Holdings Inc. and its owners, subsidiaries and affiliates now or hereafter existing.

Proposed sketch

3/16/2023



GRANT TRACKING FORM



PART #1: Notification of Grant Funds

(email to jeri.ohman@appleton.org)

APPLICANT DEPARTMENT: Appleton Fire Department

DATE: 03/16/2023

APPLICANT DEPARTMENT GRANT CONTACT NAME/TITLE: Doug Vrechek/Battalion Chief

COMMITTEE OF JURISDICTION: Safety & Licensing Committee

NAME OF GRANT/FUNDING SOURCE: Capital Credit Union Elevate Communities Program

AMOUNT OF GRANT REQUEST: \$13,000

LOCAL MATCH REQUIREMENT: N/A

SOURCE OF MATCH: General Fund Non-General Fund Not Applicable

TIMEFRAME OF GRANT: 03/31/2023 through 12/31/2023

TYPE OF GRANT REQUEST: Monetary Other (explain under 'purpose of grant')

PURPOSE OF GRANT (summary): This grant will allow the fire department to acquire a methane gas detector to quantify risk and hazard areas in emergencies.

How does the grant meet City/Department/Program goals? The grant will improve the department's ability to mitigate hazards while keeping firefighters a safe proximity from the hazard.

What are the personnel requirements (include both existing and new staff) of the grant? There are no additional requirements of personnel.

DEPARTMENT HEAD SIGNATURE: _____

PART #2: Request to Accept Grant Funds

(complete after notification of grant award; email to jeri.ohman@appleton.org)

AMOUNT OF GRANT AWARD: \$ _____

FEDERAL/STATE ID #: _____

LOCAL MATCH REQUIREMENT: \$ _____

Please describe the source of match, if applicable: _____

Please describe any major changes in proposed grant-funded activities: _____

PART	TO:	DATE:	TO:	DATE:	TO:	DATE:
#1: Request to Apply	Finance Dept		COJ – Info/Action		FAC – Info/Action	
#2: Request to Accept	Finance Dept		COJ – Action		FAC – Action	

COJ = Committee of Jurisdiction

FAC = Finance and Administration Committee

Original Alcohol Beverage Retail License Application

(Submit to municipal clerk.)

For the license period beginning: 7/1/22 ending: 6/30/23
(mm dd yyyy) (mm dd yyyy)

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

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

Name (individual / partners give last name, first, middle; corporations / limited liability companies give registered name)
~~Ebben, Tiffani Rose~~ Tiffani's Bridal & Consignment

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>Ebben</u>	<u>Tiffani</u>	<u>Rose</u>	<u>10734 School Rd Greenville, WI 54942</u>
Vice President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Secretary / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Treasurer / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Agent Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
<u>Ebben</u>	<u>Tiffani</u>	<u>Rose</u>	<u>10734 School Rd Greenville, WI 54942</u>
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

1. Trade Name Tiffani's Bridal Business Phone Number 920-221-3023
 2. Address of Premises 210 W College Ave 2nd floor Post Office & Zip Code Appleton, 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.)
Our space is the whole (7,500 sq. ft) of second floor of our building. Samples of Champagne will be served to guests in a designated (north west corner) area. Storage of Champagne will be in our employee kitchen refrigerator and overflow will be stored in the cabinet directly next to it. Please reference attached blue print.

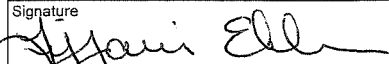

4. Legal description (omit if street address is given above): _____

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 completion date 2/20/23
7. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? Yes No
If yes, explain.
8. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? **If yes, explain** Yes No
9. (a) **Corporate/limited liability company applicants only:** Insert state WI and date 3/16/2015 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>Edben, Tiffani R</u>	Title/Member <u>Owner</u>	Date <u>1/26/23</u>
Signature 	Phone Number 	Email Address <u>tiffanisbridal@yahoo.com</u>

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk <u>02-27-2023</u>	Date reported to council / board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	

EXHIBIT B (continued)

Premises

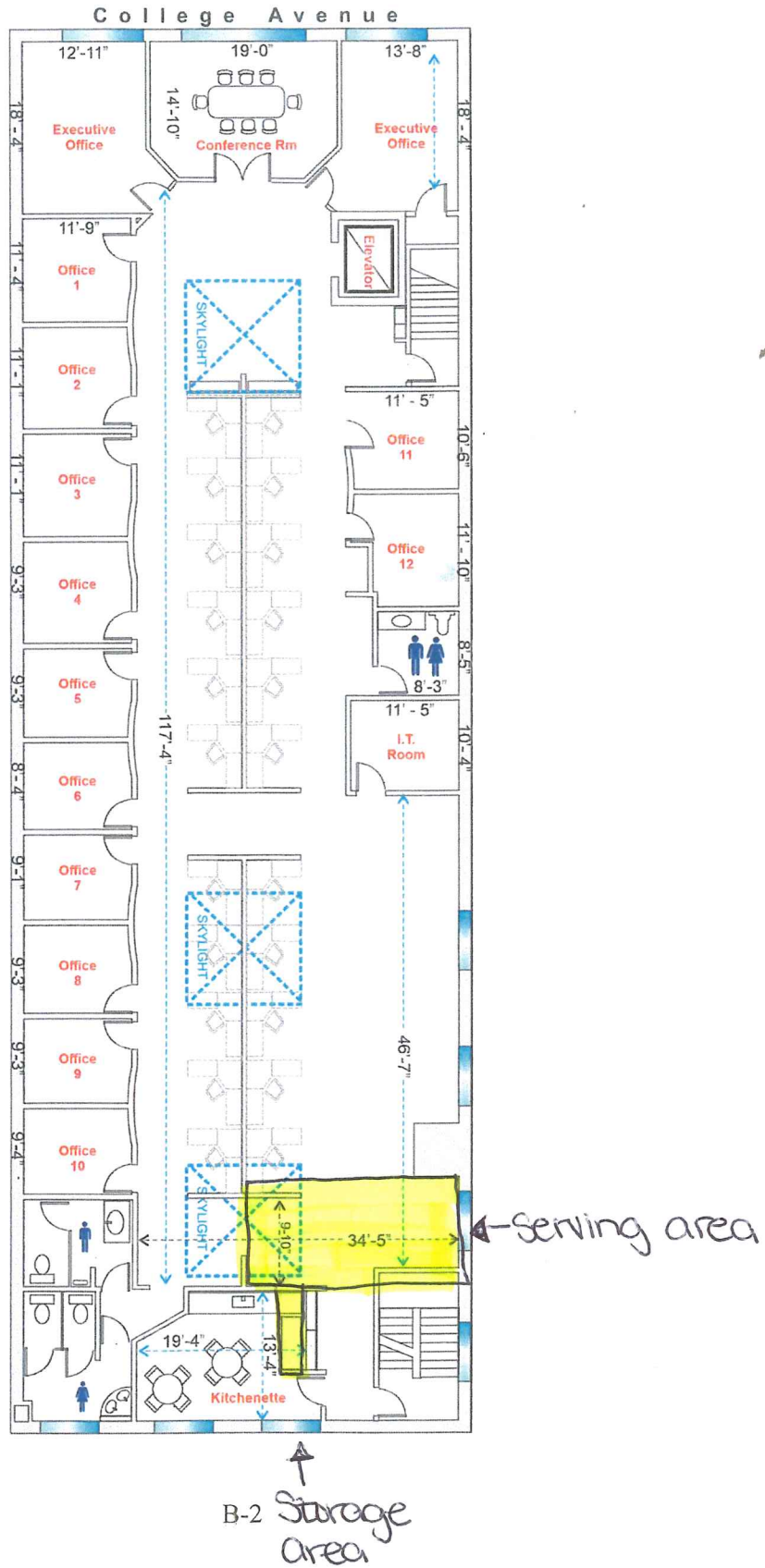


EXHIBIT B

Building



Second Floor



City of Appleton

Alcohol License Questionnaire

1. Name of Applicant: Tiffani Ebben

2. Name of Business: Tiffani's Bridal

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

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

3. Address of Business: 210 W. College Ave. 2nd floor Appleton, WI 54914

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

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

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

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

<u>Tiffani</u>	<u>R.</u>	<u>Ebben</u>	<u>●</u>	<u>●</u>	<u>●●</u>
First name	M.I.	Last name	Date of Birth	/	/
First name	M.I.	Last name	Date of Birth	/	/
First name	M.I.	Last name	Date of Birth	/	/
First name	M.I.	Last name	Date of Birth	/	/

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

Name: _____
 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: The Weidert Group

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

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

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 Outside N/A

11. Operating hours (Inside the building): Mon-Thurs: 11-7 Fri: 11-5 Sat: 10-4 Sun: 10-3
Operating hours (Outdoor seating areas): N/A

12. Employees/Staff

Number of floor personnel 5 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: 7,500 square feet.

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

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

We are a bridal store who sells wedding dresses, Mothers, bridesmaids totes and accessories. We serve Champagne to our customers who purchase their bridal gown from us.

[Signature]
Signature

1/26/23
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 Tiffany's Bridal & Consignment
(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 Tiffany's Bridal
(Trade Name)

located at 210 W. College Ave. Second level, Appleton, WI 54914

appoints Tiffany Eloben
(Name of Appointed Agent)

W7234 School Rd., Greenville, WI 54942
(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? 34 years

Place of residence last year W7234 School Rd. Greenville, WI 54942

For: Tiffany's Bridal
(Name of Corporation / Organization / Limited Liability Company)

By: Tiffany Eloben
(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, Tiffany Eloben, 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.

Tiffany Eloben 11/27/23 Agent's age 34
(Signature of Agent) (Date)

W7234 School Rd. Greenville, WI 54942 Date of birth 01/01/1989
(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)



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

REQUEST for Alcohol License Premise Amendment

FEES ARE NON-REFUNDABLE		Date Recv'd <u>3/2/23</u>
License Fee	\$10.00/event	Acct: CLCAGP
Receipt	<u>4708-1</u>	

SECTION 1 – LICENSE INFORMATION

Name of Establishment <u>STONE ARCH BREWPUB, INC.</u>	
Address of Establishment <u>1004 S. OLDE ONEIDA ST.</u>	
Name of Agent <u>STEVEN LONSWAY</u>	Phone Number <u>920 735-0507</u>

SECTION 2 – PREMISE AMENDMENT

Please describe the change in premises:
A drawing/diagram of the proposed area must also be submitted with this application

2 MEETING ROOMS ON THE THIRD FLOOR OF THE BUILDING. WITH A VESTIBULE AND HALLWAY
APPROX. 3000 SQ. FT.

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

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

SECTION 3 – PENALTY NOTICE

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

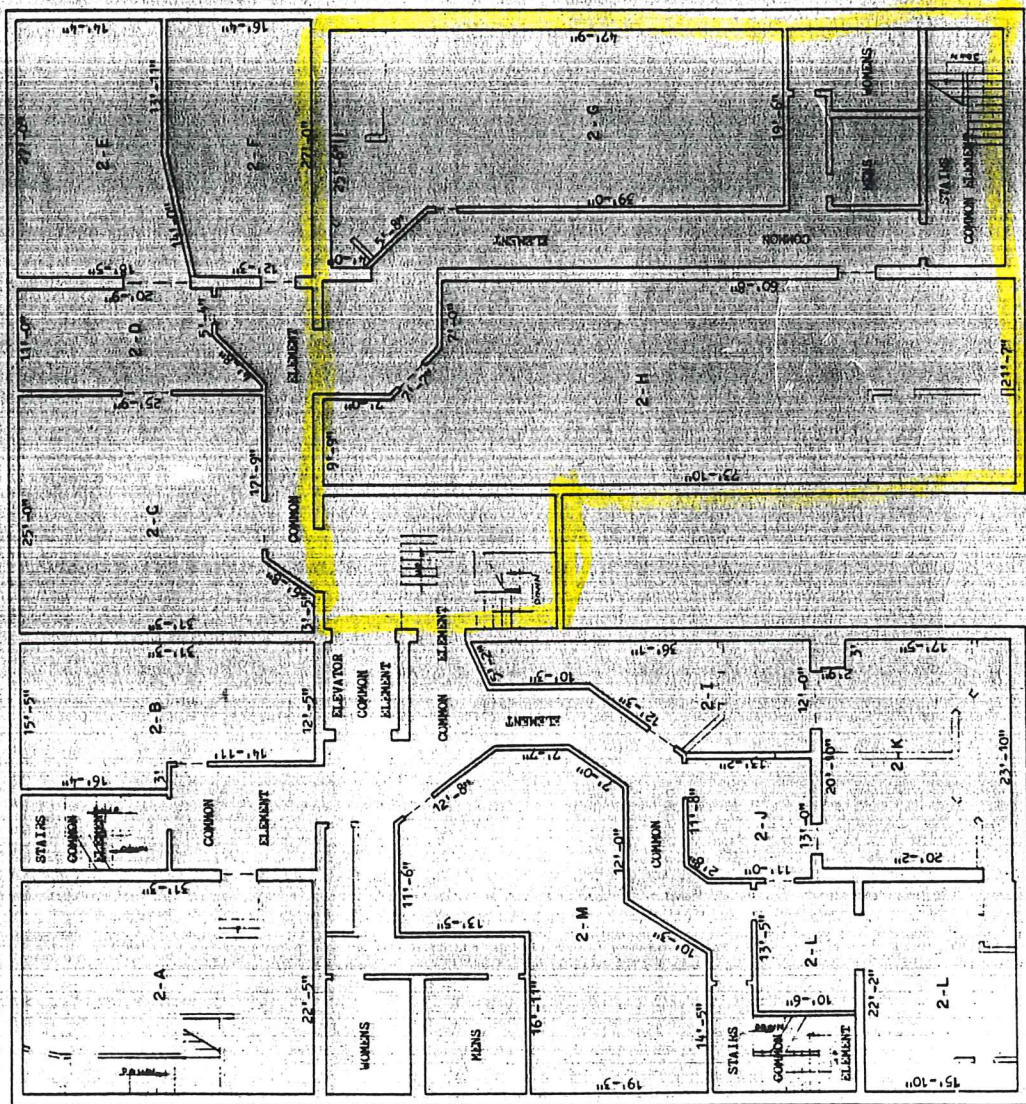
Signature of Applicant: *St. Lonsway, President*

FOR OFFICE USE ONLY

Department	Approve	Deny	By	Reason
Comm. Dev.				
Finance				
Fire				
Health				
Inspections				
Police				
S&L <u>3-22-23</u>	Council <u>4-5-23</u>	Date Issued	Exp. Date	License Number

BETWEEN THE LOCKS CONDOMINIUM

CITY OF APPLING, OUTAGATE COUNTY, MISSOURI



SECOND FLOOR

11'-20"

UNIT AREA	SQUARE FEET
2-A	627
2-B	669
2-C	681
2-D	681
2-E	681
2-F	681
2-G	681
2-H	681
2-I	681
2-J	681
2-K	681
2-L	681
2-M	681

NOTES: 1. ALL UNITS MUST HAVE ACCESS THROUGH THE STAIRS TO THE UNIT.
2. ALL UNITS MUST HAVE ACCESS THROUGH THE STAIRS TO THE UNIT.
3. ALL UNITS MUST HAVE ACCESS THROUGH THE STAIRS TO THE UNIT.



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

REQUEST for Alcohol License Premise Amendment

FEES ARE NON-REFUNDABLE		Date Recv'd <u>2/24/23</u>
License Fee	\$10.00/event	Acct: CLCAGP
Receipt	<u>4681-1</u>	

SECTION 1 – LICENSE INFORMATION

Name of Establishment	<u>Sangria's Mexican Grill</u>	
Address of Establishment	<u>215 S Memorial Appleton, WI 54911</u>	
Name of Agent	<u>Sarah Gregory</u>	Phone Number

SECTION 2 – PREMISE AMENDMENT

Please describe the change in premises:
 A drawing/diagram of the proposed area must also be submitted with this application
-closing off 3 stalls of the front parking lot for outdoor food & drinks

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

Please list the date(s) and time(s) that this temporary premise amendment will be utilized:
May 5th, 2023 11am-10pm

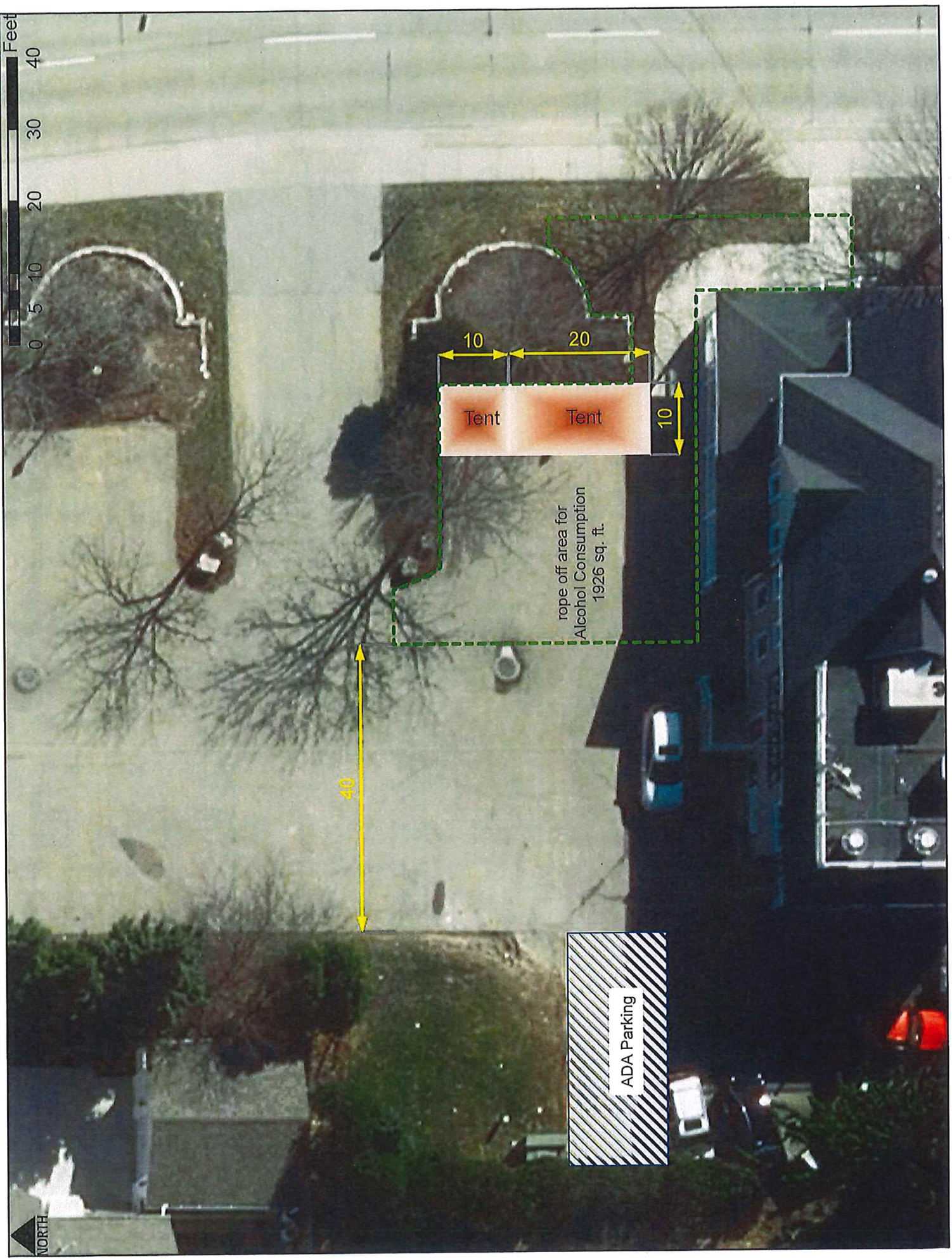
SECTION 3 – PENALTY NOTICE

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

Signature of Applicant: Sarah Gregory

FOR OFFICE USE ONLY

Department	Approve	Deny	By	Reason
Comm. Dev.				
Finance				
Fire				
Health				
Inspections				
Police				
S&L <u>3-22-23</u>	Council <u>4-5-23</u>	Date Issued	Exp. Date	License Number



40

10 20

Tent Tent

10

rope off area for
Alcohol Consumption
1926 sq. ft.

ADA Parking

Application for Transfer of Retail Licenses for Sale of Fermented Malt Beverages and/or Intoxicating Liquor From One Premises to Another

FEE \$ 10

Appleton, Wisconsin
march 15, 2023

To the governing body of the [X] City [] Village [] Town of Appleton
County of Outagamie Wisconsin.

The undersigned hereby applies for a transfer of Class "B" Beer ; "Class B" Liquor license from
528 W College Ave (Present Location) to 511 W College Ave (Proposed Location)
on or about 05/01/2023 (Date)

1. APPLICANT: (print name and address plainly)

- (a) Full name of applicant: Rebecca L Garcia
(b) Address: 1033 madison street Little Chute WI 54140

2. LOCATION AND DESCRIPTION OF PREMISES TO WHICH APPLICATION FOR TRANSFER IS MADE: Describe building or buildings where alcohol beverages are to be sold, served, consumed, and stored.

- (a) Street number: 511 W College Ave
(b) Trade name of establishment: Calaveras Fine Fusions LLC
(c) Physical description of building, buildings and/or land area comprising licensed premises: building is roughly 6000 sq feet including use of the main level. upstairs for storage, and no basement use or access

(d) Legal description (omit if street address is given above.)

(e) Is any other business conducted on same premises? [] Yes [X] No If so, what?

(f) Was this location licensed for beer or liquor during the past year? [X] Yes [] No

(g) Give name and address of previous licensee. Slackers Bar
Steve Van Fossen

(h) Will the previous licensee surrender its license? [X] Yes [] No

ALL APPLICANTS FOR TRANSFER OF CLASS B LICENSES MUST ANSWER THE FOLLOWING:

3. If granted, state any interest, directly or indirectly, that any brewer, bottler, wholesaler, manufacturer, or rectifier will hold in the premises for which you are applying
N/A There will be brewer, bottler, wholesaler, or manufacturer
4. If you do not own the fixtures, state the manner, terms and conditions under which said fixtures are held
All fixtures are in proper working condition to be used as functioning restaurant & bar

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the applicant. Applicant agrees to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, cannot be assigned to another.

Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.

Bekki Garcia
(Signature)

CLASS OF BUSINESS

Name Calaveras Fine Fusion

Original Location 526 W. College Ave

Ward _____

Proposed Location 511 W College Ave

Ward _____

License No. _____

Treasurer's Receipt No. 4770-13

Filed 3-17-23

Submitted to Council or Board

Approved _____ Date _____

Denied _____ Date _____



City of Appleton

Alcohol License Questionnaire

1. Name of Applicant: Rebekka L Garcia

2. Name of Business: Calaveras Fine Fusions LLC

(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: ~~528 W College Ave~~ → 511 W College Ave

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

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

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

DUI in 2018

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>Rebekka</u>	<u>L</u>	<u>Garcia</u>	<u>●●●●/●●●●</u>
First name	M.I.	Last name	Date of Birth
<u>Edgar</u>	<u>M</u>	<u>Garcia-Samaniego</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

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

Name: Steve Van Fossen

First name Middle Initial Last name

Address: 511 W College Ave Appleton WI

City State ZIP

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

Name: Slackers / Fress

(Check Applicable Box(es) 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 X 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?

13 months ago.

10. Seating capacity: Inside 299 Outside N/A

11. Operating hours (Inside the building): ~~THURS~~ Wednesday - Saturday 5pm - 2am
Operating hours (Outdoor seating areas): N/A

12. Employees/Staff

Number of floor personnel 10 Number of door checkers 2

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

a. Gross floor building area of the premises to be licensed: 6000 square feet.

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

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

Looking to move our current bar/resturant
to this space with an actual functioning kitchen
to serve food. After kitchen hours will remain
a cocktail lounge

Rebecca Garcia
Signature

3.15.23
Date



LICENSE APPLICATION

for
 PAWNBROKER
 SECONDHAND ARTICLE DEALER
 SECONDHAND JEWELRY DEALER
 SECONDHAND ARTICLE DEALER MALL/FLEA MARKET

FEES ARE NON-REFUNDABLE		Date Recv'd <u>3/10/23</u>
<input type="checkbox"/> Pawnbroker	\$217.00	Acct. CLLPWN
<input type="checkbox"/> Secondhand Article	\$97.00 /\$82.00	orig/rnw (see below)
<input type="checkbox"/> Secondhand Jewelry	\$97.00 /\$82.00	orig/rnw (see below)
<input checked="" type="checkbox"/> Secondhand Mall/Flea	\$172.00	Acct. CLLSMF
		Receipt # <u>4739-13</u>

<input type="checkbox"/> Original Application	Acct Code: CLLSJW
<input checked="" type="checkbox"/> Renewal	Acct Code: CLLSJR

Please allow 4 weeks for processing

Instructions: Individual license – Complete Sections 1, 2, 3 and 6
 Partnership license – Complete Sections 1, 2, 3, 4, and 6
 Corporate license – Complete Sections 1, 2, 3, 5, and 6

Return application and required fees to:
 OFFICE OF THE CITY CLERK, 100 N. APPLETON STREET
 APPLETON, WI 54911

SECTION 1 – APPLICANT INFORMATION

Applicant Name (Last, First, MI) <u>Keller, Meghan, M</u>		Sex <u>F</u>	Race <u>W</u>	Date of Birth <u>●●-●●-●●</u>	Place of Birth (City & State) <u>Oshkosh, WI</u>
Street Address <u>1919 E Calumet</u>	City <u>Appleton</u>	State <u>WI</u>	Zip <u>54915</u>	Home Telephone Number <u>●●●-●●●-●●</u>	

SECTION 2 – CONVICTION RECORD

Have you, or any other person listed on this application, been convicted of any of the following:

A felony within the last ten (10) years? YES NO

Within the last ten (10) years of:

A misdemeanor? YES NO

A statutory violation punishable by forfeiture? YES NO

A county or municipal ordinance violation? YES NO

For each "YES" response provide the date of arrest, the nature of the offense and conviction information: _____

SECTION 3 – BUSINESS INFORMATION

Business Name <u>Ye Old Goat</u>	Street Address <u>1919 E Calumet</u>	City <u>Appleton</u>	State <u>WI</u>	Zip <u>54915</u>	Telephone Number <u>920-243-4014</u>
Owner's Name <u>Meghan Keller</u>	Street Address <u>8355 Mud Creek Rd</u>	City <u>Larsen</u>	State <u>WI</u>	Zip <u>54947</u>	Telephone Number <u>●●●-●●●-●●</u>
Business Manager's name	Street Address	City	State	Zip	Telephone Number
Building Owner's Name	Street Address	City	State	Zip	Telephone Number

SECTION 4 – PARTNERSHIP INFORMATION

Partnership Name: Ye Old Goat LLC

List name, address, sex, race and date of birth of all partners. Attach additional sheets, if necessary

Name (Last, First, MI)	Sex	Race	DOB	Street Address	City	State	Zip

SECTION 5 – CORPORATE INFORMATION

Corporation Name: Ye Old Goat LLC State of Incorp. WI

List name, address, sex, race and date of birth of all partners. Attach additional sheets, if necessary

Name (Last, First, MI)	Sex	Race	DOB	Street Address	City	State	Zip
<u>Keller, Meghan, M</u>	<u>F</u>	<u>W</u>	<u>●●</u>	<u>8355 mud creek Rd</u>	<u>LAWSON</u>	<u>WI</u>	<u>54947</u>

SECTION 6 – PENALTY NOTICE

I understand that this license may be denied or revoked for fraud, misrepresentation or false statements contained in the application or for any violation of Wis. Stats. §§ 134.71, 943.34, 948.62 or 948.63.

Under penalty of law, I swear that the information provided in this application is true and correct to the best of my knowledge. I agree to inform the clerk within ten (10) days of any change in the information supplied in this application.

Signature of Applicant: M Keller Date 3/7/23

FOR OFFICE USE ONLY

Dept	Approve	Deny	By	Reason
POLICE				
FIRE				
COM DEVELOPMENT				
CITY SEALER				

Safety and Licensing <u>03/22/23</u>	Common Council <u>04/05/23</u>	Date Issued ____/____/____	Expiration Date ____/____/____	License Number
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REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Hearing Meeting Date: March 8, 2023

Common Council Public Hearing Meeting Date: April 5, 2023

Item: Major Changes to the Recorded Implementation Plan Document for Meade Pond, LLC, PD Overlay District #1-01 (PD #1-01)

Case Manager: Don Harp, Principal Planner

GENERAL INFORMATION

Owner/Applicant: James Feeney, President of Meade Pond Condominium Association, on behalf of all property owners of the Meade Pond Condominium Association

Addresses: 806, 812, 813, 818, 819, 824, 825, 830, 831, 836, 837, 842, 843, 900, 901, 906, 907, 912, 913, 918, 919, 924, 925, 930, 931, 936, 937, and 940 Pondview Court

Parcel Numbers: 31-1-8200-01 through 31-1-8200-28

Legal Description: Lot 2 of Certified Survey Map No. 4009

Petitioner's Request: "All home owners want to own their individual property and eliminate shared ownership." As a result, amendments to the development regulations for PD Overlay District #1-01 have been initiated by the property owners.

BACKGROUND

The subject property was annexed into the City in 1998, pursuant to the Meade Street Annexation.

On March 7, 2001, the Meade Pond, L.L.C. Planned Development PD Overlay District #1-01 (PD Overlay District #1-01) was approved by the Common Council. The subject property was rezoned from R-1A One-family District to PD/R-1B Planned Development One-family District. The purpose of the planned development rezoning was to allow for the construction of twenty-eight (28) single-family detached dwelling units by condominium plat with customized development regulations unique to this development. The customized development regulations approved under PD Overlay District #1-01 allowed for specific land uses, development and density standards, design guidelines and ordinance exceptions to promote an integrated development that maximized the use of the property.

On March 29, 2001, Certified Survey Map No. 4009 was recorded in the Outagamie County Register of Deeds' Office. The subject property is currently described as Lot 2 of Certified Survey Map No. 4009.

On July 19, 2001, Implementation Plan Document PD Overlay District PD #1-01 was recorded in the Outagamie County Register of Deeds' Office, a/k/a Document No. 1417611. This document prescribes the current development regulations of the subject property. (See attached)

Major Changes to PD #1-01

March 8, 2023

Page 2

The Preliminary Plat for The Villas at Meade Pond is also being presented at the March 8, 2023 Plan Commission meeting.

STAFF ANALYSIS

Existing Site Conditions: The subject site consists of 28 single-family detached condominium units, one (1) neighborhood sign and one (1) detention pond.

General Information: The property owners are in the process of dissolving “The Villas at Meade Pond Condominium Association” and creating a Homeowners’ Association (HOA). The key difference between a condominium association and a homeowners’ association is what the individual members actually own. With a condo, each member owns their individual dwelling unit, and they have a shared ownership interest in the common areas. With a HOA, each member will own their individual dwelling unit and lot. The Preliminary Plat associated with this request subdivides the common area into 28 individual lots and 3 outlots. The outlots will be owned and maintained by the HOA.

Major Changes to Planned Development (PD) Overlay Districts: Changes to the requirements of PD Overlay District #1-01 have been initiated by the property owners. The proposed changes constitute a Major Change to the PD Overlay District pursuant to Section 23-151(p)(1)e. of the Zoning Ordinance, Section 4. and Section E. 3. of the recorded Implementation Plan Document No. 1417611. Major changes require the Plan Commission to hold an informal public hearing to review the proposed changes and make its recommendation to the Common Council who holds a subsequent Class 2 public hearing.

The proposed changes to the requirements of PD Overlay District #1-01 reflect the proposed individual lot configurations, proposed side yard building setback dimensions and other as-built conditions represented on the proposed Preliminary Plat – “The Villas at Meade Pond”.

The following is a summary of proposed changes to the requirements of PD Overlay District #1-01:

- 1) Page 1, Section A. Delete the term “condominium units” and replace with single-family detached dwellings. Clarify that accessory uses, buildings and structures are permitted within the PD #1-01. Identify the allowed uses on Outlots 1, 2 and 3.
- 2) Page 2, Section B. Specify the minimum front, side and rear yard building/structure setback dimensions to avoid creating nonconforming building and structures as a result of the proposed lot configurations shown on the preliminary plat.
- 3) Page 2, Section B. Create a maximum lot coverage standard.
- 4) Page 3, Section C. Delete the terms “condominium units”, “two-family dwellings”, and “manufactured homes” and replace with single-family detached dwellings.
- 5) Page 3, Section D. Revise the summary of ordinance exceptions for ease of use. Clarify the words and terms defined in the current Zoning Ordinance apply to PD #1-01 for consistent administration and enforcement of the zoning regulations.
- 6) Page 3, delete outdated Exhibits and replace with a new Exhibit (A) showing the individual lot configurations.

Major Changes to PD #1-01

March 8, 2023

Page 3

Appleton Comprehensive Plan 2010-2030: The City of Appleton 2010-2030 Comprehensive Plan Future Land Use Map identifies the subject area as future single/two-family residential designation. The proposed changes to the recorded Implementation Plan Document No. 1417611 appear to be consistent with the Future Land Use Map and the following goals and objectives.

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 3 – Housing Quality, Variety, and Affordability

Appleton will provide a variety of rental and ownership housing choices in a range of prices affordable to community residents, and ensure that existing housing is adequately maintained in terms of physical quality and market viability.

OBJECTIVE 5.1: Continue efforts to ensure an adequate supply of housing affordable to all income levels in the community.

OBJECTIVE 5.3 Housing and Neighborhoods:

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

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

OBJECTIVE 10.1 Land Use:

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

OBJECTIVE 10.4 Land Use:

Plan for compact, efficient, and fiscally responsible growth of residential, commercial, and industrial development in new neighborhoods in order to implement the principles of smart growth.

Policy 10.4.1 Continue to guide residential growth to locations either contiguous to or within presently urbanized areas. As peripheral development occurs, it should be at a compact, urban density to ensure new neighborhoods can be efficiently served by public infrastructure.

Findings of Fact: Per Section 23-151(o) of the Municipal Code, in reporting its findings and recommendations on Major Changes to PD overlay districts, Development Plans and recorded Implementation Plan Documents to the Common Council, the Plan Commission's recommendation is based upon the following findings of fact. The related excerpts are listed below.

- 1) In what respects the proposed plan is or is not consistent with the stated purpose, requirements and standards of the PD regulations.

Major Changes to PD #1-01

March 8, 2023

Page 4

The proposed major changes to the Development Plan and Implementation Plan Document No. 1417611 appear to be consistent with the initial stated purposes, requirements, and standards for Meade Pond, LLC, PD Overlay District #1-01 (PD #1-01). The proposed major changes will continue to promote the efficient use of land and services while assuring that open space will be maintained.

- 2) The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property and the reasons why such departures are or are not deemed to be in the public interest.

The proposed zoning ordinance exceptions listed in Section D.4. of the Amended Implementation Plan Document are consistent with initial zoning ordinance exceptions granted for PD #1-01 and reflect as-built conditions within PD #1-01. The proposed major changes do not appear to cause undue adverse impact on the public or character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property, or other matters affecting the public health, safety, or general welfare.

- 3) The extent of public benefit of the PD in terms of meeting planning objectives and enhancing the tax base and economic development. Any specific beneficial actions, plans, or programs agreed to in the PD proposal which are clearly beyond the minimum requirements of this chapter shall be specifically listed as evidence of justified exceptions.

PD #1-01 will continue to enhance the City's tax base and promote the goals and objectives of the Appleton Comprehensive Plan 2010-2030 as stated in this report.

- 4) The physical design of the proposed plan and the manner in which said design makes adequate provision for public services, provides adequate control over vehicular traffic, provides for common open space and furthers the amenities of light, air, recreation and visual enjoyment.

The proposed major changes to PD #1-01 do not appear to impact existing public utilities, roads patterns, building design standards, physical design of the development, except for introducing lot lines between existing buildings and creating 3 outlots per the proposed Preliminary Plat associated with this request.

- 5) The relationship and compatibility of the proposed plan to the adjacent properties and neighborhood.

The principal uses allowed within PD #1-01 will remain single-family detached dwellings as initially approved. Therefore, the proposed major changes are unlikely to create adverse impacts to the adjacent properties and neighborhood.

Technical Review Group (TRG) Report: This item appeared on the February 14, 2023 TRG Agenda. No negative comments were received from participating departments.

Major Changes to PD #1-01

March 8, 2023

Page 5

RECOMMENDATION

Staff recommends, based upon the above analysis, the proposed changes to the requirements and development plan for PD #1-01, per the attached Amended Implementation Plan Document, **BE APPROVED** subject to the following condition:

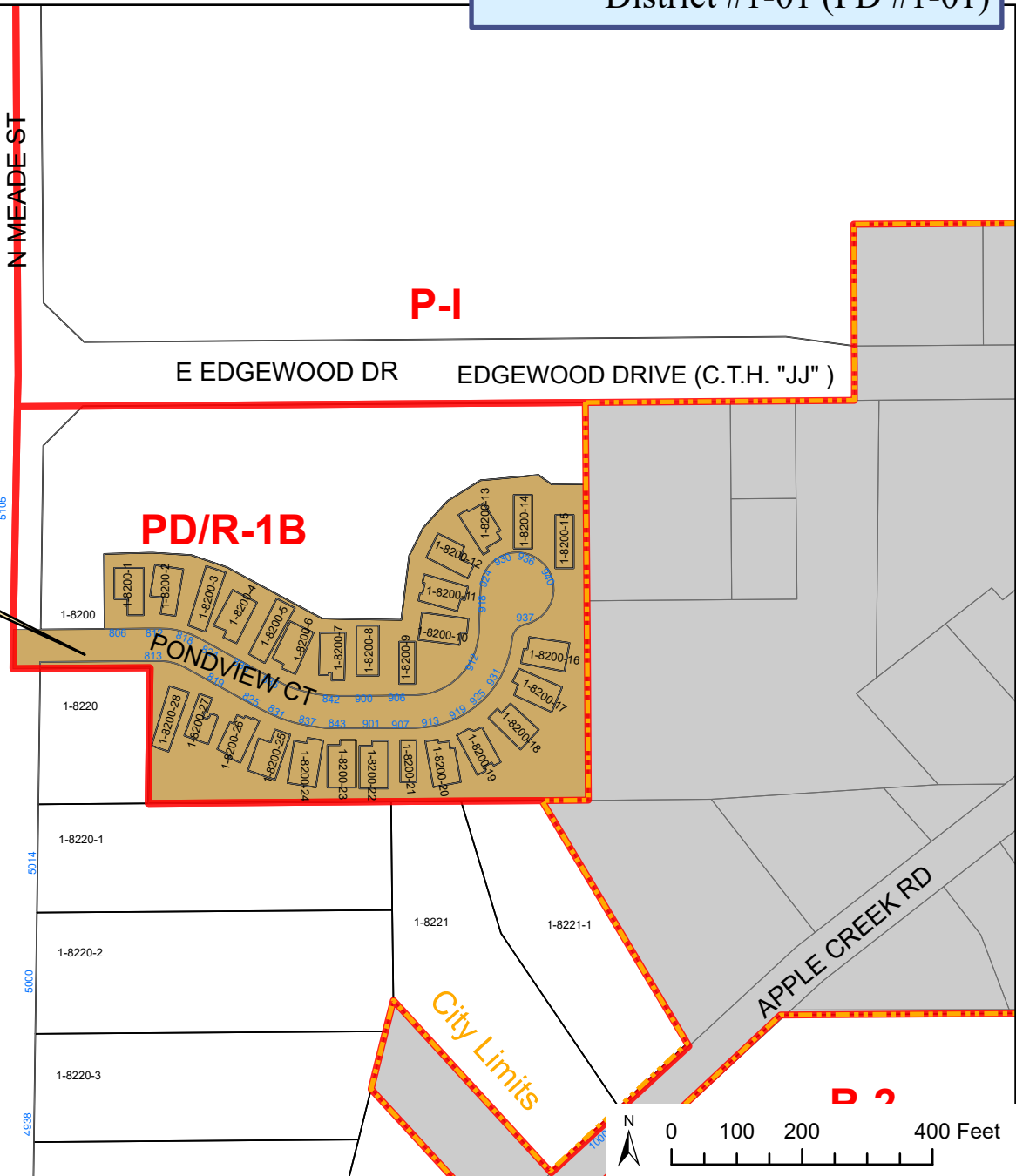
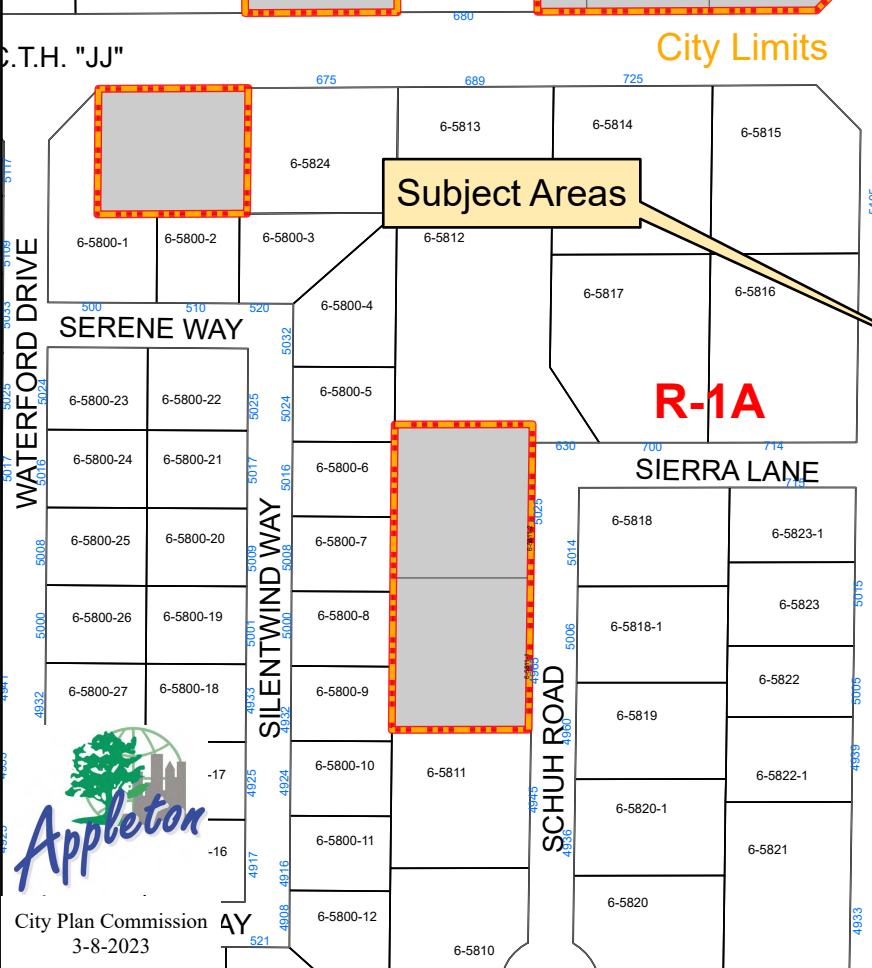
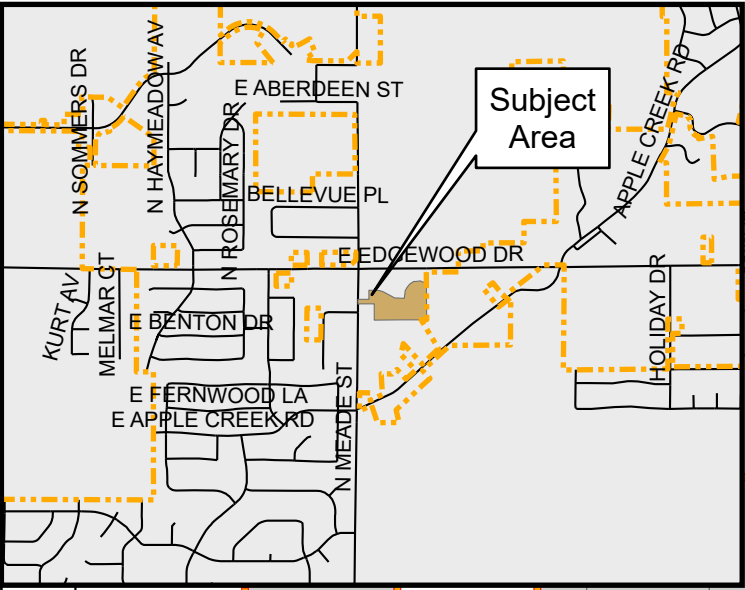
1. Prior to City signatures being affixed to the Amended Implementation Plan Document, the Amended Implementation Plan Document must be signed by all property owners and then be submitted to the City along with the Final Plat. The Amended Implementation Plan Document must be recorded in the Outagamie County Register of Deeds' Office by the property owners per Section 23-151(m)(2)f. and g. of the Municipal Code.

NOTE: If approved, the Preliminary Plat for The Villas at Meade Pond and the major changes to the recorded Implementation Plan Document for Meade Pond, LLC, PD #1-01 (March 8, 2023 Plan Commission agenda items) will be reported out at the same Common Council meeting on April 5, 2023.

LEGAL DESCRIPTION

THE VILLAS AT MEADE POND - MEADE POND CONDOMINIUM, DECLARATION OF CONDOMINIUM RECORDED JULY 18, 2001 IN THE OFFICE OF THE REGISTER OF DEEDS FOR OUTAGAMIE COUNTY, WISCONSIN, AS DOCUMENT NO. 1417428 AND BY CONDOMINIUM PLAT THEREFOR, RECORDED AS DOCUMENT NO. 1417427 IN CABINET G OF PLATS ON PAGE 119; BEING ALL OF LOT 2 OF CERTIFIED SURVEY MAP NO. 4009, FILED IN THE OFFICE OF THE REGISTER OF DEEDS FOR OUTAGAMIE COUNTY, WISCONSIN ON MARCH 29, 2001, IN VOLUME 21 OF CERTIFIED SURVEY MAPS, ON PAGE 4009, AS DOCUMENT NO. 1400454, LOCATED IN THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 12, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.

Major changes to the recorded Implementation Plan Document for Mead Pond, LLC, PD Overlay District #1-01 (PD #1-01)



**IMPLEMENTATION PLAN FOR PLANNED
UNIT DEVELOPMENT**

PLANNED DEVELOPMENT DESIGNATION

This Planned Development Designation, to be known as Meade Pond, L.L.C. is approved this 7 day of March, 2001 by the Common Council of the City of Appleton, Wisconsin, a Wisconsin Municipal Corporation, (hereinafter referred to as the "City") for certain real property located in Appleton and described in attached Exhibit A (hereinafter referred to as the "Property"). This Implementation Plan for Planned Development (PD) Rezoning #1-01 is made and entered into by and between Meade Pond, L.L.C. (hereinafter referred to as the Owner) and the City.

WHEREAS, Sec. 23-151(k)(3)d and f, Appleton Municipal Code requires the recordation of an Implementation Plan for Planned Developments undertaken in the City; and

WHEREAS, the actual Implementation Plan contemplated under the aforementioned Ordinance is too voluminous and cumbersome for easy recordation by the Outagamie County Register of Deeds; and

WHEREAS, the parties hereto wish to notify all interested parties of the existence of said Implementation Plan;

NOW, THEREFORE, in consideration of the foregoing recitals, the Owner and the City hereby notify all interested parties as follows:

1. **Existence of Implementation Plan for PD #1-01.** The parties hereto have entered into mutually agreeable Development and Implementation Plans for the Property. This designation establishes the general uses which shall be permitted on the property, a general development plan, a specific implementation plan, and a statement of development guidelines and conditions that must be complied with by the Owner and all subsequent property owners or agents of the property owners. This designation also specifies improvements that must be made and conditions that must be fulfilled in conjunction with this designation by the Owner.

OUTAGAMIE
Document # 1417611

OUTAGAMIE COUNTY
RECEIVED FOR RECORD

JUL 19 2001

AT 11:30 O'CLOCK A.M. ~~PM~~
JANICE FLENZ
REGISTER OF DEEDS

Attorney Rick Knight
c/o Meade Pond, LLC
14 Tri Park Way, Building 2
Appleton, WI 54913

pd
P38.00

Address

2. **Location of Implementation Plan.** The Implementation Plan for PD #1-01 approved by Appleton Common Council action on March 7, 2001 and executed by the parties on July 9, 2001 is on file with the Appleton Planning Department, 100 North Appleton Street, Appleton, WI, and is subject to review and reproduction by all interested parties upon request.
3. **Subsequent Purchasers.** A Planned Development (PD) is a zoning overlay district under the City of Appleton Zoning Ordinance. The Implementation Plan exists for Planned Developments (PDs) under this zoning category and are covenants that run with the land. Accordingly, all future purchasers of property zoned PD should become familiarized with the individual requirements attached to that specific property.
4. **Amendments to Implementation Plans.** Pursuant to Sec. 23-151 of the Appleton Municipal Code, major changes in a PD require approval by the City and subsequent recording of the amendment.
5. **Development Guidelines and Conditions.** The Development Guidelines and Conditions include, but are not limited to, the following:

A. **LAND USES**

1. **Permitted Uses** will be single-family detached condominium units. Additional uses will only be permitted after a Planned Unit Development Amendment has been submitted and approved by the City of Appleton Common Council.
2. **Accessory Uses** - None.
3. **Special Uses** - None.

B. **DEVELOPMENT STANDARDS**

1. **Building Height** shall not exceed 35 feet.
2. **Setbacks** shall be as follows:
 - a. Front yard: 20 feet
 - b. Rear yard: 25 feet with a reduction to 15 feet for Units 1 through 16 and 19 and as on Exhibit G for units 20 - 24 (for decks or combination of decks and structures)
 - c. Side yard: Varies, but no less than a combined side yard of 10 feet at any closest point
3. **Parking** spaces are a minimum of two (2) off-street parking spaces in addition to a 2-car garage as proscribed by the Zoning Ordinance according to use. On-street parking on one (1) side only, and no on-street parking in the cul-de-sac.
4. **Open Space** Land not presently occupied by condominiums will be devoted to green space and detention pond. The entire development consists of 62% open space as demonstrated in Exhibit A. The open space areas as shown conceptually in Exhibit A shall remain open and free from all improvements except landscaping, utility work, and access or other elements as shown on the plan.

5. **Signs and Lighting**

- a. All project identification signs shall comply with Chapter 23 of the Appleton Municipal Code as now in effect or hereafter amended unless specifically identified in this document.
- b. All exterior lighting fixtures, either mounted on the building or freestanding, shall be installed with cut-off shielding that reflects light downward and shall be designed and installed so the light source is not visible at property lines.

6. **Development Schedule** is to start construction following the development of the City's detention pond, with build-out within three (3) years of the date of the opening of the public street.

C. **REQUIRED IMPROVEMENTS**

1. **Access**

- a. **Streets.** The primary access to the property is provided through a public street east of Meade Street which is built to applicable City standards per the Appleton Municipal Code and the Appleton Street Design Criteria Manual with the following exceptions: the public street will be 50 feet wide, with a 28-foot (face-to-face) pavement. The cul-de-sac will be 112 feet in circumference, with a 90-foot pavement circumference.
- b. **Sidewalks.** The public roadway will have 4-foot sidewalks on both sides of the street.
- c. **Bike Paths** will not be constructed within this development.

2. **Water Systems**

Water supply for the development shall be provided by Appleton Water Utility. Adequate fire flows shall be provided as required by the Appleton Fire Department. The water line will be looped out of the cul-de-sac and a 20-foot easement provided to connect to a water line in Highway JJ.

3. **Sewer Systems**

Sewerage for the development shall be provided by the City of Appleton.

4. **Fire Protection**

The subject property is located within the Appleton Fire Department's service area. All condominium units will be protected with an automatic fire sprinkler system installed according to National Fire Protection Association Standards (NFPA). Installation of Sprinkler Systems in one and two family dwellings and manufactured homes will be done according to the adopted City of Appleton Municipal Code.

5. **Utilities and Easements**

All new utility lines shall be installed underground and in full accordance with the standards of each utility provider and the Appleton Municipal Code - Subdivision Standards. Easement

documents shall be approved by the City and recorded in Outagamie County Register of Deeds' office.

6. Landscaping

Landscaping improvements shall be required to be shown on all future Planned Unit Development Plans. The Preliminary Landscape Plan for the development is shown as Exhibit H. Landscaping shall conform with the requirements of the City's Landscape Standards. Revegetation of all disturbed areas shall be required in accordance with City Grading and Excavation requirements. All landscaping shall be maintained and kept viable.

7. Building Design

All new buildings shall identify the color scheme, materials, and building design to assure coordination among the buildings. The design of new buildings shall generally comply with those materials and styles shown on Exhibits B through F. Building materials and colors will be submitted and approved by the Planning Department as part of this document prior to its recordation.

D. IMPLEMENTATION

1. Platting Requirements: A two (2) lot CSM with a dedicated street that exceeds the maximum 500-foot provision will be filed once the rezoning is approved.

2. Density of Development

Densities of development indicated in Exhibit A represent the proposed site plan. The development will meet all applicable standards and requirements as contained in the Appleton Municipal Code unless such standards and requirements are specifically waived or modified by Planned Unit Development Amendment approval(s).

3. Ordinance Exception from Zoning:

- a) An exception of 15 feet to the 25-foot rear yard setback requirement (for decks or combination of decks and structures) is being requested for Units #1-15, 16, and 19. It has been determined that units #20, #21, #22, and #23 can encroach no more than 1.67 feet into the 15 foot rear setback (as shown on exhibit G) (approved through minor amendment June 7, 2001).
- b) The public street will be 50 feet wide rather than the Code required 60-foot wide street.
- c) The cul-de-sac will be about 900 feet long rather than the Code required 500 foot length.
- d) Pavement width will be 28 feet wide (face-to-face) as opposed to the policy required 32 feet width.
- e) The sidewalks will be 4 feet wide rather than the policy required 5-foot width.
- f) A side yard setback reduction to no less than a combined side yard of 10 feet at any closest point (6 feet per side in Ordinance).
- g) Construction of 28 principal buildings on a single residential lot. (No more than one (1) principal building shall occupy a single residential lot in Ordinance).

E. GENERAL PROVISIONS

1. Enforcement

The provisions of the Meade Pond, L.L.C. Planned Development designation and the development plan relating to the use of the land shall be effective and in force unless so amended as required by the Appleton Municipal Code Section 23-151.

2. Breach of Provisions of PD Designation

If at any time any provision or requirements stated in the Owner's Planned Development designation have been breached by the Owner, the City may withhold approval of any or all platting or the issuance of any or all grading or building permits or occupancy permits applied for on the property until such breach has been remedied.

3. Binding Effect

This Owner's Planned Development designation shall run with the land and be binding upon the Owner, their respective successors, representatives and assigns, and all persons who may hereafter acquire an interest in the Property or any part thereof, with the exception that provisions of this designation may be modified through an amendment in accordance with the procedure stated in the Appleton Municipal Code Section 23-151. This designation shall be recorded in order to put prospective purchasers or other interested persons on notice as to the terms contained herein.

4. Entire Designation

This designation contains all provisions and requirements incumbent upon the Owner relative to the Planned Development #1-01, except as modified by subsequent action of the Appleton Common Council in accordance with procedures set forth in the Appleton Municipal Code Section 23-151 to amend planned developments, and except that nothing contained herein shall be construed as waiving any requirements of the Appleton Municipal Code or other regulations otherwise applicable to the development of the Property.

5. Period of Validity

The Development Plan (**Exhibit A**) shall remain valid for 365 days during which time this Implementation Plan Document must be completed by recordation in the Outagamie County Register of Deeds' office. Failure to complete the Implementation Plan will constitute abandonment of the PD and related approvals and any assumed development rights over that allowed through the base zoning district.

6. Effective Date

This designation must be signed by both the City and the Owner and must be recorded by the Outagamie County Register of Deeds' Office in order to become effective. The effective date shall be the date of recordation.

[The remainder of this page was left blank intentionally.]

Dated this 28th day of June, 2001.

By: [Signature]
Owner
Meade Pond L.L.C.

STATE OF WISCONSIN)
)ss
COUNTY OF Outagamie)

Personally came before me this 28 day of June, 2001, the above named Todd W. Platt, to me known to be the person who executed the foregoing instrument and acknowledged the same in the capacity and for the purposes therein intended.

[Signature]
Notary Public, State of Wisconsin
My Commission expires 8-25-02

Approved as to form:
[Signature]
James P. Walsh
Appleton City Attorney

CITY OF APPLETON, a Wisconsin
Municipal Corporation
By: [Signature]
Timothy M. Hanna, Mayor

Attest: [Signature] Deputy City Clerk
for Cynthia Hesse, City Clerk

STATE OF WISCONSIN)
)ss
COUNTY OF OUTAGAMIE)

Personally came before me this 9th day of July, 2001, the above named Timothy M. Hanna, Mayor of City of Appleton, and ~~Cynthia Hesse, City Clerk~~ of City of Appleton, to me known to be the persons who executed the foregoing instrument and acknowledged the same in the capacity and for the purposes therein intended. Mary Wendell, Deputy City Clerk

[Signature]
Notary Public, State of Wisconsin
My Commission expires 10/19/03

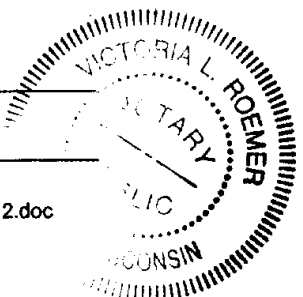
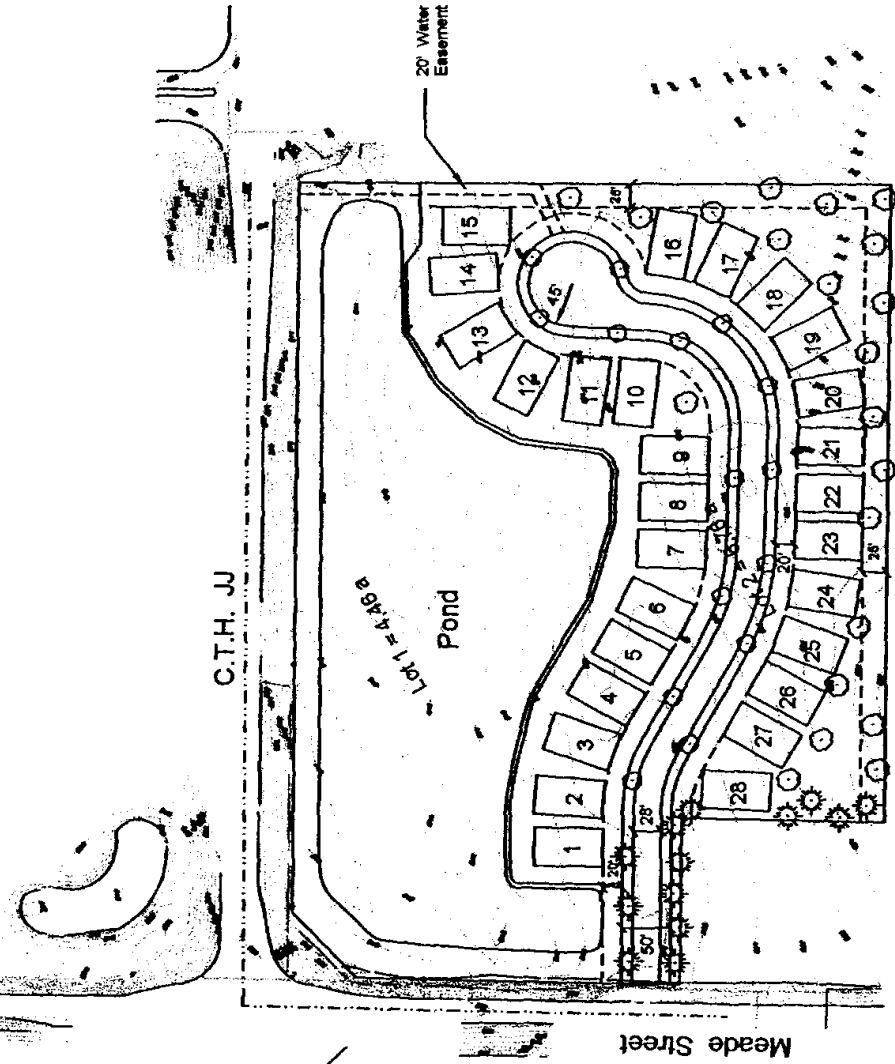


Exhibit A

Villas at Meade Pond Site Plan



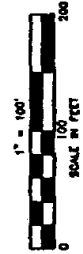
- Notes:
1. All single family detached Condominium units will be protected with an automatic fire sprinkler system according to National Fire Protection Association Standards and installation of sprinkler systems will be done according to the adopted City of Appleton Municipal Code
 2. A 20 foot Water Line Easement along the east edge of the property will allow the water main in the public street to connect to water main in Edgewood Drive (CTH JJ).
 3. Rear Yard Setbacks are 25' and Front Yard Setbacks are 20'.
 4. Parking limited to one side only and no parking will be allowed on the cul-de-sac.
 5. Four-foot sidewalks will be installed on both sides of the public street.
 6. Building Envelopes are 40x70.
 7. Snow storage to be located between #15 and #16.
 8. An exception of 15' to the 25' rear yard

Property Land Use:

Building space	1.80 acres
Road Pavement	0.58 acres
Sidewalk	0.17 acres
Pond Area	3.59 acres
Green Space (in dev. area)	5.08 acres
Total	11.22 acres

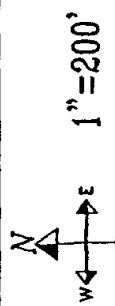
Date: 1/19/2001
Scale: 1" = 100'

Prepared by: Warren Utecht
Project No. 610-000ct



Planned Development Rezoning
Southeast Corner JJ & Meade Street
R-1A to PD/R-1B
Site Plan

City Plan Commission
Appleton, Wisconsin
02-12-01

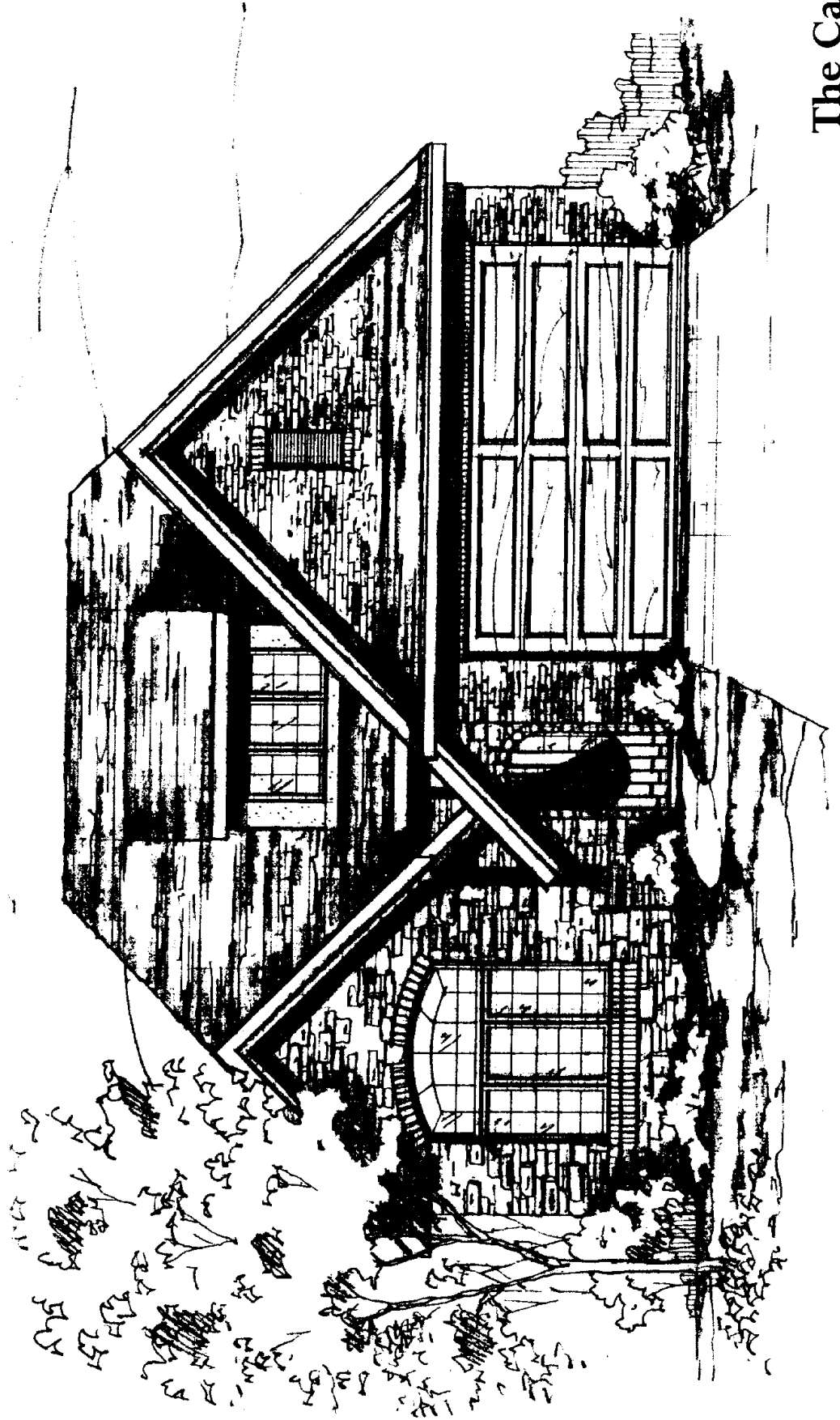


prepared by: m&e

Exhibit B

The Calais

THE VILLAS AT
MEADE POND



THE VILLAS AT
MEADE POND

Exhibit C

The Marseille

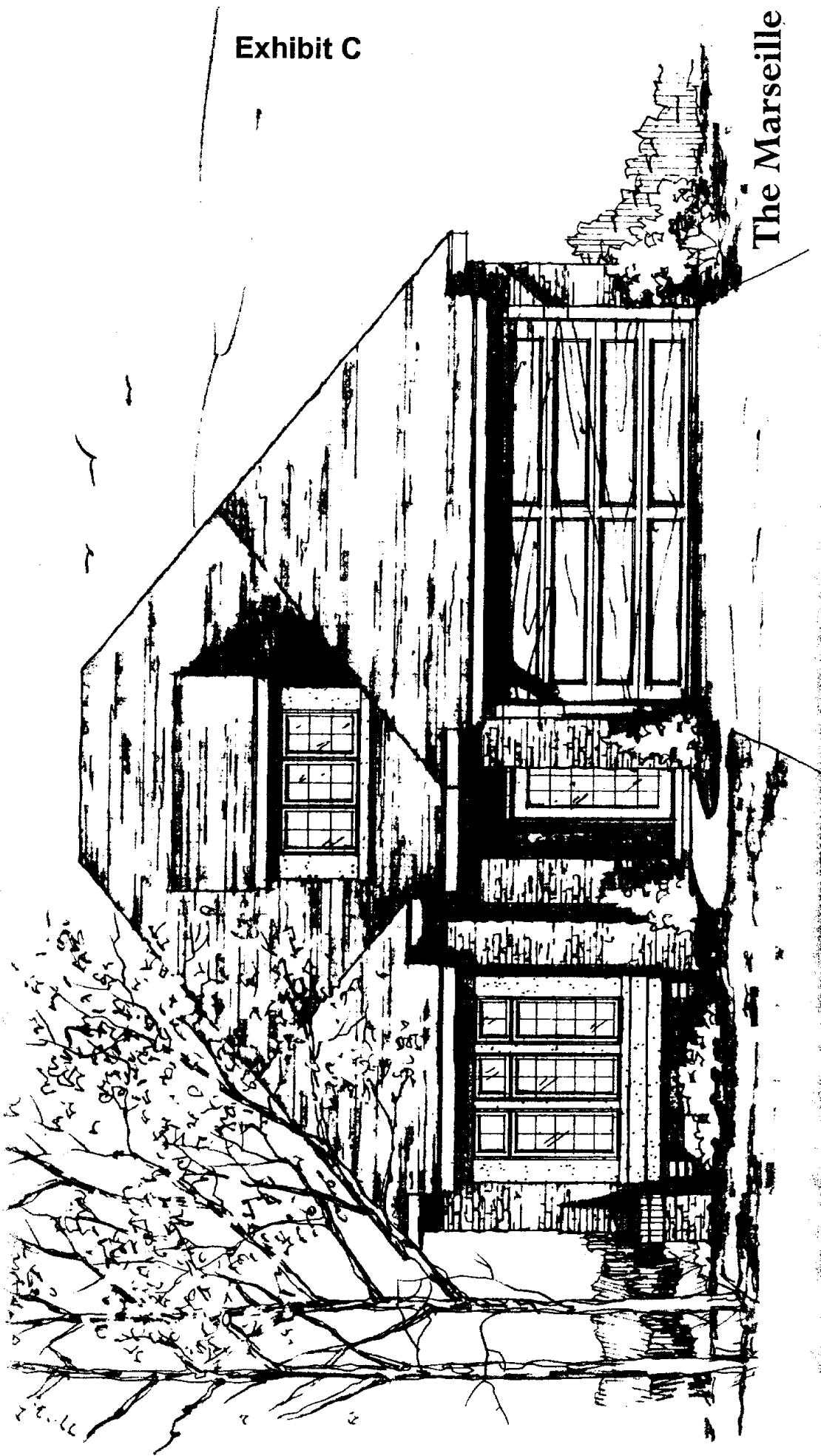


Exhibit D

The Strasbourg

THE VILLAS AT
MEADE POND



THE VILLAS AT
MEADE POND

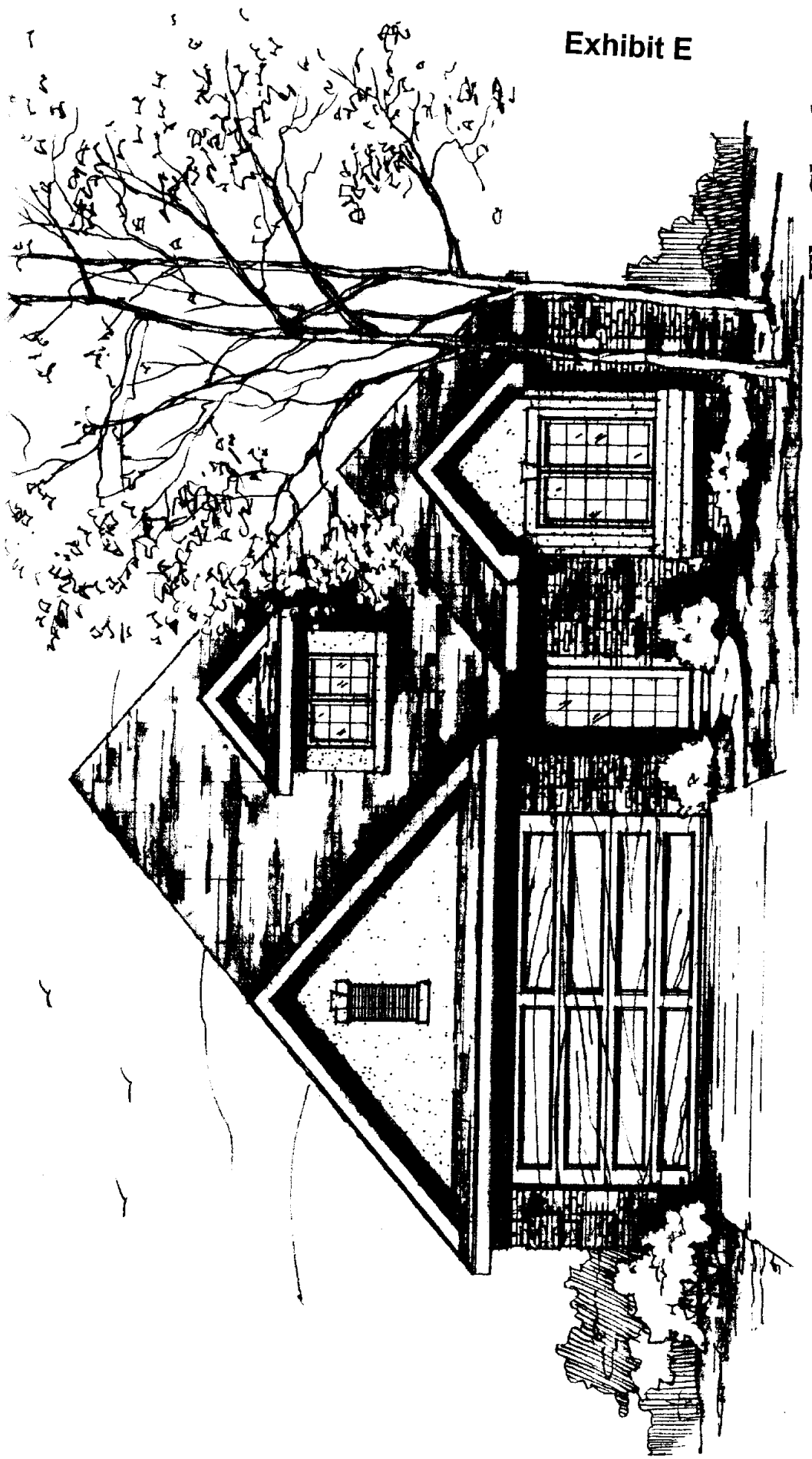


Exhibit E

The Cherbourg

County Home Builders' Association

THE VILLAS AT
MEADE POND

Exhibit F

The Bordeaux

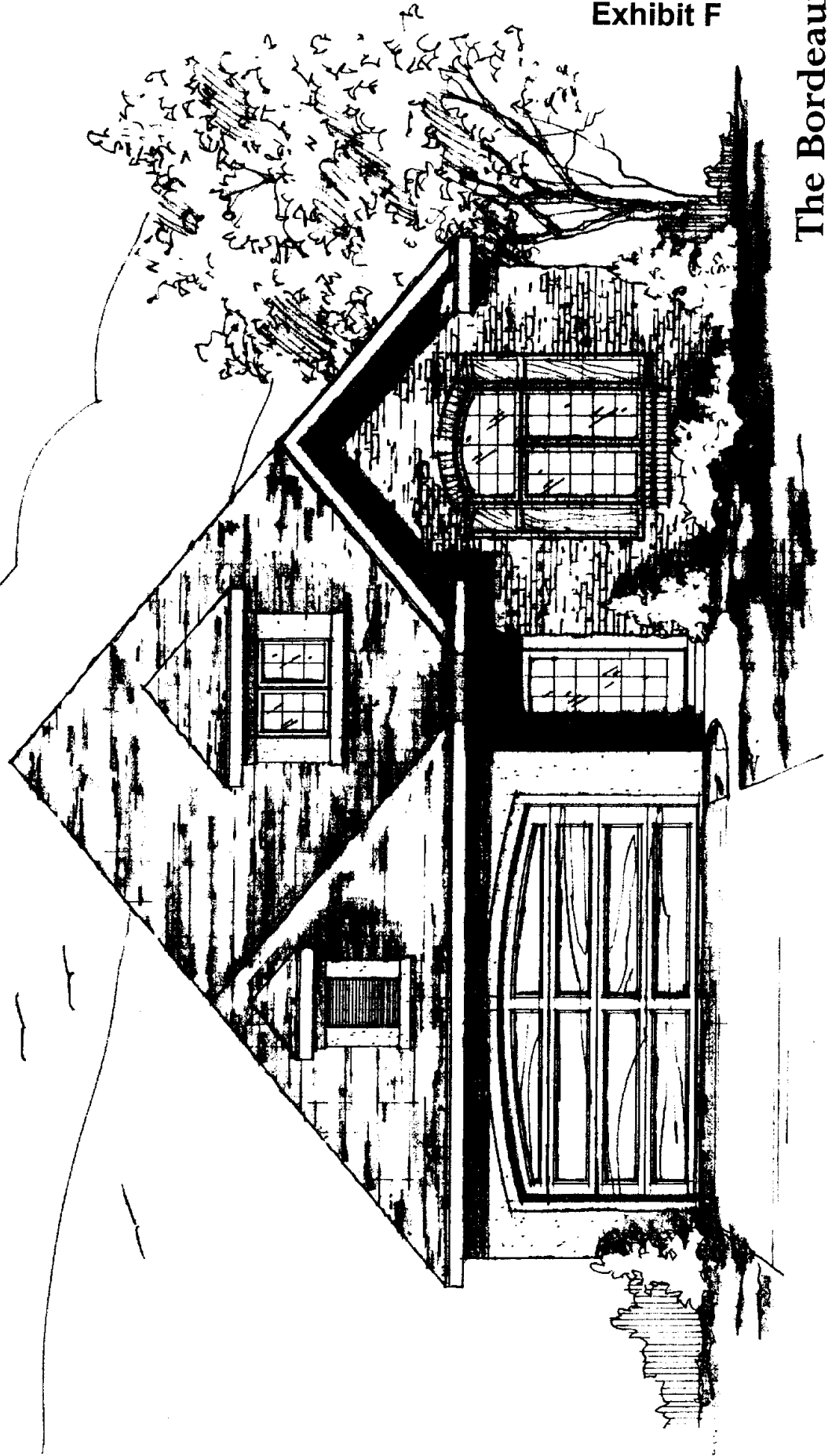
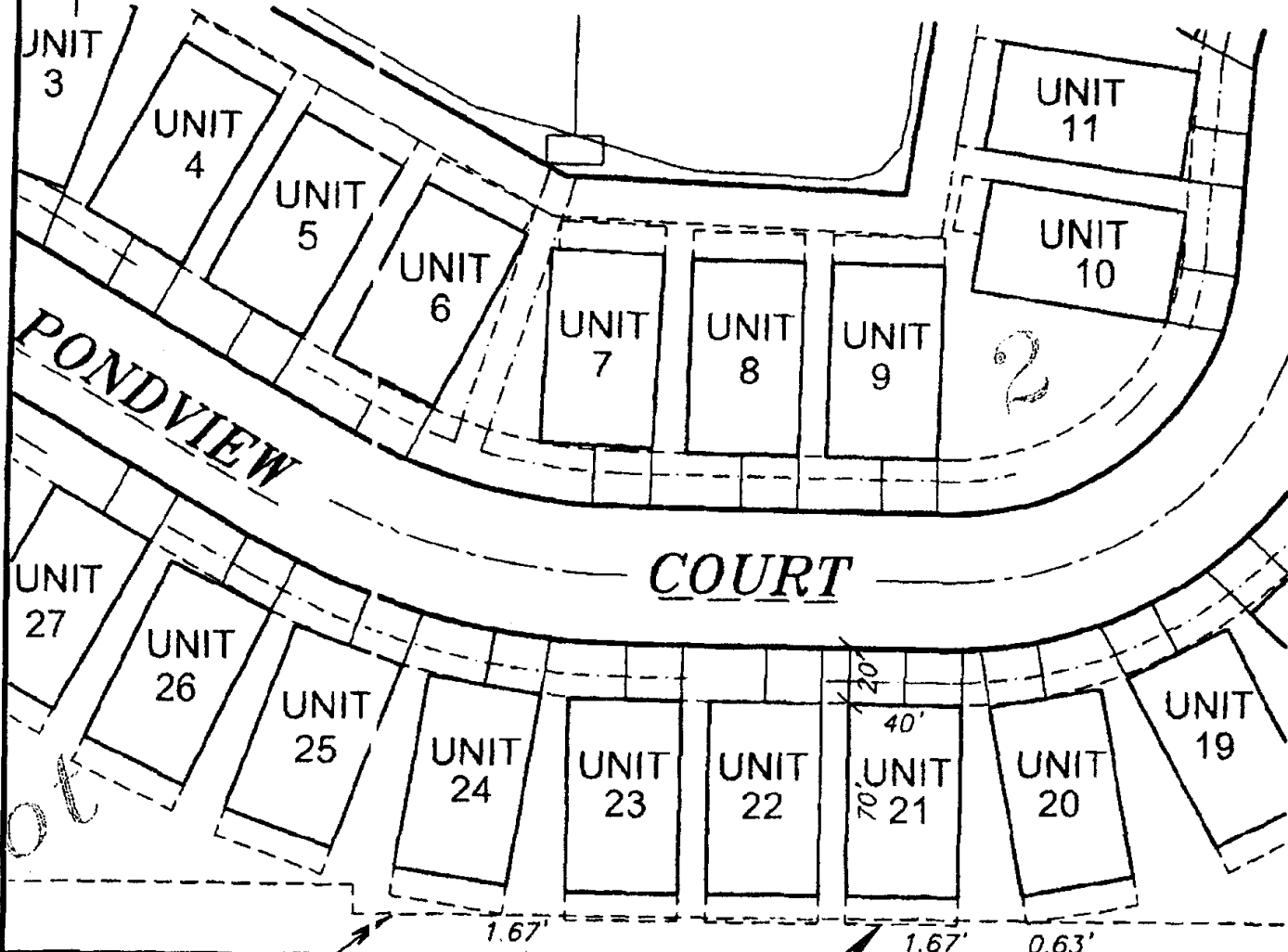


Exhibit G

The Villas at Meade Pond

Meade Pond Condominium

Scale 1" = 60'



15' Building Setback Line

10' Maximum depth deck area (typical 10' x 12')

Martenson & Eisele, Inc.

Engineering - Surveying - Planning - Architecture

1919 American Court

Neenah, WI 54956

(920) 731-0381

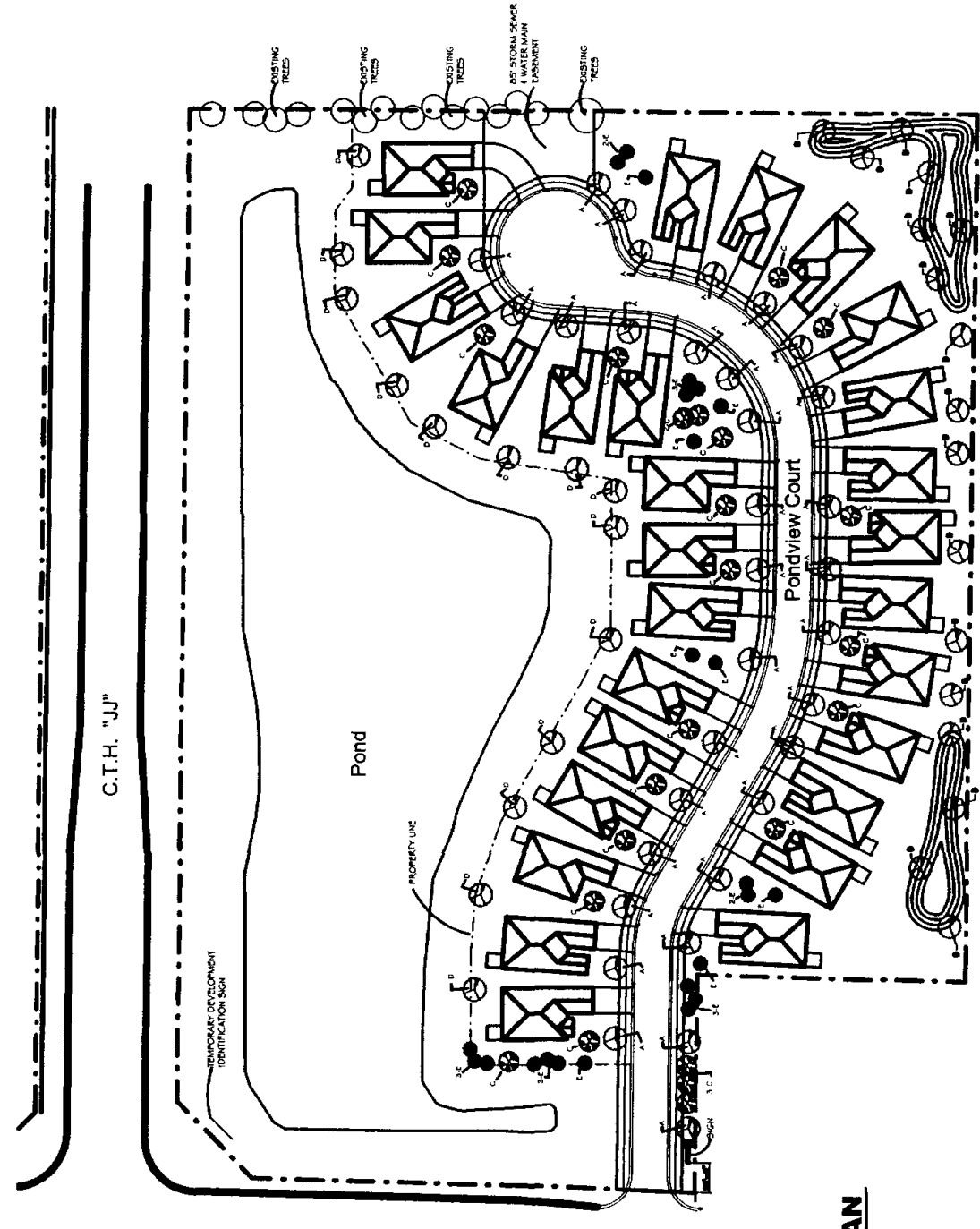
FAX (920) 731-8578

E-MAIL mail@martenson-eisele.com



FIELD BK	PAGE	DRAWN BY	CHECKED	APPROVED	DRAWING NO.
SCALE	DATE	NO	DATE	REVISION	
COMPUTER FILE					

Exhibit H



C.T.H. "JJ"

Meade Street

Pond

Pondview Court

TEMPORARY DEVELOPMENT IDENTIFICATION SIGN

PROPERTY USE

100 STORAGE TANK
1 WATER MAIN
1 FURNACE

PLANT LIST (Cont'd. S. 100)

NO.	PLANT	QUANTITY	SIZE	REMARKS
1.	LAUREL	20	2 1/2" DIA	AS SHOWN
2.	WINDY PINE	20	1 1/2" DIA	AS SHOWN
3.	ORANGE BLOSSOM	20	1 1/2" DIA	AS SHOWN
4.	ORANGE BLOSSOM	20	1 1/2" DIA	AS SHOWN
5.	ORANGE BLOSSOM	20	1 1/2" DIA	AS SHOWN
6.	ORANGE BLOSSOM	20	1 1/2" DIA	AS SHOWN

- NOTES:**
1. ALL INSTALLED LAWN AREAS TO BE TENDED OR SOONER.
 2. ALL TREES TO BE STAKED AND GULCHES.
 3. RECORD RESPONSIBLE FOR TREE IDENTIFICATION.
 4. NO TREES SHALL BE PLANTED WITHIN ONE FOOT OF ANY SIDE OF EXISTING FOUNDATION.
 5. TREES SHALL BE PLANTED A MINIMUM OF 8 FEET FROM SIDEWALK.

LANDSCAPE PLAN
SHEET 2 OF 2

NOTE: SEE SHEET 2 FOR TYPICAL FOUNDATION PLANTINGS AND GROUND SIGN DETAILS

HOFFMAN CORPORATION
SINCE 1892

Total Project Management™
It's The Process

Villas At Meade Pond

May 1, 2001

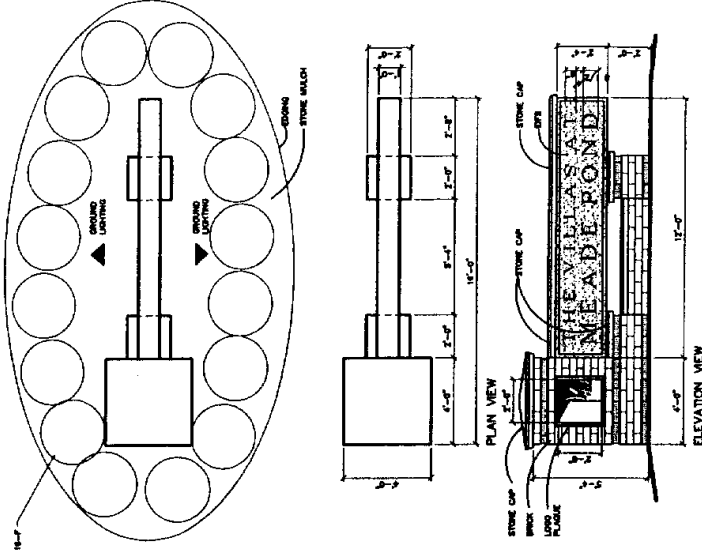
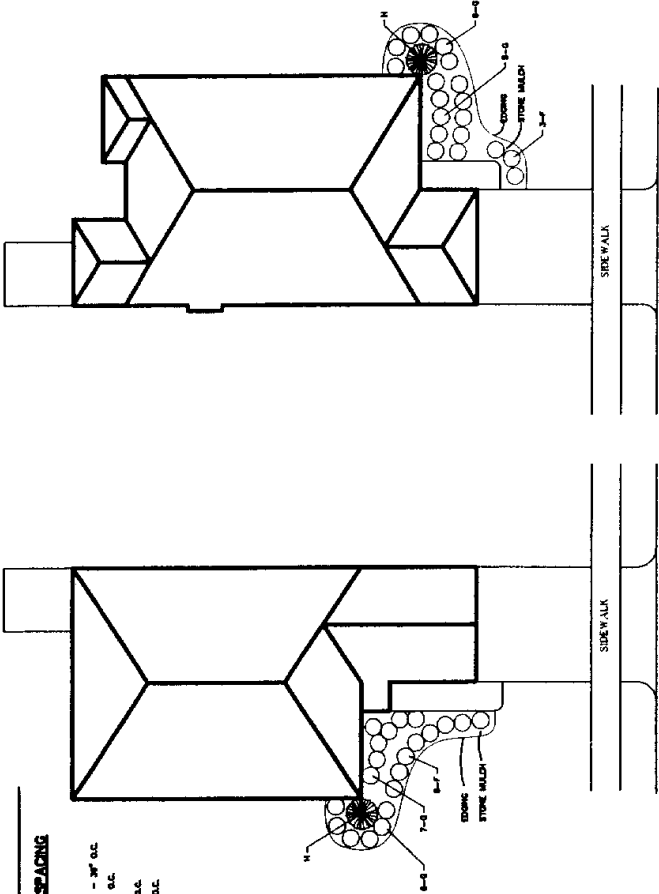
© 2001 HOFFMAN CORPORATION

PLANT LIST (sheet 2 only)

KEY	PLANT	QUANTITY	SIZE	SPACING
F	LAUREL / YEW	SEE PLAN	15" - 18"	30" - 36" O.C.
G	WIRE CACTUS / WIRE BURNINGBUSH	SEE PLAN	15" - 18"	36" O.C.
H	YEW / ARBOREVITAE	SEE PLAN	3" - 6"	4' O.C.
J	GLORIE ARBOREVITAE	SEE PLAN	15" - 18"	3' O.C.

NOTES

1. ALL DISTURBED LAWN AREAS TO BE SEEDED OR SOOLED.
2. SEE GRADING PLAN FOR DISTURBED AREAS.
3. ALL TREES TO BE STAKED AND MULCHED.
4. NEED BARRIERS FOR MOVING QUANTITIES.
5. NO PLANTS SHALL BE PLANTED UNDER ROOF OVERHANG.
6. UNDER ROOF OR BUILDING OVERHANG.



Typical Foundation Planting

Ground Sign-Phase One

LANDSCAPE PLAN
1" = 10'-0"
SHEET 2 OF 2



Total Project Management™
It's The Process

Villas At Meade Pond

May 1, 2001

**AMENDMENT to Implementation Plan Document No. 1417611
for Meade Pond, L.L.C. (PD #1-01)**

WHEREAS, the Meade Pond, L.L.C. Planned Development Designation for PD Rezoning #1-01 (PD #1-01) went into effect on the date when the Implementation Plan for Meade Pond, L.L.C. (PD #1-01) was recorded in the Outagamie County Register of Deeds Office, Wisconsin, on July 19, 2001, as Document No. 1417611.

WHEREAS, Section 23-151(p)(1)e. of the Appleton Zoning Ordinance allows amendments to the standards of a recorded Implementation Plan Document. The property owners now desire to formally amend Section A. Land Uses, Section B. Development Standards, Section C. Required Improvements, Section D. Implementation, and Section E. General Provisions of the Implementation Plan Document No. 1417611 for Meade Pond, L.L.C. (PD #1-01).

NOW, THEREFORE, the property owners amend the provisions of Implementation Plan Document No. 1417611 for Meade Pond, L.L.C. (PD #1-01) as follows:

The language in Section A.1. and 2. is deleted and replaced in its entirety by the following language: In addition, Section A.3. is created by the following language:

Section A. Land Uses

1. **Principal Uses** shall be single-family detached dwellings (Lots 1-28).
2. **Accessory Uses, buildings, and structures** are permitted in connection with the principal use as specified in the underlying R-1B Single-family District pursuant to the Chapter 23, Appleton Zoning Code as now in effect or hereafter amended (Lots 1-28).
3. **Neighborhood Identification Sign** shall be allowed on Outlot 1, **Detention Pond** shall be allowed on Outlot 2, and Outlot 3 shall remain in open/green space. All Outlots may be landscaped.

Record and return copy to:
City of Appleton
Community & Economic Development Department
100 N. Appleton Street
Appleton, WI 54911

The language in Section B.2.a., b. and c., Section B.4. and Section B.6. is deleted and replaced in its entirety by the following language: In addition, Section B.2.d. and e. are created by the following language:

Section B. Development Standards

2. **Setbacks** shall be as follows:

- a. Principal Building Front Yard: 20 feet minimum (Lots 1-28 & Outlot 3)
- b. Principal Building, including decks Rear Yard: 11 feet minimum (Lots 1-15 & Outlot 3)
6 feet minimum (Lot 16)
15 feet minimum (Lots 17-19)
13 feet minimum (Lots 20-24)
25 feet minimum (Lots 25-28)
- c. Principal Building, including decks Side Yards: 4.5 feet minimum (Lots 1-5, 7-28 & Outlot 3). Principal Building Side Yards: 4.5 feet minimum and deck Side Yard: 2.85 feet minimum (Lot 6).
- d. Setbacks for accessory uses, buildings and structures (patios) shall comply with Chapter 23, Appleton Municipal Code as now in effect or hereafter amended unless specifically identified in the document.
- e. Front, Side and Rear Yard Setbacks. None for Outlots 1 and 2, unless identified for the land use as specified for Outlots 1 and 2 in this document and/or drainage plan on file in the Appleton Department of Public Works, Engineering Division.

4. **Lot Coverage** maximum shall be 65%.

6. **Lot Standards** for Lots 1-28 shall be as follows:

- a. Lot width: 38 feet minimum. (*measured along the front lot line for Lots 1- 28)
- b. Lot size: 5,500 square feet minimum.

Section B.7.a. is created by the following language:

7. **Outlot Standards** (1, 2 and 3) shall be as follows:

- a. Lot width and size: None, but shall abut on a public road.

The language in Section C.4. is deleted and replaced in its entirety by the following language:

Section C. Required Improvements

4. Fire Protection

The subject property is located in the Appleton Fire Department's service area. All single-family detached dwellings will be protected with an automatic fire sprinkler system installed according to National Fire Protection Association standards (NFPA). Installation of sprinkler systems in single-family detached dwellings will be done according to the adopted City of Appleton Municipal Code, if applicable.

The language in Section D.3.a), Section D.3.f) and Section D.3.g) is deleted and replaced in its entirety by the following language: In addition, Section D.3.h) and i) is created by the following language:

Section D. Implementation

3. Ordinance Exception from Zoning:

- a) Front and Rear yard setback reduction. (R-1B Zoning District requires a minimum 20 front yard setback and 25 foot rear yard setback). (See Section B.2.b. and e. of this document.)
- f) Side yard setback reduction. (R-1B Zoning District requires a minimum 6 foot side yard setback, including attached decks). (See Section B.2.c. and e. of this document.)
- g) Lot and Outlot width and size reductions. (R-1B Zoning District requires a minimum lot width of 50 feet and a minimum lot area of 6,000 square feet). (See Section B.6. a. and b. and Section B7.a. of this document.) (R-1B Zoning District requires 50% maximum lot coverage). (See Section B.4. of this document.)
- h) The Neighborhood Identification Sign located on Outlot 1 identifies and is connected to the Meade Pond, LLC Planned Development; therefore, this sign is defined as an on-site sign or on-premises sign.
- i) Side yard setback reduction to 0 feet for concrete patio located on Lot 10. Accessory structures (i.e. patios) requires a minimum 3 foot side yard setback pursuant Section B.2.d. of this document.

Section D.4. is created by the following language:

- 4. Words and Terms Defined** – All words and terms wherever they occur in this Implementation Plan Document for PD #1-01, shall be defined and interpreted in accordance with Chapter 23, Appleton Zoning Code as now in effect or hereafter amended. Words not defined in Chapter 23, Appleton Zoning Code shall be interpreted in accordance with Wisconsin State Statutes or Wisconsin State Administrative Code as now in effect or hereafter amended.

Exhibit "A". Exhibit "A" attached to Implementation Plan for PD #1-01, Document No. 1417611 is deleted in its entirety and replaced and superseded by the Amended Exhibit "A" attached hereto. **Exhibits "G" and "H"** attached to Implementation Plan for PD#1-01, Document No. 1417611 are both deleted in their entirety.

Scope of Amendments: All other standards and provisions of Implementation Plan Document No. 1417611 for Meade Pond, L.L.C. (PD #1-01) shall be unaffected by these amendments and shall remain in full force and effect.

1. Dated this _____ day of _____, 20__.

By: _____
Joda Wunderlich

Owner Name: JODA WUNDERLICH
Property Address: 806 E PONDVIEW CT
City Parcels: 1-8200-1 and 1/28 INT IN
COMMON AREA

STATE OF WISCONSIN)
)ss
COUNTY OF _____)

Personally came before me this _____ day of _____, 20__,
the above named _____, and _____,
to me known to be the persons who executed the foregoing instrument and
acknowledged the same in the capacity and for the purposes therein intended.

Notary Public, State of Wisconsin
My Commission expires

2. Dated this _____ day of _____, 20__.

By: _____
Russell Jacobus

By: _____
Jerrie Jacobus

Owners Name: RUSSELL and JERRIE JACOBUS
Property Address: 812 E PONDVIEW CT
City Parcels: 1-8200-2 and 1/28 INT IN
COMMON AREA

STATE OF WISCONSIN)
)ss
COUNTY OF _____)

Personally came before me this _____ day of _____, 20__,
the above named _____, and _____,
to me known to be the persons who executed the foregoing instrument and
acknowledged the same in the capacity and for the purposes therein intended.

Notary Public, State of Wisconsin
My Commission expires

3. Dated this _____ day of _____, 20____.

By: _____
Larry Cain

By: _____
Cheryl Cain

Owners Name: LARRY and CHERYL CAIN,
TRUSTEES for LARRY and CHERYL CAIN
REV TRUST
Property Address: 818 E PONDVIEW CT
City Parcels: 1-8200-3 and 1/28 INT IN
COMMON AREA

STATE OF WISCONSIN)
)ss
COUNTY OF _____)

Personally came before me this _____ day of _____, 20____,
the above named _____, and _____,
to me known to be the persons who executed the foregoing instrument and
acknowledged the same in the capacity and for the purposes therein intended.

Notary Public, State of Wisconsin
My Commission expires

4. Dated this _____ day of _____, 20__.

By: _____
Margaret Kostelnik

Owner Name: MARGARET KOSTELNIK
FOR MARGARET KOSTELNIK REV
TRUST
Property Address: 824 E PONDVIEW CT
City Parcels: 1-8200-4 and 1/28 INT IN
COMMON AREA

STATE OF WISCONSIN)
)ss
COUNTY OF _____)

Personally came before me this _____ day of _____, 20__,
the above named _____, and _____,
to me known to be the persons who executed the foregoing instrument and
acknowledged the same in the capacity and for the purposes therein intended.

Notary Public, State of Wisconsin
My Commission expires

5. Dated this _____ day of _____, 20__.

By: _____
Richard Vandriest

By: _____
Teena Vandriest

Owner Name: RICHARD and TEENA
VANDRIEST
Property Address: 830 E PONDVIEW CT
City Parcels: 1-8200-5 and 1/28 INT IN
COMMON AREA

STATE OF WISCONSIN)
)ss
COUNTY OF _____)

Personally came before me this _____ day of _____, 20__,
the above named _____, and _____,
to me known to be the persons who executed the foregoing instrument and
acknowledged the same in the capacity and for the purposes therein intended.

Notary Public, State of Wisconsin
My Commission expires

6. Dated this _____ day of _____, 20__.

By: _____
Ernestine Rouman

Owner Name: ERNESTINE ROUMAN
Property Address: 836 E PONDVIEW CT
City Parcels: 1-8200-6 and 1/28 INT IN
COMMON AREA

STATE OF WISCONSIN)
)ss
COUNTY OF _____)

Personally came before me this _____ day of _____, 20__,
the above named _____, and _____,
to me known to be the persons who executed the foregoing instrument and
acknowledged the same in the capacity and for the purposes therein intended.

Notary Public, State of Wisconsin
My Commission expires

7. Dated this _____ day of _____, 20__.

By: _____
Thomas Schelble

By: _____
Michelle Schelble

Owner Name: THOMAS AND MICHELLE
SCHELBLE FOR THOMAS SCHELBLE
AND MICHELLE SCHELBLE JT REV
TRUST
Property Address: 842 E PONDVIEW CT
City Parcels: 1-8200-7 and 1/28 INT IN
COMMON AREA

STATE OF WISCONSIN)
)ss
COUNTY OF _____)

Personally came before me this _____ day of _____, 20__,
the above named _____, and _____,
to me known to be the persons who executed the foregoing instrument and
acknowledged the same in the capacity and for the purposes therein intended.

Notary Public, State of Wisconsin
My Commission expires

8. Dated this _____ day of _____, 20__.

By: _____
Patrick Hawley

By: _____
Carrie Jo Hawley

Owner Name: PATRICK AND CARRIE JO
HAWLEY FOR PATRICK AND CARRIE JO
HAWLEY JT REV TRUST
Property Address: 900 E PONDVIEW CT
and E PONDVIEW CT
City Parcels: 1-8200-8 and 1/28 INT IN
COMMON AREA and 1-8200-9 and 1/28 INT
IN COMMON AREA

STATE OF WISCONSIN)
)ss
COUNTY OF _____)

Personally came before me this _____ day of _____, 20__,
the above named _____, and _____,
to me known to be the persons who executed the foregoing instrument and
acknowledged the same in the capacity and for the purposes therein intended.

Notary Public, State of Wisconsin
My Commission expires

9. Dated this _____ day of _____, 20__.

By: _____
John Sivertsen

Owner Name: JOHN SIVERTSEN, AS
INITIAL TRUSTEE OF THE JOHN AND
GLORIA SIVERTSEN JT REV LIV T
Property Address: 912 E PONDVIEW CT
City Parcels: 1-8200-10 and 1/28 INT IN
COMMON AREA

STATE OF WISCONSIN)
)ss
COUNTY OF _____)

Personally came before me this _____ day of _____, 20__,
the above named _____, and _____,
to me known to be the persons who executed the foregoing instrument and
acknowledged the same in the capacity and for the purposes therein intended.

Notary Public, State of Wisconsin
My Commission expires

10. Dated this _____ day of _____, 20__.

By: _____
Patricia Pollen

Owner Name: PATRICIA POLLEN
Property Address: 918 E PONDVIEW CT
City Parcels: 1-8200-11 and 1/28 INT IN
COMMON AREA

STATE OF WISCONSIN)
)ss
COUNTY OF _____)

Personally came before me this _____ day of _____, 20__,
the above named _____, and _____,
to me known to be the persons who executed the foregoing instrument and
acknowledged the same in the capacity and for the purposes therein intended.

Notary Public, State of Wisconsin
My Commission expires

11. Dated this _____ day of _____, 20__.

By: _____
Virginia Russler

Owner Name: VIRGINIA RUSSLER for
VIRGINIA RUSSLER REV TRUST
Property Address: 924 E PONDVIEW CT
City Parcels: 1-8200-12 and 1/28 INT IN
COMMON AREA

STATE OF WISCONSIN)
)ss
COUNTY OF _____)

Personally came before me this _____ day of _____, 20__,
the above named _____, and _____,
to me known to be the persons who executed the foregoing instrument and
acknowledged the same in the capacity and for the purposes therein intended.

Notary Public, State of Wisconsin
My Commission expires

12. Dated this _____ day of _____, 20__.

By: _____
Martin Waltho

By: _____
Phyllis Waltho

Owner Name: MARTIN AND PHYLLIS
WALTHO
Property Address: 930 E PONDVIEW CT
City Parcels: 1-8200-13 and 1/28 INT IN
COMMON AREA

STATE OF WISCONSIN)
)ss
COUNTY OF _____)

Personally came before me this _____ day of _____, 20__,
the above named _____, and _____,
to me known to be the persons who executed the foregoing instrument and
acknowledged the same in the capacity and for the purposes therein intended.

Notary Public, State of Wisconsin
My Commission expires

13. Dated this _____ day of _____, 20__.

By: _____
William Reid, Jr.

By: _____
Carol Reid

Owner Name: WILLIAM JR AND CAROL REID FOR WILLIAM AND CAROL REID, JR. REV LIV TRUST
Property Address: E PONDVIEW CT
City Parcels: 1-8200-14 and 1/28 INT IN COMMON AREA

STATE OF WISCONSIN)
)ss
COUNTY OF _____)

Personally came before me this _____ day of _____, 20__,
the above named _____, and _____,
to me known to be the persons who executed the foregoing instrument and
acknowledged the same in the capacity and for the purposes therein intended.

Notary Public, State of Wisconsin
My Commission expires

14. Dated this _____ day of _____, 20__.

By: _____
Michael Speel

By: _____
Lavern Speel

Owner Name: MICHAEL AND LAVERN
SPEEL FOR MICHAEL AND LAVERN
SPEEL LIV TRUST
Property Address: 940 E PONDVIEW CT
City Parcels: 1-8200-15 and 1/28 INT IN
COMMON AREA

STATE OF WISCONSIN)
)ss
COUNTY OF _____)

Personally came before me this _____ day of _____, 20__,
the above named _____, and _____,
to me known to be the persons who executed the foregoing instrument and
acknowledged the same in the capacity and for the purposes therein intended.

Notary Public, State of Wisconsin
My Commission expires

15. Dated this _____ day of _____, 20__.

By: _____
Edwin Hammond

By: _____
Jane Hammond

Owner Name: EDWIN AND JANE
HAMMOND
Property Address: 937 E PONDVIEW CT
City Parcels: 1-8200-16 and 1/28 INT IN
COMMON AREA

STATE OF WISCONSIN)
)ss
COUNTY OF _____)

Personally came before me this _____ day of _____, 20__,
the above named _____, and _____,
to me known to be the persons who executed the foregoing instrument and
acknowledged the same in the capacity and for the purposes therein intended.

Notary Public, State of Wisconsin
My Commission expires

16. Dated this _____ day of _____, 20____.

By: _____
Ben Vanden Heuvel

By: _____
Priscilla Vanden Heuvel

Owner Name: BEN AND PRISCILLA
VANDEN HEUVEL, TRUSTEES FOR
VANDEN HEUVEL REVOCABLE TRUST
Property Address: 931 E PONDVIEW CT
City Parcels: 1-8200-17 and 1/28 INT IN
COMMON AREA

STATE OF WISCONSIN)
)ss
COUNTY OF _____)

Personally came before me this _____ day of _____, 20____,
the above named _____, and _____,
to me known to be the persons who executed the foregoing instrument and
acknowledged the same in the capacity and for the purposes therein intended.

Notary Public, State of Wisconsin
My Commission expires

17. Dated this _____ day of _____, 20__.

By: _____
Gary Gehrke

Owner Name: GARY GEHRKE
Property Address: 925 E PONDVIEW CT
City Parcels: 1-8200-18 and 1/28 INT IN
COMMON AREA

STATE OF WISCONSIN)
)ss
COUNTY OF _____)

Personally came before me this _____ day of _____, 20__,
the above named _____, and _____,
to me known to be the persons who executed the foregoing instrument and
acknowledged the same in the capacity and for the purposes therein intended.

Notary Public, State of Wisconsin
My Commission expires

18. Dated this _____ day of _____, 20____.

By: _____
James Feeney

By: _____
Sheryl Feeney

Owner Name: JAMES AND SHERYL
FEENEY, TRUSTEES FOR THE JAMES
AND SHERYL FEENEY REV TRUST UAD
Property Address: 919 E PONDVIEW CT
City Parcels: 1-8200-19 and 1/28 INT IN
COMMON AREA

STATE OF WISCONSIN)
)ss
COUNTY OF _____)

Personally came before me this _____ day of _____, 20____,
the above named _____, and _____,
to me known to be the persons who executed the foregoing instrument and
acknowledged the same in the capacity and for the purposes therein intended.

Notary Public, State of Wisconsin
My Commission expires

19. Dated this _____ day of _____, 20__.

By: _____
Charles Lukas

By: _____
Cathy Lukas

Owner Name: CHARLES AND CATHY
LUKAS
Property Address: 913 E PONDVIEW CT
City Parcels: 1-8200-20 and 1/28 INT IN
COMMON AREA

STATE OF WISCONSIN)
)ss
COUNTY OF _____)

Personally came before me this _____ day of _____, 20__,
the above named _____, and _____,
to me known to be the persons who executed the foregoing instrument and
acknowledged the same in the capacity and for the purposes therein intended.

Notary Public, State of Wisconsin
My Commission expires

20. Dated this _____ day of _____, 20____.

By: _____
John Sharp

By: _____
Jacqueline Sharp

Owner Name: JOHN AND
JACQUELINE SHARP
Property Address: 907 E PONDVIEW CT
City Parcels: 1-8200-21 and 1/28 INT IN
COMMON AREA

STATE OF WISCONSIN)
)ss
COUNTY OF _____)

Personally came before me this _____ day of _____, 20____,
the above named _____, and _____,
to me known to be the persons who executed the foregoing instrument and
acknowledged the same in the capacity and for the purposes therein intended.

Notary Public, State of Wisconsin
My Commission expires

21. Dated this _____ day of _____, 20____.

By: _____
Lawrence Silton

By: _____
Susan Silton

Owner Name: LAWRENCE AND SUSAN
SILTON, TRUSTEES FOR THE SILTON
JOINT REVOCABLE TRUST
Property Address: 901 E PONDVIEW CT
City Parcels: 1-8200-22 and 1/28 INT IN
COMMON AREA

STATE OF WISCONSIN)
)ss
COUNTY OF _____)

Personally came before me this _____ day of _____, 20____,
the above named _____, and _____,
to me known to be the persons who executed the foregoing instrument and
acknowledged the same in the capacity and for the purposes therein intended.

Notary Public, State of Wisconsin
My Commission expires

22. Dated this _____ day of _____, 20__.

By: _____
Daniel Albers

By: _____
Mary Albers

Owner Name: DANIEL AND MARY ALBERS
Property Address: 843 E PONDVIEW CT
City Parcels: 1-8200-23 and 1/28 INT IN
COMMON AREA

STATE OF WISCONSIN)
)ss
COUNTY OF _____)

Personally came before me this _____ day of _____, 20__,
the above named _____, and _____,
to me known to be the persons who executed the foregoing instrument and
acknowledged the same in the capacity and for the purposes therein intended.

Notary Public, State of Wisconsin
My Commission expires

23. Dated this _____ day of _____, 20__.

By: _____
Leonard Vanderwyst

By: _____
Alice Vanderwyst

Owner Name: LEONARD AND ALICE
VANDERWYST
Property Address: 837 E PONDVIEW CT
City Parcels: 1-8200-24 and 1/28 INT IN
COMMON AREA

STATE OF WISCONSIN)
)ss
COUNTY OF _____)

Personally came before me this _____ day of _____, 20__,
the above named _____, and _____,
to me known to be the persons who executed the foregoing instrument and
acknowledged the same in the capacity and for the purposes therein intended.

Notary Public, State of Wisconsin
My Commission expires

24. Dated this _____ day of _____, 20__.

By: _____
Linda Kellett

Owner Name: LINDA KELLETT FOR THE
LINDA KELLETT LIV TRUST
Property Address: 831 E PONDVIEW CT
City Parcels: 1-8200-25 and 1/28 INT IN
COMMON AREA

STATE OF WISCONSIN)
)ss
COUNTY OF _____)

Personally came before me this _____ day of _____, 20__,
the above named _____, and _____,
to me known to be the persons who executed the foregoing instrument and
acknowledged the same in the capacity and for the purposes therein intended

25. Dated this _____ day of _____, 20__.

By: _____
William Griffith

Owner Name: WILLIAM GRIFFITH FOR
THE WILLIAM GRIFFITH REV TRUST
Property Address: 825 E PONDVIEW CT
City Parcels: 1-8200-26 and 1/28 INT IN
COMMON AREA

STATE OF WISCONSIN)
)ss
COUNTY OF _____)

Personally came before me this _____ day of _____, 20__,
the above named _____, and _____,
to me known to be the persons who executed the foregoing instrument and
acknowledged the same in the capacity and for the purposes therein intended.

Notary Public, State of Wisconsin
My Commission expires

26. Dated this _____ day of _____, 20__.

By: _____
Phyllis Zeiss

Owner Name: PHYLLIS ZEISS FOR THE
PHYLLIS ZEISS REV TRUST
Property Address: 819 E PONDVIEW CT
City Parcels: 1-8200-27 and 1/28 INT IN
COMMON AREA

STATE OF WISCONSIN)
)ss
COUNTY OF _____)

Personally came before me this _____ day of _____, 20__,
the above named _____, and _____,
to me known to be the persons who executed the foregoing instrument and
acknowledged the same in the capacity and for the purposes therein intended.

Notary Public, State of Wisconsin
My Commission expires

27. Dated this _____ day of _____, 20__.

By: _____
Susan Duven

Owner Name: SUSAN DUVEN FOR THE
SUSAN DUVEN REV TRUST
Property Address: 813 E PONDVIEW CT
City Parcels: 1-8200-28 and 1/28 INT IN
COMMON AREA

STATE OF WISCONSIN)
)ss
COUNTY OF _____)

Personally came before me this _____ day of _____, 20__,
the above named _____, and _____,
to me known to be the persons who executed the foregoing instrument and
acknowledged the same in the capacity and for the purposes therein intended.

Notary Public, State of Wisconsin
My Commission expires

The above Amendments to the Implementation Plan for PD# 1-01 were drafted by the undersigned at the request of the Property Owner(s).

Drafter's Signature

Date

Approved as to form:

CITY OF APPLETON, a Wisconsin
Municipal Corporation

Appleton City Attorney
Christopher Behrens

By: _____
Jacob A. Woodford, Mayor

Attest: _____
Kami Lynch, City Clerk

STATE OF WISCONSIN)
)ss
COUNTY OF OUTAGAMIE)

Personally came before me this _____ day of _____, 20____, the above-named Mayor of City of Appleton, and City Clerk of City of Appleton, to me known to be the persons who executed the foregoing instrument and acknowledged the same in the capacity and for the purposes therein intended.

Notary Public, State of Wisconsin
My Commission expires



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: March 8, 2023

Common Council Meeting Date: April 5, 2023 (Reported out with Major Changes to PD #1-01)

Item: Preliminary Plat – The Villas at Meade Pond

Case Manager: Don Harp, Principal Planner

GENERAL INFORMATION

Owner: James Feeney, President of Meade Pond Condominium Association, on behalf of all property owners of the Meade Pond Condominium Association

Applicant: Gary Zahringer, PLS – Martenson & Eisele, Inc.

Addresses: 806, 812, 813, 818, 819, 824, 825, 830, 831, 836, 837, 842, 843, 900, 901, 906, 907, 912, 913, 918, 919, 924, 925, 930, 931, 936, 937, and 940 Pondview Court

Parcel Numbers: 31-1-8200-01 through 31-1-8200-28

BACKGROUND

The subject property was annexed into the City in 1998, pursuant to the Meade Street Annexation.

On March 7, 2001, the Meade Pond, L.L.C. Planned Development PD Overlay District #1-01 (PD Overlay District #1-01) was approved by the Common Council. The subject property was rezoned from R-1A One-family District to PD/R-1B Planned Development One-family District. The purpose of the planned development rezoning was to allow for the construction of twenty-eight (28) single-family detached dwelling units by condominium plat with customized development regulations unique to this development. The customized development regulations approved under PD Overlay District #1-01 allowed for specific land uses, development and density standards, design guidelines and ordinance exceptions to promote an integrated development that maximized the use of the property.

On March 29, 2001, Certified Survey Map No. 4009 was recorded in Outagamie County Register of Deeds' Office. The subject property is currently described as Lot 2 of Certified Survey Map No. 4009.

On July 19, 2001, Implementation Plan Document PD Overlay District PD #1-01 was recorded in the Outagamie County Register of Deeds' Office, a/k/a Document No. 1417611. This document prescribes the current development regulations of the subject property. (See attached)

Changes to the development regulations of PD Overlay District #1-01 have been initiated by the property owners and are also being presented at the March 8, 2023 Plan Commission meeting.

Preliminary Plat – The Villas at Meade Pond

March 8, 2023

Page 2

STAFF ANALYSIS

Existing Conditions: The subject site consists of 28 single-family detached condominium units, one (1) neighborhood sign and one (1) detention pond. All said improvements are located on Lot 2 of Certified Survey Map No. 4009.

Proposed Conditions: The Preliminary Plat for The Villas at Meade Pond subdivides Lot 2 of Certified Survey Map No. 4009 into 28 individual lots and 3 outlots. The outlots will be owned and maintained by the Homeowners’ Association (HOA).

Zoning Ordinance Review Criteria: The development standards prescribed by Implementation Plan Document PD #1-01, Document No. 1417611 and the Amended Implementation Plan Document PD #1-01.

- Minimum lot area (Lots 1-28): 5,500 square feet minimum.
 - *All lots described above comply with this minimum requirement.*
- Minimum lot width (Lots 1-28): 38 feet minimum.
 - *All lots described above comply with this minimum requirement.*
- Minimum front, side and rear yard setbacks:

Yard	Lot Numbers	Minimum Building Setback Dimension
Front	Lots 1-28 & Outlot 3	20 feet
Front	Outlots 1 and 2	None, unless required by applicable regulations per Chapter 23, Zoning
Side	Lots 1-5, 7-28 & Outlot 3	4.5 feet, including decks
Side	Lot 6	4.5 feet, including 2.85 feet for deck
Side	Lot 10	None, for concrete patio
Side	Outlots 1 and 2	None, unless required by applicable regulations per Chapter 23, Zoning
Rear	Lots 1-15 & Outlot 3	11 feet, including decks
Rear	Lot 16	6 feet, including decks
Rear	Lots 17-19	15 feet, including decks
Rear	Lots 20-24	13 feet, including decks
Rear	Lots 25-28	25 feet, including decks
Rear	Outlots 1 and 2	None, unless required by applicable regulations per Chapter 23, Zoning

Preliminary Plat – The Villas at Meade Pond

March 8, 2023

Page 3

- *All buildings, decks, concrete patios, and other accessory structures illustrated on the preliminary plat appear to comply with minimum requirements listed above.*
- Maximum lot coverage (Lots 1-28 and Outlots 1-3): 65% maximum.
 - *All lots described above comply with this requirement.*

Compliance with the Appleton Subdivision Regulations: This subdivision complies with the Appleton Subdivision Regulations. There is small deviation in the proposed side lot line between Lot 9 and Lot 10 but does not warrant a modification request because the intersecting portion of the side lot line is at a right angle to the right-of-way line. This deviation in the lot line occurs at the rear of the said lots due to the existing location of site improvements on Lot 10.

Access and Traffic: The primary vehicular access to the development is by Pondview Court. The 50-foot road right-of-way width was dedicated to the public by Certified Survey Map No. 4009.

Surrounding Zoning and Land Uses:

North: PD/R-1B Planned Development Single-Family District – City Stormwater Pond
South: R-1A Single-Family District – residential uses
East: Town of Grand Chute – residential uses
West: R-1A Single-Family District – residential uses

Appleton Comprehensive Plan 2010-2030: Community and Economic Development staff has reviewed this proposal and determined it is compatible with the One and Two-Family Residential 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 3 – Housing Quality, Variety, and Affordability

Appleton will provide a variety of rental and ownership housing choices in a range of prices affordable to community residents, and ensure that existing housing is adequately maintained in terms of physical quality and market viability.

OBJECTIVE 5.1: Continue efforts to ensure an adequate supply of housing affordable to all income levels in the community.

OBJECTIVE 5.3 Housing and Neighborhoods:

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

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

Preliminary Plat – The Villas at Meade Pond

March 8, 2023

Page 4

OBJECTIVE 10.1 Land Use:

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

OBJECTIVE 10.4 Land Use:

Plan for compact, efficient, and fiscally responsible growth of residential, commercial, and industrial development in new neighborhoods in order to implement the principles of smart growth.

Policy 10.4.1 Continue to guide residential growth to locations either contiguous to or within presently urbanized areas. As peripheral development occurs, it should be at a compact, urban density to ensure new neighborhoods can be efficiently served by public infrastructure.

Park Fees or Dedication of Public Parks and Other Public Sites: In 2001, park fees of \$4,200 (28 dwelling units x \$150.00) in lieu of dedication requirements were paid by the developer pursuant to receipt #1709628 associated with Certified Survey Map No. 4009. No additional dwelling unit sites are being created with this preliminary plat. Therefore, the recent amendments made to Section 17-29 dedication of public parks and other public sites of the Municipal Code do not apply to this preliminary plat.

Technical Review Group (TRG) Report: This item appeared on the February 14, 2023 TRG Agenda. No negative comments were received from participating departments.

- **Community and Economic Development Department:**

Future Actions: 1. All requirements from the City of Appleton Department of Public Works, Engineering Division shall be met to the satisfaction of the City Engineer prior to the City affixing signatures on the Final Plat. 2. Prior to City signatures being affixed to the Final Plat, the Amended Implementation Plan Document must be signed by all property owners and then be submitted to the City along with the Final Plat. Record the Final Plat subsequent to the Amended Implementation Plan Document in Outagamie County Register of Deeds' Office.

- **Department of Public Works, Engineering Division:**

Future Actions: The Development Agreement, dated March 23, 2001, will need to be amended between the City and the future Homeowners' Association pursuant to Section 3.04B of the current development agreement to formalize the specific maintenance obligations for the City pond located north of The Villas at Meade Pond plat prior to the City affixing signatures on the Final Plat.

RECOMMENDATION

The Preliminary Plat for The Villas at Meade Pond, **BE APPROVED** subject to the following conditions and as shown on the attached maps:

1. On the Final Plat show the following:
 - a. Revise the total gross lot, outlot and net subdivision area listed under the supplementary data. This data is inconsistent with the total lot area dimensions listed in the impervious area tables.

Preliminary Plat – The Villas at Meade Pond

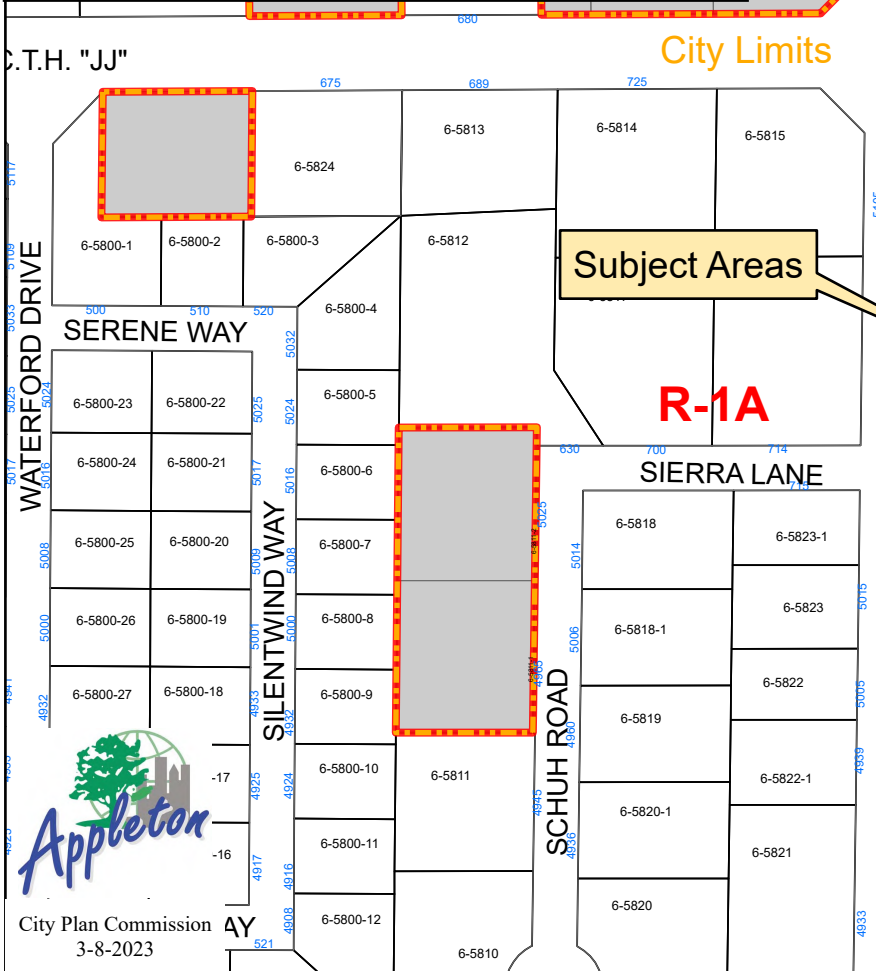
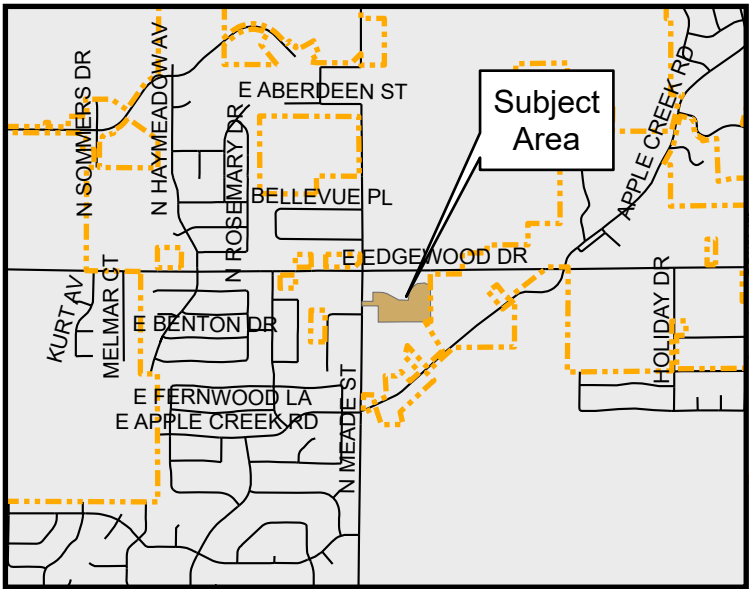
March 8, 2023

Page 5

- b. Revise the principal building minimum side yard setback minimums listed in the supplementary date to match the side yard setback dimensions listed in the Amended Implementation Plan Document PD #1-01.
 - c. Multiple lot totals do not match the distances shown along the exterior plat boundary. The difference is only .01', revise as necessary.
 - d. Provide additional bearings, distances and reference ties for the 85' Storm sewer and watermain easement. Also create a storm sewer and watermain easement provisions and terms paragraph with a signature and date line.
 - e. Add detail or a detail page with bearings, distances and reference ties for Utility Easement #1529396. The detail should provide sufficient bearings, distances and reference ties to recreate the easement limits.
 - f. Remove any easement linework shown within the right of way limits of Pondview Court.
2. The owner/applicant shall submit to the City the Final Plat within 36 months after the last required approval of the Preliminary Plat. If the Final Plat is not submitted within said 36 months, the City (and any other approving authority) may refuse to approve the Final Plat and shall recommence the procedure for Preliminary Plat approval or may extend the time for submission of the Final Plat.

NOTE: If approved, the Preliminary Plat for The Villas at Meade Pond and the major changes to the recorded Implementation Plan Document for Meade Pond, LLC, PD #1-01 (March 8, 2023 Plan Commission agenda items) will be reported out at the same Common Council meeting on April, 5, 2023.

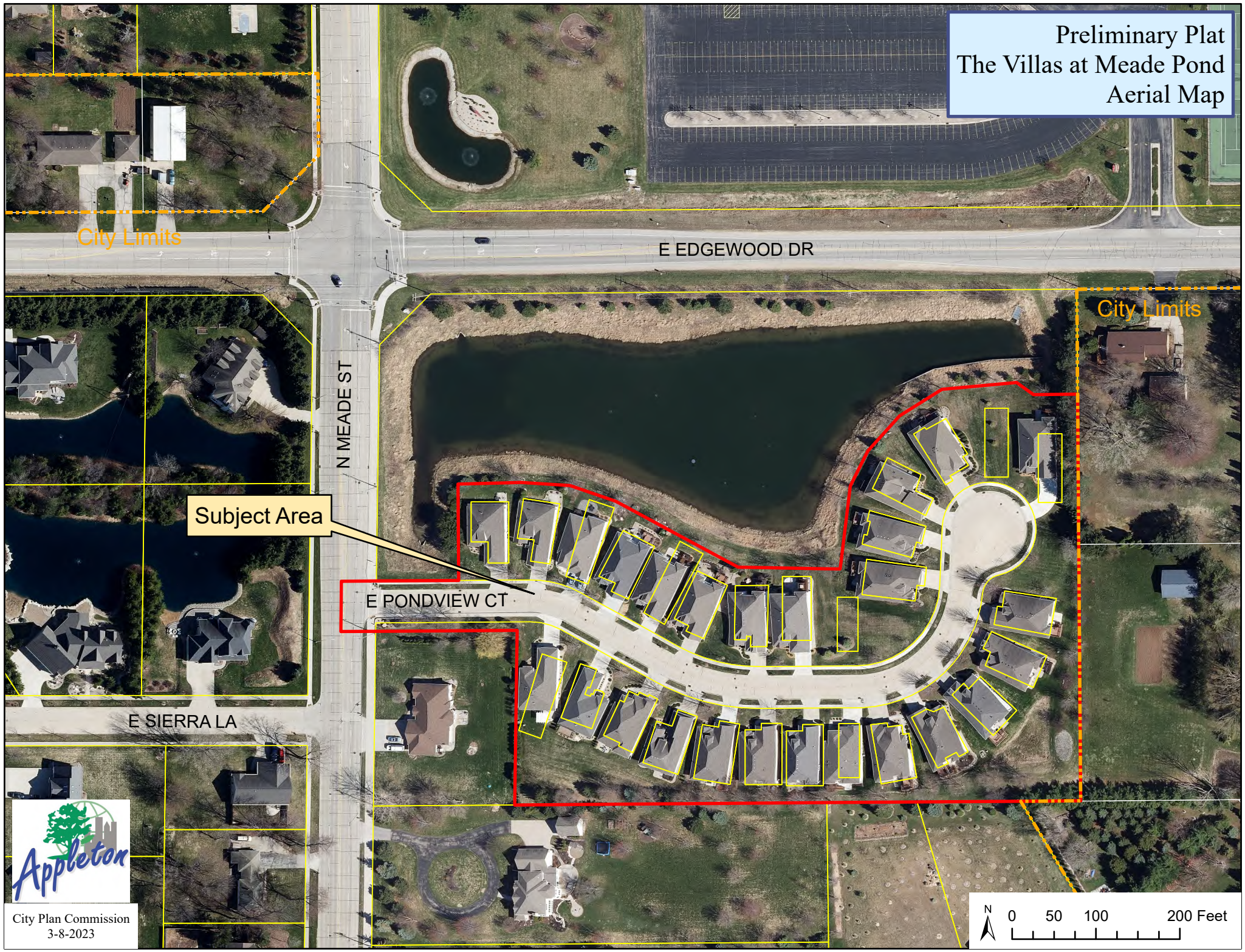
Preliminary Plat
The Villas at Meade Pond
Zoning Map



Subject Areas

Subject Area

Preliminary Plat
The Villas at Meade Pond
Aerial Map



City Limits

E EDGEWOOD DR

N MEADE ST

Subject Area

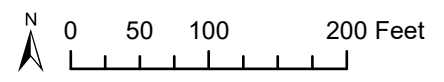
E PONDVIEW CT

City Limits

E SIERRA LA



City Plan Commission
3-8-2023





REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Date: March 22, 2023

Common Council Meeting Date: April 5, 2023

Item: Special Use Permit #1-23 for an automobile sales and display lot

Case Manager: David Kress, Deputy Director of Community & Economic Development

GENERAL INFORMATION

Owner: Enzo Realty LLP c/o James Wallner

Applicant: Mid Valley Motors LLC c/o Thomas Strauch

Address/Parcel Number: 520 East Northland Avenue (Tax Id #31-6-3150-00)

Petitioner's Request: The applicant is requesting a Special Use Permit for an automobile sales and display lot.

BACKGROUND

The subject area is located along East Northland Avenue, between North Oneida Street and North Meade Street. An automobile maintenance shop, Classic Mechanics, already occupies the building and has operated at this location since mid-2022. Automobile sales and display would be an additional service offered. Before obtaining a Motor Vehicle Dealer License from the Wisconsin Department of Transportation, the applicant must receive approval of a Special Use Permit.

STAFF ANALYSIS

Project Summary: The applicant proposes to establish an automobile sales and display lot on the eastern portion of the subject site. As shown on the attached development plan, the applicant proposes to utilize approximately 47 existing parking spaces as the display area. Based on the information supplied, the total display area would be approximately 8,142 square feet in size. The mezzanine level of the existing building would provide office space for the automobile sales and display lot use. The existing automobile maintenance shop, Classic Mechanics, would provide the ability to perform general maintenance and repair on the vehicles.

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

Existing Site Conditions: The 3.25-acre site is currently developed with an existing single-story building, which is approximately 31,549 square feet in size (including mezzanine level). The site also includes off-street parking south and east of the building, and shared access exists on between adjacent parcels. Access is provided by curb cuts on East Northland Avenue and East First Avenue.

Current Zoning and Procedural Findings: The subject property has a zoning designation of C-2 General Commercial District. An automobile maintenance shop is a permitted use in the C-2 District.

Special Use Permit #1-23

March 22, 2023

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Per Section 23-113(e) of the Municipal Code, an automobile sales and display lot requires a Special Use Permit in the C-2 District. The Plan Commission makes a recommendation to the Common Council who will make the final decision on the Special Use Permit. A two-thirds vote of the Common Council is required for approval.

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

North: R-3 Multi-Family District. The adjacent land uses to the north are currently multi-family residential.

South: C-2 General Commercial District. The adjacent land uses to the south are currently a mix of commercial uses.

East: C-2 General Commercial District. The adjacent land uses to the east are currently a mix of commercial uses.

West: C-2 General Commercial District. The adjacent land uses to the west are currently a mix of commercial uses.

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

Goal 1 – Community Growth

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

Goal 8 – Economic Development

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

OBJECTIVE 9.4 Economic Development:

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

OBJECTIVE 10.5 Land Use:

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

Technical Review Group (TRG) Report: This item appeared on the February 14, 2023 TRG agenda. No negative comments were received from participating departments.

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

Special Use Permit #1-23

March 22, 2023

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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.

As part of the special regulations for an automobile sales and display lot, perimeter landscaping is required pursuant to Section 23-66(h)(5) of the Municipal Code. For the subject site, a minimum 5-foot wide landscape buffer is required in the front yard and the side yard abutting a commercially zoned district. Based on existing conditions, it appears these dimensional requirements would be satisfied around the perimeter. The applicant provided photos of the existing perimeter landscaping, but additional planting materials are needed to comply with Section 23-66(h)(5)(b)(2), which states that perimeters adjacent to the right-of-way (front yards) shall have a row of shrubs across 80% of the display lot frontage and one tree provided every 40 feet on center.

Section 23-172(m) of the Municipal Code requires a minimum number of off-street parking spaces based on the use of a property. Based on the existing automobile maintenance shop use (six service bays) and proposed automobile sales and display lot use (1,185 square feet indoors and 8,142 square feet open sales lot), a total of 32 parking spaces would be required. There are 120 remaining parking spaces identified on the development plan drawings, so the proposal would exceed the minimum number of parking spaces required.

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

RECOMMENDATION

Staff recommends, based on the above analysis, that Special Use Permit #1-23 for an automobile sales and display lot located at 520 East Northland Avenue (Tax Id #31-6-3150-00), as shown on the attached maps and per attached plan of operation, along with the attached resolution, **BE APPROVED** to run with the land, subject to the following conditions:

1. All applicable codes, ordinances, and regulations, including but not limited to Fire, Building, and Health Codes and the Noise Ordinance, shall be complied with.

Substantial Evidence: Standardized condition to ensure the applicant understands the City's Municipal Code and all applicable State and Federal laws must be followed.

2. The automobile sales and display lot use is limited to the parts of parcel #31-6-3150-00 shown on the attached development plan drawings and maps. Vehicles displayed for sale outdoors shall be kept within the identified areas. Any future expansions or deviations from the approved development plan may require a major or minor amendment request to this Special Use Permit,

pursuant to Section 23-66(g) of the Municipal Code.

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

3. This Special Use Permit is needed for the automobile sales and display lot use. Compliance with the plan of operation is required at all times. Changes to the plan of operation, including any future changes to the agent/operator, shall be submitted to the Community and Economic Development Department for review and approval.

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

4. The minimum standards for an automobile sales and display lot found in Section 23-66(h)(5) of the Municipal Code shall be complied with, as applicable.

Substantial Evidence: This condition provides notice to the applicant that they are required to comply with special regulations included in the Zoning Ordinance for this particular use.

5. The perimeter landscape buffer south of the display areas shall have a minimum one-foot high, staggered row of shrubs planted across 80% of the vehicle display area frontage, and one tree shall be provided for every 40 feet on center along the vehicle display area frontage. To allow for better growing conditions, the additional shrubs and trees must be planted no later than July 1, 2023.

Substantial Evidence: This condition provides specificity on one of the special regulations included in the Zoning Ordinance for this particular use.

6. Prior to displaying vehicles for sale, the operator shall provide the Inspections Supervisor with a valid copy of their State of Wisconsin Motor Vehicle Dealer License, if required.

Substantial Evidence: This condition provides notice to the applicant that a new or amended State license may also be needed prior to operating.

**CITY OF APPLETON
RESOLUTION FOR SPECIAL USE PERMIT #1-23
AUTOMOBILE SALES AND DISPLAY LOT
520 EAST NORTHLAND AVENUE**

WHEREAS, Mid Valley Motors LLC has applied for a Special Use Permit for an automobile sales and display lot located at 520 East Northland Avenue, also identified as Parcel Number 31-6-3150-00; and

WHEREAS, the location for the proposed automobile sales and display lot 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 March 22, 2023 on Special Use Permit #1-23, at which all those wishing to be heard were allowed to speak or present written comments and other materials at the public hearing; and

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

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

WHEREAS, the City of Appleton Plan Commission reviewed the standards for imposing conditions on the Special Use Permit under Section 23-66(c)(5) of the Municipal Code, and forwarded Special Use Permit #1-23 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 5, 2023.

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

1. Determines all standards listed under Sections 23-66(e)(1-8) of the Municipal Code are found in the affirmative YES or NO (CIRCLE ONE)
2. If NO, the City of Appleton Common Council hereby denies Special Use Permit #1-23 for an automobile sales and display lot located at 520 East Northland Avenue, also identified as Parcel Number 31-6-3150-00, 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 #1-23 for an automobile sales and display lot located at 520 East Northland Avenue, also identified as Parcel Number 31-6-3150-00, 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 #1-23

- A. All applicable codes, ordinances, and regulations, including but not limited to Fire, Building, and Health Codes and the Noise Ordinance, shall be complied with.
 - B. The automobile sales and display lot use is limited to the parts of parcel #31-6-3150-00 shown on the attached development plan drawings and maps. Vehicles displayed for sale outdoors shall be kept within the identified areas. Any future expansions or deviations from the approved development plan may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.
 - C. This Special Use Permit is needed for the automobile sales and display lot use. 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.
 - D. The minimum standards for an automobile sales and display lot found in Section 23-66(h)(5) of the Municipal Code shall be complied with, as applicable.
 - E. The perimeter landscape buffer south of the display areas shall have a minimum one-foot high, staggered row of shrubs planted across 80% of the vehicle display area frontage, and one tree shall be provided for every 40 feet on center along the vehicle display area frontage. To allow for better growing conditions, the additional shrubs and trees must be planted no later than July 1, 2023.
 - F. Prior to displaying vehicles for sale, the operator shall provide the Inspections Supervisor with a valid copy of their State of Wisconsin Motor Vehicle Dealer License, if required.
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.

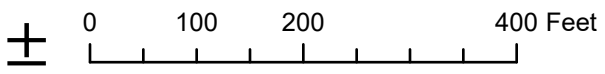
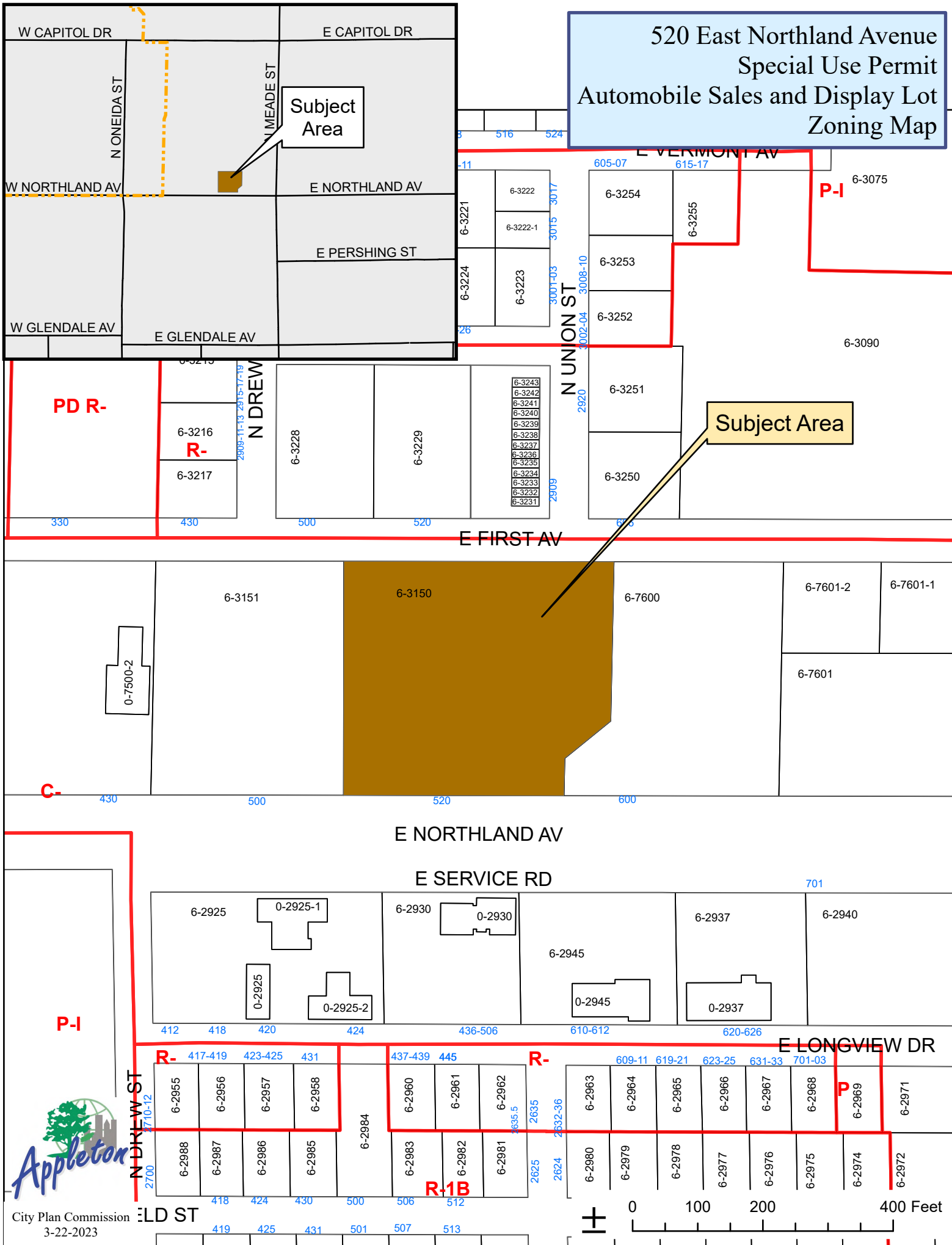
Adopted this _____ day of _____, 2023.

Jacob A. Woodford, Mayor

ATTEST:

Kami Lynch, City Clerk

520 East Northland Avenue Special Use Permit Automobile Sales and Display Lot Zoning Map



520 East Northland Avenue
Special Use Permit
Automobile Sales and Display Lot
Aerial Map

520

E FIRST AV

6-3150

Subject Area

520

60

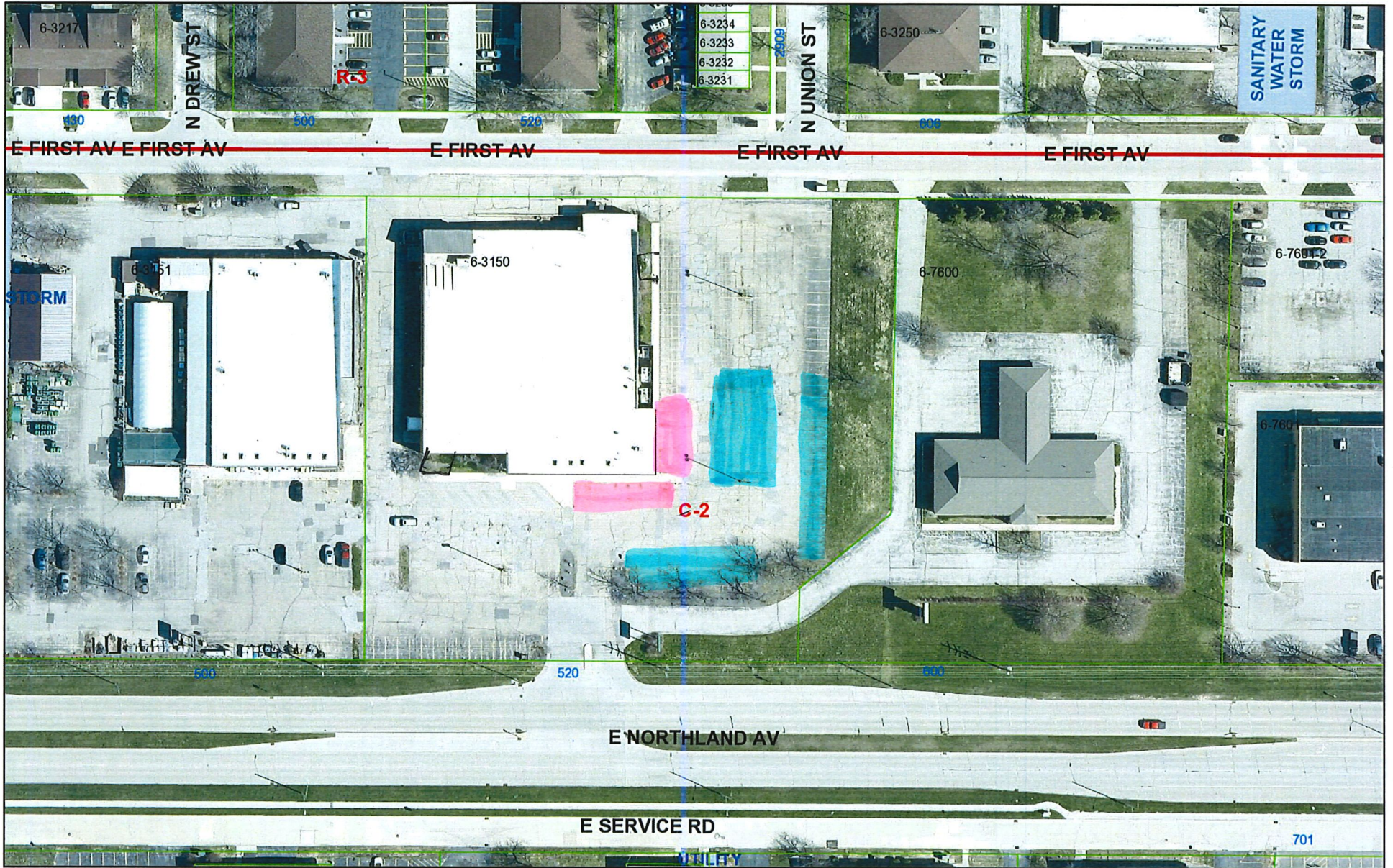
E NORTHLAND AV

0 50 100 200

Feet



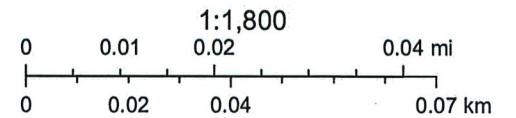
ArcGIS Web Map



11/29/2022, 1:28:35 PM

- City Limits
- City Parcels
- Zoning
- Small Street Names
- Easements

customer parking
 Inventory for Sale





PLAN OF OPERATION AND LOCATIONAL INFORMATION

Business Information:

Name of business: Mid Valley Motors LLC

Years in operation: 1st yr

Type of proposed establishment (detailed explanation of business):

Used Automobile Sales

Proposed Hours of Operation:

Day	From	To
Monday thru Thursday	8:00 am	7:00 pm
Friday	8:00 am	7:00 pm
Saturday	8:00 am	6:00 pm
Sunday	closed	closed

Building Capacity and Storage Areas:

Maximum number of persons permitted to occupy the building or tenant space as determined by the International Building Code (IBC) or the International Fire Code (IFC), whichever is more restrictive: 150 + persons

Gross floor area of the existing building(s):

31,549 sq ft

Gross floor area of the proposed building(s):

none

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

no additional any onsite would be Classic Mechanics

Outdoor Uses: 8,142 sq ft

Size: ~~7344 sq ft~~ _____ square feet

Type and location of outdoor storage area(s) of business property, goods, or merchandise not intended for customer viewing or immediate sale:
None

Type and height of screening of plantings/fencing/gating for outdoor storage area(s):
None Needed

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

~~7344 sq ft of parking lot space~~ 8,142 sq ft of display area

Number of Employees:

Number of existing employees: 10

Number of proposed employees: >15

Number of employees scheduled to work on the largest shift: 10

Odor:

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

None

Noise:

Describe the noise levels anticipated from the proposed use and all mechanical equipment:

None

How will the noise be controlled?

None

Outdoor Lighting:

Type: Existing Lot Lights

Location: Light Poles

Off-Street Parking:

Number of spaces existing on-site: ~~120~~ 167

Number of spaces proposed on-site: ⁴⁷~~58~~ used for display purposes.

120 parking spaces remaining

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?

none

PLAN OF OPERATION AND LOCATIONAL INFORMATION

NEW/USED AUTOMOBILE SALES (more than 5 vehicles each year)

Trade Name: Mid Valley Motors LLC.

Building Address: 510 E Northland Ave.

Years in Operation: 1st year for this LLC.

Type of proposed establishment (detailed explanation of business):

Used Automobile Sales. Retail sales for automobiles.

Dealer Type (check applicable boxes):

- Retail dealer of new and/or used automobiles and trucks to the general public.
- Retail dealer of new and/or used mopeds to the general public.
- Retail dealer of new and/or used motorcycles to the general public.
- Retail dealer of new and/or used boats to the general public.
- Retail dealer of new and/or used recreational vehicles to the general public.
- Wholesale auction dealer in which you hold auctions in which you display and sell automobiles and trucks owned by someone other than licensed dealers, or in which you display and auction off vehicles to the general public.
- Wholesale dealer in which you purchase and resell used vehicles to licensed dealers only, never to the public.

Indoor Building Uses (check applicable boxes):

- Office Space. Please identify the area of this space: 400 square feet.
- Vehicle Display Area (Retail to general public). Please identify the area of this space: _____ square feet.
- Service Department (check applicable services).
 - General Maintenance Repairs (exhaust system, transmission, brakes, tires repair/installation, electrical, engine repair/tune up)
 - Painting
 - Body Work

Please describe other services provided within Service Department space: All Reprs done
by existing company - Classic mechanics

Other. If other, please describe other indoor use activities: Display of Automobiles for sale. - Outdoor Only

Building Capacity and Storage Areas:

Maximum number of persons permitted to occupy the building or tenant space as determined by the International Building Code (IBC) or the International Fire Code (IFC), whichever is more restrictive: 150 persons

Gross floor area of the existing building(s): 31,549 sq ft

Gross floor area of the proposed building(s): NONE

Employees:

Number of existing employees: 10-11

Number of proposed employees: > 15

Number of employees scheduled to work on the largest shift: 10

Proposed Business Hours of Operation:

Day	From	To
Monday - Friday	8am	7pm
Saturday	8am	6pm
Sunday	closed	closed

Outdoor Uses (check applicable boxes):

8,142

Vehicle Sales and Display Lot is proposed. Please identify the area of this space: 7334 square feet.

Vehicle Sales and Display Lot is not proposed.

Other. If other, please describe other outdoor areas: _____

Outdoor Display Lot Screening/Landscaping:

Type and height of screening with plantings/fencing/gating: Existing landscaping + screen

South & east end of property.

Outdoor Music/Speakers:

Are there plans for outdoor music/speakers? Yes _____ No X

If yes, describe type how will the noise be controlled: _____

Outdoor lighting:

Type: Current Post Lighting. Will Use Current lot lights.

Location: Parking lot Poles.

Off-street parking:

Number of customer spaces existing: _____.

Number of customer spaces proposed: _____.

Number of employee spaces existing: _____.

Number of employee spaces proposed: _____.

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?

NO Change Necessary

Describe any potential noise emanating from the proposed use:

A. Describe the noise levels anticipated from all the proposed use: None

B. How will the noise be controlled? _____

Identify location, number, capacity and flammable liquid materials stored on site:

NO Additional, Any on site is from classic mechanics.

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

NO Additional from Auto sales.



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: March 22, 2023

Common Council Meeting Date: April 5, 2023

Anticipated Date Annexation Effective: April 11, 2023 at 12:01 a.m.

Item: Petition for Direct Annexation by Unanimous Approval Where No Owners/Electors Reside – Seville Properties Ballard & Werner Road Annexation

Case Manager: Don Harp, Principal Planner

GENERAL INFORMATION

Owner: Seville Properties, LLC - Ryan P. Radue, President/Chief Executive Officer

Address/Town Where Property is Located: N2751 County Rd EE - Appleton, WI 54913 – Town of Center

Parcel Number: 040098200- Town of Center

Petitioner's Request: The owner is requesting direct annexation by unanimous approval where no owners/electors reside pursuant to Section 66.0217(2), Wisconsin State Statutes of land currently located in the Town of Center, Outagamie County.

Purpose for Annexation: Pursuant to the annexation feasibility study, the owner would like to develop the property into residential uses with a variety of densities. The anticipated housing may be a mix of apartments, townhomes, duplexes, and single-family homes. They desire to develop the property by connecting to City utilities.

Population of Such Territory: 0

Annexation Area: 39.913 acres m/l

BACKGROUND

The annexation petition was filed with the City Clerk's office on February 13, 2023. State Statutes does require that the Department of Administration (DOA) review all annexation petitions within a county having a population of 50,000 or more to determine if the petition is in the public interest. On March 10, 2023, the City received correspondence from the DOA indicating they do not object or require any changes to the proposed annexation. (See attached)

STAFF ANALYSIS

Annexation Feasibility Study Form: The following is summary of City staff comments from the Annexation Feasibility Study for this annexation:

- The City of Appleton does not have a boundary agreement with the Town of Center.
- In the absence of a boundary agreement, property tax payment to the Town of Center is required. In accordance with Wisconsin State Statute Section 66.0217(14), the City of Appleton is required to pay annually to the Town, for 5 years, an amount equal to the amount of property taxes that the town levied on the annexed territory, as shown by the tax roll under Wisconsin State Statute Section 70.65, in the year in which the annexation is final. Outagamie County records indicated the 2022 tax bill was \$1,376.12. The City will pay the 5-year tax compensation to the Town of Center.
- The subject property is developed with the single-family residence and agricultural buildings/structures. It is anticipated these buildings will be demolished.
- The subject property is located within the City's Growth Area Boundary.
- The City of Appleton 2010-2030 Comprehensive Plan Map identifies the subject area as future Multifamily residential.
- The owner is requesting the City Plan Commission initiate a rezoning application for the annexation area from temporary AG Agricultural District to a zoning classification of R-3 Multifamily residential District.
- The current City of Appleton proposed Park Acquisition Map identifies a need for the City to acquire land for a neighborhood park within or near the annexation area. (See attached map)
- The City can provide necessary City services, including but not limited to, sanitary sewer, water, police, fire, and garbage/recycling to the subject property. However, City storm sewer main extensions would be required to serve this property. In addition, it is possible a new lift station and/or force main may also be needed, but this depends on how the property is developed. A development/feasibility plan has not been submitted for City review; cost estimates have not been calculated.
- The following utilities are installed in this area of the City: 1) A 16-inch water main exists along the west side of Ballard Road, 2) A 12-inch water main exists along the south side of Werner Road, 3) Sanitary main exists down the centerline of Werner Road.

Seville Properties Ballard & Werner Road Annexation

March 22, 2023

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- The area proposed for annexation is contiguous to the existing City boundary on the north, south, west and east sides.
- The subject property is adjacent to Werner Road and Ballard Road right-of-way. Access to Ballard Road is under the authority of Outagamie County Highway Department. Access to Werner Road would be under the authority of City of Appleton.

Appleton Comprehensive Plan 2010-2030: The City of Appleton 2010-2030 Comprehensive Plan Map identifies the subject area as future Multifamily residential. The proposed annexation and future zoning map amendment (Temporary AG Agricultural District to R-3 Multifamily residential District) are consistent with the following goals and objectives of the *Comprehensive Plan 2010-2030*.

Goal 1 – Community Growth

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

Goal 3 – Housing Quality, Variety, and Affordability

Appleton will provide a variety of rental and ownership housing choices in a range of prices affordable to community residents, and ensure that existing housing is adequately maintained in terms of physical quality and market viability.

OBJECTIVE 5.3 Housing and Neighborhoods:

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

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

OBJECTIVE 10.1 Land Use:

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

College North Neighborhood Plan – Chapter 4: Market Study 2020-2030: The average annual housing need is about 301 units per the market study. The proposed annexation and future zoning map amendment (Temporary AG Agricultural District to R-3 Multifamily residential District) will help to meet the demand for housing in Appleton as specified in the market study.

The Appleton Comprehensive Outdoor Recreation Plan (CORP) 2019-2023: Page 74 references the need to acquire and develop parkland in the “far northern areas of the city”. There are also recommendations in the CORP, Page 60, that state residents should not be more than ¼ to ½ mile away from neighborhood park amenities. The current City of Appleton proposed Park Acquisition Map has identified a need for the City to acquire land for a neighborhood park within or near the annexation area. Discussions about implementing the CORP recommendations will take place at the concept plan review stage between City staff and the property owner/developer.

Seville Properties Ballard & Werner Road Annexation

March 22, 2023

Page 4

City of Appleton Trails Master Plan (January 2017): The City of Appleton Trails Master Plan proposed network map identifies a proposed trail along the west side of Ballard Road adjacent to subject site. In addition, a proposed on-street bike lane is proposed along the east side of Ballard Road. (See attached map)

City of Appleton On-Street Bike Lane Plan (September 15, 2010): The proposed bicycle network Map 7A identifies a proposed trail route along Werner Road which heads east to Ballard Road and west to Kurey Drive. (See attached map)

Surrounding Zoning Classification and Land Uses:

North: City of Appleton. AG Agricultural District, the adjacent land use to the north is currently agricultural land.

Town of Center. General Agricultural District, the adjacent land use to the north is currently developed as single-family residential.

South: City of Appleton. R-1A Single-family District and R-3 Multi-family District, the adjacent land uses to the south are currently City water tower, single-family residential and undeveloped land.

West: City of Appleton. AG Agricultural District and R-1B Single-family District, the adjacent land uses to the west are currently agricultural land and single-family residential.

East: City of Appleton. R-1B Single-family District, the adjacent land uses to the east are currently single-family residential and undeveloped single-family lots.

Technical Review Group (TRG) Report: This item appeared on the February 28, 2023 TRG Agenda. No negative comments were received from participating departments. The future action section captures items discussed at this meeting, in addition to the staff analysis section.

FUTURE ACTIONS

- Per Section 23-65(e) of the Municipal Code, a temporary zoning classification of AG Agricultural District is assigned to newly annexed territory, with the rezoning process taking place after the subject site has been annexed to the City. All territory annexed to the City is assigned a zoning classification as recommended by Plan Commission.
- The Plan Commission shall consider the following criteria in selection of an appropriate zoning district for the annexed land:

Seville Properties Ballard & Werner Road Annexation
March 22, 2023
Page 5

- The existing land uses within the territory to be annexed;
 - The surrounding land uses that exist on adjacent properties regardless of municipal boundary lines;
 - The Comprehensive Plan of the City.
- The owners are requesting that Plan Commission initiate a rezoning for the subject property from temporary AG Agricultural District to zoning classification of R-3 Multifamily District. A rezoning initiated directly by Plan Commission will be processed in accordance with Section 23-65(d), Zoning Map Amendments, which includes review and action by the Common Council. This request is anticipated to be scheduled for an informal public hearing at the April 26, 2023 Plan Commission meeting.
 - Additional right-of-way dedication may be anticipated for Werner Road and Ballard Road to accommodate future plans to convert Ballard Road to an urbanized street with anticipated bike lanes, sidewalks, traffic lanes, center turn lane, and curb and gutter and Werner Road converted to an urbanized street with anticipated trail, sidewalks, traffic lanes, and curb and gutter.
 - Concept plan/pre-plat conference will be required between City and the owner/developer prior to the submittal of a Certified Survey Map (CSM), Preliminary Plat and/or Final Plat.
 - The current Subdivision Ordinance requires a pre-plat conference between City staff and the property owner/developer prior to submittal of a CSM or preliminary plat. At the pre-plat conference, City staff will review and comment on the concept plan, including but limited to, the City's desire to acquire parkland on the subject site, extension/design of City storm sewer main, stormwater management, other civil engineering matters, road/driveway access to the property, review of City plans, zoning and future road/trail connectivity to adjacent properties, and emergency service regulations.

RECOMMENDATION

Staff recommends that the Seville Properties Ballard & Werner Road Annexation, as shown on the attached maps, **BE APPROVED** with the following stipulation:

1. The Plan Commission initiate the rezoning for the subject property from temporary AG Agricultural District to the zoning classification of R-3 Multifamily District which is consistent with the *Comprehensive Plan 2010-2030*, pursuant to Section 23-65(d)(1) of the Municipal Code.



TONY EVERS

GOVERNOR

KATHY BLUMENFELD

SECRETARY-DESIGNEE

Municipal Boundary Review

PO Box 1645, Madison WI 53701

Voice (608) 264-6102 Fax (608) 264-6104

Email: wimunicipalboundaryreview@wi.gov

Web: <http://doa.wi.gov/municipalboundaryreview>

March 10, 2023

PETITION FILE NO. 14569

KAMI LYNCH, CLERK
CITY OF APPLETON
100 N APPLETON ST
APPLETON, WI 54911-4702

AMY L OLSON, CLERK
TOWN OF CENTER
N3990 STATE ROAD 47
APPLETON, WI 54913-8484

Subject: SEVILLE PROPERTIES ANNEXATION

The proposed annexation submitted to our office on February 21, 2023, has been reviewed and found to be in the public interest. In determining whether an annexation is in the public interest, s. 66.0217 (6), Wis. Stats. requires the Department to examine "[t]he shape of the proposed annexation and the homogeneity of the territory with the annexing village or city..." so as, to ensure the resulting boundaries are rational and compact. The statute also requires the Department to consider whether the annexing city or village can provide needed municipal services to the territory. The subject petition is for territory that is reasonably shaped and contiguous to the City of Appleton, which is able to provide needed municipal services.

The Department reminds clerks of annexing municipalities of the requirements of s. 66.0217 (9)(a), Wis. Stats., which states:

"The clerk of a city or village which has annexed shall file immediately with the secretary of administration a certified copy of the ordinance, certificate and plat, and shall send one copy to each company that provides any utility service in the area that is annexed. The clerk shall record the ordinance with the register of deeds and file a signed copy of the ordinance with the clerk of any affected school district..."

State and federal aids based on population and equalized value may be significantly affected through failure to file with the Department of Administration. Please file a copy of your annexing ordinance, including a statement certifying the population of the annexed territory. **Please include your MBR number 14569 with your ordinance.** Ordinance filing checklist available at <http://mds.wi.gov/>, click on "Help on How to Submit Municipal Records". Email scanned copy of required materials (color scan maps with color) to mds@wi.gov or mail to: Wisconsin Department of Administration, Municipal Boundary Review, PO Box 1645, Madison WI 53701-1645.

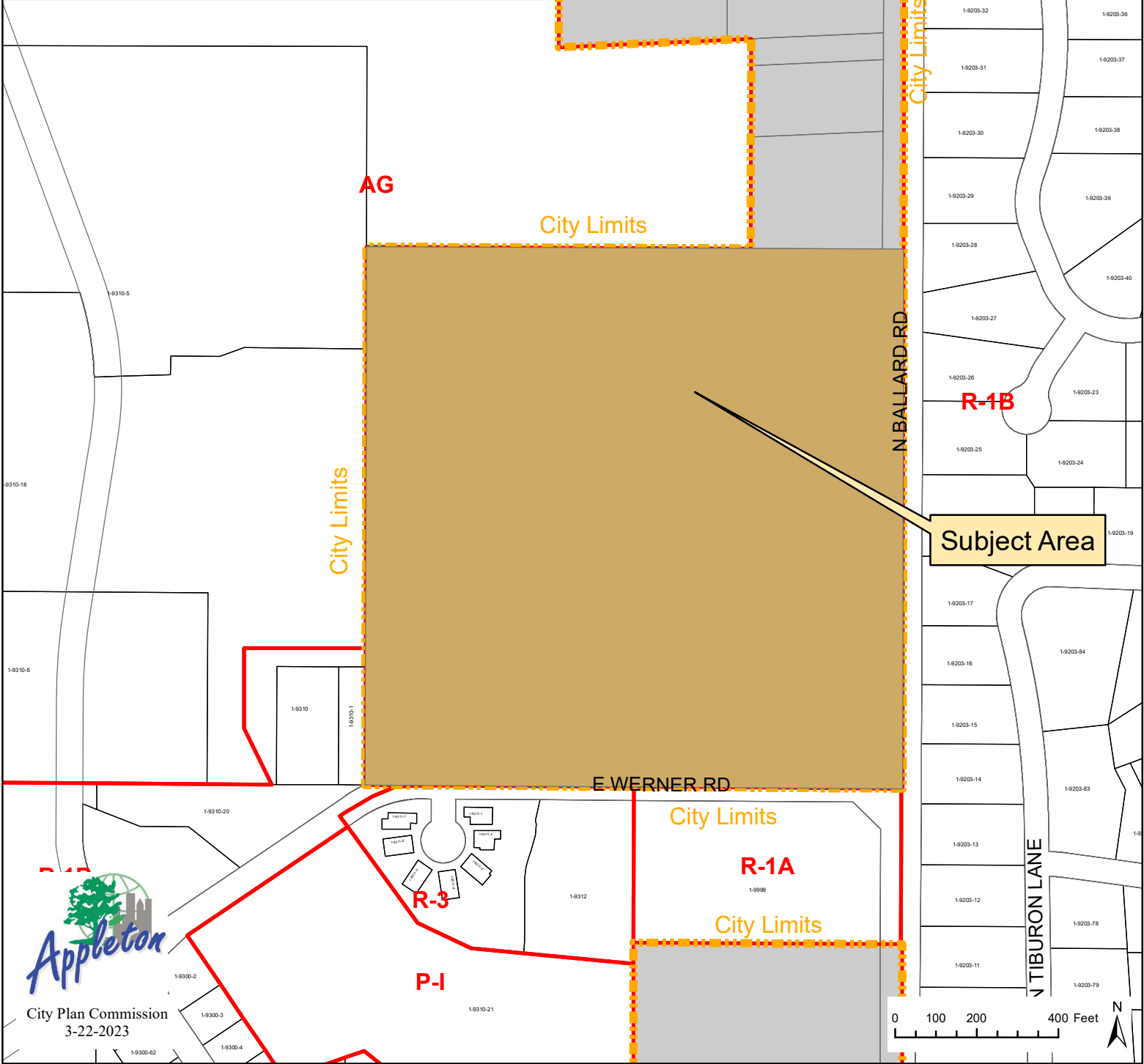
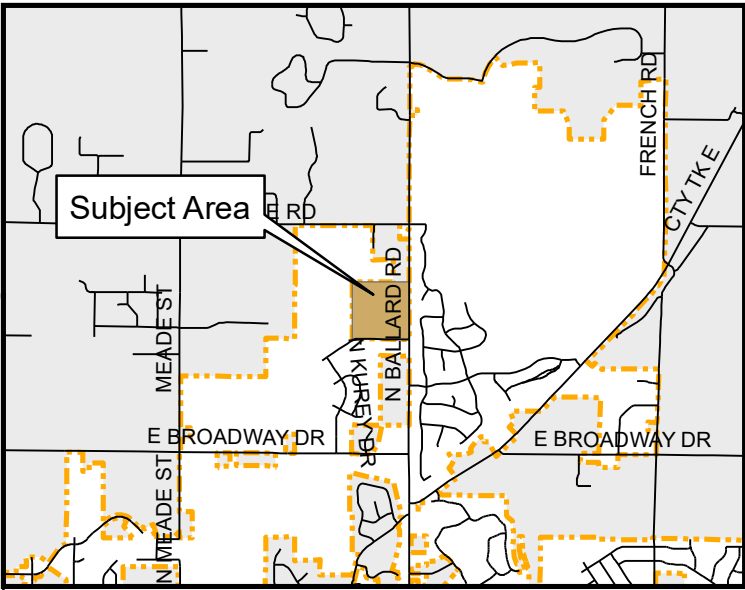
The petition file is available for viewing at: <http://mds.wi.gov/View/Petition?ID=2643>
Please call me at (608) 264-6102, should you have any questions concerning this annexation review.

Sincerely,

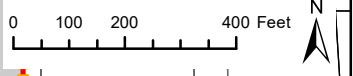
Erich Schmidtke, Municipal Boundary Review

cc: petitioner

Seville Properties Ballard & Werner Road Anneation - Town of Center Zoning Map



City Plan Commission
3-22-2023





**PETITION FOR DIRECT ANNEXATION BY UNANIMOUS APPROVAL
PURSUANT TO SECTION 66.0217(2), WISCONSIN STATUTES
WHERE NO ELECTORS RESIDE IN TERRITORY**

I/We, the undersigned, constituting all of the owners of the real property in which no electors reside in the following territory of the Town of Center, Outagamie County, Wisconsin, lying contiguous to the City of Appleton petition the Common Council of the City of Appleton to annex the territory described below and shown on the attached scaled map to the City of Appleton, Outagamie County, Wisconsin.

Legal description of proposed territory to be annexed:

The Southeast ¼ of the Northeast ¼ of Section 36, Township 22 North, Range 17 East, Town of Center, Outagamie County, Wisconsin, containing 39.913 Acres of land and being further described as follows:
Commencing at the East Quarter (E ¼) corner of said Section 36 and being the point of beginning;
Thence North 89°36'25" West 1316.61 feet coincident with the South line of the NE ¼ of Section 36;
Thence North 00°08'57" East 1319.65 feet coincident with the West line of the Southeast ¼ of the Northeast ¼ of Section 36;
Thence South 89°43'44" East 1315.59 feet coincident with the North line of the Southeast ¼ of the Northeast ¼ of Section 36;
Thence South 00°06'21" West 1322.45 feet coincident with the East line of the Northeast ¼ of Section 36 to the point of beginning.


Containing a total of 39.913 acres.

Town of Center Tax Parcel to be annexed: 040098200.

The current population of such territory is 0.

I/We further respectfully request that the City Plan Commission initiate a rezoning for the subject property from temporary AG Agricultural District to a zoning classification of R-3 Multifamily District which is consistent with the current *Comprehensive Plan 2010-2030* Future Land Use Map.

I/We, the undersigned, elect that this annexation shall take effect to the full extent consistent with outstanding priorities of other annexation, incorporation, or consolidation proceedings, if any.

Signature of Petitioner	Owner	Date of Signing	Address of Petitioner (Include Zip Code)
	Seville Properties, LLC Ryan P. Radue, President/Chief Executive Officer (Registered Agent)	2-10-23	2585 S. Broadway Green Bay, WI 54304-5365
Ryan P. Radue			

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 E-23 Misc Concrete & Street Excavation Repairs

Be awarded to:

Name: Al Dix Concrete Inc
Address: 401 Gertrude St
Green Bay, WI 54130

In the amount of : _____

With a _____ % contingency of : _____

For a project total not to exceed : _____

**** OR ****

In an amount Not To Exceed : _____ \$473,850.00

Budget: _____ \$473,850.00
Estimate: _____ \$473,850.00
Committee Date: _____ 03/20/23
Council Date: _____ 04/05/23

Bid Tabulation

E-23 Misc Concrete & Street Excavation Repairs

03/06/2023 01:45 PM CST

Bid Item	Item Description	Quantity	Unit	Al Dix Concrete Inc	
				Unit Price	Item Total
1	Furnish & Install High Early Concrete, 1 Day	20	cu.yds.	\$30.00	\$600.00
2	Furnish & Install High Early Concrete, 3 Day	200	cu.yds.	\$25.00	\$5,000.00
3	Furnish & Install 9" Plain Concrete Pavement	50	sq.yds.	\$110.00	\$5,500.00
4	Furnish & Install 8" Plain Concrete Pavement	750	sq.yds.	\$95.00	\$71,250.00
5	Furnish & Install 7" Plain Concrete Pavement	2,700	sq.yds.	\$90.00	\$243,000.00
6	Furnish & Install 3" Asphalt Pavement	75	sq.yds.	\$80.00	\$6,000.00
7	Unclassified Excavation	50	cu.yds.	\$20.00	\$1,000.00
8	Furnish & Install Stone Base	450	ton	\$20.00	\$9,000.00
9	Furnish & Place Aggregate Slurry	15	cu.yds.	\$125.00	\$1,875.00
10	Furnish & Install 18" Curb & Gutter	175	lin.ft.	\$75.00	\$13,125.00
11	Furnish & Install Curb Head (12")	100	lin.ft.	\$40.00	\$4,000.00
12	Furnish & Install 30" Curb & Gutter	150	lin.ft.	\$75.00	\$11,250.00
13	Furnish & Install Special Curb	50	lin.ft.	\$60.00	\$3,000.00
14	Furnish & Install 8" Driveway Apron	100	sq.ft.	\$12.00	\$1,200.00
15	Furnish & Install 7" Driveway Apron	250	sq.ft.	\$11.00	\$2,750.00
16	Furnish & Install 5" Driveway Apron	3,750	sq.ft.	\$10.00	\$37,500.00
17	Furnish & Install 8" Concrete Sidewalk	100	sq.ft.	\$12.00	\$1,200.00
18	Furnish & Install 7" Concrete Sidewalk	300	sq.ft.	\$11.00	\$3,300.00
19	Furnish & Install 5" Concrete Sidewalk	600	sq.ft.	\$10.00	\$6,000.00
20	Furnish & Install 4" Concrete Sidewalk	1,100	sq.ft.	\$9.50	\$10,450.00
21	Furnish & Install 7" Handicap Ramp	750	sq.ft.	\$11.00	\$8,250.00
22	Furnish & Install Truncated Dome	125	sq.ft.	\$50.00	\$6,250.00
23	Concrete Pavement Removal	4,000	sq.yd.	\$18.00	\$72,000.00
24	Asphalt Pavement Removal	100	sq.yd.	\$18.00	\$1,800.00
25	Curb & Gutter Removal	250	lin.ft.	\$5.00	\$1,250.00
26	Curb Removal	200	lin.ft.	\$5.00	\$1,000.00
27	Asphalt/Concrete Driveway Apron Removal	4,250	sq.ft.	\$2.00	\$8,500.00

Bid Tabulation

E-23 Misc Concrete & Street Excavation Repairs

03/06/2023 01:45 PM CST

Bid Item	Item Description	Quantity	Unit	Al Dix Concrete Inc	
				Unit Price	Item Total
28	Asphalt/Concrete Handicap Ramp Removal	500	sq.ft.	\$2.00	\$1,000.00
29	Asphalt/Concrete Sidewalk Removal	2,000	sq.ft.	\$2.00	\$4,000.00
30	Full Depth Sawcut	8,500	lin.ft.	\$5.00	\$42,500.00
31	Sawcut Curb Heads	36	lin.ft.	\$100.00	\$3,600.00
32	Furnish & Install Drilled-In Tie Bars - #4x12"	200	ea.	\$10.00	\$2,000.00
33	Furnish & Install Reinforcing Rod #4's	50	lin.ft.	\$3.00	\$150.00
34	Furnish & Install Drilled-In Tie Bars - #6x12"	3,500	ea.	\$12.00	\$42,000.00
35	Furnish & Install Smooth Dowels - #8x18"	200	ea.	\$15.00	\$3,000.00
36	Furnish & Install Dowel Basket Assembly	40	lin.ft.	\$50.00	\$2,000.00
37	Furnish Terrace Restoration	50	sq.yds.	\$15.00	\$750.00
38	Adjust Storm maintenance hole Casting	4	ea.	\$500.00	\$2,000.00
39	Adjust Storm Inlet Casting	5	ea.	\$500.00	\$2,500.00
40	Adjust Sanitary MH Casting	4	ea.	\$500.00	\$2,000.00
41	Furnish & Install Storm maintenance hole Casting	1	ea.	\$800.00	\$800.00
42	Furnish & Install "C" Inlet Casting	5	ea.	\$800.00	\$4,000.00
43	Furnish & Install "E" Inlet Casting	5	ea.	\$800.00	\$4,000.00
44	Furnish & Install Sanitary maintenance hole Casting	2	ea.	\$800.00	\$1,600.00
45	Rebuild Inlet	5	ea.	\$3,000.00	\$15,000.00
46	Furnish & Install 10", 12" Inlet Lead	30	lin.ft.	\$100.00	\$3,000.00
47	Furnish & Install Type "D-HR" Inlet Protection	10	ea.	\$100.00	\$1,000.00
48	Furnish & Maintain Traffic Controls for Arterial/Collector	6	ea.	\$1,100.00	\$6,600.00
49	Furnish & Maintain Traffic Controls for Arterial/Collector	4	ea.	\$1,500.00	\$6,000.00
50	Furnish & Maintain Traffic Controls for Arterial/Collector	6	ea.	\$1,800.00	\$10,800.00
51	Furnish Traffic Control for Detour of Arterial/Collector (pp	4	ea.	\$2,600.00	\$10,400.00
52	Furnish & Maintain Message Board	40	day	\$130.00	\$5,200.00

Total Bid:

\$711,950.00



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

DEPARTMENT OF PUBLIC WORKS

**Engineering Division
100 North Appleton Street
Appleton, WI 54911
TEL (920) 832-6474
FAX (920) 832-6489**

TO: Members of the Finance Committee
FROM: Ross Buetow, Deputy Director of Public Works
SUBJECT: Recommendation to reject all bids for Unit X-23 Water Main Reconstruction
DATE: March 20, 2023

The Department of Public Works is recommending that all bids for Unit X-23 Water Main Reconstruction be rejected due to insufficient budgeted funds in comparison to the low bid amount. Bids were opened on Monday, March 6, 2023. The following is a summary of the bids received:

<u>Bidder</u>	<u>Bid Amount</u>
Jossart Brothers, Inc.	\$ 1,549,037.50
Kruczek Construction Inc.	\$ 1,586,586.86
Kip Gulseth Construction Company Inc.	\$ 1,656,760.00
Carl Bowers & Sons Const Co. Inc.	\$ 1,817,401.00
Dorner Inc.	\$ 1,875,382.80

The approved 2023 budget for this project was \$1,146,300.

It is our intention to revise the scope of the project by removing the planned water main reconstruction on Linwood Avenue (Brewster Street to Glendale Avenue), and re-program the work to an appropriate future year. The water main work on Linwood Avenue is not related to any future street reconstruction project, so we do have some flexibility when re-programming in the future.

We would then solicit public bids for the revised X-23 project scope over the next few weeks.

Thank you for your consideration.

2022 - 2023 Budget Carryover Requests - Not Under Contract

		Vendor	Description	Amount	Justification
ARPA					
2800 & 2801	Various		Various projects approved by Council 11/2021	12,456,170	Unspent ARPA funds
				12,456,170	
TIF #11					
4141	659900		TIF #11 Business Enhancement Grants	14,500	Uncommitted TID #11 grant funds from FY2022, will supplement FY23 grant allocation.
				14,500	
TIF #12					
4151	659900		TIF #12 Business Enhancement Grants	21,000	Uncommitted TID #12 grant funds from FY2022, will supplement FY23 grant allocation.
				21,000	
Public Works Capital Project Fund					
4240	632700		Public Safety Camera Program	79,428	Project was delayed until 2023
4240	680901		Asphalt Paving	320,000	Temporary asphalt in new subdivisions
				399,428	
Facilities Capital Project Fund					
Facilities	Groundimprov		Tree Removal and Restoration at Vosters	137,150	Construction will begin in 2023
Facilities	Library		Library	8,312,467	Construction will begin in 2023
Facilities	Parkdevlp		Jones Park Stair Lighting and Grill Pad	68,611	Shipment delays and labor shortages prolonging project. Part of acoustics, shade project
Facilities	Parkdevlp		Lundgaard Park Development	96,266	Development to start in 2023
Facilities	Statuemon		Statues & Restorations	9,654	Repair base of monument at Soldiers Square
Facilities	Traildevel		Advancement of Trail Master Plan	210,002	Planning and funding for trail projects
				8,834,150	
Parking Utility					
5123	641600		Parking Ramp Repairs & Maintenance	44,000	Request that unspent 2022 ramp maintenance funds be carried over for use in 2023
5123	680300		Red Ramp East Elevator Replacement	275,000	Project bid in 2022 - Bids rejected due to excessive contractor pricing. Project to be re-scoped and rebid in 2023
5123	640400	Desman Design Management	Planning, design and administrative services related to the structural maintenance of City ramps	6,940	Funds to be utilized as part of the 2023 scope of services for the Parking Ramps
				325,940	
Water Utility					
53326330	641800		Surge Valve Repair at Plant	8,000	Project delayed due to staffing changes, construction to be completed in 2023
WTRUTL	CHEMSTORAG		Chemical Storage	75,000	Consulting to start in 2023
WTRUTL	CORROCONTR		Corrosion Control Phosphoric Process	149,520	Balance of consulting budget, construction to start later in 2023
WTRFMDFAC	HVAC		Water Katabar Project	76,500	Bid in December of 2022, construction to start later in 2023
WTRFMDFAC	HVAC		Water Katabar Project	600,000	Bid in December of 2022, construction to start later in 2023
WTRSUPPLY	INTAKE		Water Intake & Lake Station Upgrades	170,656	Water door and valving work to be completed after supply main project is finished
WTRSUPPLY	LKSTAT		Water Intake & Lake Station Upgrades	29,475	Water door and valving work to be completed after supply main project is finished
WTRTOWERS	MATTHIAS		Matthias Tower Hydraulic Upgrade	45,000	Need results from Master Distribution Study update to determine further needs
WTRTOWERS	MATTHIAS		Matthias Tower Hydraulic Upgrade	210,000	Need results from Master Distribution Study update to determine further needs
WTRUTL	PUMPING		Compressed Air Improvements	15,199	Balance of consulting budget, construction to start later in 2023
WTRUTL	PUMPING		Compressed Air Improvements	125,000	Project to bid later in 2023
WTRSUPPLY	SUPLINE		Water Supply Main	5,000	Balance of project budget, construction to be completed in 2023
WTRSUPPLY	SUPLINE		Water Supply Main	134,711	Balance of project budget, construction to be completed in 2023
				1,644,061	
Wastewater Utility					
WWFMD	ELECTDISTR		Electrical Distribution Upgrades	555,172	Balance of contractor budget, construction is ongoing

		Vendor	Description	Amount	Justification
WWFMD	ELECTDISTR		Electrical Distribution Upgrades	81,140	Balance of consulting budget, construction is ongoing
WWFMD	HVAC		Building H&J HVAC	83,320	Balance of HVAC budget available for construction
WWUTL	NETWORK		Wireless Equipment Upgrade	300,000	Project needs are being evaluated, combine with Fiber Optic Line
WWUTL	PIPING		Blended Sludge Piping Replacement	419,700	Rejected bid, will combine with 2023 Blended Sludge Pipe & HEX Replacement
WWUTL	PIPING		Blended Sludge Piping Replacement	55,925	Balance of Piping Contractor Budget
WWUTL	PLCSCADA		SCADA Fiber Option Replacement	20,000	Project delayed due to staffing changes
WWUTL	PLCSCADA		SCADA Upgrades	21,686	Project delayed due to staffing changes
WWUTL	PUMPS		Grit Trap Drive Replacement	33,750	Project will proceed in 2023
WWUTL	PUMPS		Grit Trap Drive Replacement	225,000	Project will proceed in 2023
WWUTL	PUMPS		Balance of Pump Replacement	9,061	Balance of project budget
WWUTL	SLUDGESTOR		Sludge Storage Building Addition	951,957	Balance of building construction budget
WWUTL	SLUDGESTOR		Sludge Storage Building Addition	861,209	Balance of building consulting budget
				3,617,920	
Valley Transit					
58072000	680403		Purchase replacement staff vehicle	50,000	Federal Grant dollars to be used for replacement of staff vehicle due to delivery delays
58073000	680402		Purchase furniture for Whitman	25,000	Federal Grant dollars to be used during current construction/remodel project
58079000	631603		Cares Act funds	156,469	Ongoing expenses
58073000	680300		Whitman remodel	8,615,174	Project ongoing
				8,846,643	
Mayor					
10520	640400		Economic Development Study	25,000	Prior Year excess Fund Balance - Study to improve City's Economic Development Experience
General Administration - General Fund					
12020	664000		State Aid contingency	812,267	Carry forward balance
12020	664000		Fuel Price contingency	137,315	Carry forward balance
12020	664000		Operating contingency	402,298	Carry forward balance
12020	664100		Wage Reserve	1,259,449	Carry forward balance
Information Technology					
13030	640400		Information Technology Updates & Security	414,000	Prior Year Excess Fund Balance - Ad-hoc network, systems, and ERP-conversion consulting
DPW					
17032	640800	TBD	Bascule Bridge Structural Maintenance and Painting	103,000	Project budgeted over multiple years for proposed construction in 2025
17022	Various		College Av Safety Improvements	130,000	Prior Year Excess Fund Balance - Project was delayed until 2023
17011	640400		Pedestrian Safety Study	75,000	Prior Year Excess Fund Balance - Project was delayed until 2023
Police					
17541	632700	Streichers	PPE - 40MM less lethal launchers	15,700	Backorder since June 2022 due to market delays
Total General Fund				3,374,029	
Grand Total - Not Under Contract				39,533,841	

2022 - 2023 Budget Carryover Requests - Special Consideration

	Vendor	Description	Amount	Justification
Wastewater Utility				
5422	641600	Facility Maintenance	92,408	Facilities painting and asbestos removal maintenance
5423	640800	WW Polymer Incident	7,869	Polymer Incident Costs - Repair Parts
5422	641600	WW Polymer Incident	14,202	Polymer Incident Costs - Consulting Charges
5423	640800	WW Polymer Incident	21,459	Polymer Incident Costs - Contractor Fees
5422	643200	WW Polymer Incident	2,413	Polymer Incident Costs - Lab Fees
5422	640800	WW Polymer Incident	32,565	Polymer Incident Costs - FMD related repairs
			170,916	
Information Technology				
13030	632700	Network Security Remediation	90,000	Ongoing, ad-hoc miscellaneous hardware modernizations
Legal Services				
14510	620100	Staff Development	3,400	Due to scheduling conflicts, some staff were unable to attend training last year and will look for more opportunities this year. In addition, Legal Services will be adding staff that will likely require some additional training. The department also intends to explore team building and development opportunities in 2023.
Economic Development				
15040	640400	Blight Elimination / Strategic Development Projects	19,500	Funds carried over will prioritize a partnership with DPW/Inspections for blight elimination/demolition needs in FY23.
15030	630300	Blight Elimination / Strategic Development Projects	5,500	Funds carried over will prioritize a partnership with DPW/Inspections for blight elimination/demolition needs in FY23.
15010	632001	Blight Elimination / Strategic Development Projects	4,300	Funds carried over will prioritize a partnership with DPW/Inspections for blight elimination/demolition needs in FY23.
Total General Fund			122,700	
Grand Total - Special Consideration			293,616	



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

TO: Finance Committee
FROM: Jeri Ohman, Finance Director
DATE: March 20, 2023
RE: Request approval of final 2022 Budget adjustments

In closing out 2022, the following funds showed expenditures in excess of budget. I am requesting budget adjustments to bring them back into compliance. All adjustments are fully fundable by revenues or fund balance within their respective funds.

Community Development Block Grant (CDBG) Fund

This fund accounts for the receipt and disbursement of Federal Community Development Block Grant proceeds. As a result of the actual grant awarded in 2022 being higher than estimated at the time the budget was prepared, a budget amendment is being requested to increase the grant revenue and related disbursements.

Emergency Shelter Grant Fund

This fund accounts for the receipt and disbursement of Emergency Shelter Grant proceeds. As a result of the actual grant awarded in 2022 being higher than estimated at the time the budget was prepared, a budget amendment is being requested to increase the grant revenue and related disbursements.

Room Tax Administration Fund

The Room Tax Administration program is funded with room taxes collected. These taxes are used to support the operations of the Performing Arts Center (PAC). At the time of budget preparation, the amount of these taxes for the upcoming year are not certain, so an estimate is made. In 2022, the actual amounts received were higher than originally budgeted, thus a budget adjustment is being requested to record the increased revenues and related disbursements.

Wheel Tax Fund

The Wheel Tax is a fee added to the cost of vehicle registrations and renewals. These revenues are restricted for road reconstruction projects only. At the time of budget preparation, the amount of these funding sources for the upcoming year are not certain, so an estimate is made. In 2022, the actual amounts received were higher than originally budgeted, thus a budget adjustment is being requested to record the increased revenues and related disbursements.

Bioterrorism Grant Fund

This fund accounts for the receipt and disbursement of Bioterrorism Grant proceeds. As a result of the actual grant awarded in 2022 being higher than estimated at the time the budget was prepared, a budget amendment is being requested to increase the grant revenue and related disbursements.

Debt Service Fund

The Debt Service Fund accounts for the resources accumulated and payments made for principal and interest on long-term general obligation debt of government funds. At the time the budget was prepared, payment amounts and costs were estimated. The debt issued in 2022 occurred earlier in the year than typical, resulting in the first payment due in October 2022. This amendment is being requested to increase the consulting services and interest expense amounts.

TIF #11 Fund

This fund accounts for the redevelopment of areas along East College Avenue. This budget amendment is being requested to increase expenses related to Personal Property tax refunds issued during 2022 and increased salary and fringe costs related to infrastructure projects.

General Fund – Wage Reserve

The wage reserve was established to fund costs related to non-represented compensation plan increases, reclassification of pay grades, and other unanticipated labor and benefit expenses. As in past years, the annual increases for non-represented staff were budgeted in the wage reserve in 2022 rather than added to the individual department budgets. If any of the individual department's actual salary expenses exceeded their budgeted expenses at the end of the year due to the reasons noted above, the wage reserve could be utilized to supplement the department budget. This budget adjustment seeks to transfer wage reserve funds to the Human Resources and the Community and Economic Development Department's budgets.

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



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TO: Finance Committee

FROM: Jeri Ohman, Finance Director

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Thank you for your consideration of these budget adjustments. As always, feel free to contact me if you have 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 D-23 Sidewalk Construction

Be awarded to:

Name: BMD Concrete Innovations
Address: 6788 Forest Park Road
Winneconne, WI 54986

In the amount of : _____

With a _____ % contingency of : _____

For a project total not to exceed : _____

**** OR ****

In an amount Not To Exceed : _____ \$293,000.00

Budget: _____ \$293,000.00
Estimate: _____ \$293,000.00
Committee Date: _____ 03/20/23
Council Date: _____ 04/05/23

Bid Tabulation

D-23 Sidewalk Construction

03/13/2023 01:45 PM CDT

Bid Item	Item Description	Quantity	Unit	BMD Concrete Innovations		Jim Fischer, Inc.		LaLonde Contractors, Inc.	
				Unit Price	Item Total	Unit Price	Item Total	Unit Price	Item Total
1	Furnish & Install 4" Sidewalk	35,000	sq ft	\$7.25	\$253,750.00	\$8.75	\$306,250.00	\$9.16	\$320,600.00
2	Furnish & Install 5" Sidewalk	8,500	sq ft	\$7.75	\$65,875.00	\$9.50	\$80,750.00	\$9.59	\$81,515.00
3	Furnish & Install 5" Driveway Apron	700	sq ft	\$7.75	\$5,425.00	\$9.50	\$6,650.00	\$9.59	\$6,713.00
4	Furnish & Install 5" Private Driveway	150	sq ft	\$7.75	\$1,162.50	\$9.50	\$1,425.00	\$9.59	\$1,438.50
5	Furnish & Install 7" Sidewalk	700	sq ft	\$8.25	\$5,775.00	\$10.20	\$7,140.00	\$14.07	\$9,849.00
6	Furnish & Install 7" Handicap Ramp	1,400	sq ft	\$8.25	\$11,550.00	\$10.20	\$14,280.00	\$14.07	\$19,698.00
7	Furnish & Install 7" Driveway Apron	350	sq ft	\$8.25	\$2,887.50	\$10.20	\$3,570.00	\$14.07	\$4,924.50
8	Furnish & Install 8" Sidewalk	75	sq ft	\$9.00	\$675.00	\$10.75	\$806.25	\$14.53	\$1,089.75
9	Furnish & Install 8" Driveway Apron	100	sq ft	\$9.00	\$900.00	\$10.75	\$1,075.00	\$14.53	\$1,453.00
10	Text Imprint (Poem Stamping)	25	each	\$160.00	\$4,000.00	\$150.00	\$3,750.00	\$186.67	\$4,666.75
11	Furnish & Install 3" Sidewalk at Vaults	120	sq ft	\$7.25	\$870.00	\$16.00	\$1,920.00	\$12.75	\$1,530.00
12	Furnish & Install 4" Sidewalk at Vaults	120	sq ft	\$7.25	\$870.00	\$16.00	\$1,920.00	\$12.75	\$1,530.00
13	Furnish & Install 6" Sidewalk at Vaults	120	sq ft	\$8.00	\$960.00	\$18.00	\$2,160.00	\$13.62	\$1,634.40
14	Furnish & Install 3" Colored & Stamped Sidewalk at Vaults	120	sq ft	\$10.00	\$1,200.00	\$25.00	\$3,000.00	\$19.59	\$2,350.80
15	Furnish & Install 4" Colored & Stamped Sidewalk at Vaults	120	sq ft	\$10.00	\$1,200.00	\$25.00	\$3,000.00	\$19.59	\$2,350.80
16	Furnish & Install 6" Colored & Stamped Sidewalk at Vaults	120	sq ft	\$10.50	\$1,260.00	\$30.00	\$3,600.00	\$19.59	\$2,350.80
17	Furnish & Install 4" Picture Frame Sidewalk	250	sq ft	\$7.50	\$1,875.00	\$13.00	\$3,250.00	\$14.48	\$3,620.00
18	Furnish & Install 7" Picture Frame Sidewalk	175	sq ft	\$8.50	\$1,487.50	\$15.00	\$2,625.00	\$15.79	\$2,763.25
19	Furnish & Install 5" Colored & Stamped Sidewalk	125	sq ft	\$10.50	\$1,312.50	\$30.00	\$3,750.00	\$29.19	\$3,648.75
20	Furnish & Install 7" Colored Concrete Handicap Ramp	100	sq ft	\$11.25	\$1,125.00	\$20.00	\$2,000.00	\$29.19	\$2,919.00
21	Furnish & Install 7" Plain Concrete Pavement	40	sq yds	\$74.25	\$2,970.00	\$75.00	\$3,000.00	\$154.38	\$6,175.20
22	Furnish & Install 8" Plain Concrete Pavement	40	sq yds	\$81.00	\$3,240.00	\$77.00	\$3,080.00	\$154.38	\$6,175.20
23	Furnish & Install 30" Concrete Curb & Gutter	100	linft	\$50.00	\$5,000.00	\$50.00	\$5,000.00	\$84.50	\$8,450.00
24	Furnish & Install Special Curb	125	lin ft	\$56.00	\$7,000.00	\$35.00	\$4,375.00	\$85.17	\$10,646.25
25	High Early Concrete - 3 Day	40	cu yds	\$135.00	\$5,400.00	\$20.00	\$800.00	\$75.00	\$3,000.00
26	High Early Concrete - 1 Day	60	cu yds	\$150.00	\$9,000.00	\$22.00	\$1,320.00	\$75.00	\$4,500.00
27	Full Depth Sawcut	300	lin ft	\$5.33	\$1,599.00	\$6.00	\$1,800.00	\$15.90	\$4,770.00
28	Concrete Pavement Removal	60	sq yds	\$27.00	\$1,620.00	\$9.00	\$540.00	\$43.88	\$2,632.80
29	Curb & Gutter Removal	150	linft	\$5.00	\$750.00	\$5.00	\$750.00	\$19.53	\$2,929.50

Bid Tabulation

D-23 Sidewalk Construction

03/13/2023 01:45 PM CDT

Bid Item	Item Description	Quantity	Unit	BMD Concrete Innovations		Jim Fischer, Inc.		LaLonde Contractors, Inc.	
				Unit Price	Item Total	Unit Price	Item Total	Unit Price	Item Total
30	Private Concrete/Asphalt Drive Removal	150	sq ft	\$2.00	\$300.00	\$1.00	\$150.00	\$7.01	\$1,051.50
31	Concrete/Asphalt Driveway Apron Removal	550	sq ft	\$2.00	\$1,100.00	\$1.00	\$550.00	\$3.79	\$2,084.50
32	Concrete/Asphalt Handicap Removal	1,200	sq ft	\$2.00	\$2,400.00	\$1.00	\$1,200.00	\$3.79	\$4,548.00
33	Concrete/Asphalt Sidewalk Removal	36,500	sq ft	\$1.50	\$54,750.00	\$1.00	\$36,500.00	\$1.86	\$67,890.00
34	Furnish & Install Gravel Fill	100	tons	\$22.00	\$2,200.00	\$20.00	\$2,000.00	\$45.01	\$4,501.00
35	Furnish & Install No 4 Reinforcing Rods	150	lin ft	\$3.00	\$450.00	\$3.00	\$450.00	\$12.05	\$1,807.50
36	Furnish & Install Drill-In Tie Bars	50	each	\$5.00	\$250.00	\$10.00	\$500.00	\$34.00	\$1,700.00
37	Furnish & Install 3" Asphalt Pavement/Private Driveway	400	sq ft	\$17.00	\$6,800.00	\$12.00	\$4,800.00	\$21.22	\$8,488.00
38	Furnish & Install 6" Asphalt Pavement	250	sq ft	\$17.00	\$4,250.00	\$15.00	\$3,750.00	\$27.14	\$6,785.00
39	Adjust Sanitary Manhole Top	2	each	\$400.00	\$800.00	\$500.00	\$1,000.00	\$892.00	\$1,784.00
40	Adjust Storm Manhole Top	2	each	\$400.00	\$800.00	\$500.00	\$1,000.00	\$892.00	\$1,784.00
41	Adjust Inlet Tops	2	each	\$400.00	\$800.00	\$500.00	\$1,000.00	\$892.00	\$1,784.00
42	Furnish & Install 15' of 3" PVC	4	each	\$325.00	\$1,300.00	\$200.00	\$800.00	\$470.00	\$1,880.00
43	Furnish & Install Truncated Domes	300	sq ft	\$30.00	\$9,000.00	\$40.00	\$12,000.00	\$45.90	\$13,770.00
44	Furnish & Install & Remove Type D-M Inlet Protection	3	each	\$167.00	\$501.00	\$125.00	\$375.00	\$260.00	\$780.00
45	Furnish & Install 5" Reinforced Concrete Sidewalk (Bridges)	600	sq ft	\$15.00	\$9,000.00	\$12.00	\$7,200.00	\$48.59	\$29,154.00
46	Furnish & Install Traffic Control	1	lump sum	\$4,000.00	\$4,000.00	\$10,000.00	\$10,000.00	\$73,610.13	\$73,610.13
				\$499,440.00		\$556,861.25		\$749,325.88	



MEMORANDUM

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

TO: Community & Economic Development Committee (CEDC)
FROM: Ryne Lodl, Interim Community Development Specialist
DATE: March 22, 2023
RE: Final Award Recommendations for 2023 Community Development Block Grant Funding

The City of Appleton CDBG HUD award was recently announced, with the City of Appleton allocated \$573,200 for the 2023 program year. This is 1.2% higher than the 2022 allocation (\$565,800) but is \$16,253 lower than the anticipated FY2023 allocation (\$589,453), based on the average allocation of the past three years.

The FY2023 preliminary awards were approved in November 2022, totaling the \$589,453 (City programs and sub recipients combined).

The CDBG Advisory Board met on March 13, 2023 and recommends the following reduction of \$16,253, proportional for non-city programs as follows:

1. Reduce the Public Service Allocations by \$2,437, split proportionately between the four recipients

The Public Service Category cannot exceed 15% of the total allocation. Previously, \$88,417 was allocated to this category. This amount would now be 17.8% of the total allocation. With the reduction in the allocation, the 15% cap would be \$85,980.

To account for the \$2,437 difference, a 2.76% reduction was applied evenly to the four recipients. The results of the 2.76% reduction are noted below.

\$1,378 reduction to the preliminary allocation of Boys & Girls Club of the Fox Valley

\$353 reduction to the preliminary allocation of LEAVEN, Inc.

\$353 reduction to the preliminary allocation of Salvation Army of the Fox Cities

\$353 reduction to the preliminary allocation of Pillars, Inc.

2. Reduce the Non-Public Service Allocations by \$13,816, split proportionately between the three recipients

With the reduction of \$2,437 from the Public Service Category, that left a remaining \$13,816 that needed to be deducted from the Non-Public Service Category preliminary approved allocations.

To account for the \$13,816 difference, a 3.71% reduction was applied evenly to the three recipients. The results of the 3.71% are noted below.

\$8,241 reduction to the preliminary allocation of Greater Fox Cities Habitat for Humanity
\$4,834 reduction to the preliminary allocation of Rebuilding Together Fox Valley
\$741 reduction to the preliminary allocation of WWBIC

Attached Documents:

- 1.) Executive Summary of Amended Award Recommendations for 2023 CDBG Program Year
- 2.) Summary of Amended Award Recommendations for 2023 CDBG Program Year

If you have any questions, please contact me at 832-6469 or ryne.lodl@appleton.org
Community and Economic Development Department, 100 North Appleton Street, Appleton, WI 54911

**Executive Summary of AWARD RECOMMENDATIONS
for the 2023 CDBG Program Year**

NON-PUBLIC SERVICE	PROJECT ACTIVITY	PROJECTED OUTPUT	FUNDS WILL BE USED TO...	AMOUNT REQUESTED	CDBG ADVISORY BOARD \$ REC
Greater Fox Cities Area Habitat for Humanity	housing	2 properties rehabilitated and sold to qualified homebuyers	acquire 2 properties to do full house rehabilitation and then sell to qualified low or moderate income homebuyers	\$ 222,000	\$ 213,759
Rebuilding Together Fox Valley	housing	rehabilitation of 10 units	Community Revitalization Partnership project to a City of Appleton neighborhood	\$ 100,000	\$ 125,373
WWBIC	economic development	technical assistance to small businesses	provide business training & counseling to small business, assisting 70 individuals	\$ 75,000	\$ 19,259
				\$ 397,000	\$ 358,391
PUBLIC SERVICE	PROJECT ACTIVITY	PROJECTED OUTPUT	FUNDS WILL BE USED TO...	AMOUNT REQUESTED	CDBG ADVISORY BOARD \$ REC
Boys & Girls Club of the Fox Valley	public service	20 youth served	Fund salaries & fringes for street outreach and case management	\$ 75,043	\$ 48,622
Fox Valley Lutheran Homes	public service	120 households served	Fund salary & fringe for community resource coordinator at specific site	\$ 27,666	\$ -
Helios Heuristic	public service	80 households served	Fund salary & fringe for parent recovery specialist	\$ 40,000	\$ -
LEAVEN, Inc.	public service	93 households served	Fund Emergency Assistance Program to provide rental assistance to those at risk of homelessness	\$ 30,000	\$ 12,453
Salvation Army of the Fox Cities	public service	12 households assisted	Ffund housing retention programming and financial support for households faced with unforeseen circumstances	\$ 30,000	\$ 12,452
Pillars, Inc.	public service	125 individuals served	Fund prevention & diversion programming	\$ 50,000	\$ 12,453
				\$ 252,709	\$ 85,980

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

\$128,829

CDBG Advisory Board Recommendations

\$444,371

\$573,200

AWARD RECOMMENDATIONS FOR 2023 CDBG PROGRAM YEAR

	Previously Awarded	Amended Proposal	% Reduction	\$ Reduction
City Programs/Appleton Housing Authority/Administration				
City of Appleton Homeowner Rehabilitation Loan Program	\$ 45,000	\$ 45,000	0.00%	\$ -
Fair Housing Services	\$ 25,000	\$ 25,000	0.00%	\$ -
Appleton Housing Authority	\$ -	\$ -	-	\$ -
CDBG Program Administration Costs	\$ 58,829	\$ 58,829	0.00%	\$ -
Subtotal	\$ 128,829	\$ 128,829	0.00%	\$ -
Non-Public Service				
Greater Fox Cities Habitat for Humanity	\$ 222,000	\$ 213,759	-3.71%	\$ 8,241
Rebuilding Together Fox Valley	\$ 130,207	\$ 125,373	-3.71%	\$ 4,834
WWBIC	\$ 20,000	\$ 19,259	-3.71%	\$ 741
Subtotal	\$ 372,207	\$ 358,391	-3.71%	\$ 13,816
Public Service				
Boys & Girls Club	\$ 50,000	\$ 48,622	-2.76%	\$ 1,378
Fox Valley Lutheran Homes	\$ -	\$ -	-	\$ -
Helios Heuristics	\$ -	\$ -	-	\$ -
LEAVEN, Inc.	\$ 12,806	\$ 12,453	-2.76%	\$ 353
Salvation Army of the Fox Cities	\$ 12,805	\$ 12,452	-2.76%	\$ 353
Pillars, Inc.	\$ 12,806	\$ 12,453	-2.76%	\$ 353
Subtotal	\$ 88,417	\$ 85,980	-2.76%	\$ 2,437
TOTAL	\$ 589,453	\$ 573,200	-2.76%	\$ 16,253



MEMORANDUM

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

TO: Community and Economic Development Committee

FROM: Nikki Gerhard, Community Development Specialist

DATE: November 9, 2022

RE: Recommendations for 2023 Community Development Block Grant Funding

Background. The estimated 2023 CDBG award listed in the 2023 City budget was \$589,453. This amount was estimated based on the most recent three years of awards. Staff determined the allocations for the Homeowner Rehabilitation Loan Program, Fair Housing Services, and administrative costs. The remaining amount was available for department projects and community partners through a competitive application process.

Application Information. CDBG applications from City Departments were due to the Community and Economic Development Department on August 31, 2022. No applications were received. CDBG applications from community partners for the 2023 program year were due to the Community and Economic Development Department on September 30, 2022.

Nine applications were submitted under the routine annual allocation process. After awards were allocated for City programs and administration, the amount available to allocate to the community partner applicants was \$460,624. Only 15 percent of a grantee’s allocation may be used for public service activities, per HUD regulations. In this instance, only a maximum of \$88,417 is projected to be available for public service activities. The total amount requested by community partner applicants whose activities fell under the public service category was \$252,709; while the total amount requested by community partner applicants whose activities did not fall under the public service category was \$397,000. Refer to the attachments for a specific breakdown of the allocations.

Application Review. The CDBG Advisory Board met on October 25, 2022. Members were asked to review the applications and decide upon allocation amounts prior to the meeting. The allocation amounts made by each board member were compiled and discussed at the meeting. Allocation recommendations were agreed upon pursuant to this discussion.

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

Staff recommends approval of the preliminary allocations, as presented.

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

Attached Documents:

- 1.) 2023PY CDBG Advisory Board Membership
- 2.) CDBG Policy
- 3.) 2023PY Community Partner Application Award Recommendations
- 4.) 2023PY Simple Summary of Award Recommendations

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

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:

R-23 Chemical Root Foaming of Sanitary Sewers

Be awarded to:

Name: Duke's Root Control, Inc.
Address: 400 Airport Road, Suite E
 Elgin, IL 60123

In the amount of : _____

With a _____ **% contingency of :** _____

For a project total not to exceed : _____

**** OR ****

In an amount Not To Exceed : \$25,000.00

Budget: \$25,000.00
Estimate: \$25,000.00
Committee Date: 03/21/23
Council Date: 04/05/23

Bid Tabulation

R-23 Chemical Root Foaming of Sanitary Sewers

02/27/2023 01:45 PM CST

Bid Item	Item Description	Quantity	Unit	Duke's Root Control	
				Unit Price	Item Total
1	8"/9" Sanitary Sewer	4,855	lin.ft.	\$1.78	\$8,641.90
2	10" Sanitary Sewer	3,471	lin.ft.	\$1.78	\$6,178.38
3	12" Sanitary Sewer	2,317	lin.ft.	\$1.78	\$4,124.26
4	15" Sanitary Sewer	559	lin.ft.	\$1.78	\$995.02
5	18" Sanitary Sewer	1,347	lin.ft.	\$1.78	\$2,397.66
6	21" Sanitary Sewer	500	lin.ft.	\$1.78	\$890.00

Total Bid:

\$23,227.22



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

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

TO: Chairperson Vered Meltzer and Members of the Utilities Committee

FROM: Chris Stempa, Utilities Deputy Director

DATE: March 17, 2023

RE: *Approve: Award the Sole Source Purchase of Secondary Clarifier Algae Sweep System from Ford Hall Company Inc., in the amount of \$131,040 with a 15% contingency of \$19,656 for a project total not to exceed \$150,696*

BACKGROUND:

There are six secondary clarifiers located southeast of the aeration tanks. The clarifiers are each 100 feet in diameter and 18 feet deep with a volume equal to 1,060,000 gallons. Mixed liquor flow from the aeration tanks is split between each of the six final clarifiers where solids are settled out and treated water passes. Approximately 20% of the solids are pumped for further thickening and anaerobic digestion while the remaining 80% is returned back to the head of aeration to maintain appropriate biological populations. The forward flow of treated water is equally distributed over a 470-foot-long weir located along the outer circumference of each clarifier. Each clarifier is equipped with an algae sweep system installed on the upper ends of the A-frames that are fabricated to the rotating collection mechanisms.

The original algae sweep system was designed, manufactured, and installed by Ford Hall in 2001 to facilitate automated cleaning of the weirs. If not addressed, prolific algae formation will foul weir openings causing short-circuiting and irregular flow patterns that negatively impact treatment performance. Prior to the algae sweep installation, staff were required to manually clean the weirs on a weekly basis. This was a labor intensive and costly process that was mitigated by the unique design of the Ford Hall algae sweep system.

After over 20 years of continuous use, the existing algae sweeps have reached their useful life and requires replacement. This project will replace the existing Ford Hall patented algae "Weir-Wolf" system with an another manufactured, installed, and commissioned by Ford Hall.

QUOTATION

Ford Hall provided a quote on for a complete turnkey installation at a cost of \$131,040. The quote includes replacement components, field installation certified technicians, start-

up testing, certification, and training. All components will be covered as part of a complete Five-Year Warranty. The quote provided by Ford Hall is 31% less than what had been projected in the CIP budget excluding costs for unknown or unanticipated repair work.

JUSTIFICATION

Ford Hall has 30 years of experience installing these patented systems across the country with over 30 alone in Wisconsin. Their claim is that the learned experience over that time has provided an in-depth knowledge of the nuances involved with installing and adjusting these systems to ensure successful operation. Ford Hall will not provide the 5-year warranty if the replacement components were installed by another contractor install. The explanation provided was that these components are installed to compensate for radial variances which are specific to each clarifier design. The AWWTP weir/trough system is not a true circle with independent straight segments measuring approximately 15-feet each and fabricated in series along the outer circumference of each clarifier. Each segment joint has an angle of approximately 11-degrees which the sweep system must navigate without catching while still performing their intended function. The consequences of one of the cleaning mechanisms catching on a weir segment or joint have been experienced at the AWWTP. The outcome of which involves extended clarifier downtime and thousands of dollars in repair costs to restore operation. It should also be noted that there is no unit cost guarantee on the replacement parts if the installation service piece was removed (currently a lump sum). Furthermore, it is unlikely that greater value would be received if we were to seek competitive costs for installation services given the nature of this work (confined space and rigging) especially when factoring the bidding climate over the past few years.

RECOMMENDATION

I am requesting sole source purchase award of Secondary Clarifier Algae Sweep System from Ford Hall Company Inc., in the amount of \$131,040 with a 15% contingency of \$19,656 for a project total not to exceed \$150,696.

If you have any questions or require additional information regarding this project please contact Chris Stempa at 920-832-5945.



SOLE SOURCE REQUEST

The undersigned certifies that the commodity/service shown below qualifies as a sole source request and meets one or more of the following requirements. The department has demonstrated, and the Purchasing Manager concurs that only one source exists, the price is equitable, and/or noncompetitive negotiation is in the best interests of the City.

- Unique, proprietary, or one-of-a-kind:** Specific commodity/service is required and available from only one source, giving the City a superior and necessary benefit that cannot be obtained from other sources.
- Inadequate competition:** Purchasing solicitation (bid, proposal, or quote) did not result in any qualified vendor responses and competition is determined to be inadequate.
- Health or Safety Concern:** When a health or safety concern exists that is *not* an immediate threat but needs to be addressed in a period that does not allow for formal competitive procurement procedures.
- Continuity of design:** Consistency with current commodity or service.
- Emergency procurement:** A risk of human suffering or substantial damage to real or personal property exists requiring immediate attention.
- Cooperative purchase:** Purchase from another governmental unit contract or state approved purchasing association.
- Other:** Description provided below.

Ford Hall designed, manufactured, and installed system in 2001, providing 20+ years of continuous use. No other system with this design exists in today's market. Quote is 31% less than what had been projected in the CIP budget.

PROPOSED DETAILS
Requesting dept: Utilities
Product/service: Replace algae sweep system
Vendor name: Ford Hall
Total cost: \$131,040

Justification and price quotation provided by the department, for the items to be considered and approved as a sole source purchase attached for review.


Purchasing Manager

3/16/23
Date



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

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

TO: Chairperson Vered Meltzer and Members of the Utilities Committee

FROM: Chris Stempa, Utilities Deputy Director

DATE: March 17, 2023

RE: *Approve: Sole Source Engineering Services Contract to McMahon as part of Phase II Belt Filter Press Equipment Upgrades Project in the amount of \$162,000 with a 15% contingency of \$24,300 for a Project Total not to exceed \$186,300*

BACKGROUND:

On February 3, 2021, Common Council awarded the engineering service contract for the "Wastewater Plant Belt Filter Press Upgrades Project" to McMahon. The project was originally budgeted to occur within a single phase and would replace the three existing Ashbrook Simon Hartley Winkle presses or belt filter presses (BFPs) with four new BFP's. The existing dewatering equipment has been used for the past 30 years to dewater anaerobically digested sludge which have exceeded their useful life projections. That statement is supported over the last year by the escalating trend of equipment failures, critical parts obsolescence (i.e., drives) and deterioration of structural components caused by years of acid washing.

As preliminary engineering progressed from 2021 into 2022, the full extent of the project scope was refined as observations, alternatives, recommendations, and updated equipment estimates were obtained. The substantial increase in costs seen with other capital construction project bids substantially outpaced budgetary projections. The contributing factors for this include lingering supply chain issues, sustained high demands for goods and services, and spikes in commodity prices such as steel and oil. Coupled with inflationary increases, the cost of operations, equipment, and construction have increased beyond prior year forecasts.

Although much of the design work was nearly completed by McMahon, it was necessary to segregate the project into two separate phases over two back-to-back years to advance the foundational blocks of the originally envisioned CIP. Therefore, in 2022 McMahon generated the public construction bid documents for the "Phase I Belt Filter Press Equipment Upgrades Project". The Phase I contract was awarded to Staab Construction and will pave the way by which the 2023 Phase II Belt Filter Press Equipment Upgrades Project can occur. The existing three BFPs will remain operational during Phase I construction. This allows for continuity of operation during the installation and startup of new equipment. The substantial completion of Phase I will facilitate the transition to

Phase II which involves the complete demotion and replacement of the three existing BFP's, the removal of remnant hard wiring associated with obsolete equipment, and the replacement of antiquated and/or degraded components outside the electrical hardware systems.

PROPOSAL

As work proceeded on Phase I, McMahon was asked to provide a cost for Phase II services. The 2021 budget identified as part of the BFP Upgrades Project for engineering services was \$750,000. McMahon is currently under a contract for Phase I work for \$352,872 less contingency. The proposal McMahon provided on March 2, 2023 outlined the additional engineering fees necessary to complete Phase II work totaled \$162,000. The total combined services contract (existing contract and proposal) totals \$541,872.

JUSTIFICATION

Typical engineering fees integrated as a function of construction are 15% or more depending on the type of project. Even when applying that level of contingency and factoring that the scope now involves two separate bidding processes as part of two construction projects, the overall contract amount is still only 80% of the original 2021 budget. McMahon has already generated much of the preliminary design work that can be utilized as part of the Phase II BFP Upgrades Project. They have provided quality engineering services as part the Phase I BFP Upgrades Project and have a history of providing similar services at the AWWTP on other projects. Their proposal reflects the value the city would be receiving. For the reasons previously described, I recommend that McMahon considered for a sole source contract as part of Phase II engineering services.

RECOMMNDATION

Approval of a sole source Engineering contract to McMahon as part of Phase II Belt Filter Press Equipment Upgraders Project in the amount of \$162,000 with a 15% contingency of \$24,300 for a Project Total not to exceed \$186,300

If you have any questions or require additional information regarding this project, please contact Chris Stempa at 920-832-5945.



SOLE SOURCE REQUEST

The undersigned certifies that the commodity/service shown below qualifies as a sole source request and meets one or more of the following requirements. The department has demonstrated, and the Purchasing Manager concurs that only one source exists, the price is equitable, and/or noncompetitive negotiation is in the best interests of the City.

- Unique, proprietary, or one-of-a-kind:** Specific commodity/service is required and available from only one source, giving the City a superior and necessary benefit that cannot be obtained from other sources.
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- Health or Safety Concern:** When a health or safety concern exists that is *not* an immediate threat but needs to be addressed in a period that does not allow for formal competitive procurement procedures.
- Continuity of design:** Consistency with current commodity or service.
- Emergency procurement:** A risk of human suffering or substantial damage to real or personal property exists requiring immediate attention.
- Cooperative purchase:** Purchase from another governmental unit contract or state approved purchasing association.
- Other:** Description provided below.

McMahon's familiarity with Phase I and preliminary work provides the most efficient and cost-effective solution.

PROPOSED DETAILS
Requesting dept: Utilities
Product/service: Engineering services for Phase II Belt Filter Press Equipment Upgrade Project
Vendor name: McMahon
Total cost: \$162,000

Justification and price quotation provided by the department, for the items to be considered and approved as a sole source purchase attached for review.


 Purchasing Manager

3/16/23
 Date



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

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

TO: Chairperson Vered Meltzer and Members of the Utilities Committee

FROM: Chris Stempa, Utilities Deputy Director

DATE: March 17, 2023

RE: *Approve: Sole Source Engineering Services Contract to McMahon as part of the 2023 Digester Piping and Heat Exchanger Replacement Project in the amount of \$85,300 with a 15% contingency of \$12,795 for a Project Total not to exceed \$98,095*

BACKGROUND:

On February 16, 2022, Common Council awarded the "AWWTP Blended Sludge and HEX Replacement Project" engineering services contract to McMahon. Within a \$450,000 budget, the project was structured to address piping erosion and corrosion that had compromised the integrity of preliminary heat exchanger (HEX), sludge recirculation piping, and associated isolation valves within the MK-Tunnel corridor. The project also included numerous architectural repairs along with the recladding of the Raw Sludge Blend Tank and the replacement of Grit Trap Vortex System drives (independent 2022 CIP totaling \$258,750).

In September 2022, two bids were received as part of the public bid process. The least cost bid exceeded the available budget by nearly \$200,000. Contributing factors for higher bid costs were the result of lingering supply chain issues, sustained high demand for various products and services, elevated costs for construction materials, and higher costs for labor. After conferring with McMahon, the Utilities Department recommend rejecting the bid with the intent of deferring the work as part of an amended 2023 CIP, "Digester Piping and Heat Exchanger Replacement Project".

The resulting 2023 Digester Piping and Heat Exchanger Replacement Project includes a similar scope of work as the 2022 Blended Sludge and HEX Replacement Project but without the architectural improvements. Architectural elements were removed to help safeguard funding for higher priority replacement work based on the 2022 bid results while also adding additional critical scope items including replacement of the primary HEXs and sludge recirculation piping. Those additional items gave way to the 2023 CIP project name. These items were added after experiencing failures in multiple pipe spool pieces that required immediate replacement. Further inspection of this piping network revealed similar erosion and corrosion as the piping in MK-Tunnel. It should be noted that there is not complete redundancy for the primary HEXs in the lower level of the anaerobic digester complex. If a catastrophic failure were to occur with one of the heat

exchangers or associated recirculation piping the entire process would need to be removed from service. The consequence of a shutdown would be the loss of waste and revenue from the Hauled Waste Program (greater than \$2 million dollars annually). This project scope will also include the balance of replacement of remaining ductile iron sludge pipe in MK-Tunnel where similar impacts from corrosion have occurred. The new specified replacement pipe will have a corrosion resistant interior coating like that utilized in another recent pipe replacement project.

PROPOSAL

The McMahon contract as part of the 2022 AWWTP Blended Sludge and HEX Replacement Project was \$30,100 which included all the previously described scope elements. The proposal as part of the 2023 Digester Piping and Heat Exchanger Replacement Project would reflect an increase of \$85,300 or a total of \$115,400. Available contract contingency is only \$4,000 and would not cover the amount of the proposal as part of contract amendment unless a budget transfer was approved.

JUSTIFICATION

The construction budget for the 2023 Digester Piping and Heat Exchanger Replacement Project is \$3,801,195. McMahon's proposal is only 2% of the overall construction budget. Typically, 15% or more of estimated construction costs is factored for engineering services depending on the type of work or project to occur. McMahon has completed much of the engineering as part of the original 2022 AWWTP Blended Sludge and HEX Replacement Project which would be utilized again as part of the 2023 Digester Piping and Heat Exchanger Replacement Project. Contracting with another firm as part of request for proposal process, would not yield cost savings. This is because the risks associated with relying on work that was not their own. The proposal McMahon provided outlines the change in scope from the current service contract as part of the 2022 AWWTP Blended Sludge and HEX Replacement Project. They have provided quality engineering services as part that project and have a history of providing similar services at the AWWTP on other projects. The proposal reflects the value the city would be receiving for the reasons previously described. As such, I recommend that McMahon be considered for a sole source contract as part of the 2023 Digester Piping and Heat Exchanger Replacement Project.

RECOMMNDATION

Approval of a sole source Engineering contract to McMahon as part of Phase II Belt Filter Press Equipment Upgraders Project in the amount of \$162,000 with a 15% contingency of \$24,300 for a Project Total not to exceed \$186,300

If you have any questions or require additional information regarding this project, please contact Chris Stempa at 920-832-5945.



SOLE SOURCE REQUEST

The undersigned certifies that the commodity/service shown below qualifies as a sole source request and meets one or more of the following requirements. The department has demonstrated, and the Purchasing Manager concurs that only one source exists, the price is equitable, and/or noncompetitive negotiation is in the best interests of the City.

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- Continuity of design:** Consistency with current commodity or service.
- Emergency procurement:** A risk of human suffering or substantial damage to real or personal property exists requiring immediate attention.
- Cooperative purchase:** Purchase from another governmental unit contract or state approved purchasing association.
- Other:** Description provided below.

McMahon completed much of the engineering in 2022, a similar scope of work to be included in the 2023 Digester Piping and Heat Exchanger Replacement Project. Another RFP process would not yield a cost less than what McMahon has provided.

PROPOSED DETAILS
Requesting dept: Utilities
Product/service: Engineering services - 2023 Digester Piping & Heat Exchanger Replacement Project
Vendor name: McMahon
Total cost: \$85,300

Justification and price quotation provided by the department, for the items to be considered and approved as a sole source purchase attached for review.


 Purchasing Manager

3/17/23
 Date



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

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

TO: Chairperson Vered Meltzer and Members of the Utilities Committee

FROM: Chris Stempa, Utilities Deputy Director

DATE: March 17, 2023

RE: *Approve: Award purchase of Primary Digester Circulation Pump from Crane Engineering in the amount of \$27,774*

BACKGROUND:

The Appleton Wastewater Treatment Plant (AWWTP) operates two 2.2-million gallon primary anaerobic digesters which biologically convert organic materials in sludges to methane and carbon dioxide. The contents of each digester is circulated by dedicated 1,200 gallon per minute capacity rated centrifugal pumps. The pump operation of these pumps is critical for sustaining contact time between microbes and incoming feed wastes (includes primary sludge, thickened waste sludge, and receiving station wastes). The previously described stabilization process also reduce the volume of sludge solids that is subsequently dewatered and then land applied per our DNR Wisconsin Pollutant Discharge Elimination System (WPDES) permit. In addition to constant circulation facilitating contact time and permit compliance, it prevents the settling of heavier solids which would otherwise occur under stagnant conditions. If that were to occur, irreversible plugging of the circulation piping could occur.

The AWWTP inventory does not currently have a spare pump on hand in the event of a catastrophic failure. Given the criticality of this equipment to operation and compliance, quotes were solicited from regional distributors to secure a spare unit.

QUOTATIONS

Four reputable pump distributors provided quotes for an in-kind replacement pump. However, only two could match the specifications of the existing Wemco® circulation pump which included a stainless-steel vs. carbon steel impeller flange. It was also specified that the replacement pump would not require any modification as part of installation. Crane Engineering provided the least cost quote which met the required specifications. The result of the quotation process is summarized in Table 1.

Table 1: Digester Circulation Pump Quotes

Vendor	Quote	Comment
Crane Engineering	\$27,774	In-kind replacement
LAI, Ltd	\$28,500	In-kind replacement
Trillium	\$20,000	Did not meet required specifications
William & Reed	\$16,338	Did not meet required specifications

RECOMMNDATION

Approval of primary digester circulation pump from Crane Engineering in the amount of \$27,774

If you have any questions or require additional information regarding this project, please contact Chris Stempa at 920-832-5945.



Memorandum

TO: Fox Cities Transit Commission, City of Appleton Common Council

FROM: Ron McDonald, General Manager

DATE: January 17, 2023

RE: Award Recommendation for Tire Leasing Contract

BACKGROUND

Valley Transit is asking for authorization to award a five year contract to Bridgestone Americas Tire Operations, LLC to lease tires for Valley Transit revenue vehicles. The current contract with Goodyear Tire & Rubber Company ends June 30, 2023.

In preparation for this procurement, Valley Transit staff developed a request for quote (RFQ) document to solicit proposals from vendors. The RFQ document was sent directly to vendors who were known suppliers, posted on the State of Wisconsin’s Vendornet system, and advertised in print and online with the *Post-Crescent*, *Green Bay Press Gazette* and the *Oshkosh Northwestern*. Quotes were due on March 7, 2023. Two proposals were received prior to the required deadline: Bridgestone Americas Tire Operations and Goodyear Tire & Rubber Company. Below is a summation of the quotes received:

Annual \$ based on Est mileage

	Bridgestone	Goodyear
Y1	\$31,533.06	\$47,282.04
Y2	\$31,533.06	\$49,177.33
Y3	\$31,533.06	\$51,142.82
Y4	\$31,533.06	\$52,667.08
Y5	\$31,533.06	\$53,730.05
Total contract	\$157,665.30	\$253,999.32

Per 1/32" Replacement

	Bridgestone	Goodyear
Y1	\$24.50	\$18.90
Y2	\$24.50	\$19.64
Y3	\$24.50	\$20.44
Y4	\$24.50	\$21.04
Y5	\$24.50	\$21.46

Valley Transit’s most recent contract annual average cost is approximately \$37,000.00/yr. Valley Transit has sufficient funds in the 2023 budget for the contract.

RECOMMENDATION

Staff recommends authorization for Valley Transit to award the contract for tire leasing services to Bridgestone Americas Tire Operations, LLC.

**AN ORDINANCE ANNEXING TERRITORY
TO THE CITY OF APPLETON, WISCONSIN.**

(Seville Properties Ballard & Werner Road Annexation)
MBR No. 14569

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

Section 1. Territory Annexed. In accordance with §66.0217 of the Wisconsin Statutes for 2021 – 2022 and the *Unanimous Petition for Direct Annexation* filed with the City Clerk on February 15, 2023, the following described territory in the Town of Center, Outagamie County, Wisconsin, lying contiguous to the City of Appleton, is hereby annexed to the City of Appleton, Wisconsin:

The Southeast ¼ of the Northeast ¼ of Section 36, Township 22 North, Range 17 East, Town of Center, Outagamie County, Wisconsin, containing 39.913 Acres of land and being further described as follows:

Commencing at the East Quarter (E ¼) corner of said Section 36 and being the point of beginning;

Thence North 89°36'25" West 1316.61 feet coincident with the South line of the NE ¼ of Section 36;

Thence North 00°08'57" East 1319.65 feet coincident with the West line of the Southeast ¼ of the Northeast ¼ of Section 36;

Thence South 89°43'44" East 1315.59 feet coincident with the North line of the Southeast ¼ of the Northeast ¼ of Section 36;

Thence South 00°06'21" West 1322.45 feet coincident with the East line of the Northeast ¼ of Section 36 to the point of beginning.

Town of Center Tax Parcel to be annexed: 040098200.

The current population of such territory is 0 people.

Section 2. Effect of Annexation. From and after the date of this ordinance, the territory described in Section 1 shall be a part of the City of Appleton for any and all purposes provided by law and all persons coming or residing within such territory shall be subject to all ordinances, rules and regulations governing the City of Appleton.

Section 3. Ward Designation. The territory described in Section 1 of this ordinance is hereby made a part of the Thirty-eighth (38th) Ward, attached to the Thirteenth (13th) Aldermanic District of the City of Appleton, Outagamie County, subject to the ordinances, rules and regulations of the City governing wards.

Section 4. Zoning Classification. The territory described in Section 1 is hereby zoned as follows, pursuant to §66.0217(7)(a), Stats., and §23-65(e), Appleton Municipal Code:

Temporary AG District (Temporary Agricultural District)

Section 5. Statutory Payments. Subject to the requirements of Wis. Stats. §66.0217(14), the Finance Director will pay annually to the Town of Center, for 5 years, an amount equal to the amount of property taxes that the town levied on the annexed territory, as shown by the tax roll under Wis. Stats. §70.65, in the year in which the annexation is final.

Section 6. Severability. If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance, which can be given without the invalid or unconstitutional provision or application.

Section 7. Effective Date. This ordinance shall take effect upon passage and publication.