



# City of Appleton

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

## Meeting Agenda - Final Common Council

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Wednesday, June 7, 2023

7:00 PM

Council Chambers

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

[23-0605](#) Common Council Meeting Minutes of May 17, 2023

**Attachments:** [CC Minutes 5-17-23.pdf](#)

- G. BUSINESS PRESENTED BY THE MAYOR

[23-0622](#) Introduction of Andy Anaam, Communications & Public Engagement Manager

[23-0623](#) Proclamations:  
- Pride Month  
- CPR AED Awareness  
- Juneteenth Celebrations  
- Gun Violence Awareness Day  
- Refugee Day

**Attachments:** [Pride Month Proclamation.pdf](#)

[CPR AED Awareness Week Proclamation.pdf](#)

[Juneteenth Celebration Day Proclamation.pdf](#)

[Gun Violence Awareness Day Proclamation.pdf](#)

[Refugee Day Proclamation.pdf](#)

- H. PUBLIC PARTICIPATION

- I. PUBLIC HEARINGS
- J. SPECIAL RESOLUTIONS
- K. ESTABLISH ORDER OF THE DAY
- L. COMMITTEE REPORTS
- 1. **MINUTES OF THE MUNICIPAL SERVICES COMMITTEE**

[23-0586](#) Approve the three-party engineering design services contract between the City of Appleton, Wisconsin DOT and Ayres Associates Inc. for the design of Lawe Street (College Avenue to Wisconsin Ave). Compensation for authorized services for this contract shall not exceed \$439,934.38 with the WisDOT responsible for \$339,441 and the City responsible for \$100,493.38. Funding cap determined by the previously approved State/Municipal Agreement for a State-LET Urbanized Area STP-Urban Program Project.

**Attachments:** [Three Party Design Engineering Services Contract COA WisDOT Ayres 4984](#)

**Legislative History**

5/22/23	Municipal Services Committee	recommended for approval
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[23-0587](#) Approve the Local Highway Bridge Inspection Agreement between Outagamie County and City of Appleton to delineate local bridges that are the responsibility of the City to inspection in order to comply with the National Bridge Inspection Standards, Code of Federal Regulations Title 23, Part 650, Subpart C.

**Attachments:** [Local Bridge Inspection Agreement - City of Appleton.pdf](#)

**Legislative History**

5/22/23	Municipal Services Committee	recommended for approval
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[23-0588](#) Request from JoAnn Fidika at 1619 E. Pauline Street for a Terrace Occupancy Permit to keep an existing 3' fence in the street terrace along N. Wilmer Avenue.

**Attachments:** [2023.05.16 1619 Pauline Terrace Occupancy Permit.pdf](#)

**Legislative History**

5/22/23	Municipal Services Committee	recommended for approval
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[23-0596](#)

Special Event Application Denial Appeals - Smoshfest

**Attachments:** [Smosh Fest Denial Recommendation Letter 05.18.23.pdf](#)  
[Smosh Fest Application.pdf](#)

**Legislative History**

5/24/23 Safety and Licensing Committee recommended for denial  
*William Shalom Dorman, 620 W. Prospect Ave addressed the Committee.*

[23-0519](#)

Class "B" Beer and "Class B" Liquor License Change of Agent application for RH Events LLC d/b/a Poplar Hall, Nicole Burleson, New Agent, located at 141 S Riverheath Way.

**Attachments:** [Nicole Burleson S&L.pdf](#)

**Legislative History**

5/24/23 Safety and Licensing Committee recommended for approval

[23-0522](#)

Pet Store License Renewal application for Fish Cave LLC, Ton Vang, Applicant, located at 2110 S Memorial Dr, contingent upon approval from the Inspections department.

**Attachments:** [Fish Cave S&L.pdf](#)

**Legislative History**

5/24/23 Safety and Licensing Committee recommended for approval

[23-0541](#)

Pet Store License Renewal application for HSA Corporation d/b/a Pet Supplies Plus, Angela DeHaan, Applicant, located at 702 W Northland Ave, contingent upon approval from the Inspections department.

**Attachments:** [Pet Supplies Plus S&L.pdf](#)

**Legislative History**

5/24/23 Safety and Licensing Committee recommended for approval

[23-0548](#)

Pet Store License Renewal application for Just Pets, Craig Weborg, Applicant, located at 2009 N Richmond St, contingent upon approval from the Fire and Inspections departments.

**Attachments:** [Just Pets S&L.pdf](#)

**Legislative History**

5/24/23 Safety and Licensing Committee recommended for approval

[23-0549](#) Class "B" Beer and "Class B" Liquor Temporary Premise Amendment application for S C Carrow Corp d/b/a Rookies Sports Bar & Grill, Steven Carrow, Agent, located at 325 N. Appleton St, on August 3-5, 2023, for Mile of Music, contingent upon approval from the Community Development, Health and Inspections departments.

**Attachments:** [Rookies Sports Bar S&L.pdf](#)

**Legislative History**

5/24/23 Safety and Licensing Committee recommended for approval

[23-0565](#) Additional 2023-2024 Alcohol License Renewal applications, contingent upon approval from all departments by 12:00 p.m. on June 30, 2023.

**Attachments:** [2023-24 Alcohol License Renewals-2nd set.pdf](#)

**Legislative History**

5/24/23 Safety and Licensing Committee recommended for approval

[23-0598](#) Additional 2023-2024 Cigarette and Tobacco Products License Renewals

**Attachments:** [2023-2024 Additional Cigarette Renewals.pdf](#)

**Legislative History**

5/24/23 Safety and Licensing Committee recommended for approval

[23-0606](#) 2023-2024 Mechanical Amusement Device License renewals, contingent upon approval from all departments by 12:00 p.m. on June 30, 2023.

**Attachments:** [Amusement Device renewals 2023-24.pdf](#)

**Legislative History**

5/24/23 Safety and Licensing Committee recommended for approval

### 3. MINUTES OF THE CITY PLAN COMMISSION

[23-0552](#) Request to approve Special Use Permit #4-23 for an indoor commercial entertainment use (axe throwing) with alcohol sales and consumption located at 2701 North Oneida Street (Tax Id #31-6-7651-00), 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\\_2701NOneidaSt\\_SUP\\_For5-24-23.pdf](#)

**Legislative History**

5/24/23 City Plan Commission recommended for approval

[23-0554](#) Request to approve Special Use Permit #5-23 for a bar and grill with alcohol sales and consumption use located at 2811 East Newberry Street (Tax Id #31-4-5747-00), 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 2811ENewberrySt SUP For5-24-23.pdf](#)

**Legislative History**

5/24/23 City Plan Commission recommended for approval

[23-0557](#) Request to approve The Villas at Meade Pond Final Plat as shown on the attached maps and subject to the conditions in the attached staff report

**Attachments:** [StaffReport VillasatMeadePond FinalPlat For5-24-23.pdf](#)

**Legislative History**

5/24/23 City Plan Commission recommended for approval

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

**5. MINUTES OF THE FINANCE COMMITTEE**

[23-0563](#) Request to approve the following 2023 Budget Amendment:

**Hazardous Materials Fund**

Vehicles	+ \$22,040
Fund Balance Applied	+ \$22,040

**Central Equipment Agency Fund**

Sale of City Property	+ \$22,040
Trans Out - Capital Projects	+ \$22,040

to record Hazardous Materials Fund purchase of vehicle from CEA (2/3 vote of Council required)

**Attachments:** [2023 HazMat Vehicle.pdf](#)

**Legislative History**

5/22/23 Finance Committee recommended for approval

[23-0567](#) Request to award the City of Appleton's 2023 Masonry Repairs Project contract to Masonry Restoration, Inc. in the amount of \$162,675 with a contingency of \$15,000 for a project total not to exceed \$177,675.

**Attachments:** [2023 AWWTP Masonry Repairs Project.pdf](#)

**Legislative History**

5/22/23 Finance Committee recommended for approval

[23-0603](#) Request to approve cash advance from Stormwater Utility Fund to Wastewater Utility Fund in an amount not to exceed \$3,000,000 to replace issuance of long term revenue bonds in 2023.

**Attachments:** [2023 Short Term Funding.pdf](#)

**Legislative History**

5/22/23 Finance Committee recommended for approval

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

[23-0561](#) Request to approve the Development Agreement with Fox Commons Properties, LLC for improvements and redevelopment of the property located at 10 E. College Avenue (Tax Id #31-2-0290-01) in Tax Increment Financing District No. 11

**Attachments:** [FoxCommons\\_MemoToCEDC\\_05242023\\_Final.pdf](#)

[0747 - FOX COMMONS DEVELOPMENT AGREEMENT - 05-23-2023 - edit sh](#)

**Legislative History**

5/24/23 Community & Economic Development Committee recommended for approval

**7. MINUTES OF THE UTILITIES COMMITTEE**

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

[23-0569](#) Request to Approve changes to address wage compression for Police Lieutenant and Captains using their hourly base rate vs. top Senior Sergeant rate and to add compensation for transports, time in court, and criminal guard duty.

**Attachments:** [Salary Administration Policy 2023 SB.pdf](#)

**Legislative History**

5/24/23 Human Resources & Information Technology Committee recommended for approval

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

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

**M. CONSOLIDATED ACTION ITEMS**

**N. ITEMS HELD**

- O. ORDINANCES
- P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION
- Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION
- 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

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Wednesday, May 17, 2023

7:00 PM

Council Chambers

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A. CALL TO ORDER

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

B. INVOCATION

*The Invocation was offered by Alderperson Hartzheim.*

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 Patrick Hayden, 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

[23-0542](#)

Common Council Minutes of May 3, 2023

**Attachments:** [CC Minutes 5-3-23.pdf](#)

**Alderperson Meltzer 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 Patrick Hayden, 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

[23-0543](#)

Proclamations:

- Day of Hope Proclamation
- Jewish American Heritage Month
- Safe Boating Week

**Attachments:**[Day of Hope Proclamation.pdf](#)[Jewish American Heritage Month Proclamation.pdf](#)[Safe Boating Week Proclamation.pdf](#)[23-0544](#)

Reappointment &amp; New Appointment to the Fox Cities Area Room Tax Commission

**Attachments:**[May 17 2023 Room Tax Appt Memo.pdf](#)

**Aldersperson Hartzheim moved, seconded by Aldersperson Meltzer, that the Appointments 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 Patrick Hayden, 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

## H. PUBLIC PARTICIPATION

*No members of the public spoke during public participation.*

## I. PUBLIC HEARINGS

[23-0469](#)

Public Hearing for Rezoning #1-23 for Seville Properties, LLC from Temporary AG Agricultural to R-3 Multifamily District

**Attachments:**[RZ #1-23 Notice of Public Hearing.pdf](#)

*Jeffrey Walters, 6850 Grinnell Ct spoke during the hearing.*

## J. SPECIAL RESOLUTIONS

## K. ESTABLISH ORDER OF THE DAY

[23-0393](#)

Request to approve Rezoning #1-23 to rezone the Seville Properties Ballard & Werner Road Annexation, formerly in the Town of Center, consisting of approximately 39.913 acres located at 7051 N. Ballard Road (Tax Id #31-1-9316-00) [formerly N2751 County Road EE (Parcel #040098200)], including to the centerline of existing adjacent right-of-way, as shown on the attached maps, from Temporary AG Agricultural District to R-3 Multi-family District

**Attachments:** [StaffReport\\_SevillePropBallard-WernerRdAnnex\\_Rezoning\\_For4-26-23.pdf](#)

**Aldersperson Meltzer moved, seconded by Aldersperson Firkus, that the Rezoning 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 Patrick Hayden, 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

[23-0482](#)

Request to approve Special Use Permit #3-23 for a car wash use located at 4029 East Calumet Street (Tax Id #31-9-5812-00), 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\\_Deep Blue Car Wash SUP\\_For5-10-23.pdf](#)

**Aldersperson Hartzheim moved, seconded by Aldersperson Schultz, that the Special Use Permit be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 13 - Aldersperson William Siebers, Aldersperson Brad Firkus, Aldersperson Israel Del Toro, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Patrick Hayden, Aldersperson Joss Thyssen, Aldersperson Alex Schultz, Aldersperson Vaya Jones, Aldersperson Kristin Alfheim, Aldersperson Sheri Hartzheim, Aldersperson Christopher Croatt and Aldersperson Chad Doran

**Nay:** 2 - Aldersperson Vered Meltzer and Aldersperson Nate Wolff

**Abstained:** 1 - Mayor Jake Woodford

[23-0507](#)

Request from Rachel Coloma, 3320 N Lawe Street, to have her sidewalk snow removal assessment of \$75 waived.

**Attachments:** [Rachel Coloma - 3320 N Lawe Street Sidewalk Snow Removal Assessment.pdf](#)

**Aldersperson Schultz moved, seconded by Aldersperson Firkus, that the recommendation to deny the waiver of the snow removal assessment be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 11 - Aldersperson William Siebers, Aldersperson Brad Firkus, Aldersperson Katie Van Zeeland, Aldersperson Patrick Hayden, Aldersperson Joss Thyssen, Aldersperson Vaya Jones, Aldersperson Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim, Aldersperson Christopher Croatt and Aldersperson Chad Doran

**Nay:** 4 - Aldersperson Vered Meltzer, Aldersperson Israel Del Toro, Aldersperson Denise Fenton and Aldersperson Alex Schultz

**Abstained:** 1 - Mayor Jake Woodford

[23-0412](#)

Anticipated Award of Unit CC-23 College Ave Lane Reconfiguration Pavement Marking Contract. Held from April 24, 2023 meeting.  
*Memo to be distributed at meeting.*

**Attachments:** [Unit CC-23 Memo.pdf](#)

**Aldersperson Hartzheim moved, seconded by Aldersperson Meltzer, that the Contract be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 14 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Israel Del Toro, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Patrick Hayden, Aldersperson Joss Thyssen, Aldersperson Alex Schultz, Aldersperson Vaya Jones, Aldersperson Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim and Aldersperson Chad Doran

**Nay:** 1 - Aldersperson Christopher Croatt

**Abstained:** 1 - Mayor Jake Woodford

## L. COMMITTEE REPORTS

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

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

**Aye:** 15 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Israel Del Toro, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Patrick Hayden, 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

## 1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[23-0508](#)

Approve request from Creative Downtown Appleton, Inc. and Appleton Downtown, Inc. to install a parklet on the north side of Washington Street (NW corner of Washington Street and Appleton Street) at parking stall #289 per the On-Street Parklet Policy.

**Attachments:** [CDA ADI Parklet Request 2023.pdf](#)

This Report Action Item was approved.

## 2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[23-0404](#)

Class "B" Beer and "Class C" Wine License application for Off The Vine Woodfire Pizza Co LLC d/b/a Broken Tree Pizza, Keith Schreiner, Agent, located at 201 S Riverheath Way Ste 1100, contingent upon approval from the Health, Inspections and Police departments.

**Attachments:** [Broken Tree Pizza.pdf](#)

This Report Action Item was approved.

[23-0470](#)

Class "B" Beer and "Class B" Liquor License Change of Agent application for DDCT Inc, d/b/a Jim's Place, Stacy Hoffman, New Agent, located at 223 E College Ave.

**Attachments:** [Stacy Hoffman S&L.pdf](#)

This Report Action Item was approved.

[23-0471](#)

Class "A" Beer and "Class A" Liquor License Change of Agent application for Walgreens Co, d/b/a Walgreens #05102, Andrew Eisele, New Agent, located at 700 W College Ave.

**Attachments:** [Andrew Eisele S&L.pdf](#)

This Report Action Item was approved.

[23-0472](#)

2023-2024 Alcohol License Renewal applications, contingent upon approval from all departments by 12:00 p.m. on June 30, 2023.

**Attachments:** [2023-24 Alcohol License Renewals.pdf](#)

**This Report Action Item was approved.**

[23-0475](#)

Salvage Dealer Renewal application for Mr C's Motorcycles LLC, Janet Ristau, Applicant, located at 724 S. Outagamie St, contingent upon approval from all departments.

**Attachments:** [Mr C's Motorcycles S&L.pdf](#)

**This Report Action Item was approved.**

[23-0476](#)

Class "A" Beer and "Class A" Liquor License Change of Agent application for Target Corporation d/b/a Target Store T-1248, Sara Matusz, New Agent, located at 1800 S Kensington Dr.

**Attachments:** [Sara Matusz S&L.pdf](#)

**This Report Action Item was approved.**

[23-0487](#)

Class "A" Beer and "Class A" Liquor License application for Samyam LLC d/b/a Wisconsin Avenue Marathon, Sadhana Lamichhane, Agent, located at 1920 E Wisconsin Ave, contingent upon approvals from the Health, Inspections and Public Works departments.

**Attachments:** [Wisconsin Avenue Marathon S&L.pdf](#)

**This Report Action Item was approved.**

[23-0494](#)

Cigarette License application for Samyam LLC d/b/a Wisconsin Avenue Marathon, located at 1920 E Wisconsin Ave.

**Attachments:** [Wisconsin Avenue Marathon S&L.pdf](#)

**This Report Action Item was approved.**

[23-0495](#)

2023-2024 Cigarette and Tobacco Product License Renewals

**Attachments:** [2023-2024 Cigarette Renewals.pdf](#)

**This Report Action Item was approved.**

### 3. MINUTES OF THE CITY PLAN COMMISSION

[23-0492](#)

Request to approve the First Addition to Glacier Ridge Preliminary Plat as shown on the attached maps and subject to the conditions in the attached staff report

**Attachments:** [StaffReport\\_1st Addn Glacier Ridge PreliminaryPlat\\_For5-10-23.pdf](#)

This Report Action Item was approved.

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

[23-0479](#)

Approve the Committee Meeting Schedule modification of Parks & Recreation Committee beginning at 6:15 p.m.

This Report Action Item was approved.

**5. MINUTES OF THE FINANCE COMMITTEE**

[23-0546](#)

Request to award contract for the AWTF Phosphoric Acid Treatment Project to August Winter and Sons in the amount of \$863,750 with a 10% contingency of \$86,375 for a project total not to exceed \$950,125.

**Attachments:** [Phosphoric Acid Treatment Construction.pdf](#)

This Report Action Item was approved.

[23-0547](#)

Request to approve the following Budget Amendment:

**Reid Golf Course**

Ground Repair & Maintenance	+ \$25,000
Fund Balance	+ \$25,000

to record Reid Paving Phase 1 project that was included in 2023 Capital Improvement Projects, however, not included in the Reid 2023 Budget.

This Report Action Item was approved.

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

[23-0489](#)

Request to approve the Second Amendment to the Development Agreement with Rise Apartments, LLC (assigned from MF Housing Partners, LLC) for redevelopment located on N. Oneida Street, E. Harris Street, and N. Appleton Street (Parcel Nos. 31-2-0441-00, 31-2-0536-00 and 31-2-0529-00) (per attached Certified Survey Maps in the process of being recorded) in Tax Increment Financing District No. 11 and approve the associated Assignment and Assumption of the Development Agreement

**Attachments:** [Rise Apts DA 2nd Amendment Memo to CEDC 5-10-23.pdf](#)  
[0718 - Rise Apartments - Second Amendment to Dev Agrm - Clean - 05-08-2023.pdf](#)  
[Rise Apartments -- Assignment and Assumption of Development Agreement.pdf](#)  
[FINAL Rise NORTH CSM 4-11-23.pdf](#)  
[FINAL Rise SOUTH CSM 4-11-23.pdf](#)

This Report Action Item was approved.

7. MINUTES OF THE UTILITIES COMMITTEE
8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE
9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION
10. MINUTES OF THE BOARD OF HEALTH

[23-0501](#)

Addition of Greenville to East Central Weights and Measures Consortium

**Attachments:** [GreenvilleMemoBOH\\_04.20.2023\\_a.pdf](#)

This Report Action Item was approved.

- M. CONSOLIDATED ACTION ITEMS
- N. ITEMS HELD
- O. ORDINANCES

[23-0496](#)

Ordinances #16-23 to #18-23

**Attachments:** [Ordinances to Council 5-17-23.pdf](#)

Aldersperson Hartzheim moved, seconded by Aldersperson Van Zeeland, that the Ordinances 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 Patrick Hayden, 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

- 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

**Alderperson Hartzheim moved, seconded by Alderperson Wolff, that the meeting be adjourned at 7:28 p.m. 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 Patrick Hayden, 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

Kami Lynch, City Clerk

# PROCLAMATION



## Office of the Mayor

**WHEREAS**, Pride Month commemorates the Stonewall Riots of June 1969 and works to achieve equal justice and opportunity for Lesbian, Gay, Bisexual, Transgender, and Queer Americans; and

**WHEREAS**, fifty-four years ago this month, at the Stonewall Inn in New York City, a courageous group of people of color and gender non-conforming citizens resisted harassment and mistreatment, setting in motion a chain of events that would become the birth of the modern LGBTQ+ civil rights movement; and

**WHEREAS**, Appleton strives to be a community where all people can feel at home in health and safety no matter who they are; and

**WHEREAS**, Appleton has been a leader in fostering an inclusive community through policy, such as becoming the third city in Wisconsin to prohibit housing discrimination based on gender identity and adopted comprehensive non-discrimination protections consisting of domestic partner benefits and employment and accommodations for trans and gender non-conforming people in 2013 and banning practices such as conversion therapy for minors in 2020; and

**WHEREAS**, our community is enriched and enhanced by the contributions of LGBTQ+ residents, who are volunteers, business owners, elected officials, organizational leaders, neighbors, and friends.

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

## Pride Month

in Appleton and urge all citizens to honor, celebrate, and promote equal rights for all people, regardless of sexual orientation and gender identity.

Signed and sealed this 25<sup>th</sup> day of May 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 Thursday, June 1, 2023.

Proc #46-182

# PROCLAMATION



## Office of the Mayor

**WHEREAS**, American Heart Association data shows more than 357,000 out-of-hospital cardiac arrests occur annually in the United States; and

**WHEREAS**, about 90 percent of people who suffer out-of-hospital cardiac arrests die, however, cardiopulmonary resuscitation (CPR) and automatic external defibrillator (AED) deployment, especially if performed immediately, can double, or triple, a cardiac arrest victim's chance of survival; and

**WHEREAS**, hands-only CPR has been shown to be as effective as conventional CPR for cardiac arrest at home, at work, or in public; and

**WHEREAS**, hands-only CPR has just two easy steps: Step 1 – Call 911 if you see a teen or adult collapse, and Step 2 – push hard and fast in the center of their chest to the beat of a song that has 100 to 120 beats per minute, such as “Stayin’ Alive” by the Bee Gees; and

**WHEREAS**, our citizens have access to critical life-saving technology in the free PulsePoint smartphone app and may receive hands-only CPR, AED, and PulsePoint education through local organizations and the Appleton Fire Department.

**NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD**, Mayor of the City of Appleton, do hereby proclaim June 1-7, 2023 as

## CPR & AED Awareness Week

in Appleton and call upon citizens to practice the two-step hands-only CPR method and be aware of the CPR and AED educational opportunities available in our community.

Signed and sealed this 25<sup>th</sup> day of May 2023.



**JACOB A. WOODFORD**  
MAYOR OF APPLETON

# PROCLAMATION



## Office of the Mayor

**WHEREAS**, on June 19, 1865, slaves in Texas first heard the news of their freedom, nearly two years after President Abraham Lincoln issued an executive order abolishing slavery through the Emancipation Proclamation on January 1, 1863; and

**WHEREAS**, when these slaves heard the news, they sang, danced, and prayed with much rejoicing and jubilation that their life-long prayers and those of their ancestors had finally been answered; and

**WHEREAS**, many of the founders of our community were abolitionists who fought against the institution of slavery, and former slaves settled in Appleton to build their lives as free people; and

**WHEREAS**, the City of Appleton recognizes that diversity is its strength, and honors African, African American, Black, people of African descent, and all people who have an interest in Black issues; and

**WHEREAS**, the 13<sup>th</sup> annual collaborative celebratory event supported by sponsorship of numerous businesses and organizations promoting educational and cultural exchanges for the area residents will be held in Jones Park on Sunday, June 11, 2023.

**NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD**, Mayor of the City of Appleton, Wisconsin, do hereby proclaim June 11, 2023 as

## Juneteenth Celebration Day

in Appleton and encourage all citizens to join in the commemoration and celebration of this historic day.



Signed and sealed this 25<sup>th</sup> day of May 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, June 10, 2023.

Proc #46-178

# PROCLAMATION



## Office of the Mayor

**WHEREAS**, every day, on average 316 Americans are killed by gun violence, alongside more than 210 who are shot and wounded; on average there are nearly 21,000 gun-related homicides every year; and

**WHEREAS**, Americans are 26 times more likely to die by gun homicide than people in other high-income countries; and Wisconsin has over 600 gun-related deaths every year, with a rate of 12.1 deaths per 100,000 people; and

**WHEREAS**, support for Second Amendment rights of law-abiding citizens goes together with keeping guns away from people with dangerous histories; and

**WHEREAS**, mayors and law enforcement officers know their communities best, are most familiar with local criminal activity and how to address it, and are best positioned to understand how to keep citizens safe; and

**WHEREAS**, gun violence prevention is more important than ever with recent increased gun sales, increased calls to suicide and domestic violence hotlines, and an overall increase in gun violence; and

**WHEREAS**, in January 2013, Hadiya Pendleton was shot and killed at age 15; to help honor Hadiya and all Americans whose lives are cut short and the countless survivors who are injured by shootings every day, a national coalition of organizations has designated the first Friday in June as National Gun Violence Awareness Day; and

**WHEREAS**, on June 2, 2023, people across the country will wear orange to raise awareness about gun violence and to honor Hadiya and all victims of gun violence and the loved ones of those victims.

**NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD**, Mayor of the City of Appleton, Wisconsin, do hereby proclaim June 2, 2023 as

## GUN VIOLENCE AWARENESS DAY

in Appleton and ask all citizens to renew their commitment to reduce gun violence, encourage responsible gun ownership, and to wear orange on June 2 to honor and remember all victims and survivors of gun violence and to raise awareness about gun violence.



Signed and sealed this 26<sup>th</sup> day of May 2023.

**JACOB A. WOODFORD**  
MAYOR OF APPLETON

# PROCLAMATION



## Office of the Mayor

**WHEREAS**, refugees are men, women, and children from all parts of the world who are forced to flee their homelands because of war, human rights crises, and fear of persecution or death due to race, religion, nationality, political opinion, or membership in a social group; and

**WHEREAS**, World Refugee Day, a global observance that honors all refugees and raises awareness of their strength and courage and serves as a time to acknowledge the hardships refugees have encountered, the new lives they have built, and the positive effect they have on our local communities; and

**WHEREAS**, World Refugee Day was first celebrated on June 20, 2001, to commemorate the 50<sup>th</sup> anniversary of the 1951 Convention Relating to the Status of Refugees, and

**WHEREAS**, the City of Appleton values its strong collaborative relationship with World Relief Fox Valley, the resettlement agency bringing refugees to settle in our community, which provides vital services to newly arrived refugees with access to basic necessities, and the journey to belonging while helping them become all they want to be through culturally relevant learning opportunities; and

**WHEREAS**, the City of Appleton facilitates the Fox Valley Refugee Resettlement team and provides immediate health care screenings for all Appleton refugees, and our staff strives to better understand and serve our refugee communities.

**NOW THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD**, Mayor of the City of Appleton, Wisconsin, do hereby proclaim June 20, 2023 as

## Refugee Day

in Appleton and encourage all residents to take pride in our longstanding role as a community that welcomes and supports refugees, and to join me in honoring refugees by recognizing the hardships they have encountered, the new lives they have built, and the positive contributions they make to our City.



Signed and sealed this 25<sup>th</sup> day of May 2023.

  
**JACOB A. WOODFORD**  
MAYOR OF APPLETON

THREE PARTY DESIGN ENGINEERING SERVICES CONTRACT  
SIGNATURE PAGES

ENGINEERING SERVICES CONTRACT

BETWEEN THE WISCONSIN DEPARTMENT OF TRANSPORTATION,

CITY OF APPLETON (MUNICIPALITY)

AND AYRES ASSOCIATES INC (CONSULTANT) FOR

Project ID 4984-24-74  
C Appleton, Lawe Street  
College Avenue to Wisconsin Ave  
Local Street, Outagamie County

This CONTRACT made and entered into by and between the DEPARTMENT, MUNICIPALITY and the CONSULTANT provides for those SERVICES described in the Scope of Services and Special Provisions and is generally for the purpose of providing the SERVICES solicited by the MUNICIPALITY in the City of Appleton Engineering Notice of Interest (NOI) dated February 1, 2023 and for topographic survey, environmental analysis and documentation, design reports, utility coordination, agency coordination, preliminary and final roadway plans, and PS&E documents. This Qualification Based Selection was made based on the CONSULTANT'S Notice of Interest response and any interviews conducted.

The DEPARTMENT and MUNICIPALITY deem it advisable to engage the CONSULTANT to provide certain engineering SERVICES and has authority to contract for these SERVICES under sec. 84.01(13), Wis. Stats.

The DEPARTMENT REPRESENTATIVE is: Michael Cohen, PE; NE Region Project Manager; 944 Vanderperren Way, Green Bay, WI 54304; [Michael.Cohen@dot.wi.gov](mailto:Michael.Cohen@dot.wi.gov); (920) 360-1476.

The MUNICIPALITY REPRESENTATIVE is: Mark A Lahay, PE; Assistant City Engineer; 100 N Appleton Street, Appleton, WI 54911; [Mark.Lahay@Appleton.org](mailto:Mark.Lahay@Appleton.org); (920) 832-6486.

The CONSULTANT REPRESENTATIVE is: Troy Robillard, PE; Project Manager; 3376 Packerland Drive; Ashwaubenon, WI 54115; [RobillardT@AyresAssociates.com](mailto:RobillardT@AyresAssociates.com); (920) 498-1200.

The CONSULTANT SERVICES will be performed for the DEPARTMENT's Northeast Region office located in Green Bay, WI and will be completed by May 1, 2026. Deliver PROJECT DOCUMENTS to 944 Vanderperren Way, Green Bay, WI 54304, unless other directions are given by the DEPARTMENT.

Compensation for all SERVICES provided by the CONSULTANT under the terms of the CONTRACT will be from the:

DEPARTMENT       MUNICIPALITY

For topographic survey, environmental analysis and documentation, design reports, utility and agency coordination, preliminary and final roadway design and PS&E documents, actual costs to the CONSULTANT up to \$366,895.93, plus a fixed fee of \$23,994.46, not to exceed \$390,890.39.

For subsurface investigation subcontracted to ECS Midwest, LLC, the CONSULTANT'S actual cost to ECS Midwest, LLC not to exceed \$6,951.00 for units delivered based on their proposal dated March 24, 2023.

THREE PARTY DESIGN ENGINEERING SERVICES CONTRACT  
SIGNATURE PAGES

Item Description	Quantity	Unit Type	Unit Cost Rate	Totals
Mobilization	1	Trip	\$525.00	\$525.00
Standard Penetration Test Borings (0' to 40')	80	Foot	\$18.00	\$1,440.00
Boring Abandonment	80	Foot	\$5.25	\$420.00
Pavement Patch	8	Each	\$77.00	\$616.00
Utility Clearance and Coordination	4	Hour	\$100.00	\$400.00
Traffic Control Signs and Cones	1	Day	\$110.00	\$110.00
Traffic Control 2-Person Flag Crew	1	Day	\$1,250.00	\$1,250.00
City of Appleton Street Excavation Permit Fee	1	Each	\$250.00	\$250.00
Laboratory Testing and Boring Log Preparation	6	Hour	\$65.00	\$390.00
Report Preparation – Staff Geotechnical Engineer	12	Hour	\$100.00	\$1,200.00
Report Preparation – Senior Geotechnical Engineer	2	Hour	\$175.00	\$350.00

For Archaeological and Historical investigations subcontracted to UWM Cultural Resource Management, the CONSULTANT'S actual cost to UWM Cultural Resource Management not to exceed \$32,912.99 based on their proposal dated March 23, 2023.

For title searches subcontracted to Dominion Title & Exchange Services, the CONSULTANT'S actual cost to Dominion Title & Exchange Services not to exceed \$9,180.00 for units delivered based on their proposal dated March 30, 2023.

Item Description	Quantity	Unit Type	Unit Cost Rate	Totals
100-year Title Search Report	12	Each	\$200.00	\$2,400.00
Standard Letter Reports	66	Each	\$85.00	\$5,610.00
Title Search Updates	78	Each	\$15.00	\$1,170.00

Compensation for all SERVICES provided by the CONSULTANT under the terms of the CONTRACT shall be for an amount not to exceed \$439,934.38.

The CONSULTANT does and will comply with the laws and regulations relating to the profession of engineering and will provide the desired engineering SERVICES.

This CONTRACT incorporates and the parties agree to all of the standard provisions of the Three Party Design Engineering Services Contract, dated July 1, 2015 and referenced in Procedure 8-15-1 of the State of Wisconsin Department of Transportation Facilities Development Manual. CONSULTANT acknowledges receipt of a copy of these standard provisions.

This CONTRACT incorporates all of the MANUALS defined in the CONTRACT.

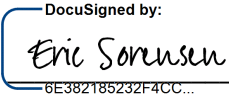
The parties also agree to all of the Special Provisions which are annexed and made a part of this CONTRACT, consisting of 8 pages.



THREE PARTY DESIGN ENGINEERING SERVICES CONTRACT  
SIGNATURE PAGES

Nothing in this CONTRACT accords any third party beneficiary rights whatsoever on any non-party that may be enforced by any non-party to this contract.

For the CONSULTANT

By:  \_\_\_\_\_  
6E382185232F4CC...

Title: Vice President \_\_\_\_\_

Date: 08 May 2023 \_\_\_\_\_

For the DEPARTMENT

By: \_\_\_\_\_

Contract Manager, WisDOT

Date: \_\_\_\_\_

For the MUNICIPALITY

By: \_\_\_\_\_

Title: Director of Public works \_\_\_\_\_

Date: \_\_\_\_\_

Project ID 4984-24-74  
C Appleton, Lawe Street  
College Avenue to Wisconsin Avenue  
Local Street, Outagamie County

## **THREE PARTY DESIGN CONTRACT SPECIAL PROVISIONS**

The following are recommended special provisions for the design contract to be inserted behind the standard provisions.

### **VI. SPECIAL PROVISIONS**

#### **SCOPE OF SERVICES**

##### **A. DESIGN REPORTS**

(1) Other Reports:

Prepare the following engineering reports/analyses as directed by the MUNICIPALITY:

- Pavement Design Report as set forth in the MANUAL
- Stormwater Spreadsheets
- Design Study Report
- Transportation Management Plan, Type 2
- Soil Report

##### **B. ENVIRONMENTAL DOCUMENTATION**

Execute a disclosure statement as required by 40 CFR 1506.5(c).

Prepare a Categorical Exclusion Checklist (CEC) Environmental document for the PROJECT as specified in the MANUAL and Chapter TRANS 400, Wisconsin Administrative Code. Furnish the required number to the MUNICIPALITY for approval.

Prepare an environmental document that evaluates reasonable alternatives to the PROJECT and consider other reasonable actions or activities that may achieve the same or similar goals of the proposed highway PROJECT, including other or additional transportation alternatives and intermodal opportunities and the alternative of taking no action. Evaluate alternative courses of action based upon a balanced consideration of the environment, public comments, and the need for safe and efficient transportation consistent with local, state, and national environmental goals. Prepare environmental documents that are concise and emphasize significant environmental issues and plausible alternatives. Comply with requirements specified in the MANUAL and TRANS 400, Wisconsin Administrative Code. In the event of a conflict between the MANUAL and TRANS 400, Wisconsin Administrative Code, the administrative rule supersedes.

(1) Historical and Archaeological Surveys and Studies:

- (a) Identify the Area of Potential Effect for the PROJECT. Conduct a reconnaissance survey as specified in the MANUAL. Submit the results of the archaeological and historical reconnaissance and evaluation studies to the region project manager. Obtain recommendations from SHPO, the

historian and the Project Manager regarding historical/architectural reconnaissance surveys. Obtain recommendations from the archaeologist, Bureau of Environment and the Project Manager prior to conducting evaluation studies when further work is needed.

- (b) Prepare a report as required in the "Guidelines for Preparation of Formal Report on Archaeological Materials or Sites" in accordance with the MANUAL. Document the results of the reconnaissance survey for architecture/history using the "Architecture/History Survey Form".
- (2) Hazardous Materials/Contamination Assessments
- (a) Conduct a Phase I investigation for the PROJECT in accordance with the MANUAL.
  - (b) Obtain direction from the Project Manager and the Region environmental coordinator prior to conducting further evaluation studies when Phase 1 indicates further work is needed.
  - (c) The MUNICIPALITY acknowledges that the CONSULTANT is not, by virtue of this CONTRACT, the owner or generator of any waste materials generated as a result of the Hazardous Materials/ Contamination Assessments services performed by the CONSULTANT under this CONTRACT. Dispose of investigative waste in accordance with the MANUAL.
- (3) Native American Coordination
- (a) Prepare an email notification and submit to the DEPARTMENT for review and approval. The emails will be sent out by the DEPARTMENT.

## **C. AGENCY COORDINATION**

- (1) Section 401 and 402 Certifications:
- Evaluate the effects of the PROJECT on water quality, in accordance with the provisions of the Clean Water Act and Chapter TRANS 400, Wisconsin Administrative Code and the MANUAL; and prepare the necessary application.
- (2) US Fish and Wildlife Service Coordination:
- (a) Coordinate with the US Fish and Wildlife Service for potential impacts to endangered and threatened species.

## **D. RAILROAD/ UTILITY INVOLVEMENTS**

- (1) Utility Coordination
- Perform all utility coordination in accordance with:
- a) The WisDOT "Guide to Utility Coordination" for non-TRANS 220 projects.

- (2) Transmit final utility related documents to the DEPARTMENT a minimum of 30 days prior to the final PS&E submittal date. This submittal shall include the following information:
  - a) Utility Status Report
  - b) Utility related special provisions
  - c) Plans specific to utility related items, including general notes, plan and profile, cross sections, and bridge sheets.
  - d) One utility coordination meeting
  - e) All agreement documents, including any utility conveyances, lump sum agreement, and audit agreements.
  - f) Approved work plans by the MUNICIPALITY
- (3) The CONSULTANT will survey new utilities after their relocation and prior to construction, to confirm their moves matched their proposed work plans.
- (4) The CONSULTANT will perform a railroad crossing report, and coordinate the PROJECT improvements with CN Railroad and the DEPARTMENT.

## **E. PUBLIC INVOLVEMENT**

- (1) Public Involvement Meetings:
  - (a) Conduct or assist the MUNICIPALITY in holding one public involvement meeting and explain to the public concepts and probable impacts of this PROJECT.
  - (b) Prepare all exhibits and supplementary handout material and provide the equipment necessary to conduct the public involvement meeting.
  - (c) Prepare a summary report after the public involvement meeting.
  - (d) Discuss with the MUNICIPALITY the comments received and recommend the possible disposition of these comments and suggestions after the public involvement meeting.
  - (e) Make all the necessary arrangements for scheduling the public involvement meeting and provide notices and press releases for the MUNICIPALITY'S use.
  - (f) Provide the MUNICIPALITY with copies of all public involvement correspondence and file notes.
  - (g) Coordinate meeting schedules with the MUNICIPALITY'S representative.
  - (h) Prepare a Public Involvement Plan (PIP) for the PROJECT.

- (i) Attend two Municipal Services Committee meetings for MUNICIPALITY's approval of the design at an approximate 30% design level.
- (2) Project Mailings:

The MUNICIPALITY shall provide a mailing list for the public involvement meeting. The CONSULTANT is responsible for sending out letters for the public involvement meeting.

## **F. MEETINGS**

- (1) Hold an Operational Planning Meeting to discuss the organization and processing of the Services under this CONTRACT.
- (2) A 30%, 60% and 90% Review meeting shall be at the City of Appleton public works building with the MUNICIPALITY and the DEPARTMENT.
- (3) Two project coordination meetings are anticipated to be held with City of Appleton's staff to discuss project improvements.
- (4) Attend the pre-construction conference as scheduled by the DEPARTMENT.

## **G. SURVEYS**

- (1) Perform full topographic survey in the following areas along the PROJECT:
  - a. Perform full topo for approximately 4,200 lineal feet of roadway along Lawe Street in the City of Appleton at 50-foot intervals going to the lesser of, 50 feet on either side of centerline of Lawe Street or to building faces, and 100 feet down the centerline of side streets.
  - b. Set a minimum of 4 horizontal control points using conventional methods and 8 vertical benchmarks with digital level.
  - c. Measure and dip all storm structures within topographical limits and one beyond if applicable.
- (2) Diggers Hotline will be used to have underground utilities located. These utilities will be surveyed at the flagged/painted locations. The CONSULTANT is not liable for errors performed by Diggers Hotline for the location of existing utilities.
- (3) The CONSULTANT will create a 360-degree view of the existing roadway, for documentation of pictures along the project corridor.

## **H. SOILS AND SUBSURFACE INVESTIGATIONS**

- (1) Perform 8 borings to a depth of 10 feet below the existing grade, to determine the existing pavement structure, including base courses and shoulders, in order to determine quantities and qualities of materials available for project needs.
- (2) The CONSULTANT shall backfill all boreholes and monitoring wells per the April 20, 1992, guidelines titled "Wisconsin Department of Transportation Geotechnical Section - Drilled Borehole and Monitoring Well Abandonment Procedures". Spoil

material from boring samples shall be disposed of such that the surrounding environment is not adversely impacted, including any nearby streams.

- (3) Perform subsurface investigations to analyze project geotechnical concerns and provide full detailed recommendations. The soils shall be classified by pedological means to provide pavement design parameters.

## **I. ROAD PLANS**

Section II C (9) in the Standard Provision of the CONTRACT is amended to include the following plans:

Pavement Marking, and Permanent Signing Plan  
Pedestrian Detour  
Vehicular Detour  
Lighting Plans (College Ave to North Street)  
Storm Sewer Plans (for inlets and laterals)

- (1) The CONSULTANT will do a storm sewer plan for inlets/leads/laterals along the project corridor. The MUNICIPALITY will be designing the storm sewer main, that will be replaced prior to construction.
- (2) The CONSULTANT will analyze existing street lighting levels along the PROJECT and give recommendations for lighting. The CONSULTANT shall design lighting plans for Lawe Street, between College Avenue and North Street.
- (3) The CONSULTANT will evaluate three different typical sections along Lawe Street, and pedestrian enhancements at the North Street and Washington Street intersections.
- (4) The CONSULTANT shall submit 30%, 60% and 90% plans to the DEPARTMENT and the MUNICIPALITY for review and comment. Included in each of the plan submittals will be an estimated project cost and an estimate of the road builders' quantities.

## **J. TRANSPORTATION PROJECT PLATS**

- (1) The CONSULTANT shall prepare a transportation project plat for the PROJECT in accordance with the MANUAL. The plat is estimated to be 12 fee parcels, 66 TLE's and confined to five transportation project plat sheets and/or temporary limited easement (TLE) exhibits, and one plat title sheet.
  - (a) Prepare the transportation project plat sheet showing coordinates on all section corners and on all main line and side road survey line/reference line PI's.
  - (b) All coordinate information will be referenced to the Wisconsin County Coordinate Reference System (English) NAD 1983, (2011) adjustment.
  - (c) Show all newly monumented right-of-way points and reestablished right-of-way points with the size and kind noted (e.x. 1" I.P.) in accordance with the MANUALS.

- (d) Show all recovered monuments with the size and kind noted in accordance with the MANUALS.
  - (e) Note on the plat existing property lines along with CSM's, subdivisions, assessor plats, county plats, and condominium plats, plats of survey and other surveys of record.
  - (f) Assign a note or table to transportation project plat to include the historical basis for dimensioning the existing highway right-of-way; include intersecting roads.
  - (g) Show the bearing and distance along the section line to the adjacent quarter corner or section corner whenever the mainline reference line and the right-of-way lines cross a section line. Note on the plat the type and coordinates of the section corner.
- (2) The CONSULTANT will provide up to 12 full title searches, and 12 title updates. In addition, the CONSULTANT will provide up to 66 current deed of record with utilities for TLE parcels.
  - (3) Provide right-of-way descriptions for all individual parcels of land and interests to be acquired as right-of-way for the PROJECT. Write descriptions in accordance with the MANUALS.
  - (4) The CONSULTANT shall temporary stake proposed right of way for appraisals, and monument the new right-of-way points with a 1" by 24" iron pipe, as depicted on the transportation project plat, prior to construction.
  - (5) The CONSULTANT shall be responsible for all revisions to the transportation project plat and right-of-way descriptions, unless specifically excluded by the CONTRACT. All amendments or revisions to the recorded transportation project plat shall be made in accordance with the transportation project plat guidelines.

## **K. TRAFFIC**

- (1) The CONSULTANT will collect 12-hour vehicle turning movement counts at the following locations:
  - Lawe Street & College Avenue
  - Lawe Street & Wisconsin Avenue
- (2) CONSULTANT will perform a project crash review of the PROJECT corridor.
- (3) CONSULTANT will perform operational analysis for the following:
  - Lane assignment of Lawe Street approaching College Avenue. This includes analyzing southbound queuing for determining turn bay lengths and analyze the cross-section with or without dedicated bike lanes.
  - South of Wisconsin Avenue, analyze the southbound 2 lane to 1 lane transition through the existing S-curve. Analysis will include lane assignment of southbound Meade Street at Wisconsin Avenue, and an

option to relocate E Summer St to intersect Lawe St at a 90-degree angle.

## **L. SERVICES PROVIDED BY THE MUNICIPALITY**

The MUNICIPALITY will provide to the CONSULTANT the following for the PROJECT:

- (1) As-built plans, if available
- (2) Publish the press release and provide the mailing list for the public involvement meeting
- (3) Traffic control for soil boring operations.
- (4) Traffic forecasts through ECWRPC
- (5) Traffic signal timings

## **PROSECUTION AND PROGRESS**

- (1) The MUNICIPALITY shall report on the progress of the PROJECT as stipulated in the contract agreement. Standard benchmarks, consistent with DEPARTMENT'S internal staff benchmarks, will be reported monthly to the DEPARTMENT. The actual start, projected or actual finish date, and percent of work complete will be included for all relevant benchmarks on any project report required for delivery to DEPARTMENT staff. The report can be delivered in electronic format consistent with current DEPARTMENT standards (Microsoft Project), or on paper.
- (2) The CONSULTANT proposes to sublet these services to
  - Engineering Consulting Services (ECS) for soils investigation
  - University of Milwaukee – Cultural Resource Management for historical and archaeological surveys
  - Dominion Title & Exchange Services for title searches
- (3) The following items of work will be completed and submitted to the MUNICIPALITY by the indicated dates, if CONSULTANT has received the Notice to Proceed by June 1, 2023.



<b>Report Title</b>	<b>Date</b>
Survey	6/2023
Operational Planning Meeting	8/2023
30% Plans	12/2023
Section 106 submittal	1/2024
Public Involvement Meeting	3/2024
Environment Document Submittal	5/2024
Design Study Report Submittal	7/2024
60% Plans	7/2024
Preliminary Plat	8/2024
Final Plat	10/2024
90% Plans	4/2025
Finals PS&E Submittal	8/1/2025
LET date	12/9/2025
Preconstruction Meeting	4/2026

**Certificate Of Completion**

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Envelopeld Stamping: Enabled	Brenda Veeseer
Time Zone: (UTC-06:00) Central Time (US & Canada)	4822 Madison Yards Way
	Madison, WI 53705
	brenda.veeser@dot.wi.gov
	IP Address: 165.189.255.43

**Record Tracking**

Status: Original	Holder: Brenda Veeseer	Location: DocuSign
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Storage Appliance Status: Connected	Pool: Wisconsin Department of Transportation	Location: DocuSign

**Signer Events**

Eric Sorensen  
sorensene@ayresassociates.com  
Vice President  
Security Level: Email, Account Authentication (None)

**Signature**

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**Electronic Record and Signature Disclosure:**

Accepted: 5/8/2023 8:23:59 AM  
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Danielle Block  
danielle.block@appleton.org  
Director of Public Works  
Security Level: Email, Account Authentication (None)

Sent: 5/8/2023 8:32:39 AM  
Viewed: 5/8/2023 9:23:15 AM

**Electronic Record and Signature Disclosure:**

Accepted: 5/8/2023 9:23:15 AM  
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CAU Consultant SG

Signing Group: CAU Consultant SG  
Security Level: Email, Account Authentication (None)

**Electronic Record and Signature Disclosure:**

Not Offered via DocuSign

In Person Signer Events	Signature	Timestamp
Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp

<b>Witness Events</b>	<b>Signature</b>	<b>Timestamp</b>
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<b>Notary Events</b>	<b>Signature</b>	<b>Timestamp</b>
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<b>Payment Events</b>	<b>Status</b>	<b>Timestamps</b>
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<b>Electronic Record and Signature Disclosure</b>		
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## **ELECTRONIC RECORD AND SIGNATURE DISCLOSURE**

From time to time, Wisconsin Department of Transportation (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through your DocuSign, Inc. (DocuSign) Express user account. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to these terms and conditions, please confirm your agreement by clicking the 'I agree' button at the bottom of this document.

### **Getting paper copies**

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. For such copies, as long as you are an authorized user of the DocuSign system you will have the ability to download and print any documents we send to you through your DocuSign user account for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

### **Withdrawing your consent**

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

### **Consequences of changing your mind**

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. To indicate to us that you are changing your mind, you must withdraw your consent using the DocuSign 'Withdraw Consent' form on the signing page of your DocuSign account. This will indicate to us that you have withdrawn your consent to receive required notices and disclosures electronically from us and you will no longer be able to use your DocuSign Express user account to receive required notices and consents electronically from us or to sign electronically documents from us.

### **All notices and disclosures will be sent to you electronically**

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through your DocuSign user account all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

**How to contact Wisconsin Department of Transportation:**

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: david.esse@dot.wi.gov

**To advise Wisconsin Department of Transportation of your new e-mail address**

To let us know of a change in your e-mail address where we should send notices and disclosures electronically to you, you must send an email message to us at david.esse@dot.wi.gov and in the body of such request you must state: your previous e-mail address, your new e-mail address. We do not require any other information from you to change your email address..

In addition, you must notify DocuSign, Inc to arrange for your new email address to be reflected in your DocuSign account by following the process for changing e-mail in DocuSign.

**To request paper copies from Wisconsin Department of Transportation**

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an e-mail to david.esse@dot.wi.gov and in the body of such request you must state your e-mail address, full name, US Postal address, and telephone number. We will bill you for any fees at that time, if any.

**To withdraw your consent with Wisconsin Department of Transportation**

To inform us that you no longer want to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your DocuSign account, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an e-mail to david.esse@dot.wi.gov and in the body of such request you must state your e-mail, full name, IS Postal Address, telephone number, and account number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

**Required hardware and software**

Operating Systems:	Windows2000? or WindowsXP?
Browsers (for SENDERS):	Internet Explorer 6.0? or above
Browsers (for SIGNERS):	Internet Explorer 6.0?, Mozilla FireFox 1.0, NetScape 7.2 (or above)
Email:	Access to a valid email account
Screen Resolution:	800 x 600 minimum
Enabled Security Settings:	<ul style="list-style-type: none"> <li>•Allow per session cookies</li> <li>•Users accessing the internet behind a Proxy Server must enable HTTP 1.1 settings via proxy connection</li> </ul>

\*\* These minimum requirements are subject to change. If these requirements change, we will provide you with an email message at the email address we have on file for you at that time providing you with the revised hardware and software requirements, at which time you will have the right to withdraw your consent.

**Acknowledging your access and consent to receive materials electronically**

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please verify that you were able to read this electronic disclosure and that you also were able to print on paper or electronically save this page for your future reference and access or that you were able to e-mail this disclosure and consent to an address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format on the terms and conditions described above, please let us know by clicking the 'I agree' button below.

By checking the 'I Agree' box, I confirm that:

- I can access and read this Electronic CONSENT TO ELECTRONIC RECEIPT OF ELECTRONIC RECORD AND SIGNATURE DISCLOSURES document; and
- I can print on paper the disclosure or save or send the disclosure to a place where I can print it, for future reference and access; and
- Until or unless I notify Wisconsin Department of Transportation as described above, I consent to receive from exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to me by Wisconsin Department of Transportation during the course of my relationship with you.

**BRIDGE INSPECTION AGREEMENT BETWEEN  
OUTAGAMIE COUNTY  
AND  
CITY OF APPLETON**

THIS AGREEMENT, made and entered into by and between the City of Appleton, hereinafter referred to as the CITY, and the Outagamie County Highway Department, hereinafter referred to as the COUNTY regarding the National Bridge Inspection Standards (NBIS) responsibilities.

WITNESSETH:

WHEREAS, the COUNTY is responsible for the inspection of all local highway bridges including county and municipality (city, villages, townships, etc.) highways, roadways, and streets,

WHEREAS, the CITY is the owner of local highway bridges on CITY roads or streets within their jurisdiction,

WHEREAS, the Wisconsin SIM and NBIS sets forth standards, methods and procedures that enable local highway bridge owners to comply with the NBIS,

WHEREAS, bridge inspections are requirement of the NBIS and the SIM, and

WHEREAS, the parties wish to enter into this agreement to establish uniform bridge inspection guidelines in accordance with NBIS.

NOW THEREFORE, in consideration of these facts and the promises of the parties, the parties hereto agree as follows:

**SECTION 1: DEFINITIONS**

Wherever in this agreement the following terms are used, they will have the meaning here given:

CITY means a Wisconsin municipality with jurisdiction over local highway bridges.

FHWA means the Federal Highway Administration.

LOCAL HIGHWAY BRIDGES mean those bridges within the corporate limits of the City of Appleton as identified in Exhibit 1 and Exhibit 2 attached hereto and incorporated herein by reference.

NBIS means the National Bridge Inspection Standards, Code of Federal Regulations Title 23, Part 650, Subpart C.

SIM means the Wisconsin Structures Inspection Manual.

HSIS means WisDOT's Highway Structures Inventory System.

**SECTION 2: PURPOSE**

The purpose of this agreement is to define the CITY's responsibilities in complying with the NBIS, which, in part requires that every bridge have a safety inspection completed on specific intervals.

**BRIDGE INSPECTION AGREEMENT BETWEEN  
OUTAGAMIE COUNTY  
AND  
CITY OF APPLETON**

**SECTION 3: SCOPE OF LOCAL HIGHWAY BRIDGE OWNER RESPONSIBILITIES AND SCHEDULE FOR COMPLETION**

**1. Bridge Safety Inspection**

All local highway bridges shall be inspected by the CITY or their consultant in compliance with the procedures set forth in the SIM manual. This requires in part, that each type of required inspection is completed by a WisDOT certified bridge inspection Team Leader with the required training for the inspection type; the inspections be completed within the specified inspection time interval for each given bridge; and the reports to be submitted in WisDOT's HSIS following the procedures and timeframes set out in the SIM. Inspections will periodically undergo a Quality Control check by the COUNTY Program Manager.

**2. Bridge Inspection Activities**

All local highway bridges requiring special inspection activity types shall be completed by the CITY or their consultant in compliance with the procedures in the SIM manual.

**SECTION 4: COUNTY RESPONSIBILITIES**

- 1. The COUNTY will periodically perform Quality Control checks by the COUNTY inspection Program Manager.**

IN WITNESS WHEREOF, the CITY and the COUNTY hereto have caused this agreement to be executed by their proper officials thereunto duly authorized as of the dates below indicated.

EXECUTED by the CITY this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Name Title

EXECUTED by the COUNTY this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

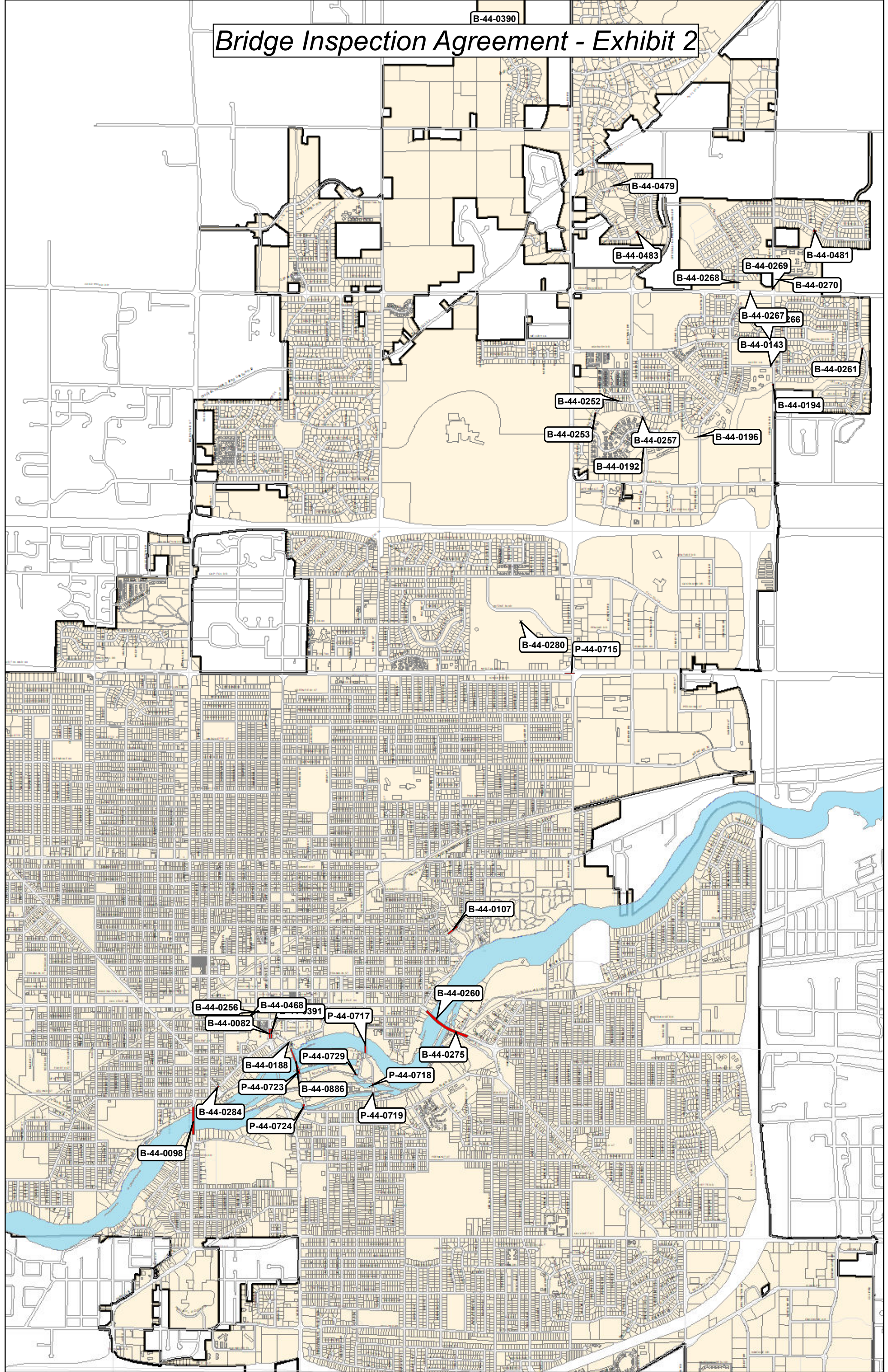
\_\_\_\_\_  
Name Title



## EXHIBIT 1

<b>sid</b>	<b>city no.</b>	<b>on</b>	<b>under</b>
B440082	17	APPLETON ST SBL	JONES PARK RD
B440098	1	STH 47-MEMORIAL DR	FOX RIVER
B440107	13	PACIFIC ST	PEABODY PARK ROAD
B440143	24	Glory Lane	French Road Ditch
B440188	2	OLDE ONEIDA ST	NORTH MILLRACE
B440192	30	LIGHTNING DRIVE	AAL Tributary
B440194	21	FRENCH ROAD	APPLE CREEK
B440196	35	PROVIDENCE RD	APPLE CREEK
B440252	29	GLENHURST LANE (East)	TRIBUTARY TO APPLE CREEK
B440253	28	GLENHURST LANE (West)	TRIBUTARY TO APPLE CREEK
B440256	19	PEDESTRIAN WALKWAY	SUPERIOR STREET
B440257	25	LIGHTNING DRIVE	Apple Creek
B440260	12	COLLEGE AVE	FOX RIVER
B440261	31	Cherryvale Avenue	Apple Creek
B440266	32	ASHBURY DRIVE	French Rd Swale
B440267	34	CTH JJ	Apple Creek
B440268	22	PROVIDENCE AVE	APPLE CREEK CHANNEL
B440269	21	FRENCH ROAD	Apple Creek Channel
B440270	37	SALM RD	APPLE CREEK CHANNEL
B440275	11	BANTA CT	FOX RIVER POWER CANAL
B440280	38	Memorial Park Walkway	Apple Creek
B440284	14	PROSPECT AVE	JACKMAN ST
B440390	33	WERNER RD	UNNAMED STREAM
B440391	17	Appleton Street	Entrance to Jones Park
B440468	40	PEDESTRIAN BRIDGE	LAWRENCE ST
B440479	44	OSPREY LANE	APPLE CREEK
B440481	47	Rubyred Drive	Apple Creek Northeast
B440483	48	E Harrier Lane	Apple Creek
B440886	3	OLDE ONEIDA ST	FOX RIVER
P440715	42	CTH E BALLARD RD	DRAINAGE WAY
P440717	8	LAWE ST	FOX RIVER
P440718	9	LAWE ST	POWER CANAL
P440719	10	LAWE ST	NAVIGATION CANAL
P440723	4	OLDE ONEIDA ST	SOUTH CANAL
P440724	5	OLDE ONEIDA ST	NAVIGATION CANAL
P440729	7	S ISLAND ST	Power Canal

# Bridge Inspection Agreement - Exhibit 2





**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:** May 17, 2023  
**Re:** 1619 Pauline Street – Terrace Occupancy Permit

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The resident at 1619 E. Pauline Street has applied for a Terrace Occupancy Permit to allow for an existing private 3' fence to remain in the right-of-way/street terrace. See the attached site photo.

The recently updated City Street Terrace Policy allows requests to be made for consideration by the Municipal Services Committee and Common Council. Any approved terrace occupancy permits require insurance and payment of an annual terrace occupancy permit fee, which is valid until December 31 of the year it is issued.

Staff recommends approval of the Terrace Occupancy Permit. All required documentation has been submitted by the resident.



PERMIT TO OCCUPY THE PUBLIC RIGHT-OF-WAY

Permit #: Effective Date: 5/15/23 Expiration Date: Fee: 40.00 Paid (yes or no):

Rev. 04-10-15

Applicant Information

Name (print): Jo Ann Fidika Company: Address: 1619 E. Pauline St. Telephone: 920-574-0471 FAX: Appleton, WI e-mail: zorrafid@gmail.com Applicant Signature: [Signature] Date: 5/15/23

Occupancy Information

General Description: 3' fence in set back Street Address: Tax Key No.: 31-1-2375-00 - or- Street: From: To: Multiple Streets:

(Department use only)

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

Additional Requirements

Plan/Sketch Certificate of Insurance OR Waiver Bond Other:

Traffic Control Requirements

Type of Street: Proposed Traffic Control: City Manual Page(s) State Manual Page(s) Other (attach plan) Approved by: Date: 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:





# 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 Schwager Company: Mud and Prints LLC  
 Address: 311 E. College Ave Telephone: 920-277-1599 FAX: \_\_\_\_\_  
Appleton e-mail: linda@mudandprints.com  
 Applicant Signature: [Signature] Date: 5/18/23

### Occupancy Information

General Description: lights overhead - solar, at least 10' above sidewalk  
at east building corner across sidewalk; amenity strip attached to city-owned light pole  
 and rack:  
 Street Address: 311 E. College Ave Tax Key No.: #1854013  
 - or -  
 Street: \_\_\_\_\_ From: June To: Oct  
 Multiple Streets: \_\_\_\_\_

(Department use only)

### Occupancy Type

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

### Sub-Type

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

### Location

- Sidewalk over head
- Terrace
- Roadway

### Additional Requirements

- Plan/Sketch
- Certificate of Insurance
- Bond
- Other: \_\_\_\_\_

### Traffic Control Requirements

N/A

Type of Street: \_\_\_\_\_ Proposed Traffic Control: \_\_\_\_\_

- Arterial/CBD  City Manual Page(s)
- Collector  State Manual Page(s)
- Local  Other (attach plan)

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

Additional Requirements: \_\_\_\_\_

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_

### This permit approval is subject to the following conditions:

1. Permittee is responsible to obtain any further permits that may be required as part of this occupancy.
2. Permittee shall adhere to any plan(s) that were submitted to the City of Appleton as part of this application.
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4. This permit is subject to IMMEDIATE REVOCATION if unfavorable traffic conditions develop during the period the occupancy is permitted.
5. \_\_\_\_\_
6. \_\_\_\_\_

This permit is issued to the applicant upon payment of the permit fee and is expressly limited to the location and type described herein. The applicant, in exchange for receiving this permit, warrants that all street occupancies will be performed in conformity to City ordinances, standards and policies, be properly barricaded and lighted, and be performed in a safe manner. By applying for and accepting this permit, the applicant assumes full liability and/or any costs incurred by the City for corrective work required to bring the subject area into compliance with said ordinances, standards, policies and permit conditions. No occupancy shall occur prior to approval of this permit by the Department of Public Works.

The Grantee shall guarantee at their expense, the repair or replacement of pavement, sidewalk and any other facilities within the public right-of-way damaged or destroyed by the Grantee or any sub-contractor working for them. The Grantee shall assume complete and full liability and responsibility, in accordance with existing ordinances and policies, in the event of injury or damage to persons or property resulting from their facilities within the public right-of-way.

APPROVED BY: \_\_\_\_\_

(Department of Public Works)

DATE: \_\_\_\_\_

May 18, 2023

Danielle L. Block  
City Of Appleton  
100 N. Appleton Street  
Appleton, WI 54911

Dear Ms. Block,

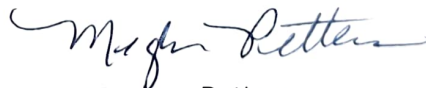
Appleton Downtown, Inc., along with Creative Downtown Appleton, Inc., would like to host a sidewalk sale again this year during Downtown Creates on every third Friday from June through August 2023. The dates for these events are:

- Friday, June 16, 2023
- Friday, July 21, 2023
- Friday, August 18, 2023

We are requesting a Sidewalk Occupancy Permit to cover the amenity strip from 900 W. College Avenue through 300 E. College Avenue. Stores will set up in the amenity strip beginning at 10:00 a.m. and will remove goods and supplies shortly after 8:00 p.m. We will not require any street closures for the sidewalk sales.

Thank you for your consideration.

Sincerely,



Meghan Petters  
Administrative & Events Assistant  
Appleton Downtown, Inc.

May 18, 2023

Danielle L. Block  
City Of Appleton  
100 N. Appleton Street  
Appleton, WI 54911

Dear Ms. Block,

At the request of Willems Marketing, Mile of Music and the downtown businesses, Appleton Downtown Inc., along with Creative Downtown Appleton Inc., would like to host a sidewalk sale again this year, during Mile 10 on:

- Friday, August 4, 2023
- Saturday, August 5, 2023
- Sunday, August 6, 2023

We are requesting a Sidewalk Occupancy Permit to cover the amenity strip from 900 W. College Avenue through 300 E. College Avenue. Stores will set up in the amenity strip beginning at 10:00 a.m. and will remove goods and supplies shortly after 6:00 p.m. We will not require any street closures for the sidewalk sales.

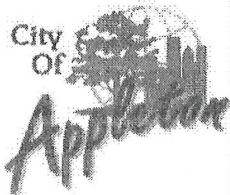
Thank you for your consideration.

Sincerely,



Meghan Petters  
Administrative & Events Assistant  
Appleton Downtown, Inc.





# PERMIT TO OCCUPY THE PUBLIC RIGHT-OF-WAY

Permit #: \_\_\_\_\_  
 Effective Date: 5/12/23  
 Expiration Date: \_\_\_\_\_  
 Fee: 40.00  
 Paid (yes or no): yes

Rev. 04-10-15

### Applicant Information

Name (print): Lee Robbert Company: KJL Properties  
 Address: 2601 W. Second St. Telephone: 920-954-0466 FAX: 920-954-9158  
Appleton, WI 54914 e-mail: lrobbertepelletamerica.com  
 Applicant Signature: [Signature] Date: 5-11-23

### Occupancy Information

General Description: Warehousing, Tenents Recycling, move dock down  
 Street Address: 1843 W. Reeve St. Appleton, WI 54914 Tax Key No.: 315146202  
 - or -  
 Street: \_\_\_\_\_ From: \_\_\_\_\_ To: \_\_\_\_\_  
 Multiple Streets: \_\_\_\_\_

(Department use only)

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

### Additional Requirements

Plan/Sketch  Certificate of Insurance  Bond  
 Other: \_\_\_\_\_

### Traffic Control Requirements N/A

Type of Street: \_\_\_\_\_ Proposed Traffic Control: \_\_\_\_\_  
 Arterial/CBD  City Manual Page(s)  
 Collector  State Manual Page(s)  
 Local  Other (attach plan)  
 Contact Traffic Division (832-2379) 1 business day prior to any lane closure, or 2 business days prior to a full road closure.  
 Additional Requirements: \_\_\_\_\_

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_

### This permit approval is subject to the following conditions:

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3. This permit is subject to IMMEDIATE REVOCATION and/or issuance of a MUNICIPAL CITATION if conditions of the permit are not met.
4. This permit is subject to IMMEDIATE REVOCATION if unfavorable traffic conditions develop during the period the occupancy is permitted.
5. \_\_\_\_\_
6. \_\_\_\_\_

This permit is issued to the applicant upon payment of the permit fee and is expressly limited to the location and type described herein. The applicant, in exchange for receiving this permit, warrants that all street occupancies will be performed in conformity to City ordinances, standards and policies, be properly barricaded and lighted, and be performed in a safe manner. By applying for and accepting this permit, the applicant assumes full liability and/or any costs incurred by the City for corrective work required to bring the subject area into compliance with said ordinances, standards, policies and permit conditions. No occupancy shall occur prior to approval of this permit by the Department of Public Works.

The Grantee shall guarantee at their expense, the repair or replacement of pavement, sidewalk and any other facilities within the public right-of-way damaged or destroyed by the Grantee or any sub-contractor working for them. The Grantee shall assume complete and full liability and responsibility, in accordance with existing ordinances and policies, in the event of injury or damage to persons or property resulting from their facilities within the public right-of-way.

APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
 (Department of Public Works)



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

5/17/2023

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 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 R & R Insurance Services, Inc N14 W23900 Stone Ridge Drive Waukesha WI 53188	CONTACT NAME: Patricia Selle
	PHONE (A/C, No, Ext): (920) 931-3267 FAX (A/C, No): (920) 931-3267
INSURED Pellet America Corporation 2601 W 2nd St Appleton WI 54914-4414	E-MAIL ADDRESS: Patti.Selle@rrins.com
	INSURER(S) AFFORDING COVERAGE
	INSURER A: Encova Insurance
	INSURER B: First Dakota Indemnity Company
	INSURER C:
	INSURER D:
	INSURER E:
	INSURER F:

## COVERAGES

CERTIFICATE NUMBER: 22/23

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  GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			5000501932  AI PNC #CG2001 (04-13) Blkt AI #CGWVG0031 (08-17) Blkt WOS #CGWMN0003 (11-18)	5/15/2022	5/15/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 15,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
A	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			5000501932  Blkt AI #CACWVG0014 (04-17) Blkt WOS #CACWVG0007 (04-17)	5/15/2022	5/15/2023	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ Underinsured motorist combined sir \$ 1,000,000
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 10,000			5000517099	5/15/2022	5/15/2023	EACH OCCURRENCE \$ 4,000,000 AGGREGATE \$ 4,000,000
B	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 <input checked="" type="checkbox"/>	N/A	WC020-0063884-2022A  Marlyn Robbert is excluded.	5/15/2022	5/15/2023	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000

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

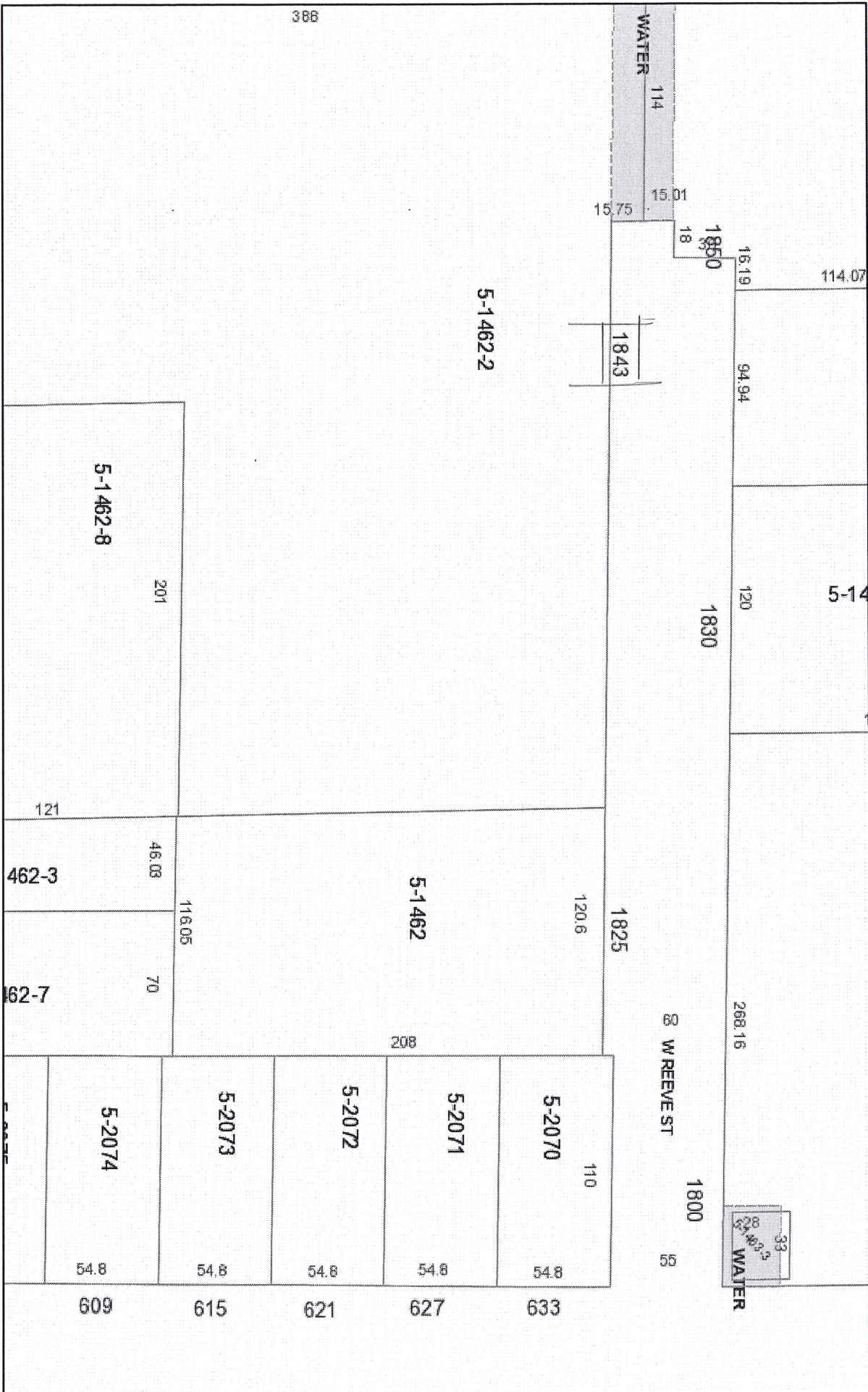
## CERTIFICATE HOLDER

## CANCELLATION

City of Appleton 100 North Appleton St Appleton, WI 54911	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 Anthony Sartori/PV731

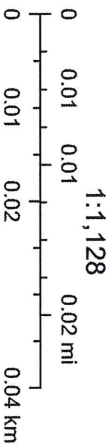
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# ArcGIS Web Map

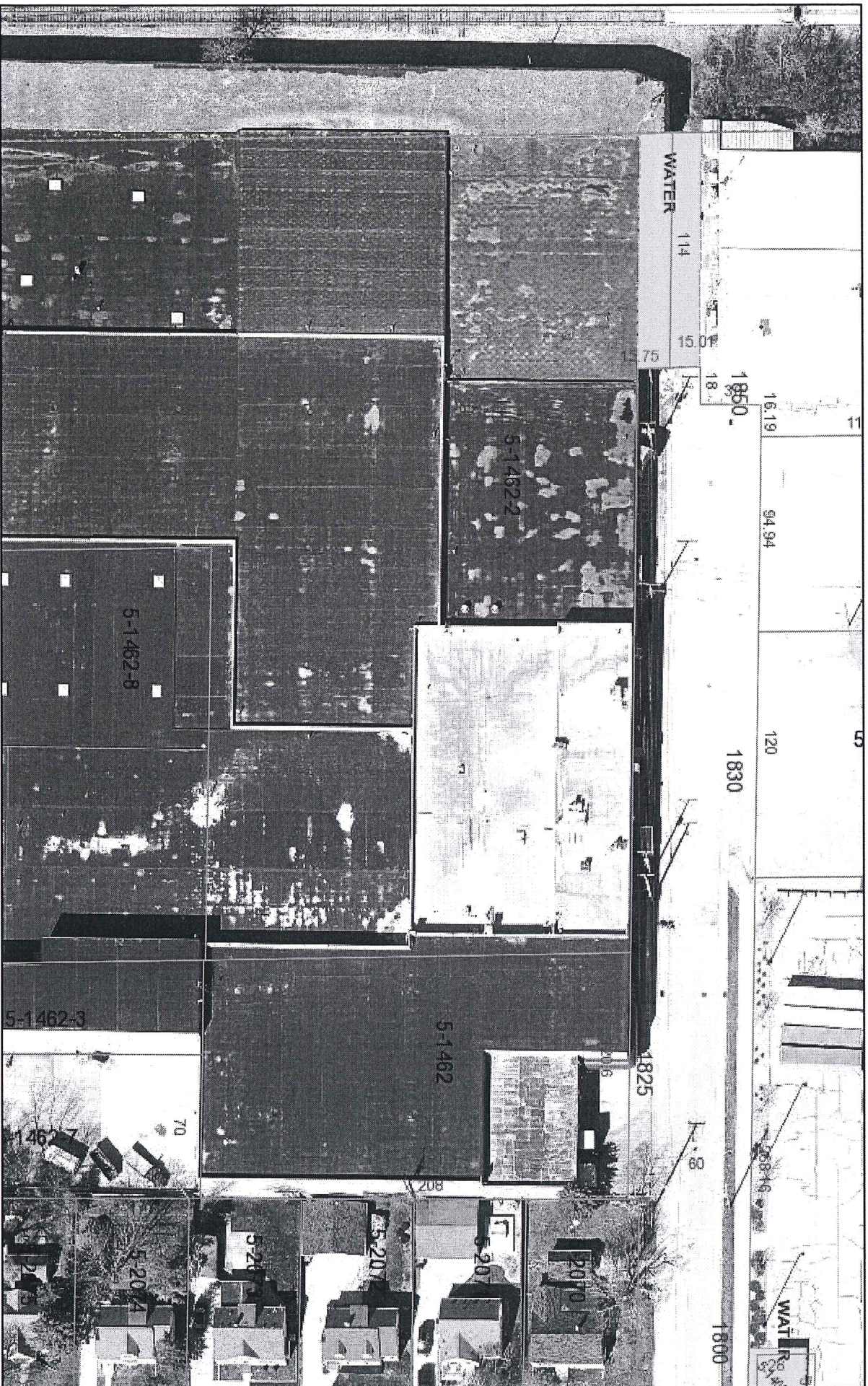


5/18/2023, 8:59:42 AM

- City Limits
- City Parcels
- Easements

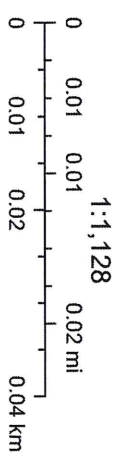


# ArcGIS Web Map

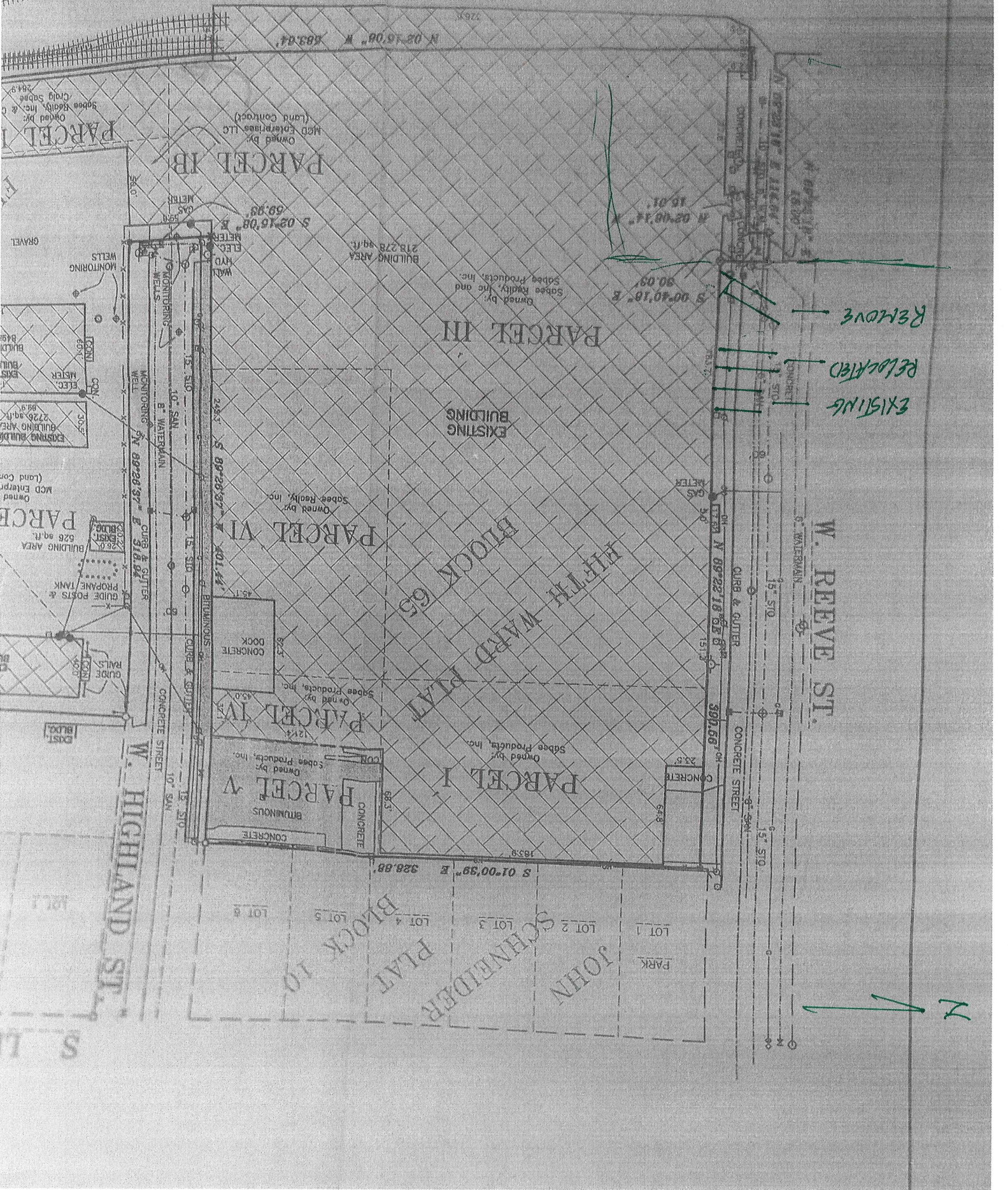


5/18/2023, 9:06:01 AM

- City Limits
- City Parcels
- Easements



CANADIAN NATIONAL R

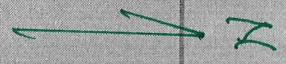


EXISTING  
 RELOCATED  
 REMOVE

W. REEVE ST.

W. HIGHLAND ST.

JOHN SCHNIEDER PLAT  
 BLOCK 10  
 LOT 1  
 LOT 2  
 LOT 3  
 LOT 4  
 LOT 5  
 LOT 6





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## LEGAL SERVICES DEPARTMENT

Office of the City Clerk

Kami Lynch, Clerk

100 North Appleton Street

Appleton, WI 54911

Phone: 920/832-6443

Fax: 920/832-5823

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May 18, 2023

Notice Provided:  
Via Mail & Email

William S. Dorman  
620 W Prospect Ave  
Appleton, WI 54914  
N.E.S.T. Productions LLC  
[nestproductions2021@gmail.com](mailto:nestproductions2021@gmail.com)

This letter is to notify you that we are in receipt of your application for a Special Event License for Smosh Fest on June 15<sup>th</sup>, 16<sup>th</sup>, 17<sup>th</sup>, and 18<sup>th</sup>, 2023. Upon review of your application, the following departments have recommended the denial of your event for the reasons cited:  
Police Department:

- The application indicates the need for parking restrictions, but no information was provided to indicate when, where, or for how long these restrictions are needed for.
- The event organization's name, N.E.S.T. Productions LLC shows a delinquent LLC status when queried through the Wisconsin Department of Financial Institutions.
- The event organization's name, Nolan's Safehouse, listed as a non-profit, can only be verified by an IRS EIN (Employer Identification Number) application form letter dated 03/10/23. No further information was provided to validate the legitimacy of the non-profit organization.
- The event organizer has not provided the critical information needed to assess police staffing needs. This information includes the performer line-up and expected attendance numbers for each performance. Combined with alcohol sales, the number of people present is critical information needed to assess police staffing needs.
- Information on the event application related to event hours conflicts with event hours posted on the event website. The website event hours are in violation of park rules related to park closing times.

Human Resources:

- The applicant has failed to provide a certificate of insurance showing adequate commercial general liability coverage for event.

Parks and Recreation:

- The applicant has failed to pay the required park reservation fees.

- Private, ticketed events require Council approval by way of Parks and Recreation Committee. Attempts by staff for clarification were not returned as this event is advertising ticket sales.
- Attempts by staff for further details related to applicant's responsibilities for set up in park (e.g., number and locations of vendors, rental of chemical toilets, stages, electricity/generator requirements, rental of garbage dumpsters, etc.) were not returned.

Clerk's Office:

- The applicant indicated that Alcoholic beverages would be sold at the event but has failed to apply for a Temporary Class B Alcohol License.

Fire Department:

- The applicant has indicated that pyrotechnics will be used at the event but has failed to submit the correct information to receive a pyrotechnics permit.

You have the right to appear before the Safety and Licensing Committee to appeal against this recommendation. To do so, please contact the City Clerk's Office to be placed on the Agenda of the Safety and Licensing Committee. **The next Safety and Licensing Committee meeting will take place on Wednesday May 24<sup>th</sup>, 2023.** Failure to contact the City Clerk's Office within a reasonable time frame to appeal the denial may result in the Safety & Licensing Committee meeting date occurring after your scheduled event date.

Regular meetings of the Safety and Licensing Committee take place on the second and fourth Wednesday of each month at 5:30 p.m. in the Council Chambers at City Hall, 100 North Appleton Street, Appleton, Wisconsin.

Again, should you choose not to appeal this recommendation, your application will be considered denied and your Special Event will not be permitted to occur.

If you have specific questions relating to this matter, please contact the City Clerk's office for further assistance.

Sincerely,



Kami Lynch,  
City Clerk

90 by Today ~~212~~



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

License Fee (see chart)	\$ 607 (Acct. CLLSPE)	Date Rcvd:	4/3/23
		Receipt No.	4872-1
FEES ARE NON-REFUNDABLE			

### SPECIAL EVENT APPLICATION FORM

Incomplete applications will not be accepted or will be returned to the applicant. Submitting an application does not guarantee the application will be approved – please speak to the City Clerk for more information. The application fee will be based on the date the City Clerk's Office receives the completed application. For more information please refer to the Special Event Policy or Manual.  
**PLEASE PRINT CLEARLY!**

CO-  
Sponsor

SECTION 1 – APPLICANT INFORMATION	
Information about the person applying to have a special event or applying on behalf of an organization	
Name: <sup>First</sup> William <sup>Middle Initial</sup> S <sup>Last</sup> Dorman <del>Jeremy Scholz</del>	Date of Birth: 10/23/1994
Address: 620 W. Prospect Ave Appleton, WI 54914	
Phone Number: 920-228-2167 920-228-2167	Email Address: nestproductions2021@gmail.com

SECTION 2 – ORGANIZATION INFORMATION	
Information about the organization having the special event, if applicable	
Organization's Name: Smash fest - Nest Productions LLC	NON-Profit Molans Safe House
Organization's Address: 620 W. Prospect Ave Appleton, WI 54914	
Organization's Phone Number: 920-228-2167	Organization's Email/Website: nestproductions2021@gmail.com
Applicant's Relationship to Organization: Owner - CEO	

SECTION 3 – EVENT INFORMATION	
Name of Event: SMASH FEST	
Event Location: Jones Park Appleton, WI	
Event Date (list each date if it's a multi-day event): June 15, 16, 17, 18	
Event Set Up Time: TBD 3/4 hrs before	Event Start Time: 5:30 PM Event End Time: 11 PM 11:30 PM 6 PM
Head of Security's Name and Phone Number: William S. Dorman 920-228-2167	
Total Anticipated Attendance (Participants/Attendees): 1,000 per Day	
Event information (purpose, activity, who can participate, whether the event has occurred before, etc.): non-profit fundraiser festival to help families in hospital care, food, transportation, lodging, toys and clothing.	



**SECTION 4 – APPLICANT CHECKLIST**

The applicant is responsible for contacting all necessary City departments and for obtaining all necessary reservations, permits, licenses and variances

**HEALTH DEPARTMENT – (920) 832- 6429**

- |  | Yes                                 | No                       | Action to be taken by applicant:   |
|--|-------------------------------------|--------------------------|--|
| 1. Will food be prepared and/or served at the event? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | If yes, contact the Health Department for permitting requirements and for safe food handling tips. |
| 2. Will there be a band or amplified music/noise?    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | If yes, contact the Health Department for a variance and more information.                         |
| 3. Will there be portable restrooms?                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | If yes, review guidelines on portable restrooms available in the Special Event Policy and Manual.  |

**FIRE DEPARTMENT – (920) 832-5810**

- |   | Yes                                 | No                                  | Action to be taken by applicant:   |
|---|-------------------------------------|-------------------------------------|--|
| 1. Will the event be held indoors?                          | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | If yes, contact the Fire Department for more information.                              |
| 2. Will a tent or any other temporary structure be erected? | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | If yes, contact the Fire Department for information about submitting a structure plan. |
| 3. Will there be a tent larger than 200 square feet?        | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | If yes, contact the Fire Department for a permit.                                      |
| 4. Will fireworks/pyrotechnic be used during the event?     | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | If yes, contact the Fire Department for a permit.                                      |

**DEPARTMENT OF PUBLIC WORKS – (920) 832-5580**

- |  | Yes                                 | No                                  | Action to be taken by applicant:  |
|--|-------------------------------------|-------------------------------------|---|
| 1. Are you requesting street closure?<br>Name of barricade company _____   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | If yes, your barricading contract provider will be required to submit a Traffic Control Plan to the Department of Public Works. |
| 2. Did you include a detailed map/diagram of the event location and route (if applicable) with this application? | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Be sure the event map/diagram is detailed, including showing all turns and the number of traffic lanes to be used.              |
| 3. Are you requesting parking meters to be bagged?   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | If yes, a list of meters must be provided to the Department of Public Works.  |

**PARKS, RECREATION & FACILITIES MANAGEMENT – (920) 832-5905**

- |   | Yes                                 | No                       | Action to be taken by applicant:  |
|---|-------------------------------------|--------------------------|---|
| 1. If the event will be in a park have you reserved the park?       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | If no, contact Parks, Recreation and Facilities Management for a reservation.     |
| 2. Will there be rides, dunk tanks and/or inflatables at the event? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | If yes, contact Parks, Recreation and Facilities Management for more information. |

**POLICE DEPARTMENT – (920) 832-5500**

- |   | Yes                                 | No                       | Action to be taken by applicant:   |
|---|-------------------------------------|--------------------------|--|
| 1. Do you have a plan for medical emergencies that may occur during your event? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | If no, contact the Police Department for assistance.                                     |
| 2. Is security needed for the event?  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | If yes, contact the Police Department for assistance defining your safety/security plan. |
| 3. Are you requesting any special parking restrictions?                         | <input checked="" type="checkbox"/> | <input type="checkbox"/> | If yes, contact the Appleton Police Department for more information.                     |

**CITY CLERK’S OFFICE – (920) 832-6443**

- |  | Yes                                 | No                                  | Action to be taken by applicant:  |
|--|-------------------------------------|-------------------------------------|---|
| 1. Will alcoholic beverages be served/sold at the event? | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | If yes, contact the City Clerk to obtain a Temporary Class “B” license. |
| 2. Do you owe money for past events?                     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | If yes, contact the City Clerk – your application may not be accepted.  |

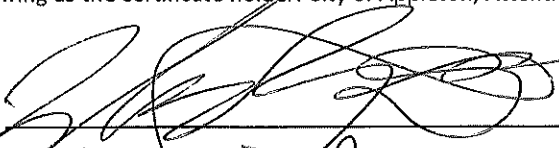
**RISK MANAGEMENT – (920) 832-6300**

- |   | Yes                                 | No                       | Action to be taken by applicant:        |
|---|-------------------------------------|--------------------------|---|
| 1. Do you have the proper insurance for your event and have you provided your certificate of insurance to the City? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | If no, contact the City’s Risk Manager. |

**SECTION 5 – ADDITIONAL INSURED REQUIREMENT**

For events that involve more than 250 people, if a street closure is requested or if structures are brought onto public premises; the event holder agrees to list the City of Appleton, and its officers, council members, agents, employees, and authorized volunteers as an additional insured on the event holder's general liability insurance policy. Certificates of insurance displaying this additional insured status must list the following as the certificate holder: City of Appleton, Attention: Risk Manager, 100 North Appleton Street, Appleton, WI 54911.

Signature of Applicant:



Date:

4-3-2023

Print Name:

William S. Bernauer

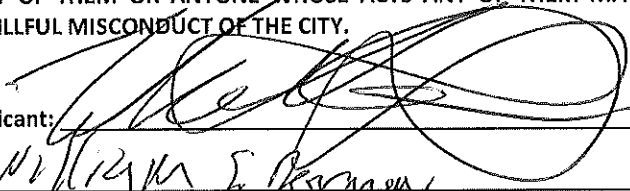
**SECTION 6 – INDEMNIFICATION AND DISCLAIMER**

**Please read carefully before signing!**

By signing below, I certify that I am at least 18 years of age, that I have read and understand the Special Event Policy, and that I agree to the terms and conditions contained in the Special Event Policy. My signature further confirms (i) that I understand the filing of this application does not ensure the issuance of a Special Event License, (ii) that the Special Event License Fee is non-refundable pursuant to the terms of the Special Event Policy, (iii) I will be responsible for ensuring the event and event participants comply with all applicable city ordinances, traffic rules, park rules, state health laws, fire codes and liquor licensing regulations and any other applicable laws, rules and regulations including the Special Event Policy, (iv) that fees for park facilities, food sales permits, tent and fireworks permits, etc., are in addition to the Special Event License Fee, (v) that I am authorized to apply for this Special Event Licensed on behalf of the organization holding the event (if applicable), and (vi) that the information contained in this Application is true to the best of my knowledge. I understand that intentionally providing false or misleading information in this Application may lead to civil or criminal penalties.

**INDEMNIFICATION:** BY SIGNING BELOW I ACKNOWLEDGE THAT FOR GOOD AND VALUABLE CONSIDERATION, I, THE APPLICANT, ON BEHALF OF MYSELF AND THE ORGANIZATION, IF APPLICABLE, AGREE TO INDEMNIFY, DEFEND AND HOLD HARMLESS THE CITY OF APPLETON AND ITS OFFICERS, OFFICIALS, EMPLOYEES AND AGENTS FROM AND AGAINST ANY AND ALL LIABILITY, LOSS, DAMAGE, EXPENSES AND COSTS, INCLUDING ATTORNEY FEES, ARISING OUT OF THE ACTIVITIES PERFORMED AS DESCRIBED HEREIN, CAUSED IN WHOLE OR IN PART BY ANY NEGLIGENT ACT OR OMISSION OF THE APPLICANT/ORGANIZATION, ANYONE DIRECTLY OR INDIRECTLY EMPLOYED BY ANY OF THEM OR ANYONE WHOSE ACTS ANY OF THEM MAY BE LIABLE, EXCEPT WHERE CAUSED BY THE SOLE NEGLIGENCE OR WILLFUL MISCONDUCT OF THE CITY.

Signature of Applicant:



Date:

4-3-2023

Print Name:

William S. Bernauer

Submit completed application along with the total fee to:  
Office of the City Clerk  
100 N. Appleton Street  
Appleton, WI 54911-4799



**SECTION 5 – INDEMNIFICATION AND DISCLAIMER**

Please read carefully before signing!

By signing below, I certify that I am at least 18 years of age, that I have read and understand the Special Event Policy, and that I agree to the terms and conditions contained in the Special Event Policy. My signature further confirms (i) that I understand the filing of this application does not ensure the issuance of a Special Event License, (ii) that the Special Event License Fee is non-refundable pursuant to the terms of the Special Event Policy, (iii) I will be responsible for ensuring the event and event participants comply with all applicable city ordinances, traffic rules, park rules, state health laws, fire codes and liquor licensing regulations and any other applicable laws, rules and regulations including the Special Event Policy, (iv) that fees for park facilities, food sales permits, tent and fireworks permits, etc., are in addition to the Special Event License Fee, (v) that I am authorized to apply for this Special Event Licensed on behalf of the organization holding the event (if applicable), and (vi) that the information contained in this Application is true to the best of my knowledge. I understand that intentionally providing false or misleading information in this Application may lead to civil or criminal penalties.

**INDEMNIFICATION:** BY SIGNING BELOW I ACKNOWLEDGE THAT FOR GOOD AND VALUABLE CONSIDERATION, I, THE APPLICANT, ON BEHALF OF MYSELF AND THE ORGANIZATION, IF APPLICABLE, AGREE TO INDEMNIFY, DEFEND AND HOLD HARMLESS THE CITY OF APPLETON AND ITS OFFICERS, OFFICIALS, EMPLOYEES AND AGENTS FROM AND AGAINST ANY AND ALL LIABILITY, LOSS, DAMAGE, EXPENSES AND COSTS, INCLUDING ATTORNEY FEES, ARISING OUT OF THE ACTIVITIES PERFORMED AS DESCRIBED HEREIN, CAUSED IN WHOLE OR IN PART BY ANY NEGLIGENT ACT OR OMISSION OF THE APPLICANT/ORGANIZATION, ANYONE DIRECTLY OR INDIRECTLY EMPLOYED BY ANY OF THEM OR ANYONE WHOSE ACTS ANY OF THEM MAY BE LIABLE, EXCEPT WHERE CAUSED BY THE SOLE NEGLIGENCE OR WILLFUL MISCONDUCT OF THE CITY.

Signature of Applicant: \_\_\_\_\_

Date: 4-3-2023

Print Name: \_\_\_\_\_

*William S. Dorman*

Submit completed application along with the total fee to:

Office of the City Clerk  
100 N. Appleton Street  
Appleton, WI 54911-4799

*- Ceo -*  
*and*  
~~*Joseph Schuler*~~  
~~*Joseph Schuler*~~

FOR OFFICE USE ONLY				
DEPARTMENT	APPROVE	DENY	BY	REASON (if denied)
Community & Economic Development				
Fire				
Health				
Human Resources (Risk Management)				
Legal (Clerk)				
Parks, Recreation and Facility Management				
Police				
Public Works				
Valley Transit				
License Issue Date:		License Number:		
If License is Denied, Date Applicant was Informed and Provided Appeal Information:				

**SINGLE DAY EVENT LICENSE FEE -- \*\*Includes \$7 for a Police investigation fee\*\***

NUMBER OF DAYS BEFORE THE EVENT	SMALL EVENTS <sup>2</sup> Without Street Closure	SMALL EVENTS <sup>2</sup> With Street Closure	LARGE EVENTS <sup>3</sup> Without Street Closure	LARGE EVENTS <sup>3</sup> With Street Closure	SIGNIFICANT EVENTS <sup>4</sup> Without Street Closure	SIGNIFICANT EVENTS <sup>4</sup> With Street Closure
90+ days	\$57	\$107	\$507	\$707	\$1,007	\$1,507
60-89 days	\$67	\$157	\$607	\$757	\$1,207	\$1,707
45-59 days	\$82	\$207	\$807	\$1,007	\$1,657	\$2,507
30-44 days	\$107	\$307	\$907	\$1,007 + Late Fee <sup>1</sup>	\$1,657 + Late Fee <sup>1</sup>	\$2,507 + Late Fee <sup>1</sup>
11-29 days	\$207	\$407	Application Not Accepted	Application Not Accepted	Application Not Accepted	Application Not Accepted
10 days	Application Not Accepted	Application Accepted	Application Not Accepted	Application Not Accepted	Application Not Accepted	Application Not Accepted
Late Fee <sup>1</sup>	N/A	N/A	N/A	\$800	\$800	\$1,500

<sup>1</sup> LATE FEE will be charged for late applications for Large and Significant Events that have been held for the last two consecutive years where nothing has changed, subject to the late fee and the application approval process. If the event has not been held the last two consecutive years or if there is a change to the event from the previous year the application will not be accepted.

<sup>2</sup> SMALL EVENT = Anticipated attendance of less than 1,000 people.

<sup>3</sup> LARGE EVENT = Anticipated attendance of between 1,000 and 4,999 people.

<sup>4</sup> SIGNIFICANT EVENT = Anticipated attendance of 5,000 people and over.

# 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 RH EVENTS LLC  
(Registered Name of Corporation / Organization or Limited Liability Company)

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

located at 141 S RIVERHEAD WAY, APPLETON

appoints NICOLE BURLESON  
(Name of Appointed Agent)

161 S. RIVERHEAD WAY #212, APPLETON, WI 54915  
(Home Address of Appointed Agent)

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

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

Is applicant agent subject to completion of the responsible beverage server training course?  Yes  No  
How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 17 YRS

Place of residence last year 744 1ST STREET, MENASHA, WI. 54952

For: POPLAR HALL, RH EVENTS LLC  
(Name of Corporation / Organization / Limited Liability Company)

By: MJGEM  
(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, NICOLE BURLESON, hereby accept this appointment as agent for the  
(Print / Type Agent's Name)

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

[Signature] 4/11/2023 Agent's age (Redacted)  
(Signature of Agent) (Date)

161 S RIVERHEAD WAY #212, APPLETON, WI Date of birth (Redacted)  
(Home Address of Agent)

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

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

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

# Auxiliary Questionnaire Alcohol Beverage License Application

Submit to municipal clerk.

Individual's Full Name (please print) (last name)		(first name)		(middle name)	
BURLERSON		NICOLE		A	
Home Address (street/route)	#212	Post Office	City	State	Zip Code
161 S. RIVERHOATH WAY			APPLETON	WI	54915
Home Phone Number	Age	Date of Birth	Place of Birth		
(Redacted)	(Redacted)	(Redacted)	(Redacted)		

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

- Applying for an alcohol beverage license as an **Individual**.
- A member of a partnership which is making application for an alcohol beverage license.
- AGENT of POPLAR HALL, RH EVENTS LLC  
(Officer / Director / Member / Manager / Agent) (Name of Corporation, Limited Liability Company or Nonprofit Organization)

which is making application for an alcohol beverage license.

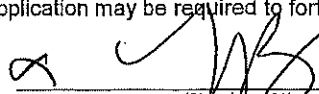
The above named individual provides the following information to the licensing authority:

1. How long have you continuously resided in Wisconsin prior to this date? 17 YRS
2. Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? .....  Yes  No  
If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)
3. Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? .....  Yes  No  
If yes, describe status of charges pending.
4. Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? .....  Yes  No  
If yes, identify. \_\_\_\_\_  
(Name, Location and Type of License/Permit)
5. Do you hold and/or are you an officer, director, stockholder, agent or employe of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? .....  Yes  No  
If yes, identify. \_\_\_\_\_  
(Name of Wholesale Licensee or Permittee) (Address By City and County)

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

Employer's Name	Employer's Address	Employed From	To
BUNE DES MOINS C.C.	3600 W. PROSPECT AVE, APPLETON	2007	2022
GREEN BAY COUNTY CUBS	2400 KLONDIKE RD. GREEN BAY	2019	2020

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

  
 \_\_\_\_\_  
(Signature of Named Individual)



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.....enhancing quality of life"

## APPLICATION for the Operation of a PET STORE/KENNEL

<b>FEES ARE NON-REFUNDABLE</b>		Date Rec'd <u>5/5/23</u>
See SECTION 5 for Fee Schedule		
License Fee - Initial	\$ _____	Acct. Code: CLPETK
License Fee - Renewal	\$ <u>75</u>	Acct. Code: CLPETK
Investigation Fee	+ \$ 7.00	Acct. Code: CLCPIF
Total Amount Paid	\$ <u>82-</u>	Receipt <u>5D355-1</u>
License period July 1 to June 30		

**\*PLEASE ALLOW 4 WEEKS FOR PROCESSING\***

<b>SECTION 1 – BUSINESS LOCATION – Answer all questions completely. Please PRINT clearly</b>					
NOTE: The location of a Kennel or Pet Store is subject to applicable zoning and other regulations.					
Business Name <u>FISH CAVE LLC</u>					
Business Street Address <u>2110 S MEMORIAL DR</u>			City <u>APPLETON</u>	State <u>WI</u>	Zip <u>54915</u>
Business Telephone Number <u>414-234-3526</u>					
<b>SECTION 2 – APPLICANT INFORMATION</b>					
Name <u>TON VIANU</u>					
Home Street Address <u>1503 E COULDRÉ AVE</u>			City <u>APPLETON</u>	State <u>WI</u>	Zip <u>54915</u>
Date of Birth <u>REDACTED</u>	Male <input checked="" type="checkbox"/>	Female <input type="checkbox"/>	Telephone Number <u>REDACTED</u>		
<b>SECTION 3 – SERVICES TO BE PROVIDED</b>					
Please check the type(s) of services your establishment will offer:		<input checked="" type="checkbox"/> Live animals		<input checked="" type="checkbox"/> Pet Food	
<input checked="" type="checkbox"/> Pet Accessories	<input checked="" type="checkbox"/> Fish	Other _____			
<b>SECTION 4 – PENALTY NOTICE</b>					
Having knowledge of all governmental laws, rules or regulations governing the keeping or protection of animals, I hereby certify that the information provided in this application is true and correct to the best of my knowledge and belief.					
Signature of Applicant: <u>[Signature]</u>					
<b>SECTION 5 – FEE SCHEDULE **all fees include the \$7 investigation fee**</b>					
Pet Store License	Initial Fee - \$97.00	Renewal Fee - \$82.00			
Kennel License	1-10 animals - \$62.00	11-25 animals - \$137.00			
	26-50 animals - \$262.00	More than 50 animals - \$5.00 per animal with a minimum of \$287.00			
<b>FOR OFFICE USE ONLY</b>					
Dept.	Approve	Deny	By	Reason	
Police					
Fire					
City Sealer					
Inspection					
Community Development					
S&L <u>5/24/2023</u>	Council <u>06/07/2023</u>	Date Issued		Exp. Date	
				License Number	

04-23-21

Return application to: City Clerk, 100 North Appleton Street, Appleton, WI 54911-4799





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## APPLICATION for the Operation of a PET STORE/KENNEL

<b>FEES ARE NON-REFUNDABLE</b>		Date Rec'd <u>5/8/23</u>
See SECTION 5 for Fee Schedule		
License Fee - Initial	\$ _____	Acct. Code: CLPETK
License Fee - Renewal	\$ <u>75</u>	Acct. Code: CLPETK
Investigation Fee	+ \$7.00	Acct. Code: CLCPIF
Total Amount Paid	\$ <u>82</u>	Receipt <u>5044-3</u>
License period July 1 to June 30		

**\*PLEASE ALLOW 4 WEEKS FOR PROCESSING\***

### SECTION 1 – BUSINESS LOCATION – Answer all questions completely. Please PRINT clearly

NOTE: The location of a Kennel or Pet Store is subject to applicable zoning and other regulations.

Business Name <u>HSA Corporation dba Pet Supplies Plus #97</u>			
Business Street Address <u>702 W. Northland Ave.</u>	City <u>Appleton</u>	State <u>WI</u>	Zip <u>54914</u>
Business Telephone Number <u>920-832-3858</u>			

### SECTION 2 – APPLICANT INFORMATION

Name <u>Angela DeHaan</u>			
Home Street Address <u>8985 Buchanan St.</u>	City <u>Allendale</u>	State <u>MI</u>	Zip <u>49401</u>
Date of Birth <u>REDACTED</u>	Male	Female <u>X</u>	Telephone Number <u>REDACTED</u>

### SECTION 3 – SERVICES TO BE PROVIDED

Please check the type(s) of services your establishment will offer:		<input checked="" type="checkbox"/> Live animals	<input checked="" type="checkbox"/> Pet Food
<input checked="" type="checkbox"/> Pet Accessories	<input checked="" type="checkbox"/> Fish	<input checked="" type="checkbox"/> Other	

### SECTION 4 – PENALTY NOTICE

Having knowledge of all governmental laws, rules or regulations governing the keeping or protection of animals, I hereby certify that the information provided in this application is true and correct to the best of my knowledge and belief.

Signature of Applicant: Angela DeHaan

### SECTION 5 – FEE SCHEDULE \*\*all fees include the \$7 investigation fee\*\*

Pet Store License	Initial Fee - \$97.00	<u>Renewal Fee - \$82.00</u>
Kennel License	1-10 animals - \$62.00	11-25 animals - \$137.00
	26-50 animals - \$262.00	More than 50 animals - \$5.00 per animal with a minimum of \$287.00

### FOR OFFICE USE ONLY

Dept.	Approve	Deny	By	Reason
Police				
Fire				
City Sealer				
Inspection				
Community Development				
S&L <u>05/24/2023</u>	Council		Date Issued	Exp. Date
				License Number

04-23-21

Return application to: City Clerk, 100 North Appleton Street, Appleton, WI 54911-4799



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# APPLICATION for the Operation of a PET STORE/KENNEL

<b>FEES ARE NON-REFUNDABLE</b>		Date Rec'd <u>5/12/23</u>
See SECTION 5 for Fee Schedule		
License Fee - Initial	\$ _____	Acct. Code: CLPETK
License Fee - Renewal	\$ <u>75</u>	Acct. Code: CLPETK
Investigation Fee	+ \$ 7.00	Acct. Code: CLCPIF
Total Amount Paid	\$ <u>82</u>	Receipt <u>5068-6</u>
License period July 1 to June 30		

**\*PLEASE ALLOW 4 WEEKS FOR PROCESSING\***

**SECTION 1 – BUSINESS LOCATION – Answer all questions completely. Please PRINT clearly**

NOTE: The location of a Kennel or Pet Store is subject to applicable zoning and other regulations.

Business Name Just Pets

Business Street Address 2009 N. Richmond St. City Appleton State WI Zip 54911

Business Telephone Number 920-733-6788

**SECTION 2 – APPLICANT INFORMATION**

Name Craig Weborg

Home Street Address N8803 Kernan Ave. City Menasha State WI Zip 54952

Date of Birth REDACTED Male  Female  Telephone Number REDACTED

**SECTION 3 – SERVICES TO BE PROVIDED**

Please check the type(s) of services your establishment will offer:  Live animals  Pet Food

Pet Accessories  Fish  Other

**SECTION 4 – PENALTY NOTICE**

Having knowledge of all governmental laws, rules or regulations governing the keeping or protection of animals, I hereby certify that the information provided in this application is true and correct to the best of my knowledge and belief.

Signature of Applicant: Craig Weborg

**SECTION 5 – FEE SCHEDULE \*\*all fees include the \$7 Investigation fee\*\***

Pet Store License	Initial Fee - \$97.00	Renewal Fee - \$82.00
Kennel License	1-10 animals - \$62.00	11-25 animals - \$137.00
	26-50 animals - \$262.00	More than 50 animals - \$5.00 per animal with a minimum of \$287.00

**FOR OFFICE USE ONLY**

Dept.	Approve	Deny	By	Reason
Police				
Fire				
City Sealer				
Inspection				
Community Development				
S&L <u>5-24-23</u>	Council	<u>06/07/2023</u>	Date Issued	Exp. Date
				License Number



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**REQUEST for  
Alcohol License  
Premise Amendment**

<b>FEES ARE NON-REFUNDABLE</b>		Date Recv'd <u>4/11/23</u>
License Fee	\$10.00/event	Acct: CLCAGP
Receipt	<u>4895-5</u>	

**SECTION 1 - LICENSE INFORMATION**

Name of Establishment  
Rookies Sports Bar & Grill

Address of Establishment  
325 N. APPLETON ST

Name of Agent  
Steve Carrow

Phone Number  
**REDACTED**

**SECTION 2 - PREMISE AMENDMENT**

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

city lot will be fenced off with 2 entries with 2 stage member on duty. Permit for rookias parking lot & city lot.

Is this change Permanent?  YES  NO

If this is temporary please specify the reason for the amendment:  
mile of music on city lot (lot pre approved)

Please list the date(s) and time(s) that this temporary premise amendment will be utilized:  
August 3, 4, 5 2023 11:00am - 11:00pm All 3 days

**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: [Signature]

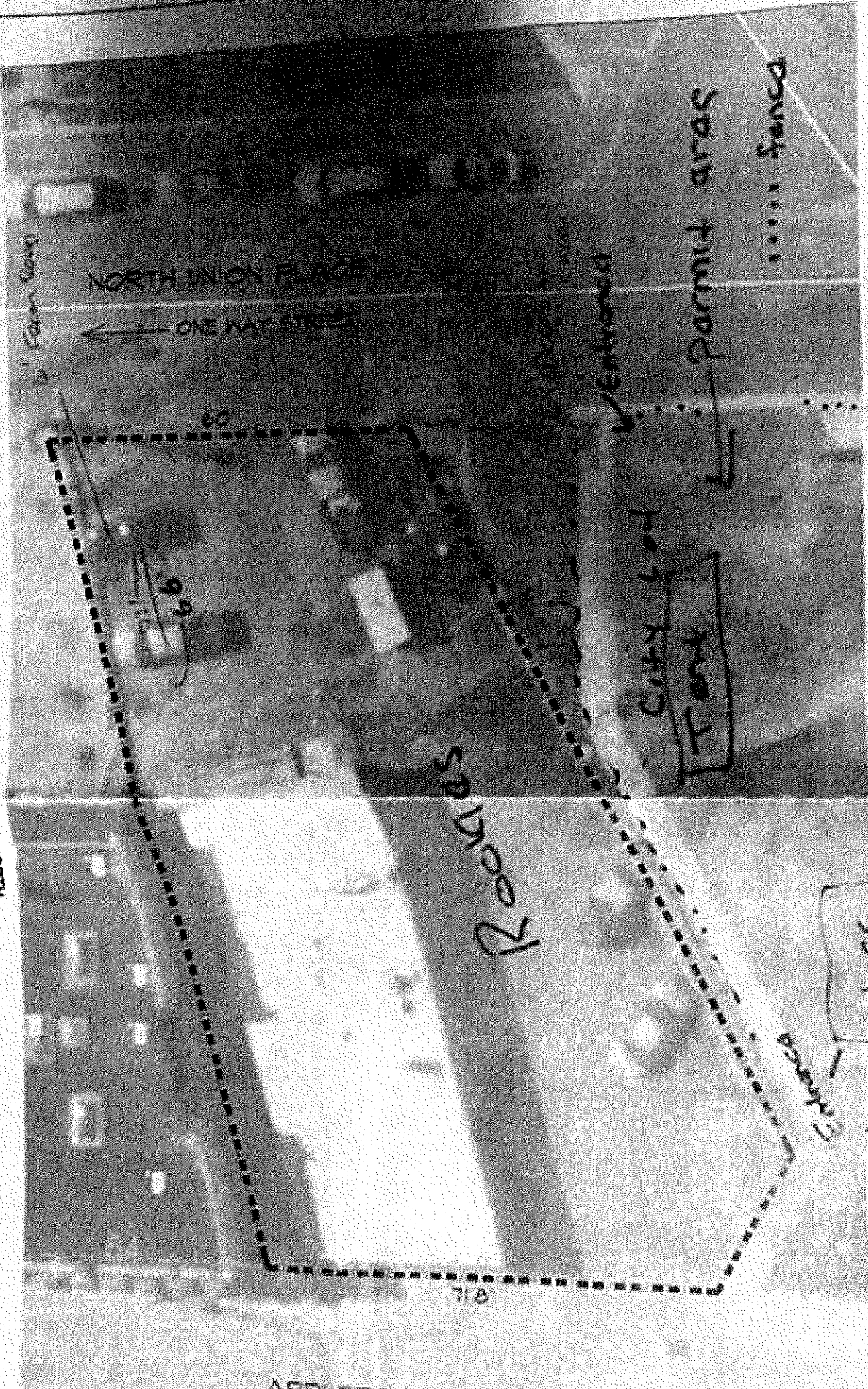
**FOR OFFICE USE ONLY**

Department	Approve	Deny	By	Reason
Comm. Dev.				
Finance				
Fire				
Health				
Inspections				
Police				
S&L 05/24/2023	Council 06/07/2023	Date Issued	Exp. Date	License Number

S  
N

HILBON

ROCKIES



NORTH UNION PLACE

ONE WAY STREET

60

66

2 ROOMS

City Food Tent

Stage

710

fence

APPLETON

**2023-2024 RENEWALS**

**CLASS “A” FERMENTED MALT BEVERAGE & “CLASS A” LIQUOR LICENSE**

<u>NAME</u>	<u>TRADE NAME</u>	<u>ADDRESS</u>
Target Corporation Sara Matusz, Agent, 521 Martin St DePere Wi 54115	Target Store T-1248	1800 S Kensington Dr
Tee Tees Nachos LLC Timasha Thornton, Agent, 500 S Pierce Ave Appleton WI 54914	Tee Tees Nachos	550 N Morrison St Ste C
Tiffani’s Bridal & Consignment LLC Tiffani Ebben, Agent, W7234 School Rd Greenville WI 54942	Tiffani’s Bridal	210 W College Ave 2 <sup>nd</sup> Fl

**CLASS “B” FERMENTED MALT BEVERAGE LICENSE**

<u>NAME</u>	<u>TRADE NAME</u>	<u>ADDRESS</u>
Fox Valley Athletics LLC L. Eric Schaefer, Agent, 1139 Honey Creek Cir Oshkosh WI 54904		1620 E Witzke Blvd-Jones Bldg
Tee Tees Nachos LLC Timasha Thornton, Agent, 500 S Pierce Ave Appleton WI 54914	Tee Tees Nachos	550 N Morrison St Ste C

**CLASS “B” FERMENTED MALT BEVERAGE LICENSE  
AND “CLASS C” WINE LICENSE**

<u>NAME</u>	<u>TRADE NAME</u>	<u>ADDRESS</u>
Dog Lover Dawn Designs LLC Dawn C Smith, Agent, W3970 Devine Ln Appleton WI 54913	Board & Brush Creative Studio	109 N Durkee St

**CLASS “B” FERMENTED MALT BEVERAGE & “CLASS B” LIQUOR LICENSE**

<u>NAME</u>	<u>TRADE NAME</u>	<u>ADDRESS</u>
Driftwood Special Servicing LLC Linda M. Garvey, Agent, 105 Alexander Dr Neenah WI 54956	Appleton Hilton-Banquet Services	333 W College Ave
Driftwood Special Servicing LLC Linda M. Garvey, Agent, 105 Alexander Dr Neenah WI 54956	Appleton Hilton-Blaze	333 W College Ave
Driftwood Special Servicing LLC Linda M. Garvey, Agent, 105 Alexander Dr Neenah WI 54956	Appleton Hilton- Clubhouse	333 W College Ave
Driftwood Special Servicing LLC Linda M. Garvey, Agent, 105 Alexander Dr Neenah WI 54956	Appleton Hilton- Lombardi Bar	333 W College Ave

Calaveras Fine Fusions LLC                      Calaveras Fine Fusions                      511 W College Ave  
Rebekkah Garcia, Agent, 1033 Madison St, Little Chute WI 54140

Cold Shot LLC    Cold Shot    633B W Wisconsin Ave  
Sherry Galow, Agent, 525 N Division St Appleton WI 54911

Driftwood Special Servicing LLC      Fox Cities Exhibition Center                      355 W Lawrence St  
Linda M. Garvey, Agent, 105 Alexander Dr Neenah WI 54956

WHW Gastropub LLC                                      Meade Street Bistro                                      2729 N Meade St  
Daniel J. Hoff Sr., Agent, 225 E Wayfarer Ln Appleton WI 54913

RH Events LLC    Poplar Hall    141 S Riverheath Way  
Nicole Burleson, Agent, 161 S Riverheath Way #212 Appleton WI 54915

**CLASS "B" FERMENTED MALT BEVERAGE & RESERVE "CLASS B" LIQUOR  
LICENSE**

<b><u>NAME</u></b>	<b><u>TRADE NAME</u></b>	<b><u>ADDRESS</u></b>
Wise Restaurant Group Paul J Wise, Agent, 561 S Waupaca St Wautoma WI 54982	Christianos Pizza	2400 S Kensington Dr #500

## 2023-2024 Cigarette License Renewals

TRADENAME	BUSINESS NAME	ADDRESS
APPLETON HILTON	DRIFTWOOD SPECIAL SERVICING LLC	333 WEST COLLEGE AVENUE
TEE TEE'S NACHOS	TEE TEE'S NACHOS LLC, TIMASHA THORNTON	550 N MORRISON STREET

## Mechanical Amusement Devices

TRADE NAME	COMPANY	ADDRESS
ANGELS RESTAURANT	FIRSTUSKANA LLC	1401 EAST JOHN STREET
APPLETON AXE THROWING	APPLETON AXE LLC	1400 WEST COLLEGE AVENUE
APPLETON CLARK	KEDAAR LLC	1200 WEST WISCONSIN AVE
APPLETON EXXON	BANEE CORPORATION	1717 WEST COLLEGE AVENUE
BADGER GAS INC	BADGER GAS INC	911 WEST COLLEGE AVENUE
BADGER MOBIL	KAVYA GAS INC	1201 NORTH BADGER AVENUE
BADGER SPORTS PARK	BADGER BOYS 2 LLC	3600 EAST EVERGREEN DRIVE
BAZILS PUB	BEHNKE ENTERPRISES, INC.	109 WEST COLLEGE AVENUE
CALUMET PANTRY	AADYA, LLC	319 EAST CALUMET STREET
CAMELOT BAR & GRILL	CAMELOT OF APPLETON LLC	1700 EAST WISCONSIN AVENUE
CAPITOL CENTRE	PLAMANN BROS., INC.	725 WEST CAPITOL DRIVE
CARTER'S CABOOSE	DEBRA L TERRY	1428 WEST SECOND STREET
CINDER'S CHARCOAL GRILL	ANK RESTAURANT INC	221 SOUTH KENSINGTON DRIVE
COLD SHOT	COLD SHOT LLC	633 B WEST WISCONSIN AVE
CORNER PUB	KIM WILLIAMS	1123 NORTH MASON STREET
D.K. PETROLEUM	DK PETROLEUM INC.	2619 NORTH RICHMOND STREET
D2 OF APPLETON	D2 OF APPLETON INC	403 WEST COLLEGE AVENUE
DAIRYLAND BREW PUB	DAIRYLAND BREWING CO LLC	1216 EAST WISCONSIN AVENUE
DÉJÀ VU MARTINI LOUNGE	DÉJÀ VU ENTERPRISES LLC	519 WEST COLLEGE AVENUE
DR. JEKYL'S	STRANGE CASE LLC	314 EAST COLLEGE AVE
EAGER BEAVER	EAGER BEAVER LLC	1400 WEST SECOND STREET
EMMETT'S BAR & GRILL	TNE, INC.	139 NORTH RICHMOND ST
FAT SAMMY'S	FAT SAMMY'S INC	2500 SOUTH ONEIDA STREET
FOX RIVER HOUSE	FOX RIVER HOUSE LLC	211 SOUTH WALNUT ST
FRIENDS & NEIGHBORS	FRIENDS & NEIGHBORS, INC.	148 SOUTH WALTER AVENUE
FRONTERAS	FRONTERAS, LLC	2311 WEST COLLEGE AVENUE
GENESIS CLUB	GENESIS CLUB, INC	1213 NORTH APPLETON STREET
GRUMPY'S PUB	K CORPORATION	1501 NORTH RICHMOND STREET
HANK & KAREN'S	HENRY J. GRISHABER LLC	1937 EAST JOHN STREET
HOLIDAYS PUB & GRILL	HOLIDAYS PUB & GRILL LLC	3950 N RICHMOND ST
HOUDINI'S ESCAPE GASTROPUB	SANTINO LLC	1216 SOUTH ONEIDA ST
JACK'S APPLE PUB	JACKS APPLE PUB LLC	535 WEST COLLEGE AVENUE
JIM'S PLACE	DDCT, INC.	223 EAST COLLEGE AVENUE
LINDO MICHOCAN	LINDO MICHOCAN MEXICAN RESTAURANT LLC	207 NORTH RICHMOND STREET
M.T. POCKETS	FOX VALLEY RENTALS & INVESTMENTS LLC	2906 EAST NEWBERRY STREET
MAPLE TREE RESTAURANT	MAPLE TREE RESTAURANT & PANCAKE HOUSE	2106 S ONEIDA ST
MARITIME BAR	TWO BUCKS ONLY II LLC	336 WEST WISCONSIN AVE
MCGUINNESS IRISH PUB	MIP LLC	201 S WALNUT ST
MEMORIAL LIQUOR	NEPAL LLC	415 SOUTH MEMORIAL DRIVE
MISSFITS TAVERN	UNCLE JIMS LLC	317 NORTH APPLETON ST
MR. FROGS	JACKSON INVESTMENT GROUP LLC	409 WEST COLLEGE AVENUE
NEWBERRY MOBIL	SG PETROLEUMS LLC	2811 EAST NEWBERRY STREET
NO IDEA	BEHNKE ENTERPRISES, INC.	109 WEST COLLEGE AVENUE
NORTHLAND AMOCO	SWAMI LLC	800 EAST NORTHLAND AVE
NORTHLAND MOBIL	DEPU LLC	105 WEST NORTHLAND AVE
OB'S BRAU HAUS	NAC LLC	523 WEST COLLEGE AVE
OLDE TOWN TAVERN	BEHNKE ENTERPRISES, INC.	109 WEST COLLEGE AVENUE
ONEIDA BP	ONEIDA STREET MIN MART LLC	1306 SOUTH ONEIDA STREET
PARKER JOHNS	VIAND HOSPITALITY LLC	2331 EAST EVERGREEN DRIVE
PILLOW TALK -N- WINE	PILLOW TALK -N- WINE LLC	2310 WEST COLLEGE AVENUE UNIT C
PLAYER 2 ARCADE BAR	PLAYER 2 LLC	215 EAST COLLEGE AVE
RASCALS BAR & GRILL	GT LIMITED	702 EAST WISCONSIN AVENUE
RED OX	SIMPSON'S RED OX, INC.	2318 SOUTH ONEIDA ST
RICHMOND CITGO	SAI KRUPA, LLC	1601 N RICHMOND ST
RICHMOND MOBIL	BSS CORPORATION	3401 N RICHMOND ST
RICHMOND ST PUB	RICHMOND ST. PUB, INC.	1631 NORTH RICHMOND ST
RIVERSIDE BAR & GRILL	GREGG VANDINTER	906 SOUTH OLDE ONEIDA STREET
ROOKIES SPORTS BAR & GRILL	S C CARROW CORP	325 N APPLETON ST



SCUBAS POURHOUSE	SCUBAS POURHOUSE LLC	1309 EAST WISCONSIN AVE
STONE ARCH BREW PUB	STONE ARCH BREW PUB INC	1004 SOUTH OLDE ONEIDA STREET
STUDY HALL GRILLE & PUB	KIM WILLIAMS	313A EAST CALUMET STREET
SUPER BOWL FAMILY ENTERTAINMENT CENTER	BOWLERO WISCONSIN LLC	2222 EAST NORTHLAND AVE
THE 10TH FRAME	10TH FRAME LLC	618 WEST WISCONSIN AVE
THE BAR ON THE AVENUE	MILKO, INC.	427 WEST COLLEGE AVENUE
THE BENT KEG	THBJ INVESTMENTS, LLC	417 WEST COLLEGE AVE
THE DAILY PINT	GENERATION PAULSON, INC	830 E NORTHLAND AVE
THE DURTY LEPRECHAUN	MC GREGORS LLC	343 WEST COLLEGE AVENUE
THE HIDE-A-WAY	GRIN & BARRETT, INC.	1400 WEST WISCONSIN AVENUE
THE PUB & GRILL	RICHMOND BAR AND GRILL LLC	2611 NORTH RICHMOND STREET
THE WISHING WELL	HARVATH, LLC	2709 EAST NEWBERRY STREET
TIPSY TACO & TEQUILA BAR	TIPSY TACO & TEQUILA BAR LLC	127/129 SOUTH MEMORIAL DR
UNION JACK	GREGG VANDINTER	812 SOUTH OLDE ONEIDA STREET
VALLEY MOBIL	VAN ZEELAND OIL CO. INC	2661 S ONEIDA ST
WILDER'S BISTRO	TUDY WILDER LLC	2639 SOUTH ONEIDA ST STE 1
WISCONSIN AVE MARATHON	SAYASH LLC	1920 EAST WISCONSIN AVE
WISCONSIN AVE PANTRY	JALIYAN GAS, LLC	111 WEST WISCONSIN AVENUE
WOODEN NICKEL SPORTS BAR & GRILL	WOODEN NICKEL RESTAURANT & LOUNGE, INC.	217 EAST COLLEGE AVE
	NATIONAL ENTERTAINMENT NETWORK	3701 E CALUMET ST



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Public Hearing Date:** May 24, 2023

**Common Council Meeting Date:** June 7, 2023

**Item:** Special Use Permit #4-23 for an indoor commercial entertainment use with alcohol sales and consumption (Lumberjack Johnny's, Axe Throwing)

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

### GENERAL INFORMATION

---

**Owner:** Northgate Five, LLC, Joe Vanevenhoven

**Applicant:** David Oshefsky, Newell Company, Inc.

**Address/Parcel #:** 2701 North Oneida Street (Tax Id #31-6-7651-00)

**Petitioner's Request:** The primary purpose of the use is axe throwing league play and axe throwing competitions. In addition, corporate team building events that begin at the Escape Room Wisconsin located in the adjacent tenant space followed up with axe throwing and a team building debrief. In our Ashwaubenon location, we have found axe throwing is a great tool to appeal to a broader audience and get our customers gathered in a relaxed environment to unwind and review the success and challenges of the team building exercises. We would seek a Class "B" fermented beverage license to serve.

### BACKGROUND

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This tenant space was most recently occupied by Bio-Medical Applications of Wisconsin.

The building was constructed in 1980, and the property contains a multi-tenant building with an off-street parking lot.

### STAFF ANALYSIS

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**Project Summary:** The applicant proposes to establish an indoor commercial entertainment use (axe throwing facility) with alcohol sales and consumption on the subject site, which would occupy approximately 7,256 square feet of the existing multi-tenant building.

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

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

**Existing Site Conditions:** The existing multi-tenant building totals approximately 27,994 square feet, includes an 81-stall off-street parking lot. Access is provided by curb cuts on North Onieda Street and North Appleton Street.

## Special Use Permit #4-23

May 24, 2023

Page 2

**Off-Street Parking Requirements:** Section 23-172(m) of the Municipal Code requires a minimum number of off-street parking spaces based on the use of a property. In this case, the property has historically functioned as a shopping center building, per Assessor's Office records. The proposal will not increase the gross floor area of the existing multi-tenant building. Therefore, additional off-street parking spaces are not required for the applicant's request.

**Current Zoning and Procedural Findings:** The subject property has a zoning designation of C-2 General Commercial District. Per Section 23-113(e) of the Municipal Code, an indoor commercial entertainment use with alcohol sales 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: C-2 General Commercial District. The adjacent land uses to the north are a gas station/convenience store with retail alcohol and automotive repair shop. (Future land use map recommends Commercial for the adjacent properties.)

South: C-2 General Commercial District. The adjacent land use to the south is The Grand Meridian banquet/event center. (Future land use map recommends Commercial for the adjacent property.)

East: P-I Public Institutional District. The adjacent land use to the east is St. Francis Xavier Middle School. (Future land use map recommends Public/Institutional for the adjacent property.)

West: R-1B Single-family Residential District. The adjacent land uses to the west are currently single-family residential. (Future land use map recommends Single/Two family for adjacent properties.)

**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.*

## Special Use Permit #4-23

May 24, 2023

Page 3

**Technical Review Group (TRG) Report:** This item appeared on the May 2, 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 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.

**Findings of Fact:** This request was reviewed in accordance with the standards for granting a Special Use Permit under Section 23-66(e)(1-8) of the Municipal Code: *1. proper zoning district:* C-2 zoning allows indoor entertainment uses with alcohol sales as a special use permit; *2. zoning district regulations:* the district regulations appear to be satisfied pursuant to the attached development plan; *3. special regulations:* stipulations 1, 2, 3 and 4 (below) address the special regulations for alcohol sales; *4. consistent with comprehensive plan and other plans:* yes, see above analysis; *5. traffic:* the proposed use is not expected to create undue traffic congestion, it is anticipated customers will utilize existing on-site parking spaces to park their cars; *6. landscaping and screening:* not applicable to this use, changes to the existing parking are not being proposed with this request; *7. neighborhood compatibility with predominant land uses in this area:* the proposed use is located near other existing commercial uses in this area of the City, the proposed alcohol service is anticipated to be ancillary and subordinate (i.e., an amenity for the customers) to the primary use as an indoor commercial entertainment facility for axe throwing; *8. impact on services:* the City has existing utilities and services in place to serve this proposed use. These standards were found in the affirmative, as long as all stipulations are satisfied.

## **RECOMMENDATION**

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Staff recommends, based on the above analysis, that Special Use Permit #4-23 for an indoor commercial entertainment use (axe throwing) with alcohol sales and consumption located at 2701 N. Oneida Street (Tax Id #31-6-7651-00) as shown on the attached maps and per attached plan of operation, along with the attached resolution, **BE APPROVED** to run with the land, subject to the following conditions:

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

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

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

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

**Special Use Permit #4-23**

**May 24, 2023**

**Page 4**

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

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

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

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

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

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

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

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

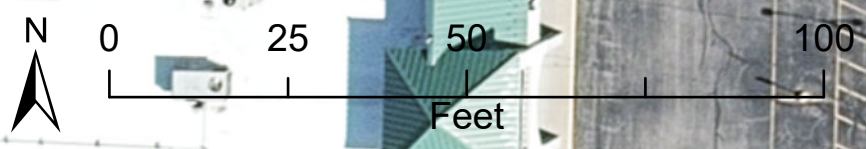


Special Use Permit  
Indoor Commercial Entertainment with Alcohol Sales  
"Lumberjack Johnny's" Axe Throwing  
2701 North Oneida Street  
Aerial Map



Subject Area

6-7651



**CITY OF APPLETON  
RESOLUTION FOR SPECIAL USE PERMIT #4-23  
INDOOR COMMERCIAL ENTERTAINMENT USE WITH ALCOHOL SALES AND CONSUMPTION  
2701 NORTH ONEIDA STREET**

**WHEREAS**, David Oshefsky has applied for a Special Use Permit to establish an indoor commercial entertainment use (axe throwing) with alcohol sales and consumption, also identified as Parcel Number 31-6-7651-00; and

**WHEREAS**, the proposed indoor commercial entertainment use (axe throwing) with alcohol sales and consumption, 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 May 24, 2023 on Special Use Permit #4-23, 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 #4-23 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 June 7, 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 #4-23 for an indoor commercial entertainment use (axe throwing) with alcohol sales and consumption, also identified as Parcel Number 31-6-7651-00, based upon the following standards and determinations: (List reason(s) why the Special Use Permit was denied)
3. If YES, the City of Appleton Common Council hereby approves Special Use Permit #4-23 for an indoor commercial entertainment use (axe throwing) with alcohol sales and consumption, also identified as Parcel



Number 31-6-7651-00, to the following conditions as they are related to the purpose of the City of Appleton Municipal Code and based on substantial evidence:

**CONDITIONS OF APPROVAL FOR SPECIAL USE PERMIT #4-23:**

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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

ATTEST:

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

## PLAN OF OPERATION AND LOCATIONAL INFORMATION

### Business Information:

Name of business: \_\_\_Newell Company, Inc. DBA Lumberjack Johnny's

Years in operation: \_\_\_9 years

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

Restaurant

Tavern/Night Club/Wine Bar

Painting/Craft Studio

Microbrewery/Brewpub (manufacturing a total of not more than 310,000 U.S. gallons of fermented malt beverages per calendar year)

Brewery (manufacturing a total of more than 310,000 U.S. gallons of fermented malt beverages per calendar year)

Winery (manufacturing of wine)

?? Craft-Distillery (manufacturing a total of not more than 100,000 proof gallons of intoxicating liquor per calendar year)

Distillery (manufacturing a total of more than 100,000 proof gallons of intoxicating liquor per calendar year)

Tasting room offering fermented malt beverages, wine or intoxicating liquor for consumption and/or retail sales on the premises where the fermented malt beverages, wine or intoxicating liquor is manufactured and/or at an off-premises location associated with premises. Tasting rooms may include food sales.

Other\_\_\_ Entertainment including axe throwing and other team building exercises.

Detailed explanation of proposed business activities:

---

Axe Throwing, with secondary sports such as Darts and Cornhole for the purpose of teambuilding and family entertainment.

---

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

(square feet) \_\_\_\_\_ 7,256 Sq feet \_\_\_\_\_

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

(square feet) \_\_\_\_\_ 7,256 Sq Feet \_\_\_\_\_

**Occupancy Limits:**

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

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

Day	From	To
Wednesday thru Thursday	5:00 pm	10:00 pm
Friday	11:00 AM	10:00 pm
Saturday	11:00 AM	10:00 PM
Sunday	11:00 AM	5:00 PM

**Production/Storage Information:**

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

Current production of fermented malt beverages: \_\_\_\_\_ U.S. gallons per year

Proposed production of fermented malt beverages: \_\_\_\_\_ U.S. gallons per year

Current production of wine: \_\_\_\_\_ U.S. gallons per year

Proposed production of wine: \_\_\_\_\_ U.S. gallons per year

Current production of intoxicating liquor: \_\_\_\_\_ proof gallons per year

Proposed production of intoxicating liquor: \_\_\_\_\_ proof gallons per year

X None. If none, leave the following two storage questions blank.

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

---

---

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

---

---

**Outdoor Space Uses:**

(Check applicable outdoor space uses)

Patio

Deck

Sidewalk Café

Other \_\_\_\_\_.

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

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

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

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

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

If yes, please describe:

---

---

Are there plans for outdoor music/entertainment? Yes \_\_\_ No \_\_\_

If yes, describe how the noise will be controlled:

---

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

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

Day	From	To
Monday thru Thursday		
Friday		
Saturday		
Sunday		

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

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

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

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

Estimated 90 decibels at high point internally. No external impact expected.

---

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

No impact externally, internally we will be installing acoustical panels on the ceiling and utilizing sound absorbing materials in the design such as carpet.

---

**Off-Street Parking:**

Number of spaces existing on-site: 62

Number of spaces proposed on-site: N/A

**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 improvements are planned. Ingress/egress is existing along North Oneida Street and North Appleton Street.

**Other Licensed Premises:**

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

List nearby licensed premises:

The Grand Meridian

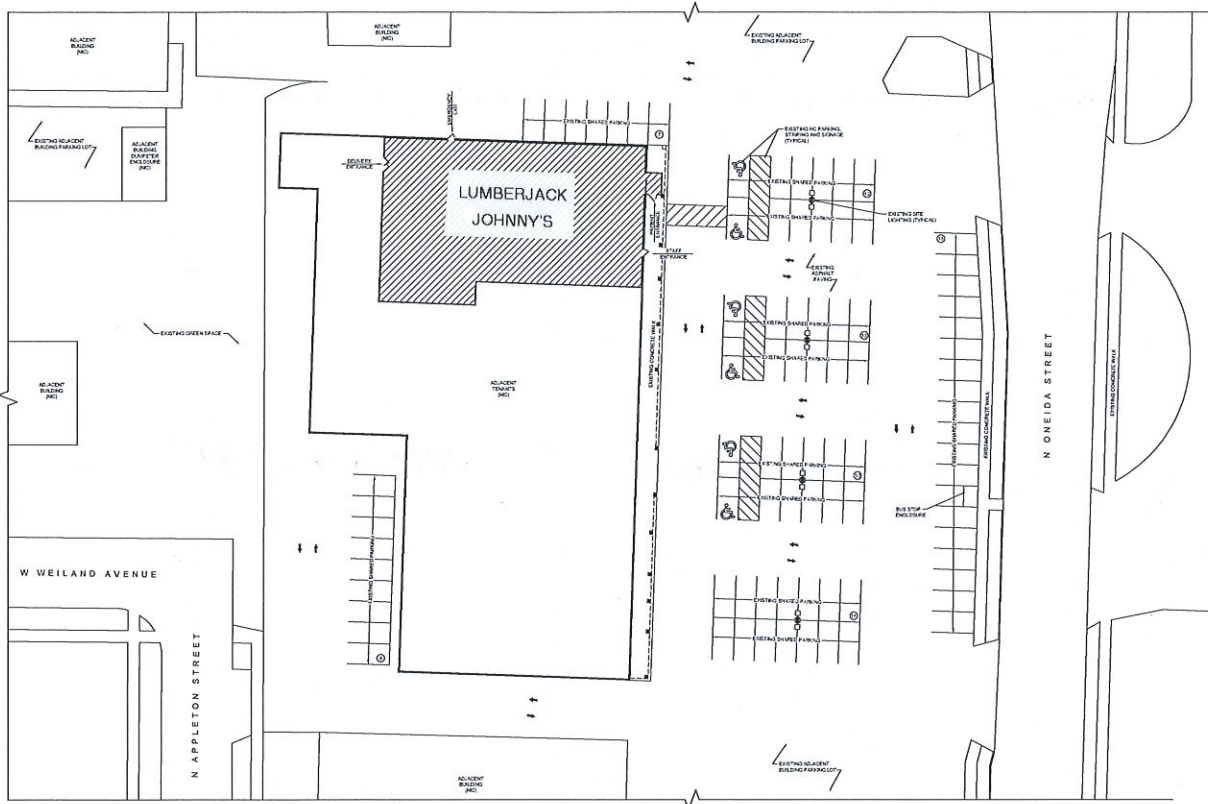
**Number of Employees:**

Number of existing employees: 8

Number of proposed employees: 16 by end of year 2023

Number of employees scheduled to work on the largest shift: Typically 4

**WHAT IS A SPECIAL USE PERMIT?**



**GENERAL NOTES**

1. EXISTING CONDITIONS SHOWN OR NOT SHOWN FIELD SURVEY AND THE ACCURACY OF THE SITE PLAN DRAWINGS SHALL BE THE RESPONSIBILITY OF THE CLIENT. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR VERIFYING THE EXISTING CONDITIONS PRIOR TO BE.



**ARCHITECTURAL SITE PLAN**  
SCALE: 1/8" = 1'-0"

Prepared For: Christopher Kidd, LLC, 1818 W. Wisconsin Ave., Appleton, WI 54911  
ARCHITECT: Christopher Kidd and Associates, LLC  
Date: JAN 21, 2017



Proposed Renovation for:  
**FKC - Appleton**  
FKC Location #06055-1-RN-WR-2017  
2701 N Oneida Street, Suite E  
Appleton, Wisconsin 54911

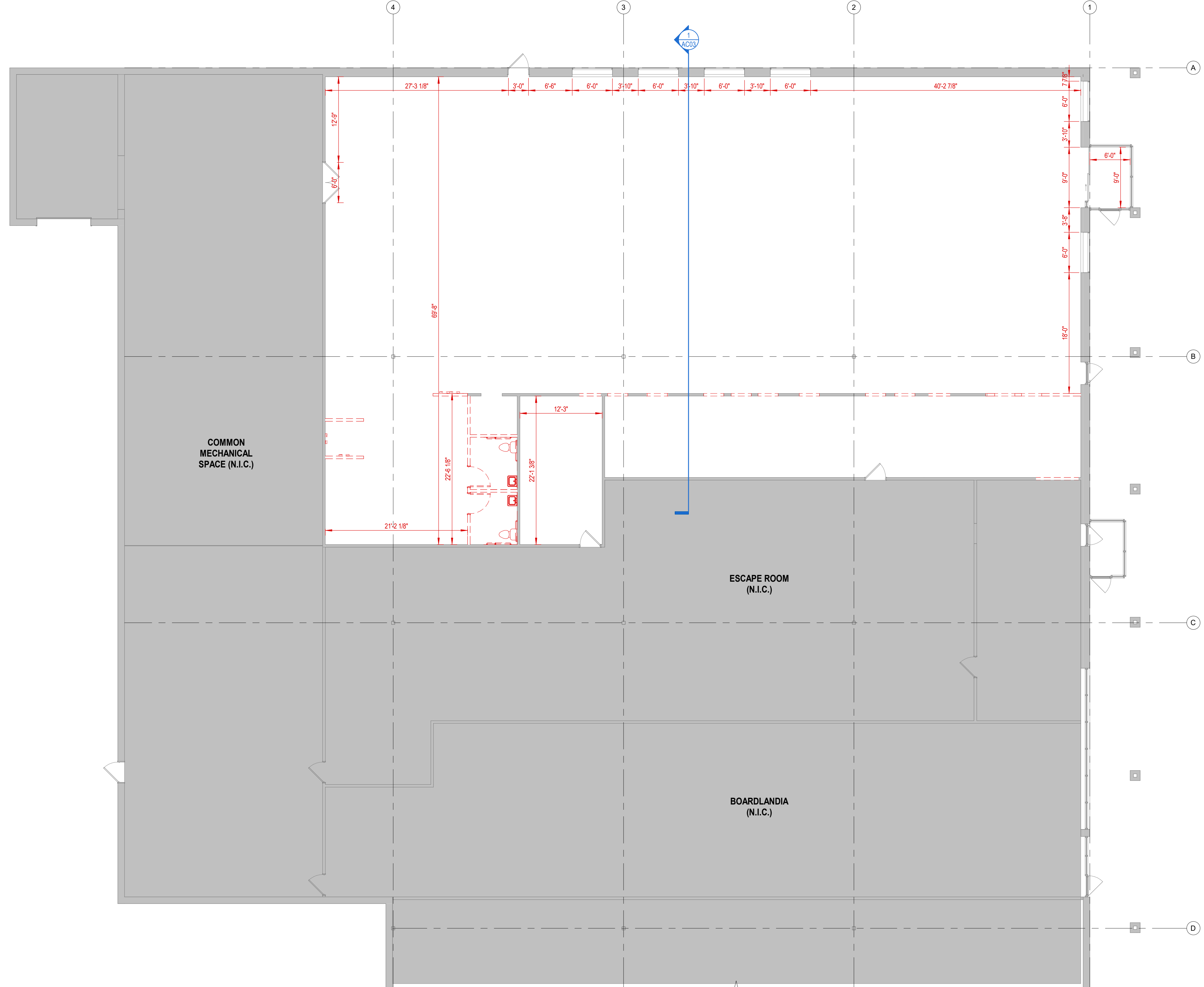


This drawing, as prepared, is the property of the Architect and shall remain the property of the Architect. Any changes, publication, or use of this drawing without the express written approval of the Architect is prohibited. Copyright © 2017.

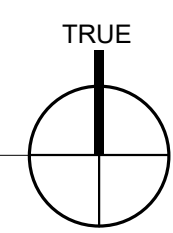
Drawn By: N/A  
Checked By: ESM  
Date Drawn: 02/21/2017  
Project #: 17048-01

NO.	REVISION DESCRIPTION	DATE

**A1.0**



1 CONCEPTUAL EXISTING/  
DEMO PLAN  
1/8" = 1'-0"



\*THESE RENDERINGS ARE FOR ILLUSTRATIVE PURPOSES ONLY AND ARE NOT MEANT TO BE AN EXACT DEPICTION OF THE RENDITION SHOWN. ANY RELIANCE ON THESE RENDERINGS SHALL BE AT THE USER'S SOLE RISK. ALLIANCE CONSTRUCTION & DESIGN, INC. IS NOT RESPONSIBLE FOR ANY RELIANCE OR MISUSE OF THESE RENDERINGS AND/OR DAMAGES, CLAIMS, LOSSES OR LIABILITY THAT MAY RESULT.\*



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1550 BROADWAY ST., WRIGHTSTOWN, WI 54180

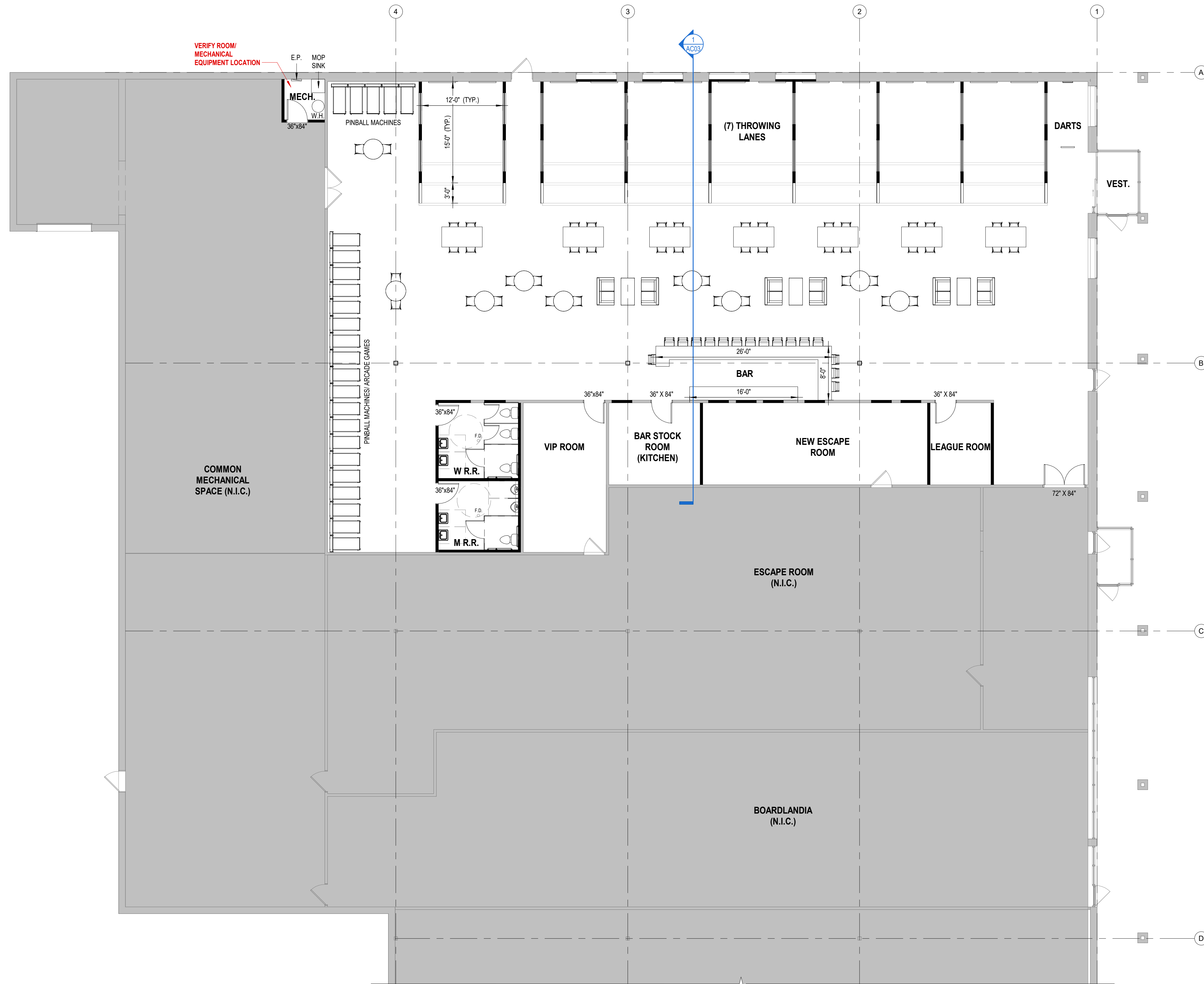
# AXE THROWING TENANT

PROJECT NUMBER: 23-039  
STATUS: CONCEPTUAL

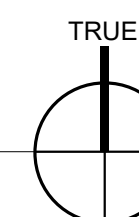
**NOT FOR  
CONSTRUCTION**

CONCEPTUAL EXISTING/  
DEMO PLAN

# AC01



1  
**CONCEPTUAL FLOOR PLAN**  
 1/8" = 1'-0"



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# AXE THROWING TENANT

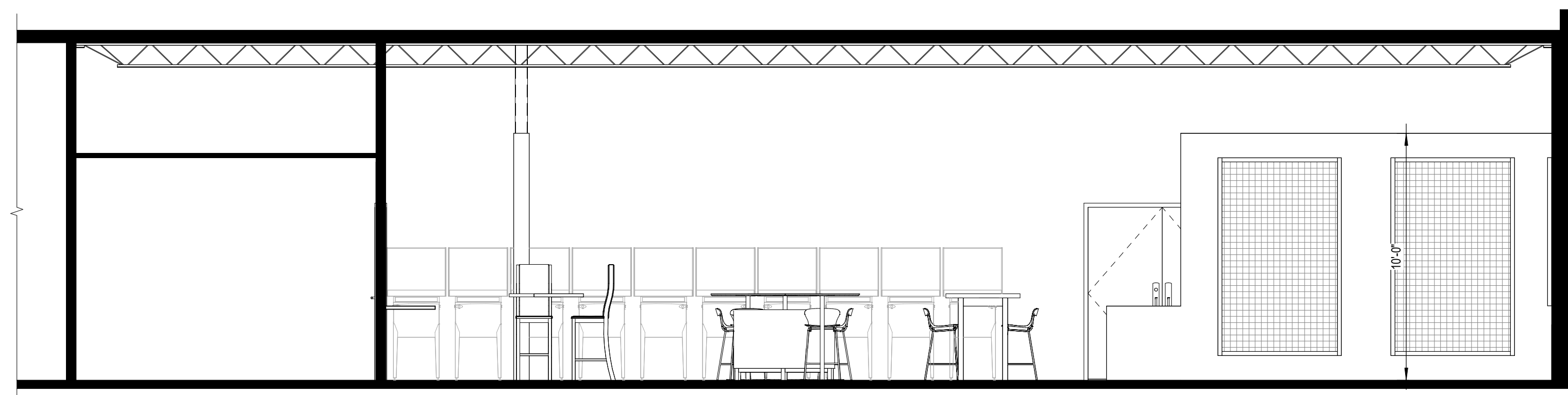
PROJECT NUMBER: 23-039  
 STATUS: CONCEPTUAL

**NOT FOR CONSTRUCTION**

CONCEPTUAL PLAN

# AC02





1 TRANSVERSE BUILDING SECTION  
1/4" = 1'-0"

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1850 BROADWAY ST., WRIGHTSTOWN, WI 54180

## AXE THROWING TENANT

PROJECT NUMBER: 23-039  
STATUS: CONCEPTUAL

**NOT FOR  
CONSTRUCTION**

CONCEPTUAL SECTION

# AC03



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Public Hearing Date:** May 24, 2023

**Common Council Meeting Date:** June 7, 2023

**Item:** Special Use Permit #5-23 for a bar & grill with alcohol sales and consumption inside an existing building formerly used as an auto maintenance garage (approximately 1,550 sq. ft. floor area) at 2811 East Newberry Street

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

### **GENERAL INFORMATION**

---

**Owner/Applicant:** SPG Investments, LLC, Sudhansh and Suyash Goel

**Address/Parcel #:** 2811 East Newberry Street (Tax Id #31-4-5747-00)

**Petitioner's Request:** Establish a bar & grill with alcohol sales and consumption (serving liquor, wine, beer and food) inside an existing building formerly used as an auto maintenance garage (approximately 1,550 sq. ft. floor area).

### **BACKGROUND**

---

The building was constructed in 1953, and the property contains Exxon Mobil Gas Station/Convenience Store with retail alcohol sales and an off-street parking lot. The rear portion of the building was formerly used as an automobile maintenance garage.

In 1994, the subject property was annexed from the Town of Buchanan to the City of Appleton.

### **STAFF ANALYSIS**

---

**Project Summary:** The applicant proposes to establish a bar & grill with alcohol sales and consumption (serving liquor, wine, beer and food) inside an existing building formerly used as an automobile maintenance garage on the subject site, which would occupy approximately 1,550 square feet of the existing building.

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

**Proposed Indoor Seating Capacity:** 30 persons per plan of operation.

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

**Existing Site Conditions:** The existing gas station/convenience store with retail alcohol sales totals approximately 2,020 square feet (per City Assessor records), 2 gas pumps serving 4 vehicles, includes a 12-stall off-street parking lot. The rear of the property has been used for outdoor storage of vehicles, trailers, trucks and random items. Access is provided by curb cuts on East Newberry Street.

## Special Use Permit #5-23

May 24, 2023

Page 2

**Off-Street Parking Requirements:** 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 convenience store and proposed bar & grill use, a total of 15 parking spaces would be required (1 space per 250 square feet of gross floor area) for multiple uses within a single building. There are 12 existing parking spaces identified on the development plan drawing.

The owner is proposing to construct 5 additional parking spaces to satisfy Section 23-172(m) of the Municipal Code. Site Plan Review and Approval, in accordance with Section 23-570 of the Municipal Code, is required prior to construction of the 5 proposed parking spaces prior to the issuance of a paving permit.

The subject property contains a historic lot line (annexed condition from the Town of Buchannan) and no formal platting documents have been recorded to officially combine the two parcels and eliminate the old parcel line. The existing paved parking lot and outdoor storage gravel parking area are bisected by this historic lot line. The proposed conversion of the outdoor storage gravel parking area to asphalt parking is not increasing the degree of the existing nonconformity regarding the minimum setback requirements from a lot line. Therefore, a Certified Survey Map to combine the historic lots into one lot is not needed as part of the Site Plan Review process.

The existing building and gas pump canopy are not bisected by this historic lot line. However, future building/gas pump canopy additions or above ground buildings/structures that cross the historic lot line and/or encroach into required setbacks will require the submittal of a one-lot CSM to combine the historic parcels and create one parcel.

**Current Zoning and Procedural Findings:** The subject property has a zoning designation of C-2 General Commercial District. Per Section 23-113(e) of the Municipal Code, a bar & grill use with alcohol sales and consumption 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 industrial, commercial and residential in nature.

North: R-2 Two-family District. The adjacent land uses to the north are single and two family residential. (Future land use map recommends Single/Two family for adjacent properties)

South: M-2 General Industrial District and R-1A Single-family District. The adjacent land use to the south are Industrial warehouses and the Wisconsin Central Railroad. (Future land use map recommends Business/Industrial for this adjacent properties)

East: R-1A Single-family residential District. The adjacent land use to the east is single-family residential. (Future land use map recommends Commercial for this adjacent property)

## Special Use Permit #5-23

May 24, 2023

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West: C-2 General Commercial District. The adjacent land use to the west is currently single-family residential and excavation business. (Future land use map recommends Commercial for this adjacent property)

**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.*

**Technical Review Group (TRG) Report:** This item appeared on the May 2, 2023 TRG agenda. Comments from participating departments are identified in the “substantial evidence conditions of approval” section (below).

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

### **Substantial Evidence Conditions of Approval:**

- Section 23-40(a)(1) Application of district regulations, no structure or land shall hereafter be used or occupied, and no structure or part thereof shall hereafter be constructed, reconstructed or structurally altered except in conformity with all of the regulations specified for the C-2 District with respect to this proposed use. (Relates to change of use from auto maintenance garage to bar & grill with alcohol sales and consumption)

## Special Use Permit #5-23

May 24, 2023

Page 4

- Section 23-172(m) a total of 15 parking spaces would be required (1 space per 250 square feet of gross floor area) for multiple uses occupying one building. (Relates to change of use from auto maintenance garage to bar & grill with alcohol sales and consumption)
- Section 23-570(c)(1)c. construction of less than 20 parking spaces requires minor site plan approval prior to the issuance of paving permit. Section 23-172(b)(2) parking lots and spaces shall be constructed and maintained in accordance with including but not limited to the applicable regulations of Article IX, Section 23-601, Landscaping and screening, on-site storm drainage (underground storm sewer connection to the lateral in Newberry Street) shall be provided in accordance with the State Plumbing Code, City Plumbing Code, and the City Stormwater Management Ordinance and Chapter 23 Zoning. (Relates to the construction of the 5 proposed parking spaces)
- Per 1028.5 of the IFC and IBC, a direct and unobstructed access to a public way shall be provided from every exit. The exit from the convenience store into the drive aisle poses an obstruction to the safe travel of people from the exit to the public way. To remedy this, shift the drive aisle to the west and install two bollards outside of the exit to ensure safe pedestrian passage. These bollards should be a minimum of 48” from the building to not create an impediment to egress. (See Exhibit A attached) (Relates to compliance with Fire Codes)
- The Wisconsin Food Code requires plans to be repaired showing the layout of this proposed use including equipment, sinks, and finishing details. (Relates to change of use from auto maintenance garage to bar & grill with alcohol sales and consumption)

**Findings of Fact:** This request was reviewed in accordance with the standards for granting a Special Use Permit under Section 23-66(e)(1-8) of the Municipal Code: *1. proper zoning district:* C-2 zoning allows a bar & grill with alcohol sales and consumption as a special use permit; *2. zoning district regulations:* the district regulations appear to be satisfied pursuant to the attached development plan, formal verification of regulations being satisfied will occur during the Site Plan Review process per stipulation 4 (below); *3. special regulations:* stipulations 1, 2, 3 and 4 (below) address the special regulations for alcohol sales and consumption; *4. consistent with comprehensive plan and other plans:* yes, see above analysis; *5. traffic:* the proposed use is not expected to create undue traffic congestion, it is anticipated customers will utilize existing and proposed on-site parking spaces to park their cars; *6. landscaping and screening:* this will be reviewed during the Site Plan Review process per stipulation 4 (below); *7. neighborhood compatibility with predominant land uses in this area:* the proposed use is located near other existing and future commercial/industrial uses in this area of City; *8. impact on services:* the City has existing utilities and services in place to serve this proposed use. These standards were found in the affirmative, as long as all stipulations are satisfied.

## RECOMMENDATION

Staff recommends, based on the above analysis, that Special Use Permit #5-23 for a bar & grill with alcohol sales and consumption located at 2811 East Newberry Street (Tax Id #31-4-5747-00) as shown on the attached maps and per attached plan of operation, along with the attached resolution, **BE APPROVED** to run with the land, subject to the following conditions:

**Special Use Permit #5-23**

**May 24, 2023**

**Page 5**

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

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

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

- a. The owner/applicants shall continue working with the City of Appleton Police Department staff to address Crime Prevention Through Environmental Design (CPTED) recommendations for this proposed use to enhance and maintain a safe environment for customers and community members. The CPTED recommendations will be reviewed during the minor site plan approval process for the parking lot expansion. The City of Appleton Police Department staff will verify the CPTED recommendations are satisfied prior to the issuance of the liquor license.

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

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

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

4. All Zoning, Building, Fire, Engineering, Utility and other Municipal Codes (Article IV. Noise) and all applicable State and Federal laws shall be complied with, including but not limited to the following:

- a. Section 23-172(b)(2) parking lots and spaces shall be constructed and maintained in accordance with the applicable regulations of Article IX - Chapter 23 Zoning, including on-site storm drainage (underground storm sewer connection to the lateral in Newberry Street) shall be provided in accordance with the State Plumbing Code, City Plumbing Code, and the City Stormwater Management Ordinance.
- b. Section 23-172(m) a total of 15 parking spaces would be required (1 space per 250 square feet of gross floor area) for multiple uses occupying one building.
- c. Section 23-570(c)(1)c. construction of less than 20 parking spaces requires minor site plan approval prior to the issuance of paving permit per Chapter 23 Zoning.
- d. Section 1028.5 of the International Fire and Building Code shall be complied with, per Exhibit A attached.
- e. Section 23-601, Landscaping and screening shall be complied with.
- f. Wisconsin Food Code plans shall be repaired to show the layout of this proposed use including equipment, sinks, and interior finishing details.

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

**Special Use Permit #5-23**

**May 24, 2023**

**Page 6**

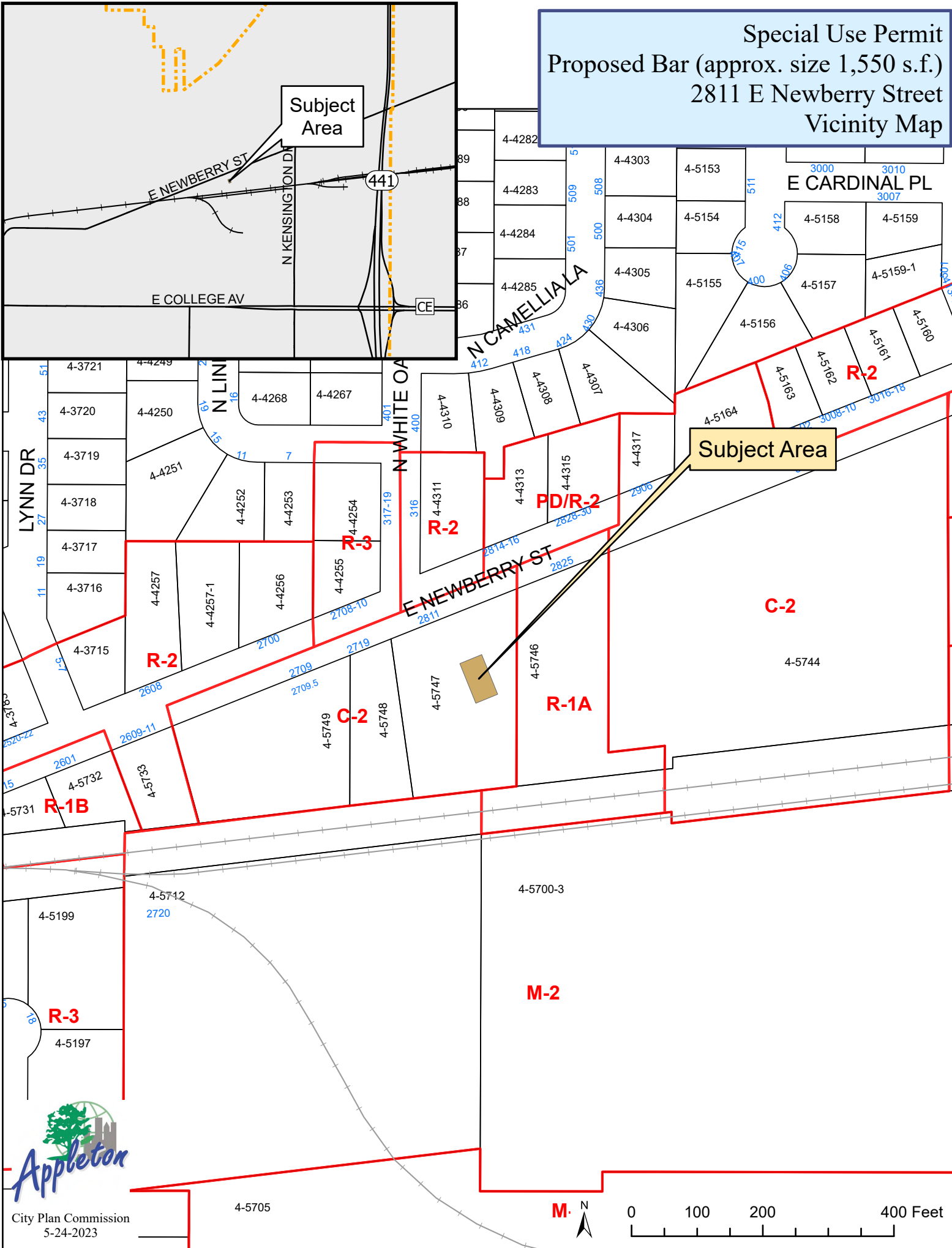
5. The serving and consumption of alcohol is limited to the interior tenant space, as identified on the attached development plan and floor plan drawings. Any future expansions for the serving and/or consumption of alcohol may require a major or minor amendment request to this Special Use Permit, pursuant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

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

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

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

Special Use Permit  
Proposed Bar (approx. size 1,550 s.f.)  
2811 E Newberry Street  
Vicinity Map



Subject Area

Subject Area





E NEWBERRY ST

Special Use Permit  
Proposed Bar (approx. size 1,550 s.f.)  
2811 E Newberry Street  
Aerial Map



Subject Area



City Plan Commission  
5-24-2023



**CITY OF APPLETON  
RESOLUTION FOR SPECIAL USE PERMIT #5-23  
BAR & GRILL WITH ALCOHOL  
2811 EAST NEWBERRY STREET**

**WHEREAS**, Sudhansh Goel, Newberry Bar & Grill has applied for a Special Use Permit to establish a bar & grill with alcohol sales and consumption located at 2811 East Newberry Street, also identified as Parcel Number 31-4-5747-00; and

**WHEREAS**, the proposed bar & grill with alcohol sales and consumption 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 May 24, 2023 on Special Use Permit #5-23, 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 #5-23 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 June 7, 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 #5-23 for a bar & grill with alcohol sales and consumption located at 2811 East Newberry Street, also identified as Parcel Number 31-4-5747-00, based upon the following standards and determinations: (List reason(s) why the Special Use Permit was denied)
3. If YES, the City of Appleton Common Council hereby approves Special Use Permit#5-23 for a bar & grill with alcohol sales and consumption located at 2811 East Newberry Street, also identified as Parcel Number

31-4-5747-00, subject to the following conditions as they are related to the purpose of the City of Appleton Municipal Code and based on substantial evidence:

**CONDITIONS OF APPROVAL FOR SPECIAL USE PERMIT #5-23:**

- A. The applicant shall receive approval of a Liquor License from the City Clerk prior to serving alcohol on the premises.
- B. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.
  - 1) The owner/applicants shall continue working with the City of Appleton Police Department staff to address Crime Prevention Through Environmental Design (CPTED) recommendations for this proposed use to enhance and maintain a safe environment for customers and community members. The CPTED recommendations will be reviewed during the minor site plan approval process for the parking lot expansion. The City of Appleton Police Department staff will verify the CPTED recommendations are satisfied prior to the issuance of the liquor license.
- C. The site shall be kept free of litter and debris.
- D. All Zoning, Building, Fire, Engineering, Utility and other Municipal Codes (Article IV. Noise) and all applicable State and Federal laws shall be complied with, including but not limited to the following:
  - 1) Section 23-172(b)(2) parking lots and spaces shall be constructed and maintained in accordance with the applicable regulations of Article IX - Chapter 23 Zoning, including on-site storm drainage (underground storm sewer connection to the lateral in Newberry Street) shall be provided in accordance with the State Plumbing Code, City Plumbing Code, and the City Stormwater Management Ordinance.
  - 2) Section 23-172(m) a total of 15 parking spaces would be required (1 space per 250 square feet of gross floor area) for multiple uses occupying one building.
  - 3) Section 23-570(c)(1)c. construction of less than 20 parking spaces requires minor site plan approval prior to the issuance of paving permit per Chapter 23 Zoning.
  - 4) Section 1028.5 of the International Fire Code and International Fire Code shall be complied with, per Exhibit A attached.
  - 5) Section 23-601, Landscaping and screening shall be complied with.
  - 6) Wisconsin Food Code plans shall be repaired to show the layout of this proposed use including equipment, sinks, and interior finishing details.

- E. The serving and consumption of alcohol is limited to the interior tenant space, as identified on the attached development plan and floor plan drawings. Any future expansions for the serving and/or consumption of alcohol may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.
  - F. Any expansions of the special use, changes to the development plan(s), plan of operation or any conditions of approval may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance. Contact the Community and Economic Development Department to discuss any proposed changes.
4. The City Clerk’s Office is hereby directed to give a copy of this resolution to the owner/applicant, Community and Economic Development Department, Inspections Division, and any other interested party.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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

ATTEST:

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

**Business Information:**

Name of business: Newberry Bar & Grill

Years in operation: New

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

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

Detailed explanation of proposed business activities:

Drinking Liquor/Wine/Beers & Eating food at Bars Location.

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

(square feet) <sup>Convenience market = ± 2,020 sq. ft.</sup> Bldg. 3300 Sq ft. + Outdoor 13020 Sq ft.

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

(square feet) <sup>Bar/Grill = ± 1,550 sq. ft.</sup> Bldg. 2170 Sq ft. + Outdoor 9180 Sq ft.

**Occupancy Limits:**

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

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

Day	From	To
Monday thru Thursday	8 AM	10 PM
Friday	8 AM	12 AM
Saturday	8 AM	1 AM
Sunday	8 AM	11 PM

**Production/Storage Information:**

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

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

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

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

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**Outdoor Space Uses:**

(Check applicable outdoor space uses)

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

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

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

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

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

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

If yes, please describe:

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Are there plans for outdoor music/entertainment? Yes \_\_\_ No

If yes, describe how the noise will be controlled:

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

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

Day	From	To
Monday thru Thursday		
Friday		
Saturday		
Sunday		

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

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

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

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

stereo sound system

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

Staff

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**Off-Street Parking:**

Number of spaces existing on-site: 12

Number of spaces proposed on-site: 17

**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?

Adequate

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**Other Licensed Premises:**

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

List nearby licensed premises:

Wishing Well

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MT Pockets

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**Number of Employees:**

Number of existing employees: 0

Number of proposed employees: 6

Number of employees scheduled to work on the largest shift: 4-5

**WHAT IS A SPECIAL USE PERMIT?**

Special Uses are those uses having some uniqueness or unusual impact which require careful review of their location, design, and configuration to determine against fixed standards, the desirability of permitting their establishment at any given site. There are uses which may or may not be appropriate in a particular location depending on a weighing, in each case, of the public need and benefit against the community and neighborhood impact and effect as well as



NEWBERRY ST.

186'4"

5 BAYS EXISTING

7 BAYS EXISTING

C. STORE

PROPOSED  
REMODEL  
BAR

HOUSE

245'9"

12' MULCH & GRASS

5 BAYS  
9'x18'

ASPHALT

DOOR

DOOR

DOOR

SNOW STORAGE

292'

PRIVATE PROPERTY

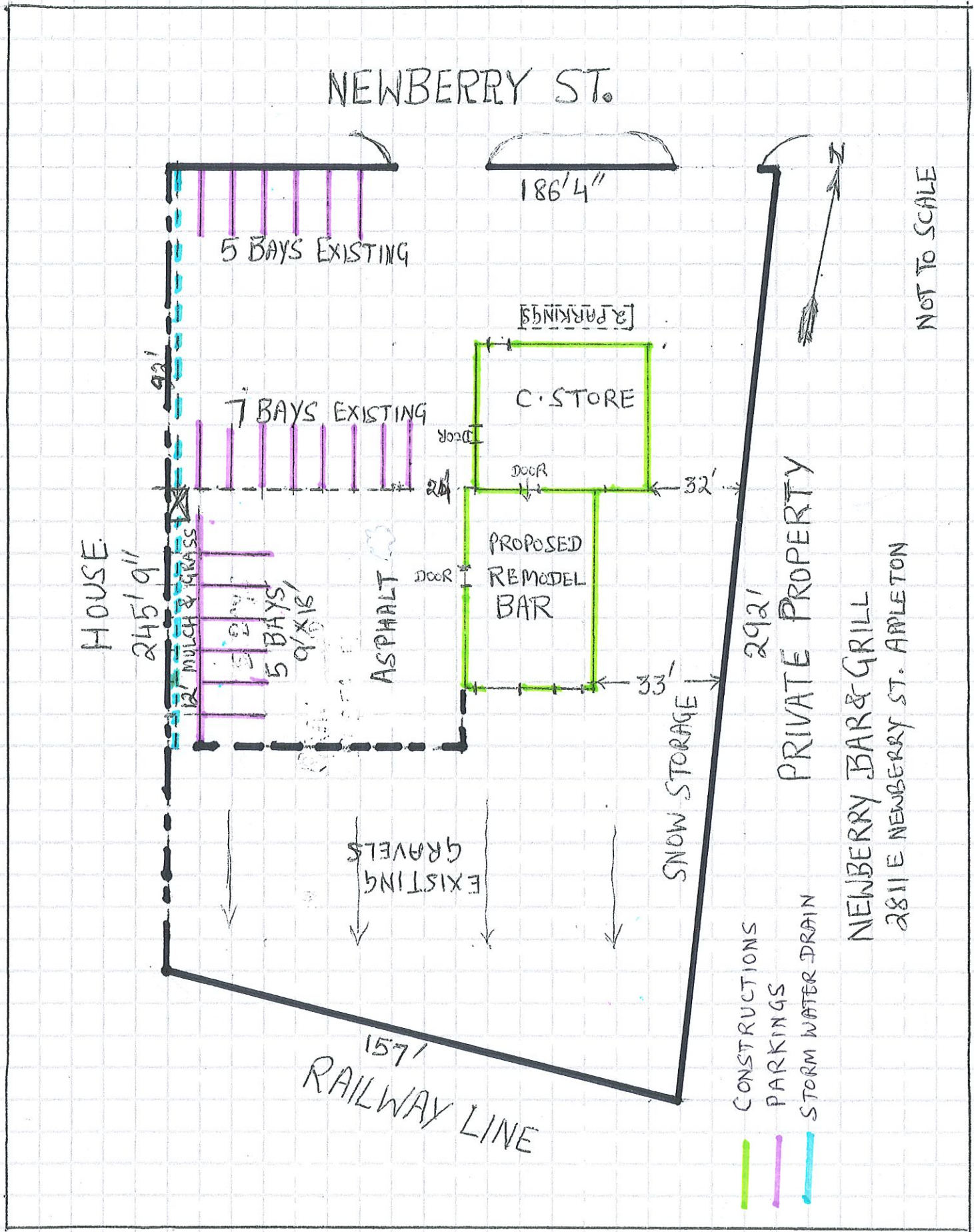
NEWBERRY BAR & GRILL

2811 E NEWBERRY ST. APPLETON

157'  
RAILWAY LINE

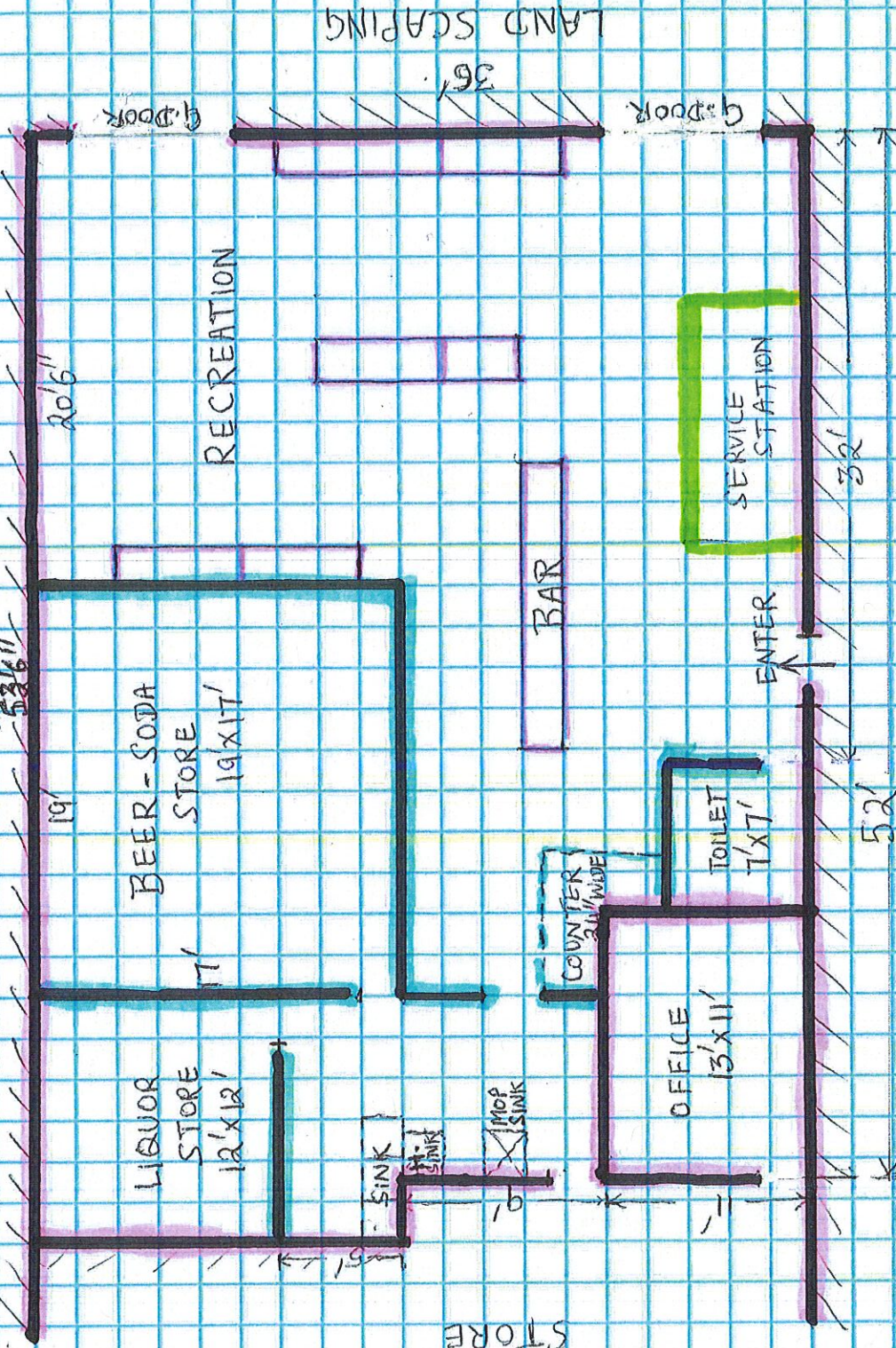
- CONSTRUCTIONS
- PARKINGS
- STORM WATER DRAIN

NOT TO SCALE



NEWBERRY BAR & GRILL

2811E STE B NEWBERRY ST APPLETON WI 54915



LAND SCAPING

GLASS DOOR

GLASS DOOR

RECREATION

BEER-SODA STORE  
19'x17'

LIQUOR STORE  
12'x12'

BAR

SERVICE STATION

ENTER

TOILET  
7'x7'

COUNTER  
3 1/2' WIDE

OFFICE  
13'x11'

PARKING

STORE

NOTE: NEW FURNACE & AC UNIT

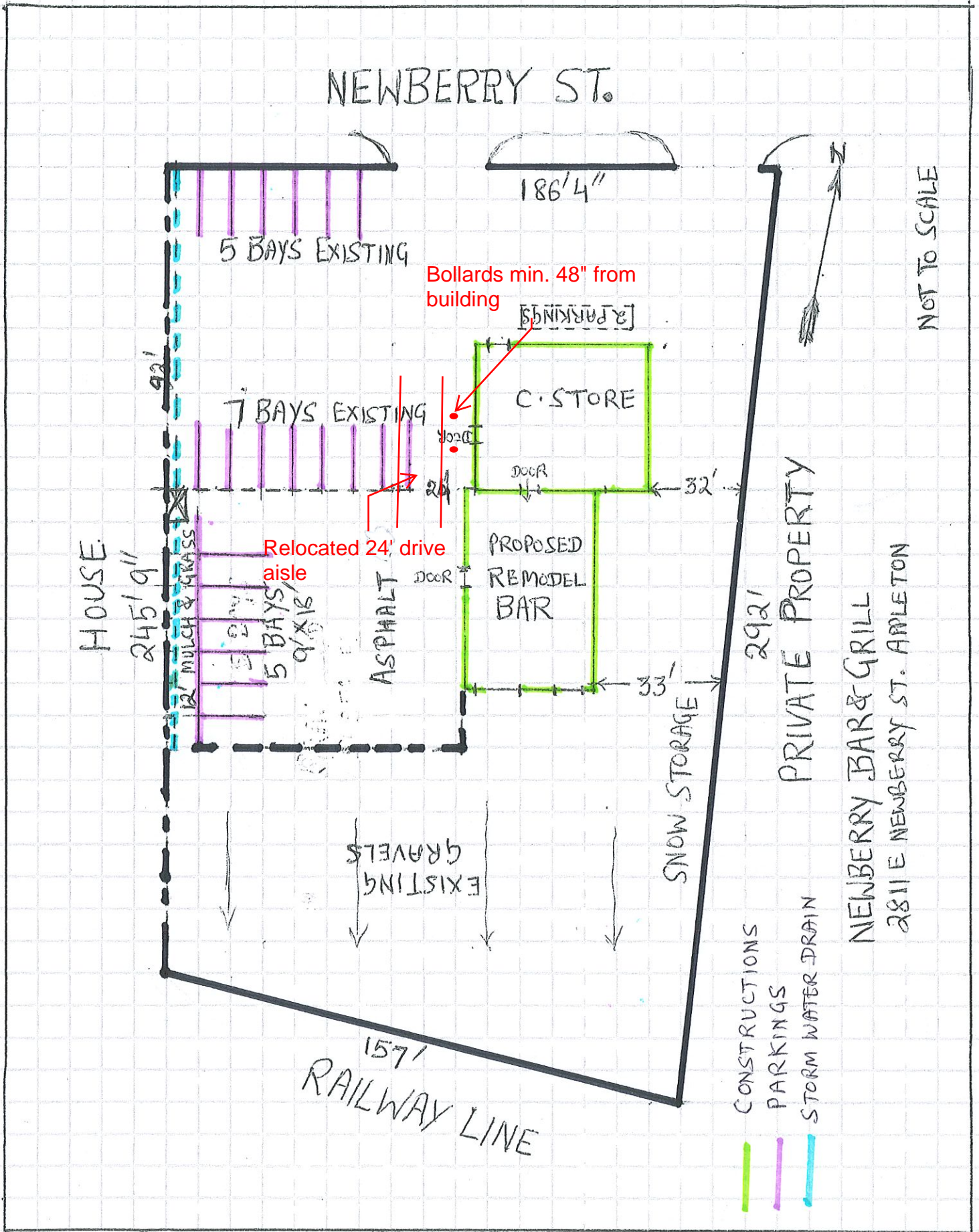
NOT TO SCALE

SITTINGS

- EXISTING
- NEW CONSTRUCTION
- SERVICE STATION

SPG GROUPS LLC  
Roll

# EXHIBIT A



NOT TO SCALE

- CONSTRUCTIONS
- PARKINGS
- STORM WATER DRAIN

NEWBERRY BAR & GRILL  
2811 E NEWBERRY ST. APPLETON



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Meeting Date:** May 24, 2023

**Common Council Meeting Date:** June 7, 2023

**Item:** Final 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.

On March 8, 2023, PD Overlay District #1-01 amendments and the Preliminary Plat for The Villas at Meade Pond were recommended for approval by the Plan Commission.

On April 5, 2023, PD Overlay District #1-01 amendments and the Preliminary Plat for The Villas at Meade Pond were approved by the Common Council. In addition to Implementation Plan Document No. 1417611, the amendments to the PD Overlay District will serve as the development regulations, once recorded in the Outagamie County Register of Deeds Office.

**Final Plat – The Villas at Meade Pond**

**May 24, 2023**

**Page 2**

**STAFF ANALYSIS**

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

**Proposed Conditions:** The Final 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), per discussions with representatives from the Meade Pond Condominium Association.

**Comparison Between Final Plat and Preliminary Plat:** The Final Plat is consistent with the Preliminary Plat layout in terms of the shape, size, building setback dimensions, and location of the lot lines.

**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:

<b>Yard</b>	<b>Lot Numbers</b>	<b>Minimum Building Setback Dimension (Per PD Overlay District #1-01)</b>
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

- *All buildings, decks, concrete patios, and other accessory structures illustrated on the final plat appear to comply with minimum requirements listed above.*

## Final Plat – The Villas at Meade Pond

May 24, 2023

Page 3

- 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. As stated in the staff report for the preliminary plat, there is small deviation in the proposed side lot line between Lot 9 and Lot 10, this deviation did 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 said lots due to the existing location of site improvements on Lot 10. The configuration of both Lots shown on the Final Plat are consistent with the Preliminary Plat.

**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.*

*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 final 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 final plat.

**Technical Review Group (TRG) Report:** This item appeared on the May 2, 2023 TRG agenda. Comments from participating departments are identified as conditions of approval.

**RECOMMENDATION**

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

1. Section 17-12(23) add information on the ownership of, use of, or restrictions on Outlots 1, 2, and 3 to the notes section of the Final Plat, prior to City signatures being affixed to the Final Plat.
2. Section 17-12(c) The legal instruments creating a property owners association for the ownership and/or maintenance of common lands in the subdivision shall be filed with the Final Plat, prior to City signatures being affixed to the Final Plat.
3. On Sheet 3 of 8, remove the references to the term “resolution” in the Common Council Certificate.
  - The current subdivision ordinance does not require a resolution to approval a final plat.
4. 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.
5. Prior to City signatures being affixed to the Final Plat, the Amended Implementation Plan Document for PD Overlay District #1-01 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 the Outagamie County Register of Deeds’ Office.

**Final Plat – The Villas at Meade Pond**

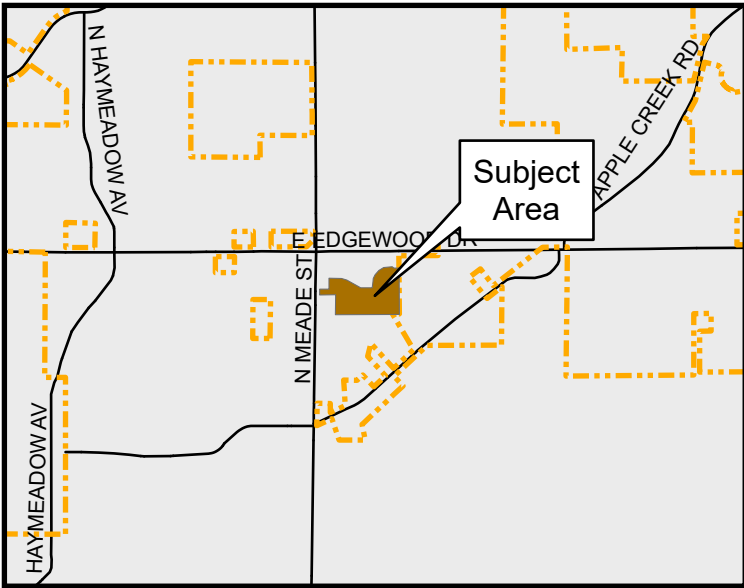
**May 24, 2023**

**Page 5**

6. 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.
7. The Final Plat shall be recorded within 12 months from the approval date of the last approving authority and within 36 months from the approval date of the first approving authority. Failure to do so requires the subdivider to recommence the entire procedure for Final Plat approval.

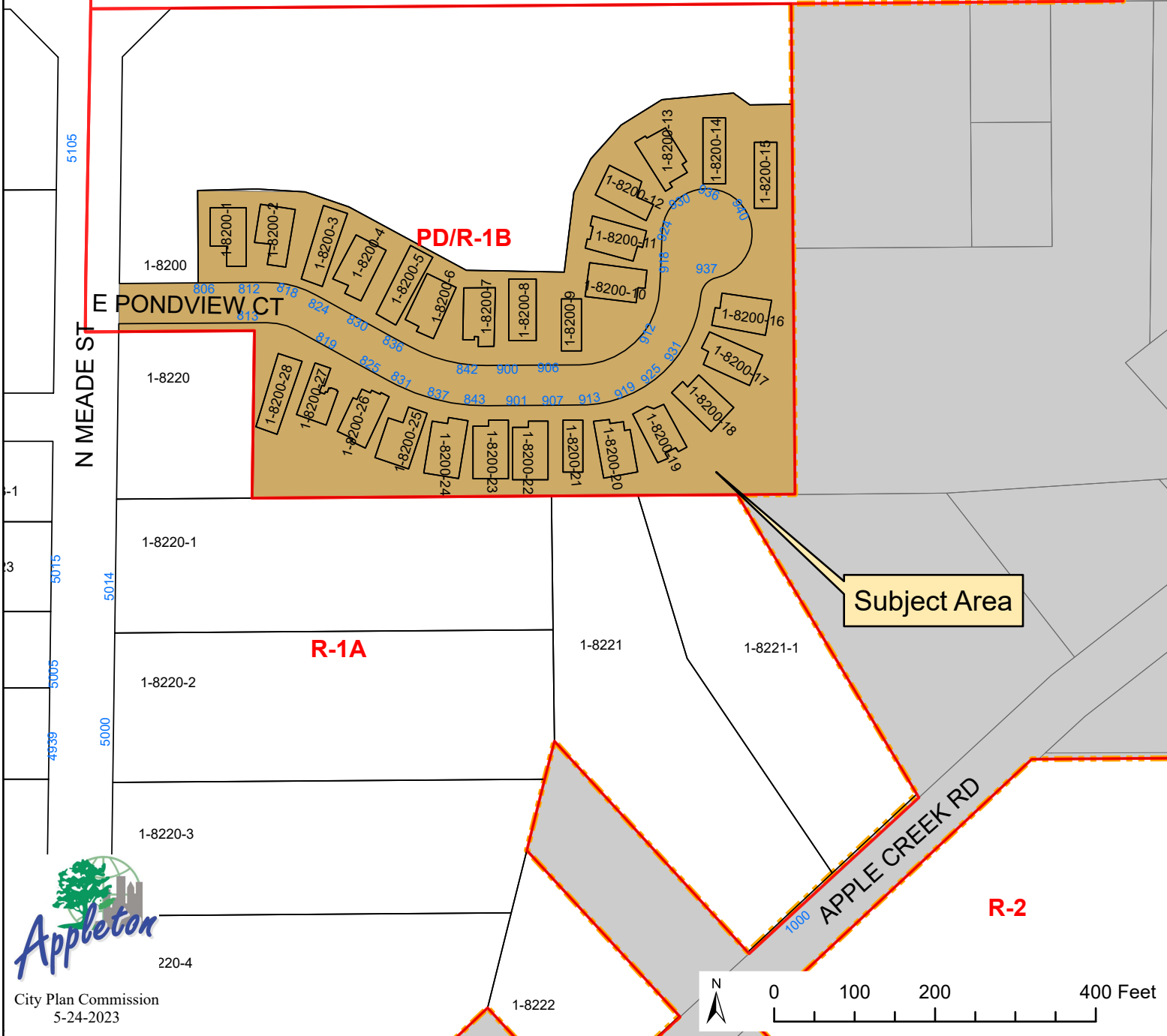


Final Plat  
The Villas at Meade Pond  
Vicinity Map



P-I

E EDGEWOOD DR



Final Plat  
The Villas at Meade Pond  
Aerial Map



5105  
N MEADE ST

E EDGEWOOD DR

1-8200  
E PONDVIEW CT

E SIERRA LA

Subject Area

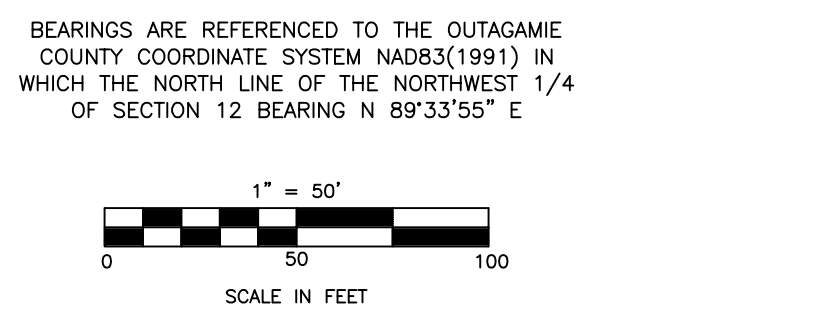
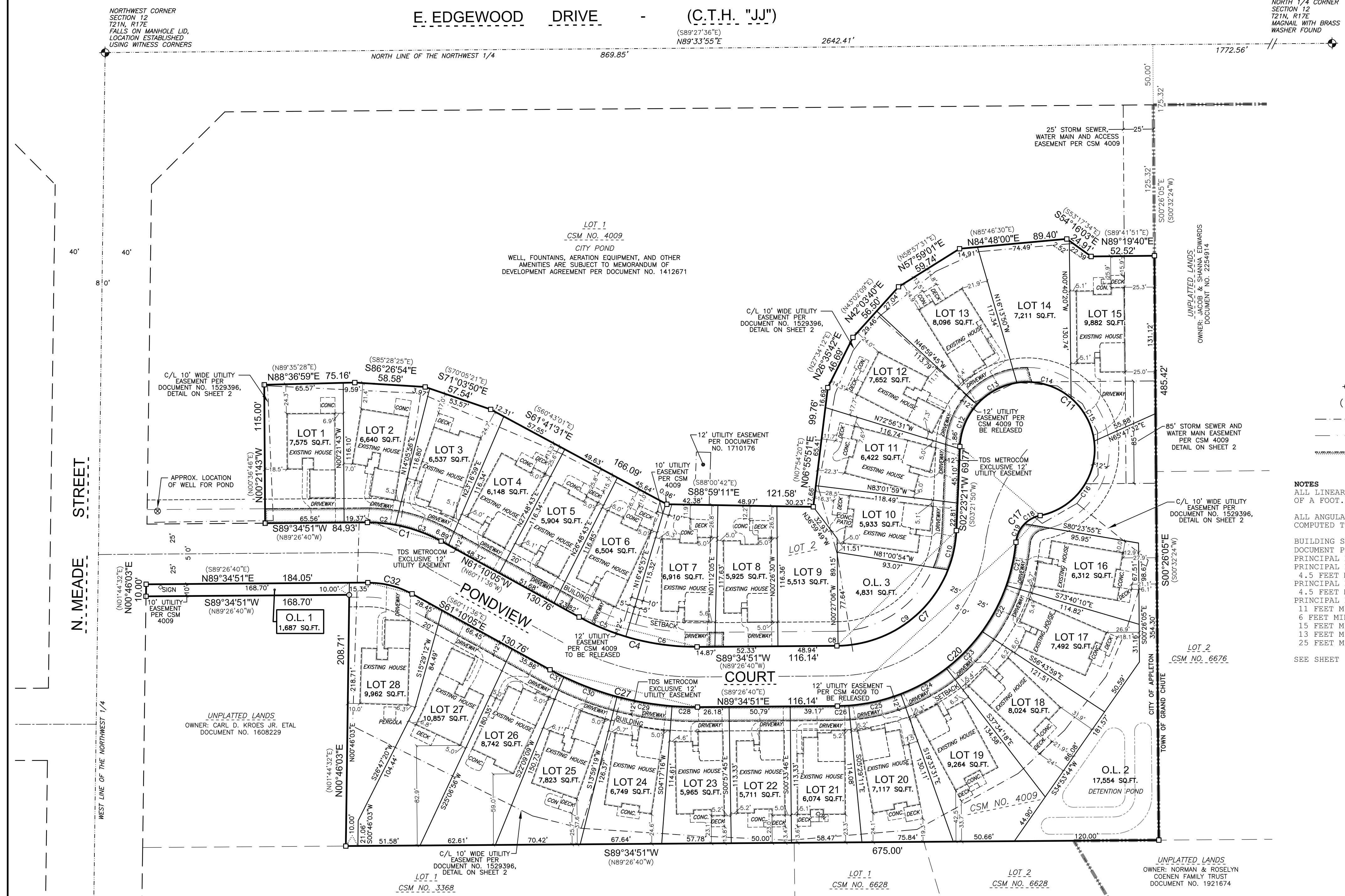
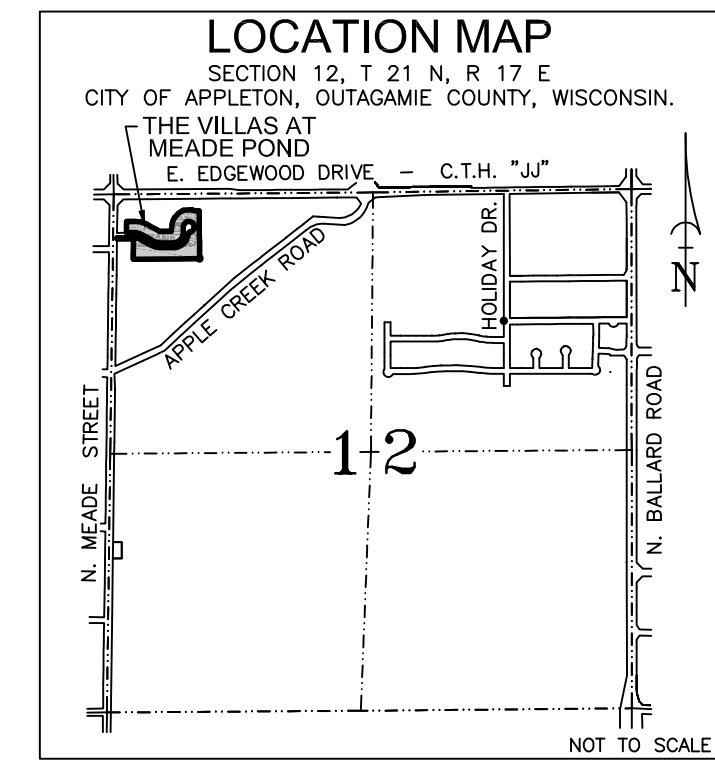


City Plan Commission  
5-24-2023



# THE VILLAS AT MEADE POND

ALL OF LOT 2 OF CERTIFIED SURVEY MAP NO. 4009, 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



- LEGEND**
- 1" O.D. ROUND IRON PIPE SET, 24" LONG, WEIGHING 1.13 LBS. PER LINEAL FOOT AT ALL OTHER LOT CORNERS
  - 1" O.D. ROUND IRON PIPE FOUND
  - 3/4" REBAR FOUND
  - GOVERNMENT CORNER
  - ( ) PREVIOUSLY RECORDED AS
  - - - EXISTING EASEMENT
  - - - EASEMENT TO BE RELEASED BY SEPARATE INSTRUMENT
  - TDS METROCOM EXCLUSIVE 12' UTILITY EASEMENT

**NOTES**

ALL LINEAR MEASUREMENTS HAVE BEEN MADE TO THE NEAREST ONE HUNDREDTH OF A FOOT.

ALL ANGULAR MEASUREMENTS HAVE BEEN MADE TO THE NEAREST 20 SECONDS AND COMPUTED TO THE NEAREST HALF SECOND.

BUILDING SETBACKS AS LISTED IN THE AMENDED IMPLEMENTATION PLAN DOCUMENT PD #1-01

PRINCIPAL BUILDING FRONT YARD SETBACK: 20 FEET (LOTS 1-28 & OUTLOT 3)

PRINCIPAL BUILDING (INCLUDING DECK) SIDE YARD SETBACK: 4.5 FEET MINIMUM (LOTS 1-5, 7-28 & OUTLOT 3)

PRINCIPAL BUILDING SIDE YARD SETBACK: 4.5 FEET MINIMUM AND DECK SIDE YARD: 2.85 MINIMUM (LOT 6)

PRINCIPAL BUILDING (INCLUDING DECK) REAR YARD SETBACK: 11 FEET MINIMUM (LOTS 1-15 & OUTLOT 3)

6 FEET MINIMUM (LOT 16)

15 FEET MINIMUM (LOTS 17-19)

13 FEET MINIMUM (LOT 20-24)

25 FEET MINIMUM (LOTS 25-28)

SEE SHEET 2 FOR DETAIL OF EASEMENTS

CURVE	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD	TANGENT IN	TANGENT OUT	CURVE	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD	TANGENT IN	TANGENT OUT
1	125.00'	029°15'04"	63.82'	N 75°42'37.5" W	63.13'	N 61°10'05" W	S 89°34'51" W	17	25.00'	073°38'51"	32.13'	N 42°10'07.5" E	29.91'	S 78°59'33" W	S 05°20'42" W
2	125.00'	010°42'57"	23.38'	N 85°03'41.0" W	23.34'	N 79°42'13" W	S 89°34'51" W	18	25.00'	034°05'03"	14.87'	N 61°57'01.5" E	14.65'	S 78°59'33" W	S 44°54'30" W
3	125.00'	018°32'07"	40.44'	N 70°26'09.0" W	40.26'	N 61°10'05" W	N 79°42'13" W	19	25.00'	039°33'18"	37.26'	N 23°49'38.5" E	16.92'	S 44°54'30" W	S 05°20'42" W
4	200.00'	029°15'04"	102.11'	N 75°42'37.5" W	101.00'	N 61°10'05" E	N 89°34'51" E	20	150.00'	084°14'09"	220.53'	N 47°27'46.5" E	201.20'	N 89°34'51" E	N 05°20'42" W
5	200.00'	012°03'57"	42.12'	N 87°12'04.5" W	42.04'	S 61°10'05" E	S 79°14'03" E	21	150.00'	014°04'35"	36.85'	N 12°22'59.5" E	36.76'	N 19°25'17" E	N 05°20'42" W
6	200.00'	017°11'07"	59.99'	N 81°40'36.0" W	59.76'	N 73°14'03" W	N 89°34'51" W	22	150.00'	016°38'23"	43.40'	N 43°08'36.5" E	43.25'	N 36°00'00" E	N 19°25'17" W
7	100.00'	087°11'30"	152.18'	S 45°59'06.0" E	137.91'	N 89°34'51" E	N 02°23'21" E	23	150.00'	016°20'33"	42.79'	N 44°10'16.5" E	42.64'	N 52°20'33" E	N 36°00'00" E
8	100.00'	000°31'00"	0.90'	N 46°57'35.0" E	0.90'	N 89°34'51" E	N 89°03'51" E	24	150.00'	016°38'23"	43.56'	N 60°39'44.5" E	43.41'	N 68°58'56" E	N 52°20'33" W
9	100.00'	067°25'21"	117.68'	S 55°21'10.5" W	111.00'	N 89°03'51" E	N 21°38'30" E	25	150.00'	016°57'59"	44.41'	N 73°27'45.5" E	44.24'	N 85°56'35" E	N 68°58'56" E
10	100.00'	019°15'09"	33.60'	S 12°00'55.5" W	33.44'	N 21°38'30" E	N 02°23'21" E	26	150.00'	003°38'16"	9.52'	N 87°45'43.0" E	9.52'	N 89°34'51" E	N 85°56'35" E
11	56.00'	256°36'11"	250.80'	N 49°18'33.0" W	87.89'	N 78°59'33" E	S 02°23'21" W	27	250.00'	029°15'04"	127.63'	S 75°47'37.5" E	126.25'	S 61°10'05" E	N 89°34'51" E
12	56.00'	039°22'21"	38.48'	S 22°04'31.5" W	37.73'	S 41°45'42" W	S 02°23'21" W	28	250.00'	004°50'47"	21.15'	S 87°49'08.0" E	21.14'	S 85°34'22" E	N 89°34'51" E
13	56.00'	039°26'17"	38.55'	S 61°28'50.5" W	37.79'	S 81°11'59" W	S 41°45'42" W	29	250.00'	010°37'55"	46.39'	S 80°15'24.5" E	46.39'	S 74°56'27" E	N 85°34'22" E
14	56.00'	049°20'29"	48.23'	N 74°07'46.5" W	46.75'	N 49°27'32" W	S 81°11'59" W	30	250.00'	010°48'38"	47.17'	S 69°32'08.0" E	47.10'	S 64°07'49" E	S 74°56'27" E
15	56.00'	042°29'16"	41.53'	N 28°12'54.0" W	40.58'	N 06°58'16" W	N 49°27'32" W	31	250.00'	029°15'04"	12.92'	S 62°38'57.5" E	12.92'	S 61°10'05" E	S 64°07'49" E
16	56.00'	085°57'49"	84.01'	N 36°00'38.5" E	76.36'	N 78°59'33" E	N 06°58'16" W	32	75.00'	029°15'04"	38.29'	S 75°47'37.5" E	37.88'	N 61°10'05" W	S 89°34'51" W

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

Certified \_\_\_\_\_, 20\_\_

Department of Administration

**Martenson & Eisele, Inc.**  
 1377 Midway Road  
 Menasha, WI 54952  
 www.martenson-eisele.com  
 Info@martenson-eisele.com  
 920.731.0381 1.800.236.0381

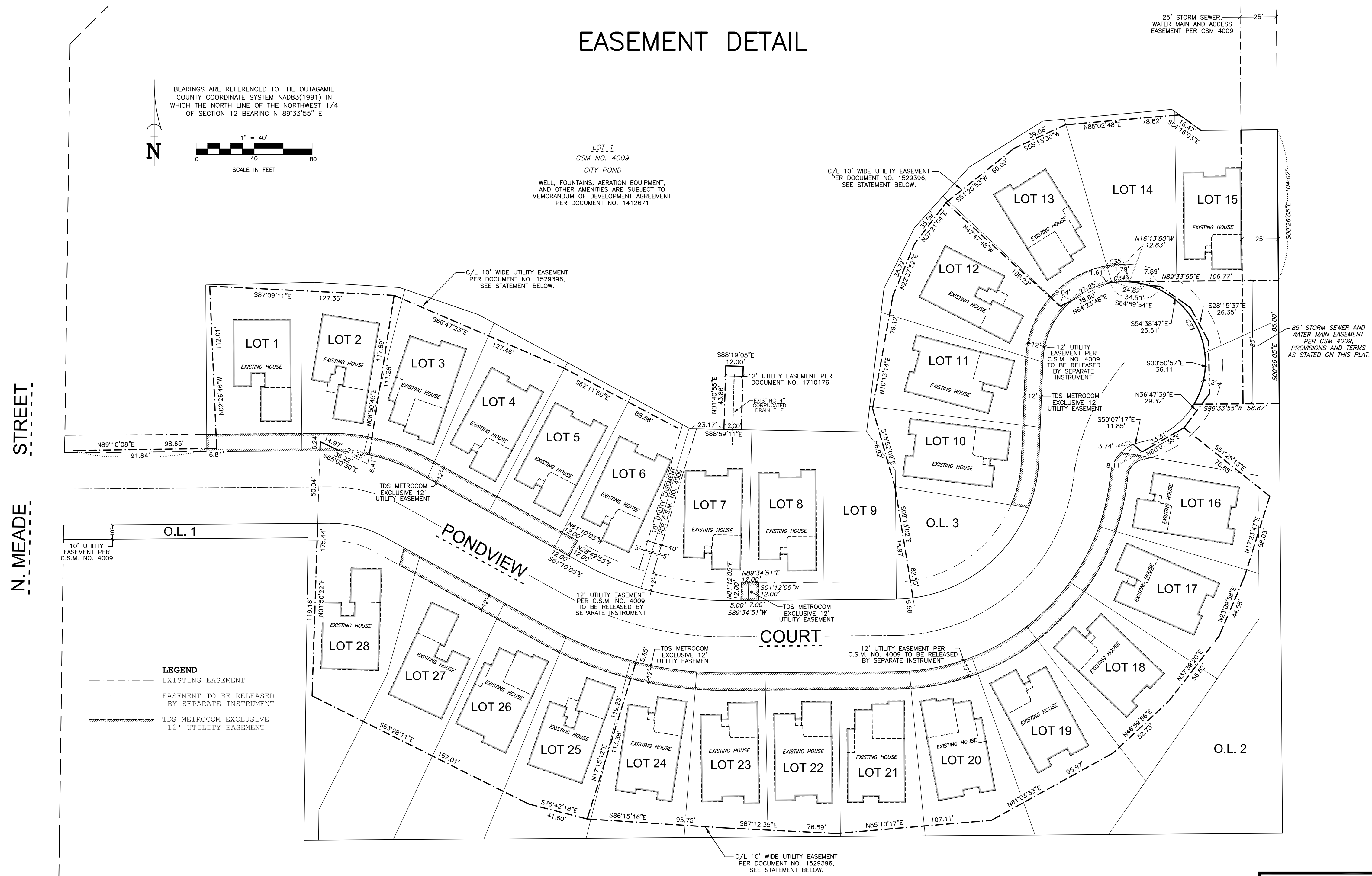
Planning  
 Environmental  
 Surveying  
 Engineering  
 Architecture

Drawing No. 1-1745-001  
 Sheet 1 of 8  
 This instrument drawn by: Amy Sedlar

# THE VILLAS AT MEADE POND

ALL OF LOT 2 OF CERTIFIED SURVEY MAP NO. 4009, 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

## EASEMENT DETAIL



AS STATED IN EASEMENT DOCUMENT NO. 1529396:  
 7. THE ACTUAL BOUNDARIES OF THE VARIOUS UNITS OF MEADE POND CONDOMINIUM HAVE ALREADY BEEN ESTABLISHED AND ARE SHOWN IN THE CONDOMINIUM PLAT. THERE IS MINIMAL SPACE BETWEEN THE VARIOUS UNITS. THE ELECTRIC LINES WHICH ARE THE SUBJECT OF THIS EASEMENT HAVE ALREADY BEEN INSTALLED BY WE ENERGIES AND, IN SEVERAL INSTANCES, APPEAR TO BE LOCATED IN CLOSE PROXIMITY TO VARIOUS UNITS. THE PURPOSE FOR GRANTING AN EASEMENT TEN FEET WIDE IS TO MAKE CERTAIN THE GRANTEE HAS PHYSICAL ACCESS TO THE ELECTRIC LINES, AS INTENDED BY THIS EASEMENT; NOT TO REQUIRE THE GRANTEE TO RELOCATE ANY OF THE UNIT BOUNDARIES. THEREFORE, NOTWITHSTANDING THE DESCRIPTION OF THE EASEMENT AS BEING TEN FEET WIDE, THE EASEMENT IS NOT INTENDED TO RESULT IN AN ENCRoACHMENT OF THE CONDOMINIUM UNITS ONTO THE EASEMENT. IN SUCH LOCATIONS WHERE THE TEN FOOT WIDE PATH AND A UNIT WOULD INTERFERE WITH ONE ANOTHER, THE EASEMENT SHALL BE CONSIDERED TO DEVIATE FROM THE DESCRIBED ROUTE TO THE EXTENT REASONABLY NECESSARY FOR THE GRANTEE TO HAVE THE INTENDED ACCESS TO THE ACTUAL ELECTRIC LINES.

CURVE	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD	TANGENT IN	TANGENT OUT
33	56.00'	121°11'19"	118.45'	N 29°50'25.5" W	97.57'	N 30°45'14" E	S 89°33'55" W
34	56.00'	012°39'59"	12.38'	N 87°31'58.5" E	12.35'	N 86°08'02" W	S 81°11'59" W
35	68.00'	010°19'27"	12.25'	S 85°02'41.5" W	12.24'	N 89°47'35" W	S 79°52'58" W

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

Certified \_\_\_\_\_, 20\_\_



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Drawing No. 1-1745-001  
 Sheet 2 of 8  
 This instrument drawn by: Amy Sedlar

# THE VILLAS AT MEADE POND

ALL OF LOT 2 OF CERTIFIED SURVEY MAP NO. 4009, 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

#### SURVEYOR'S CERTIFICATE

I, GARY A. ZHRINGER, PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY:

THAT I HAVE SURVEYED, DIVIDED, AND MAPPED THE VILLAS AT MEADE POND, AT THE DIRECTION OF ALL THE MEMBERS OF THE MEADE POND CONDOMINIUM OWNER'S ASSOCIATION, WHICH WILL BECOME THE MEMBERS OF THE MEADE POND HOMEOWNERS ASSOCIATION, INC. FOLLOWING REMOVAL OF THE CONDOMINIUM PURSUANT TO WIS. STAT. 303.26; 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. CONTAINING 227,022 SQ.FT. (5.212 ACRES).

THAT SUCH PLAT IS A CORRECT REPRESENTATION OF ALL EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE SUBDIVISION THEREOF MADE.

THAT I HAVE MADE SUCH LAND DIVISION AND PLAT BY THE DIRECTION OF THE OWNERS SHOWN HEREIN.

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236 OF THE WISCONSIN STATUTES, AND THE SUBDIVISION REGULATIONS OF OUTAGAMIE COUNTY AND THE CITY OF APPLETON IN SURVEYING, DIVIDING AND MAPPING THE SAME.

GIVEN UNDER MY HAND THIS 25TH DAY OF APRIL, 2023.

GARY A. ZHRINGER, PROFESSIONAL LAND SURVEYOR S-2098

#### COMMON COUNCIL RESOLUTION:

RESOLVED, THAT THE VILLAS AT MEADE POND, IN THE CITY OF APPLETON, IS HEREBY APPROVED BY THE COMMON COUNCIL OF THE CITY OF APPLETON.

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

JACOB A. WOODFORD, CITY MAYOR

I HEREBY CERTIFY THAT THE FOREGOING IS A COPY OF A RESOLUTION ADOPTED BY THE COMMON COUNCIL OF THE CITY OF APPLETON.

KAMI LYNCH, CITY CLERK DATE

#### OUTAGAMIE COUNTY ZONING COMMITTEE

I, HEREBY CERTIFY THAT THE PLAT OF THE VILLAS AT MEADE POND, IN THE CITY OF APPLETON, WAS APPROVED AND ACCEPTED BY THE OUTAGAMIE COUNTY ZONING COMMITTEE ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

STEVE SWANSON, ZONING ADMINISTRATOR

#### CITY TREASURER'S CERTIFICATE:

I, JERI A. OHMAN, BEING THE DULY QUALIFIED AND ACTING FINANCE DIRECTOR OF THE CITY OF APPLETON, DO HEREBY CERTIFY THAT IN ACCORDANCE WITH THE RECORDS IN MY OFFICE, THERE ARE NO UNPAID TAXES OR UNPAID SPECIAL ASSESSMENTS AS OF \_\_\_\_\_ ON ANY OF THE LAND INCLUDED IN THE VILLAS AT MEADE POND.

JERI A. OHMAN, CITY FINANCE DIRECTOR DATE

#### COUNTY TREASURER'S CERTIFICATE:

I, \_\_\_\_\_, BEING THE DULY ELECTED, QUALIFIED AND ACTING TREASURER OF THE COUNTY OF OUTAGAMIE, DO HEREBY CERTIFY THAT THE RECORDS IN MY OFFICE SHOW NO UNREDEEMED TAX SALES AND NO UNPAID TAXES OR UNPAID SPECIAL ASSESSMENTS AS OF \_\_\_\_\_ AFFECTING THE LANDS INCLUDED IN THE VILLAS AT MEADE POND.

DATE \_\_\_\_\_ SIGNED \_\_\_\_\_ COUNTY TREASURER

#### STORM SEWER AND WATERMAIN EASEMENT PROVISION

AN EASEMENT FOR STORM SEWER AND WATERMAIN IS HEREBY GRANTED BY ALL THE MEMBERS OF THE MEADE POND HOMEOWNERS ASSOCIATION, INC., GRANTOR, TO

THE CITY OF APPLETON, GRANTEE,

THE GRANTOR, THEIR RESPECTIVE LESSEES, SUCCESSORS, HEIRS OR ASSIGNS, SHALL HAVE FULL USE AND ENJOYMENT OF THE PROPERTY REFERENCED ABOVE PROVIDED THAT SUCH USE DOES NOT INTERFERE WITH GRANTEE'S RIGHT TO INSTALL, REPLACE, OPERATE, MAINTAIN AND REPAIR SAID STORM SEWER, WATERMAIN AND ASSOCIATED APPURTENANCES. IT IS FURTHER AGREED THAT AFTER MAINTAINING, REPAIRING, REPLACING OR RELOCATING OF SAID STORM SEWER, WATERMAIN AND ASSOCIATED APPURTENANCES GRANTEE SHALL RESTORE UNIMPROVED SURFACES SUCH AS GRASS, GRAVEL AND DIRT ON SAID PROPERTY, AS CLOSELY AS POSSIBLE, TO THE CONDITION PREVIOUSLY EXISTING. GRANTEE SHALL NOT BE REQUIRED TO RESTORE OR COMPENSATE FOR ANY IMPROVEMENTS OR IMPROVED SURFACES SUCH AS, BUT NOT LIMITED TO, CURB AND GUTTER, HARD PAVEMENTS, TREES, SHRUBS AND LANDSCAPING, DISTURBED AS A RESULT OF THE MAINTENANCE ACTIVITIES DESCRIBED HEREIN. GRANTEE DOES HEREBY AGREE TO COMPENSATE FULLY FOR ANY DAMAGE CAUSED DIRECTLY OR INDIRECTLY FROM SAID MAINTENANCE, REPAIR, REPLACEMENT OR RELOCATION OF SAID STORM SEWER, WATERMAIN AND ASSOCIATED APPURTENANCES, THAT OCCUR OUTSIDE OF THE ABOVE DESCRIBED EASEMENT AREA. BUILDINGS OR ANY OTHER TYPE OF STRUCTURE SHALL NOT BE PLACED OVER GRANTEE'S FACILITIES OR IN, UPON OR OVER THE PROPERTY WITHIN THE LINES MARKED "STORM SEWER EASEMENT AND WATERMAIN EASEMENT" GRANTEE AGREES THAT IT SHALL GIVE TIMELY NOTICE TO THE GRANTOR OF ROUTINE MAINTENANCE WORK. THE GRANT OF EASEMENT SHALL BE BINDING UPON AND INURE TO THE BENEFIT OF THE HEIRS, SUCCESSORS AND ASSIGNS OF ALL PARTIES HERETO.

JODA J. WUNDERLICH, LOT 1

RUSSELL E. JACOBUS, LOT 2

JERRIE E. JACOBUS, LOT 2

LARRY W. CAIN, TRUSTEE, LOT 3  
LARRY W. AND CHERYL S. CAIN REVOCABLE TRUST

CHERYL S. CAIN, TRUSTEE, LOT 3  
LARRY W. AND CHERYL S. CAIN REVOCABLE TRUST

MARGARET J. KOSTELNIK, LOT 4  
MARGARET J. KOSTELNIK REVOCABLE TRUST

RICHARD C. VAN DRIEST, LOT 5

TEENA L. VAN DRIEST, LOT 5

ERNESTINE E. ROUMAN, LOT 6

THOMAS C. SCHELBLE, LOT 7  
THOMAS C. SCHELBLE & MICHELE R. SHELBLE JOINT REVOCABLE TRUST

MICHELE R. SCHELBLE, LOT 7  
THOMAS C. SCHELBLE & MICHELE R. SHELBLE JOINT REVOCABLE TRUST

PATRICK J. HAWLEY, LOT 8 AND 9  
PATRICK J. AND CARRIE JO HAWLEY JOINT REVOCABLE TRUST

CARRIE JO HAWLEY, LOT 8 AND 9  
PATRICK J. AND CARRIE JO HAWLEY JOINT REVOCABLE TRUST

G. JOHN SIVERTSEN, AS INITIAL TRUSTEE, LOT 10  
JOHN AND GLORIA SIVERTSEN JOINT REVOCABLE LIVING TRUST

PATRICIA A. POLLEN, LOT 11

VIRGINIA R. RUSSLER, TRUSTEE, LOT 12  
VIRGINIA R. RUSSLER REVOCABLE TRUST

MARTIN A. WALTHO, LOT 13

PHYLLIS WALTHO, LOT 13

MICHAEL G. SPEEL, LOTS 14 & 15  
MICHAEL G. SPEEL AND LAVERN R. SPEEL LIVING TRUST

LAVERN R. SPEEL, LOTS 14 & 15  
MICHAEL G. SPEEL AND LAVERN R. SPEEL LIVING TRUST

EDWIN HAMMOND, LOT 16

JANE HAMMOND, LOT 16

BEN J. VANDEN HEUVEL, TRUSTEE, LOT 17  
VANDEN HEUVEL REVOCABLE TRUST

PRISCILLA M. VANDEN HEUVEL, TRUSTEE, LOT 17  
VANDEN HEUVEL REVOCABLE TRUST

GARY L. GEHRKE, LOT 18

JAMES J. FEENEY, TRUSTEE, LOT 19  
JAMES J. FEENEY AND SHERYL L. FEENEY REVOCABLE TRUST

SHERYL L. FEENEY, TRUSTEE, LOT 19  
JAMES J. FEENEY AND SHERYL L. FEENEY REVOCABLE TRUST

CHARLES L. LUKAS, LOT 20

CATHY A. LUKAS, LOT 20

JOHN C. SHARP, LOT 21

JACQUELINE B. SHARP, LOT 21

LAWRENCE C. SILTON, TRUSTEE, LOT 22  
SILTON JOINT REVOCABLE TRUST

SUSAN B. SILTON, TRUSTEE, LOT 22  
SILTON JOINT REVOCABLE TRUST

DANIEL M. ALBERS, LOT 23

MARY E. ALBERS, LOT 23

LEONARD R. VANDER WYST, LOT 24

ALICE A. VANDER WYST, LOT 24

LINDA E. KELLETT, TRUSTEE, LOT 25  
LINDA E. KELLETT LIVING TRUST

WILLIAM C. GRIFFITH, LOT 26  
WILLIAM C. GRIFFITH REVOCABLE TRUST

PHYLLIS J. ZEISS, LOT 27  
PHYLLIS J. ZEISS REVOCABLE TRUST

SUSAN J. DUVEN, LOT 28  
SUSAN J. DUVEN REVOCABLE TRUST

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

Certified \_\_\_\_\_, 20\_\_



Department of Administration

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1377 Midway Road Planning  
Menasha, WI 54952 Environmental  
www.martenson-eisele.com Surveying  
info@martenson-eisele.com Engineering  
920.731.0381 1.800.236.0381 Architecture

Drawing No. 1-1745-001  
Sheet 3 of 8  
This instrument drawn by: Amy Sedlar

# THE VILLAS AT MEADE POND

ALL OF LOT 2 OF CERTIFIED SURVEY MAP NO. 4009, 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

**TDS METROCOM EXCLUSIVE 12' UTILITY EASEMENT PROVISION**

AN EASEMENT FOR COMMUNICATIONS SERVICE IS HEREBY BY GRANTED BY ALL THE MEMBERS OF THE MEADE POND HOMEOWNERS ASSOCIATION, INC., GRANTORS, TO

**TDS METROCOM, LLC, GRANTEE,**

THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, TO CONSTRUCT, USE, MAINTAIN OPERATE, ALTER, ADD TO, REPAIR, REPLACE, AND/OR REMOVE ITS FACILITIES CONSISTING OF ELECTRONIC TELECOMMUNICATIONS CABINETS, OVERHEAD AND UNDERGROUND CABLES, WIRES, DUCTS AND CONDUITS, AND FOR APPURTENANCES FOR COMMUNICATION AND/OR OTHER PURPOSES PERTAINING TO THE OPERATION OF GRANTEE'S TELECOMMUNICATIONS SYSTEMS FOR SUCH PURPOSES AS THE SAME IS NOW OR MAY HEREAFTER BE USED, ALL IN, OVER, UNDER, ACROSS, ALONG AND UPON THE PROPERTY SHOWN WITHIN THOSE AREAS ON THE PLAT DESIGNATED AS "TDS METROCOM EXCLUSIVE 12' UTILITY EASEMENT" AND THE PROPERTY DESIGNATED ON THE PLAT FOR STREETS AND ALLEYS, WHETHER PUBLIC OR PRIVATE, TOGETHER WITH THE RIGHT TO INSTALL SERVICE CONNECTIONS UPON, ACROSS WITHIN AND BENEATH THE SURFACE OF EACH LOT TO SERVE IMPROVEMENTS, THEREON, OR ON ADJACENT LOTS; ALSO THE RIGHT TO TRIM OR CUT DOWN TREES, BRUSH AND ROOTS AS MAY BE REASONABLY REQUIRED INCIDENT TO THE RIGHTS HEREIN GIVEN, AND THE RIGHT TO ENTER UPON THE SUBDIVIDED PROPERTY FOR ALL SUCH PURPOSES. THE GRANTEE'S AGREE TO REPAIR OR CAUSE TO HAVE RESTORED, THE PROPERTY, AS NEARLY AS IS REASONABLY POSSIBLE, TO THE CONDITION EXISTING PRIOR TO SUCH ENTRY BY THE GRANTEE'S OR THEIR AGENTS. STRUCTURES SHALL NOT BE PLACED OVER GRANTEE'S FACILITIES OR IN, UPON OR OVER THE PROPERTY WITHIN THE LINES MARKED "TDS METROCOM EXCLUSIVE 12' UTILITY EASEMENT" WITHOUT THE PRIOR WRITTEN CONSENT OF GRANTEE'S. AFTER INSTALLATION OF ANY SUCH FACILITIES, THE GRADE OF THE SUBDIVIDED PROPERTY SHALL NOT BE ALTERED BY MORE THAN FOUR INCHES WITHOUT WRITTEN CONSENT OF GRANTEE'S. THE GRANT OF EASEMENT SHALL BE BINDING UPON AND INURE TO THE BENEFIT OF THE HEIRS, SUCCESSORS AND ASSIGNS OF ALL PARTIES HERETO.

JODA J. WUNDERLICH, LOT 1

PATRICIA A. POLLEN, LOT 11

CHARLES L. LUKAS, LOT 20

RUSSELL E. JACOBUS, LOT 2

VIRGINIA R. RUSLER, TRUSTEE, LOT 12  
VIRGINIA R. RUSLER REVOCABLE TRUST

CATHY A. LUKAS, LOT 20

JERRIE E. JACOBUS, LOT 2

MARTIN A. WALTHO, LOT 13

JOHN C. SHARP, LOT 21

LARRY W. CAIN, TRUSTEE, LOT 3  
LARRY W. AND CHERYL S. CAIN REVOCABLE TRUST

PHYLLIS WALTHO, LOT 13

JACQUELINE B. SHARP, LOT 21

CHERYL S. CAIN, TRUSTEE, LOT 3  
LARRY W. AND CHERYL S. CAIN REVOCABLE TRUST

MICHAEL G. SPEEL, LOTS 14 & 15  
MICHAEL G. SPEEL AND LAVERN R. SPEEL LIVING TRUST

LAWRENCE C. SILTON, TRUSTEE, LOT 22  
SILTON JOINT REVOCABLE TRUST

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MARGARET J. KOSTELNIK REVOCABLE TRUST

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EDWIN HAMMOND, LOT 16

DANIEL M. ALBERS, LOT 23

TEENA L. VAN DRIEST, LOT 5

JANE HAMMOND, LOT 16

MARY E. ALBERS, LOT 23

ERNESTINE E. ROUMAN, LOT 6

BEN J. VANDEN HEUVEL, TRUSTEE, LOT 17  
VANDEN HEUVEL REVOCABLE TRUST

LEONARD R. VANDER WYST, LOT 24

THOMAS C. SCHELBLE, LOT 7  
THOMAS C. SCHELBLE & MICHELE R. SCHELBLE JOINT REVOCABLE TRUST

PRISCILLA M. VANDEN HEUVEL, TRUSTEE, LOT 17  
VANDEN HEUVEL REVOCABLE TRUST

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JOHN AND GLORIA SIVERTSEN JOINT REVOCABLE LIVING TRUST

SUSAN J. DUVEN, LOT 28  
SUSAN J. DUVEN REVOCABLE TRUST

There are no objections to this plat with respect to  
Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2),  
Wis Stats. as provided by s. 236.12, Wis. Stats.  
Certified \_\_\_\_\_, 20\_\_\_\_  
  
Department of Administration

# THE VILLAS AT MEADE POND

ALL OF LOT 2 OF CERTIFIED SURVEY MAP NO. 4009, 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

## LOT 1 OWNER'S CERTIFICATE OF DEDICATION

AS OWNER, I HEREBY CERTIFY THAT I CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED ALL AS SHOWN AND REPRESENTED ON THIS PLAT.

I ALSO CERTIFY THAT THIS PLAT IS REQUIRED BY S.236.10 OR S.236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION: DEPARTMENT OF ADMINISTRATION, OUTAGAMIE COUNTY AND CITY OF APPLETON

WITNESS THE HAND AND SEAL OF SAID OWNER THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023.

JODA J. WUNDERLICH

STATE OF WISCONSIN )  
 ) SS  
 ) COUNTY )

PERSONALLY CAME BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023,  
THE ABOVE NAMED JODA J. WUNDERLICH TO ME KNOWN TO BE THE SAME PERSON WHO EXECUTED  
THE FOREGOING INSTRUMENT AND ACKNOWLEDGE THE SAME.

NOTARY PUBLIC, STATE OF WISCONSIN  
MY COMMISSION EXPIRES \_\_\_\_\_

## LOT 2 OWNER'S CERTIFICATE OF DEDICATION

AS OWNERS, WE HEREBY CERTIFY THAT WE CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED ALL AS SHOWN AND REPRESENTED ON THIS PLAT.

WE ALSO CERTIFY THAT THIS PLAT IS REQUIRED BY S.236.10 OR S.236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION: DEPARTMENT OF ADMINISTRATION, OUTAGAMIE COUNTY AND CITY OF APPLETON

WITNESS THE HAND AND SEAL OF SAID OWNERS THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023.

RUSSELL E. JACOBUS

JERRIE E. JACOBUS

STATE OF WISCONSIN )  
 ) SS  
 ) COUNTY )

PERSONALLY CAME BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023,  
THE ABOVE NAMED RUSSELL E. JACOBUS AND JERRIE E. JACOBUS TO ME KNOWN TO BE THE SAME  
PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGE THE SAME.

NOTARY PUBLIC, STATE OF WISCONSIN  
MY COMMISSION EXPIRES \_\_\_\_\_

## LOT 2 CONSENT OF CORPORATE MORTGAGEE

GUARANTEED RATE, INC., A CORPORATION DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF DELAWARE, MORTGAGEE OF THE LANDS HERE IN DESCRIBED, DOES HEREBY CONSENT TO THE SURVEYING, DIVIDING, MAPPING AND DEDICATION OF THE LAND DESCRIBED ON THIS PLAT, AND DOES HEREBY CONSENT TO THE ABOVE CERTIFICATE OF RUSSELL E. JACOBUS AND JERRIE E. JACOBUS, OWNERS.

IN WITNESS WHEREOF, THE SAID GUARANTEED RATE, INC., HAS CAUSED THESE PRESENTS TO BE SIGNED BY \_\_\_\_\_ (NAME), \_\_\_\_\_ (TITLE), WHOSE ADDRESS IS \_\_\_\_\_ AND ITS CORPORATE SEAL TO BE HEREUNTO AFFIXED

THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023.

SIGNATURE \_\_\_\_\_ PRINT NAME AND TITLE \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) SS  
 ) COUNTY )

PERSONALLY CAME BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023,  
(NAME), \_\_\_\_\_ (TITLE),  
OF THE ABOVE NAMED CORPORATION, TO ME KNOWN TO BE THE PERSON(S) WHO EXECUTED THE  
FOREGOING INSTRUMENT, AND TO ME KNOWN TO BE SUCH \_\_\_\_\_ (TITLE)  
OF SAID CORPORATION, AND ACKNOWLEDGED THAT THEY EXECUTED THE FOREGOING INSTRUMENT  
AS SUCH OFFICERS AS THE DEED OF SAID CORPORATION, BY ITS AUTHORITY.

NOTARY PUBLIC, STATE OF \_\_\_\_\_  
MY COMMISSION EXPIRES \_\_\_\_\_

## LOT 3 OWNER'S CERTIFICATE OF DEDICATION

AS OWNERS, WE HEREBY CERTIFY THAT WE CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED ALL AS SHOWN AND REPRESENTED ON THIS PLAT.

WE ALSO CERTIFY THAT THIS PLAT IS REQUIRED BY S.236.10 OR S.236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION: DEPARTMENT OF ADMINISTRATION, OUTAGAMIE COUNTY AND CITY OF APPLETON

WITNESS THE HAND AND SEAL OF SAID OWNERS THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023.

LARRY W. CAIN, TRUSTEE

CHERYL S. CAIN, TRUSTEE

LARRY W. AND CHERYL S. CAIN REVOCABLE TRUST

LARRY W. AND CHERYL S. CAIN REVOCABLE TRUST

STATE OF WISCONSIN )  
 ) SS  
 ) COUNTY )

PERSONALLY CAME BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023,  
THE ABOVE NAMED LARRY W. CAIN AND CHERYL S. CAIN TO ME KNOWN TO BE THE SAME  
PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGE THE SAME.

NOTARY PUBLIC, STATE OF WISCONSIN  
MY COMMISSION EXPIRES \_\_\_\_\_

**Martenson & Eisele, Inc.**

1377 Midway Road Planning  
Menasha, WI 54952 Environmental  
www.martenson-eisele.com Surveying  
info@martenson-eisele.com Engineering  
920.731.0381 1.800.236.0381 Architecture

## LOT 4 OWNER'S CERTIFICATE OF DEDICATION

AS OWNER, I HEREBY CERTIFY THAT I CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED ALL AS SHOWN AND REPRESENTED ON THIS PLAT.

I ALSO CERTIFY THAT THIS PLAT IS REQUIRED BY S.236.10 OR S.236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION: DEPARTMENT OF ADMINISTRATION, OUTAGAMIE COUNTY AND CITY OF APPLETON

WITNESS THE HAND AND SEAL OF SAID OWNER THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023.

MARGARET J. KOSTELNIK

MARGARET J. KOSTELNIK REVOCABLE TRUST

STATE OF WISCONSIN )  
 ) SS  
 ) COUNTY )

PERSONALLY CAME BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023,  
THE ABOVE NAMED MARGARET J. KOSTELNIK TO ME KNOWN TO BE THE SAME PERSON WHO EXECUTED  
THE FOREGOING INSTRUMENT AND ACKNOWLEDGE THE SAME.

NOTARY PUBLIC, STATE OF WISCONSIN  
MY COMMISSION EXPIRES \_\_\_\_\_

## LOT 5 OWNER'S CERTIFICATE OF DEDICATION

AS OWNERS, WE HEREBY CERTIFY THAT WE CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED ALL AS SHOWN AND REPRESENTED ON THIS PLAT.

WE ALSO CERTIFY THAT THIS PLAT IS REQUIRED BY S.236.10 OR S.236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION: DEPARTMENT OF ADMINISTRATION, OUTAGAMIE COUNTY AND CITY OF APPLETON

WITNESS THE HAND AND SEAL OF SAID OWNERS THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023.

RICHARD C. VAN DRIEST

TEENA L. VAN DRIEST

STATE OF WISCONSIN )  
 ) SS  
 ) COUNTY )

PERSONALLY CAME BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023,  
THE ABOVE NAMED RICHARD C. VAN DRIEST AND TEENA L. VAN DRIEST TO ME KNOWN TO BE THE SAME  
PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGE THE SAME.

NOTARY PUBLIC, STATE OF WISCONSIN  
MY COMMISSION EXPIRES \_\_\_\_\_

## LOT 5 CONSENT OF CORPORATE MORTGAGEE

BANK FIRST, N.A., A CORPORATION DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE UNITED STATES OF AMERICA, MORTGAGEE OF THE LANDS HERE IN DESCRIBED, DOES HEREBY CONSENT TO THE SURVEYING, DIVIDING, MAPPING AND DEDICATION OF THE LAND DESCRIBED ON THIS PLAT, AND DOES HEREBY CONSENT TO THE ABOVE CERTIFICATE OF RICHARD C. VAN DRIEST AND TEENA L. VAN DRIEST, OWNERS.

IN WITNESS WHEREOF, THE SAID BANK FIRST, N.A., HAS CAUSED THESE PRESENTS TO BE SIGNED BY \_\_\_\_\_ (NAME), \_\_\_\_\_ (TITLE), WHOSE ADDRESS IS \_\_\_\_\_ AND ITS CORPORATE SEAL TO BE HEREUNTO AFFIXED

THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023.

SIGNATURE \_\_\_\_\_ PRINT NAME AND TITLE \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) SS  
 ) COUNTY )

PERSONALLY CAME BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023,  
(NAME), \_\_\_\_\_ (TITLE),  
OF THE ABOVE NAMED CORPORATION, TO ME KNOWN TO BE THE PERSON(S) WHO EXECUTED THE  
FOREGOING INSTRUMENT, AND TO ME KNOWN TO BE SUCH \_\_\_\_\_ (TITLE)  
OF SAID CORPORATION, AND ACKNOWLEDGED THAT THEY EXECUTED THE FOREGOING INSTRUMENT  
AS SUCH OFFICERS AS THE DEED OF SAID CORPORATION, BY ITS AUTHORITY.

NOTARY PUBLIC, STATE OF \_\_\_\_\_  
MY COMMISSION EXPIRES \_\_\_\_\_

## LOT 6 OWNER'S CERTIFICATE OF DEDICATION

AS OWNER, I HEREBY CERTIFY THAT I CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED ALL AS SHOWN AND REPRESENTED ON THIS PLAT.

I ALSO CERTIFY THAT THIS PLAT IS REQUIRED BY S.236.10 OR S.236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION: DEPARTMENT OF ADMINISTRATION, OUTAGAMIE COUNTY AND CITY OF APPLETON

WITNESS THE HAND AND SEAL OF SAID OWNER THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023.

ERNESTINE E. ROUMAN

STATE OF WISCONSIN )  
 ) SS  
 ) COUNTY )

PERSONALLY CAME BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023,  
THE ABOVE NAMED ERNESTINE E. ROUMAN TO ME KNOWN TO BE THE SAME  
PERSON WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGE THE SAME.

NOTARY PUBLIC, STATE OF WISCONSIN  
MY COMMISSION EXPIRES \_\_\_\_\_

## LOT 7 OWNER'S CERTIFICATE OF DEDICATION

AS OWNERS, WE HEREBY CERTIFY THAT WE CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED ALL AS SHOWN AND REPRESENTED ON THIS PLAT.

WE ALSO CERTIFY THAT THIS PLAT IS REQUIRED BY S.236.10 OR S.236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION: DEPARTMENT OF ADMINISTRATION, OUTAGAMIE COUNTY AND CITY OF APPLETON

WITNESS THE HAND AND SEAL OF SAID OWNERS THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023.

THOMAS C. SCHELBLE,  
THOMAS C. SCHELBLE AND MICHELE R. SCHELBLE  
JOINT REVOCABLE TRUST

MICHELE R. SCHELBLE,  
THOMAS C. SCHELBLE AND MICHELE R. SCHELBLE  
JOINT REVOCABLE TRUST

STATE OF WISCONSIN )  
 ) SS  
 ) COUNTY )

PERSONALLY CAME BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023,  
THE ABOVE NAMED THOMAS C. SCHELBLE AND MICHELE R. SCHELBLE TO ME KNOWN TO BE  
THE SAME PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGE THE SAME.

NOTARY PUBLIC, STATE OF WISCONSIN  
MY COMMISSION EXPIRES \_\_\_\_\_

## LOT 8 AND 9 OWNER'S CERTIFICATE OF DEDICATION

AS OWNERS, WE HEREBY CERTIFY THAT WE CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED ALL AS SHOWN AND REPRESENTED ON THIS PLAT.

WE ALSO CERTIFY THAT THIS PLAT IS REQUIRED BY S.236.10 OR S.236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION: DEPARTMENT OF ADMINISTRATION, OUTAGAMIE COUNTY AND CITY OF APPLETON

WITNESS THE HAND AND SEAL OF SAID OWNERS THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023.

PATRICK J. HAWLEY,  
PATRICK J. HAWLEY AND CARRIE JO HAWLEY  
JOINT REVOCABLE TRUST

CARRIE JO HAWLEY,  
PATRICK J. HAWLEY AND CARRIE JO HAWLEY  
JOINT REVOCABLE TRUST

STATE OF WISCONSIN )  
 ) SS  
 ) COUNTY )

PERSONALLY CAME BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023,  
THE ABOVE NAMED PATRICK J. HAWLEY AND CARRIE JO HAWLEY TO ME KNOWN TO BE THE SAME  
PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGE THE SAME.

NOTARY PUBLIC, STATE OF WISCONSIN  
MY COMMISSION EXPIRES \_\_\_\_\_

## LOT 10 OWNER'S CERTIFICATE OF DEDICATION

AS OWNER, I HEREBY CERTIFY THAT I CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED ALL AS SHOWN AND REPRESENTED ON THIS PLAT.

I ALSO CERTIFY THAT THIS PLAT IS REQUIRED BY S.236.10 OR S.236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION: DEPARTMENT OF ADMINISTRATION, OUTAGAMIE COUNTY AND CITY OF APPLETON

WITNESS THE HAND AND SEAL OF SAID OWNER THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023.

G. JOHN SIVERTSEN, AS INITIAL TRUSTEE  
JOHN AND GLORIA SIVERTSEN JOINT REVOCABLE LIVING TRUST

STATE OF WISCONSIN )  
 ) SS  
 ) COUNTY )

PERSONALLY CAME BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023,  
THE ABOVE NAMED G. JOHN SIVERTSEN TO ME KNOWN TO BE THE SAME PERSON WHO EXECUTED  
THE FOREGOING INSTRUMENT AND ACKNOWLEDGE THE SAME.

NOTARY PUBLIC, STATE OF WISCONSIN  
MY COMMISSION EXPIRES \_\_\_\_\_

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

Certified \_\_\_\_\_, 20\_\_



Department of Administration

Drawing No. 1-1745-001  
Sheet 5 of 8  
This instrument drawn by: Amy Sedlar

# THE VILLAS AT MEADE POND

ALL OF LOT 2 OF CERTIFIED SURVEY MAP NO. 4009, 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

## LOT 11 OWNER'S CERTIFICATE OF DEDICATION

AS OWNER, I HEREBY CERTIFY THAT I CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED ALL AS SHOWN AND REPRESENTED ON THIS PLAT.

I ALSO CERTIFY THAT THIS PLAT IS REQUIRED BY S.236.10 OR S.236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION: DEPARTMENT OF ADMINISTRATION, OUTAGAMIE COUNTY AND CITY OF APPLETON

WITNESS THE HAND AND SEAL OF SAID OWNER THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

\_\_\_\_\_  
PATRICIA A. POLLEN

STATE OF WISCONSIN )  
 ) SS  
 ) \_\_\_\_\_  
 ) COUNTY )

PERSONALLY CAME BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023,  
THE ABOVE NAMED PATRICIA A. POLLEN TO ME KNOWN TO BE THE SAME PERSON WHO EXECUTED  
THE FOREGOING INSTRUMENT AND ACKNOWLEDGE THE SAME.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF WISCONSIN  
MY COMMISSION EXPIRES \_\_\_\_\_

## LOT 11 CONSENT OF CORPORATE MORTGAGEE

ASSOCIATED BANK N.A., A CORPORATION DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE UNITED STATES OF AMERICA, MORTGAGEE OF THE LANDS HERE IN DESCRIBED, DOES HEREBY CONSENT TO THE SURVEYING, DIVIDING, MAPPING AND DEDICATION OF THE LAND DESCRIBED ON THIS PLAT, AND DOES HEREBY CONSENT TO THE ABOVE CERTIFICATE OF PATRICIA A. POLLEN, OWNER.

IN WITNESS WHEREOF, THE SAID ASSOCIATED BANK N.A., HAS CAUSED THESE PRESENTS TO BE SIGNED BY \_\_\_\_\_ (NAME), \_\_\_\_\_ (TITLE), WHOSE ADDRESS IS \_\_\_\_\_ AND ITS CORPORATE SEAL TO BE HEREUNTO AFFIXED

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

\_\_\_\_\_  
SIGNATURE PRINT NAME AND TITLE

STATE OF WISCONSIN )  
 ) SS  
 ) \_\_\_\_\_  
 ) COUNTY )

PERSONALLY CAME BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023,  
(NAME), \_\_\_\_\_ (TITLE),  
OF THE ABOVE NAMED CORPORATION, TO ME KNOWN TO BE THE PERSON(S) WHO EXECUTED THE  
FOREGOING INSTRUMENT, AND TO ME KNOWN TO BE SUCH \_\_\_\_\_ (TITLE)  
OF SAID CORPORATION, AND ACKNOWLEDGED THAT THEY EXECUTED THE FOREGOING INSTRUMENT  
AS SUCH OFFICERS AS THE DEED OF SAID CORPORATION, BY ITS AUTHORITY.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF \_\_\_\_\_  
MY COMMISSION EXPIRES \_\_\_\_\_

## LOT 12 OWNER'S CERTIFICATE OF DEDICATION

AS OWNER, I HEREBY CERTIFY THAT I CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED ALL AS SHOWN AND REPRESENTED ON THIS PLAT.

I ALSO CERTIFY THAT THIS PLAT IS REQUIRED BY S.236.10 OR S.236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION: DEPARTMENT OF ADMINISTRATION, OUTAGAMIE COUNTY AND CITY OF APPLETON

WITNESS THE HAND AND SEAL OF SAID OWNER THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

\_\_\_\_\_  
VIRGINIA R. RUSSELLER, TRUSTEE  
VIRGINIA R. RUSSELLER REVOCABLE TRUST

STATE OF WISCONSIN )  
 ) SS  
 ) \_\_\_\_\_  
 ) COUNTY )

PERSONALLY CAME BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023,  
THE ABOVE NAMED VIRGINIA R. RUSSELLER TO ME KNOWN TO BE THE SAME PERSON WHO  
EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGE THE SAME.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF WISCONSIN  
MY COMMISSION EXPIRES \_\_\_\_\_

## LOT 13 OWNER'S CERTIFICATE OF DEDICATION

AS OWNERS, WE HEREBY CERTIFY THAT WE CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED ALL AS SHOWN AND REPRESENTED ON THIS PLAT.

WE ALSO CERTIFY THAT THIS PLAT IS REQUIRED BY S.236.10 OR S.236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION: DEPARTMENT OF ADMINISTRATION, OUTAGAMIE COUNTY AND CITY OF APPLETON

WITNESS THE HAND AND SEAL OF SAID OWNERS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

\_\_\_\_\_  
MARTIN A. WALTHO PHYLLIS WALTHO

STATE OF WISCONSIN )  
 ) SS  
 ) \_\_\_\_\_  
 ) COUNTY )

PERSONALLY CAME BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023,  
THE ABOVE NAMED MARTIN A. WALTHO AND PHYLLIS WALTHO TO ME KNOWN TO BE THE SAME  
PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGE THE SAME.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF WISCONSIN  
MY COMMISSION EXPIRES \_\_\_\_\_

## LOT 13 CONSENT OF CORPORATE MORTGAGEE

FOX COMMUNITIES CREDIT UNION, A CORPORATION DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, MORTGAGEE OF THE LANDS HERE IN DESCRIBED, DOES HEREBY CONSENT TO THE SURVEYING, DIVIDING, MAPPING AND DEDICATION OF THE LAND DESCRIBED ON THIS PLAT, AND DOES HEREBY CONSENT TO THE ABOVE CERTIFICATE OF MARTIN A. WALTHO AND PHYLLIS WALTHO, OWNERS.

IN WITNESS WHEREOF, THE SAID FOX COMMUNITIES CREDIT UNION, HAS CAUSED THESE PRESENTS TO BE SIGNED BY \_\_\_\_\_ (NAME), \_\_\_\_\_ (TITLE), WHOSE ADDRESS IS \_\_\_\_\_ AND ITS CORPORATE SEAL TO BE HEREUNTO AFFIXED

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

\_\_\_\_\_  
SIGNATURE PRINT NAME AND TITLE

STATE OF WISCONSIN )  
 ) SS  
 ) \_\_\_\_\_  
 ) COUNTY )

PERSONALLY CAME BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023,  
(NAME), \_\_\_\_\_ (TITLE),  
OF THE ABOVE NAMED CORPORATION, TO ME KNOWN TO BE THE PERSON(S) WHO EXECUTED THE  
FOREGOING INSTRUMENT, AND TO ME KNOWN TO BE SUCH \_\_\_\_\_ (TITLE)  
OF SAID CORPORATION, AND ACKNOWLEDGED THAT THEY EXECUTED THE FOREGOING INSTRUMENT  
AS SUCH OFFICERS AS THE DEED OF SAID CORPORATION, BY ITS AUTHORITY.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF \_\_\_\_\_  
MY COMMISSION EXPIRES \_\_\_\_\_

## LOT 14 AND 15 OWNER'S CERTIFICATE OF DEDICATION

AS OWNERS, WE HEREBY CERTIFY THAT WE CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED ALL AS SHOWN AND REPRESENTED ON THIS PLAT.

WE ALSO CERTIFY THAT THIS PLAT IS REQUIRED BY S.236.10 OR S.236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION: DEPARTMENT OF ADMINISTRATION, OUTAGAMIE COUNTY AND CITY OF APPLETON

WITNESS THE HAND AND SEAL OF SAID OWNERS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

\_\_\_\_\_  
MICHAEL G. SPEEL, LAVERN R. SPEEL,  
MICHAEL G. SPEEL AND LAVERN R. SPEEL LIVING TRUST MICHAEL G. SPEEL AND LAVERN R. SPEEL LIVING TRUST

STATE OF WISCONSIN )  
 ) SS  
 ) \_\_\_\_\_  
 ) COUNTY )

PERSONALLY CAME BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023,  
THE ABOVE NAMED MICHAEL G. SPEEL AND LAVERN R. SPEEL TO ME KNOWN TO BE THE SAME  
PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGE THE SAME.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF WISCONSIN  
MY COMMISSION EXPIRES \_\_\_\_\_

## LOT 16 OWNER'S CERTIFICATE OF DEDICATION

AS OWNERS, WE HEREBY CERTIFY THAT WE CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED ALL AS SHOWN AND REPRESENTED ON THIS PLAT.

WE ALSO CERTIFY THAT THIS PLAT IS REQUIRED BY S.236.10 OR S.236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION: DEPARTMENT OF ADMINISTRATION, OUTAGAMIE COUNTY AND CITY OF APPLETON

WITNESS THE HAND AND SEAL OF SAID OWNERS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

\_\_\_\_\_  
EDWIN HAMMOND JANE HAMMOND

STATE OF WISCONSIN )  
 ) SS  
 ) \_\_\_\_\_  
 ) COUNTY )

PERSONALLY CAME BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023,  
THE ABOVE NAMED EDWIN HAMMOND AND JANE HAMMOND TO ME KNOWN TO BE THE SAME  
PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGE THE SAME.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF WISCONSIN  
MY COMMISSION EXPIRES \_\_\_\_\_

## LOT 17 OWNER'S CERTIFICATE OF DEDICATION

AS OWNERS, WE HEREBY CERTIFY THAT WE CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED ALL AS SHOWN AND REPRESENTED ON THIS PLAT.

WE ALSO CERTIFY THAT THIS PLAT IS REQUIRED BY S.236.10 OR S.236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION: DEPARTMENT OF ADMINISTRATION, OUTAGAMIE COUNTY AND CITY OF APPLETON

WITNESS THE HAND AND SEAL OF SAID OWNERS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

\_\_\_\_\_  
BEN J. VANDEN HEUVEL, TRUSTEE, PRISCILLA M. VANDEN HEUVEL, TRUSTEE,  
VANDEN HEUVEL REVOCABLE TRUST VANDEN HEUVEL REVOCABLE TRUST

STATE OF WISCONSIN )  
 ) SS  
 ) \_\_\_\_\_  
 ) COUNTY )

PERSONALLY CAME BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023,  
THE ABOVE NAMED BEN J. VANDEN HEUVEL AND PRISCILLA M. VANDEN HEUVEL TO ME KNOWN TO  
BE THE SAME PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGE THE SAME.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF WISCONSIN  
MY COMMISSION EXPIRES \_\_\_\_\_

## LOT 17 CONSENT OF CORPORATE MORTGAGEE

ASSOCIATED BANK N.A., A CORPORATION DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE UNITED STATES OF AMERICA, MORTGAGEE OF THE LANDS HERE IN DESCRIBED, DOES HEREBY CONSENT TO THE SURVEYING, DIVIDING, MAPPING AND DEDICATION OF THE LAND DESCRIBED ON THIS PLAT, AND DOES HEREBY CONSENT TO THE ABOVE CERTIFICATE OF VANDEN HEUVEL REVOCABLE TRUST.

IN WITNESS WHEREOF, THE SAID ASSOCIATED BANK N.A., HAS CAUSED THESE PRESENTS TO BE SIGNED BY \_\_\_\_\_ (NAME), \_\_\_\_\_ (TITLE), WHOSE ADDRESS IS \_\_\_\_\_ AND ITS CORPORATE SEAL TO BE HEREUNTO AFFIXED

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

\_\_\_\_\_  
SIGNATURE PRINT NAME AND TITLE

STATE OF WISCONSIN )  
 ) SS  
 ) \_\_\_\_\_  
 ) COUNTY )

PERSONALLY CAME BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023,  
(NAME), \_\_\_\_\_ (TITLE),  
OF THE ABOVE NAMED CORPORATION, TO ME KNOWN TO BE THE PERSON(S) WHO EXECUTED THE  
FOREGOING INSTRUMENT, AND TO ME KNOWN TO BE SUCH \_\_\_\_\_ (TITLE)  
OF SAID CORPORATION, AND ACKNOWLEDGED THAT THEY EXECUTED THE FOREGOING INSTRUMENT  
AS SUCH OFFICERS AS THE DEED OF SAID CORPORATION, BY ITS AUTHORITY.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF \_\_\_\_\_  
MY COMMISSION EXPIRES \_\_\_\_\_

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

Certified \_\_\_\_\_, 20\_\_\_\_



Department of Administration

Martenson & Eisele, Inc.

1377 Midway Road Planning  
Menasha, WI 54952 Environmental  
www.martenson-eisele.com Surveying  
info@martenson-eisele.com Engineering  
920.731.0381 1.800.236.0381 Architecture

Drawing No. 1-1745-001  
Sheet 6 of 8  
This instrument drawn by: Amy Sedlar



# THE VILLAS AT MEADE POND

ALL OF LOT 2 OF CERTIFIED SURVEY MAP NO. 4009, 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

## LOT 18 OWNER'S CERTIFICATE OF DEDICATION

AS OWNER, I HEREBY CERTIFY THAT I CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED ALL AS SHOWN AND REPRESENTED ON THIS PLAT.

I ALSO CERTIFY THAT THIS PLAT IS REQUIRED BY S.236.10 OR S.236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION: DEPARTMENT OF ADMINISTRATION, OUTAGAMIE COUNTY AND CITY OF APPLETON

WITNESS THE HAND AND SEAL OF SAID OWNER THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023.

\_\_\_\_\_  
GARY L. GEHRKE

STATE OF WISCONSIN )  
 ) SS  
 ) \_\_\_\_\_  
 ) COUNTY )

PERSONALLY CAME BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023,  
THE ABOVE NAMED GARY L. GEHRKE TO ME KNOWN TO BE THE SAME PERSON WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGE THE SAME.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF WISCONSIN  
MY COMMISSION EXPIRES \_\_\_\_\_

## LOT 19 OWNER'S CERTIFICATE OF DEDICATION

AS OWNERS, WE HEREBY CERTIFY THAT WE CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED ALL AS SHOWN AND REPRESENTED ON THIS PLAT.

WE ALSO CERTIFY THAT THIS PLAT IS REQUIRED BY S.236.10 OR S.236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION: DEPARTMENT OF ADMINISTRATION, OUTAGAMIE COUNTY AND CITY OF APPLETON

WITNESS THE HAND AND SEAL OF SAID OWNERS THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023.

\_\_\_\_\_  
JAMES J. FEENEY, TRUSTEE  
JAMES J. FEENEY AND SHERYL L. FEENEY  
REVOCABLE TRUST

\_\_\_\_\_  
SHERYL L. FEENEY, TRUSTEE  
JAMES J. FEENEY AND SHERYL L. FEENEY  
REVOCABLE TRUST

STATE OF WISCONSIN )  
 ) SS  
 ) \_\_\_\_\_  
 ) COUNTY )

PERSONALLY CAME BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023,  
THE ABOVE NAMED JAMES J. FEENEY AND SHERYL L. FEENEY TO ME KNOWN TO BE THE SAME PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGE THE SAME.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF WISCONSIN  
MY COMMISSION EXPIRES \_\_\_\_\_

## LOT 20 OWNER'S CERTIFICATE OF DEDICATION

AS OWNERS, WE HEREBY CERTIFY THAT WE CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED ALL AS SHOWN AND REPRESENTED ON THIS PLAT.

WE ALSO CERTIFY THAT THIS PLAT IS REQUIRED BY S.236.10 OR S.236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION: DEPARTMENT OF ADMINISTRATION, OUTAGAMIE COUNTY AND CITY OF APPLETON

WITNESS THE HAND AND SEAL OF SAID OWNERS THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023.

\_\_\_\_\_  
CHARLES L. LUKAS

\_\_\_\_\_  
CATHY A. LUKAS

STATE OF WISCONSIN )  
 ) SS  
 ) \_\_\_\_\_  
 ) COUNTY )

PERSONALLY CAME BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023,  
THE ABOVE NAMED CHARLES L. LUKAS AND CATHY A. LUKAS TO ME KNOWN TO BE THE SAME PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGE THE SAME.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF WISCONSIN  
MY COMMISSION EXPIRES \_\_\_\_\_

## LOT 20 CONSENT OF CORPORATE MORTGAGEE

AMERICAN NATIONAL BANK - FOX CITIES, A CORPORATION DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, MORTGAGEE OF THE LANDS HERE IN DESCRIBED, DOES HEREBY CONSENT TO THE SURVEYING, DIVIDING, MAPPING AND DEDICATION OF THE LAND DESCRIBED ON THIS PLAT, AND DOES HEREBY CONSENT TO THE ABOVE CERTIFICATE OF CHARLES L. LUKAS AND CATHY A. LUKAS, OWNERS.

IN WITNESS WHEREOF, THE SAID AMERICAN NATIONAL BANK - FOX CITIES, HAS CAUSED THESE PRESENTS TO BE SIGNED BY \_\_\_\_\_ (NAME), \_\_\_\_\_ (TITLE), WHOSE ADDRESS IS \_\_\_\_\_ AND ITS CORPORATE SEAL TO BE HEREUNTO AFFIXED

THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023.

\_\_\_\_\_  
SIGNATURE PRINT NAME AND TITLE

STATE OF WISCONSIN )  
 ) SS  
 ) \_\_\_\_\_  
 ) COUNTY )

PERSONALLY CAME BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023,  
(NAME), \_\_\_\_\_ (TITLE),  
OF THE ABOVE NAMED CORPORATION, TO ME KNOWN TO BE THE PERSON(S) WHO EXECUTED THE FOREGOING INSTRUMENT, AND TO ME KNOWN TO BE SUCH \_\_\_\_\_ (TITLE)  
OF SAID CORPORATION, AND ACKNOWLEDGED THAT THEY EXECUTED THE FOREGOING INSTRUMENT AS SUCH OFFICERS AS THE DEED OF SAID CORPORATION, BY ITS AUTHORITY.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF \_\_\_\_\_  
MY COMMISSION EXPIRES \_\_\_\_\_

**Martenson & Eisele, Inc.**

1377 Midway Road Planning  
Menasha, WI 54952 Environmental  
www.martenson-eisele.com Surveying  
info@martenson-eisele.com Engineering  
920.731.0381 1.800.236.0381 Architecture

## LOT 21 OWNER'S CERTIFICATE OF DEDICATION

AS OWNERS, WE HEREBY CERTIFY THAT WE CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED ALL AS SHOWN AND REPRESENTED ON THIS PLAT.

WE ALSO CERTIFY THAT THIS PLAT IS REQUIRED BY S.236.10 OR S.236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION: DEPARTMENT OF ADMINISTRATION, OUTAGAMIE COUNTY AND CITY OF APPLETON

WITNESS THE HAND AND SEAL OF SAID OWNERS THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023.

\_\_\_\_\_  
JOHN C. SHARP

\_\_\_\_\_  
JACQUELINE B. SHARP

STATE OF WISCONSIN )  
 ) SS  
 ) \_\_\_\_\_  
 ) COUNTY )

PERSONALLY CAME BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023,  
THE ABOVE NAMED JOHN C. SHARP AND JACQUELINE B. SHARP TO ME KNOWN TO BE THE SAME PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGE THE SAME.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF WISCONSIN  
MY COMMISSION EXPIRES \_\_\_\_\_

## LOT 22 OWNER'S CERTIFICATE OF DEDICATION

AS OWNERS, WE HEREBY CERTIFY THAT WE CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED ALL AS SHOWN AND REPRESENTED ON THIS PLAT.

WE ALSO CERTIFY THAT THIS PLAT IS REQUIRED BY S.236.10 OR S.236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION: DEPARTMENT OF ADMINISTRATION, OUTAGAMIE COUNTY AND CITY OF APPLETON

WITNESS THE HAND AND SEAL OF SAID OWNERS THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023.

\_\_\_\_\_  
LAWRENCE C. SILTON, TRUSTEE  
SILTON JOINT REVOCABLE TRUST

\_\_\_\_\_  
SUSAN B. SILTON, TRUSTEE  
SILTON JOINT REVOCABLE TRUST

STATE OF WISCONSIN )  
 ) SS  
 ) \_\_\_\_\_  
 ) COUNTY )

PERSONALLY CAME BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023,  
THE ABOVE NAMED LAWRENCE C. SILTON AND SUSAN B. SILTON TO ME KNOWN TO BE THE SAME PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGE THE SAME.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF WISCONSIN  
MY COMMISSION EXPIRES \_\_\_\_\_

## LOT 23 OWNER'S CERTIFICATE OF DEDICATION

AS OWNERS, WE HEREBY CERTIFY THAT WE CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED ALL AS SHOWN AND REPRESENTED ON THIS PLAT.

WE ALSO CERTIFY THAT THIS PLAT IS REQUIRED BY S.236.10 OR S.236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION: DEPARTMENT OF ADMINISTRATION, OUTAGAMIE COUNTY AND CITY OF APPLETON

WITNESS THE HAND AND SEAL OF SAID OWNERS THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023.

\_\_\_\_\_  
DANIEL M. ALBERS

\_\_\_\_\_  
MARY E. ALBERS

STATE OF WISCONSIN )  
 ) SS  
 ) \_\_\_\_\_  
 ) COUNTY )

PERSONALLY CAME BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023,  
THE ABOVE NAMED DANIEL M. ALBERS AND MARY E. ALBERS TO ME KNOWN TO BE THE SAME PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGE THE SAME.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF WISCONSIN  
MY COMMISSION EXPIRES \_\_\_\_\_

## LOT 23 CONSENT OF CORPORATE MORTGAGEE

COMMUNITY FIRST CREDIT UNION, A CORPORATION DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, MORTGAGEE OF THE LANDS HERE IN DESCRIBED, DOES HEREBY CONSENT TO THE SURVEYING, DIVIDING, MAPPING AND DEDICATION OF THE LAND DESCRIBED ON THIS PLAT, AND DOES HEREBY CONSENT TO THE ABOVE CERTIFICATE OF DANIEL M. ALBERS AND MARY E. ALBERS, OWNERS.

IN WITNESS WHEREOF, THE SAID COMMUNITY FIRST CREDIT UNION, HAS CAUSED THESE PRESENTS TO BE SIGNED BY \_\_\_\_\_ (NAME), \_\_\_\_\_ (TITLE), WHOSE ADDRESS IS \_\_\_\_\_ AND ITS CORPORATE SEAL TO BE HEREUNTO AFFIXED

THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023.

\_\_\_\_\_  
SIGNATURE PRINT NAME AND TITLE

STATE OF WISCONSIN )  
 ) SS  
 ) \_\_\_\_\_  
 ) COUNTY )

PERSONALLY CAME BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023,  
(NAME), \_\_\_\_\_ (TITLE),  
OF THE ABOVE NAMED CORPORATION, TO ME KNOWN TO BE THE PERSON(S) WHO EXECUTED THE FOREGOING INSTRUMENT, AND TO ME KNOWN TO BE SUCH \_\_\_\_\_ (TITLE)  
OF SAID CORPORATION, AND ACKNOWLEDGED THAT THEY EXECUTED THE FOREGOING INSTRUMENT AS SUCH OFFICERS AS THE DEED OF SAID CORPORATION, BY ITS AUTHORITY.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF \_\_\_\_\_  
MY COMMISSION EXPIRES \_\_\_\_\_

## LOT 24 OWNER'S CERTIFICATE OF DEDICATION

AS OWNERS, WE HEREBY CERTIFY THAT WE CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED ALL AS SHOWN AND REPRESENTED ON THIS PLAT.

WE ALSO CERTIFY THAT THIS PLAT IS REQUIRED BY S.236.10 OR S.236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION: DEPARTMENT OF ADMINISTRATION, OUTAGAMIE COUNTY AND CITY OF APPLETON

WITNESS THE HAND AND SEAL OF SAID OWNERS THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023.

\_\_\_\_\_  
LEONARD R. VANDER WYST

\_\_\_\_\_  
ALICE A. VANDER WYST

STATE OF WISCONSIN )  
 ) SS  
 ) \_\_\_\_\_  
 ) COUNTY )

PERSONALLY CAME BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023,  
THE ABOVE NAMED LEONARD R. VANDER WYST AND ALICE A. VANDER WYST TO ME KNOWN TO BE THE SAME PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGE THE SAME.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF WISCONSIN  
MY COMMISSION EXPIRES \_\_\_\_\_

## LOT 24 CONSENT OF CORPORATE MORTGAGEE

EAST WISCONSIN SAVINGS BANK, A CORPORATION DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, MORTGAGEE OF THE LANDS HERE IN DESCRIBED, DOES HEREBY CONSENT TO THE SURVEYING, DIVIDING, MAPPING AND DEDICATION OF THE LAND DESCRIBED ON THIS PLAT, AND DOES HEREBY CONSENT TO THE ABOVE CERTIFICATE OF LEONARD R. VANDER WYST AND ALICE A. VANDER WYST, OWNERS.

IN WITNESS WHEREOF, THE SAID EAST WISCONSIN SAVINGS BANK, HAS CAUSED THESE PRESENTS TO BE SIGNED BY \_\_\_\_\_ (NAME), \_\_\_\_\_ (TITLE), WHOSE ADDRESS IS \_\_\_\_\_ AND ITS CORPORATE SEAL TO BE HEREUNTO AFFIXED

THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023.

\_\_\_\_\_  
SIGNATURE PRINT NAME AND TITLE

STATE OF \_\_\_\_\_ )  
 ) SS  
 ) \_\_\_\_\_  
 ) COUNTY )

PERSONALLY CAME BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023,  
(NAME), \_\_\_\_\_ (TITLE),  
OF THE ABOVE NAMED CORPORATION, TO ME KNOWN TO BE THE PERSON(S) WHO EXECUTED THE FOREGOING INSTRUMENT, AND TO ME KNOWN TO BE SUCH \_\_\_\_\_ (TITLE)  
OF SAID CORPORATION, AND ACKNOWLEDGED THAT THEY EXECUTED THE FOREGOING INSTRUMENT AS SUCH OFFICERS AS THE DEED OF SAID CORPORATION, BY ITS AUTHORITY.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF \_\_\_\_\_  
MY COMMISSION EXPIRES \_\_\_\_\_

## LOT 25 OWNER'S CERTIFICATE OF DEDICATION

AS OWNER, I HEREBY CERTIFY THAT I CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED ALL AS SHOWN AND REPRESENTED ON THIS PLAT.

I ALSO CERTIFY THAT THIS PLAT IS REQUIRED BY S.236.10 OR S.236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION: DEPARTMENT OF ADMINISTRATION, OUTAGAMIE COUNTY AND CITY OF APPLETON

WITNESS THE HAND AND SEAL OF SAID OWNER THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023.

\_\_\_\_\_  
LINDA E. KELLETT, TRUSTEE  
LINDA E. KELLETT LIVING TRUST

STATE OF WISCONSIN )  
 ) SS  
 ) \_\_\_\_\_  
 ) COUNTY )

PERSONALLY CAME BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023,  
THE ABOVE NAMED LINDA E. KELLETT TO ME KNOWN TO BE THE SAME PERSON WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGE THE SAME.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF WISCONSIN  
MY COMMISSION EXPIRES \_\_\_\_\_

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

Certified \_\_\_\_\_, 20\_\_



Department of Administration

Drawing No. 1-1745-001  
Sheet 7 of 8  
This instrument drawn by: Amy Sedlar

# THE VILLAS AT MEADE POND

ALL OF LOT 2 OF CERTIFIED SURVEY MAP NO. 4009, 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

**LOT 26 OWNER'S CERTIFICATE OF DEDICATION**

AS OWNER, I HEREBY CERTIFY THAT I CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED ALL AS SHOWN AND REPRESENTED ON THIS PLAT.

I ALSO CERTIFY THAT THIS PLAT IS REQUIRED BY S.236.10 OR S.236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION: DEPARTMENT OF ADMINISTRATION, OUTAGAMIE COUNTY AND CITY OF APPLETON

WITNESS THE HAND AND SEAL OF SAID OWNER THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

\_\_\_\_\_  
WILLIAM C. GRIFFITH,  
WILLIAM C. GRIFFITH REVOCABLE TRUST

STATE OF WISCONSIN )  
 ) SS  
 ) \_\_\_\_\_  
 ) COUNTY )

PERSONALLY CAME BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023,  
THE ABOVE NAMED WILLIAM C. GRIFFITH TO ME KNOWN TO BE THE SAME PERSON WHO  
EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGE THE SAME.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF WISCONSIN  
MY COMMISSION EXPIRES \_\_\_\_\_

**LOT 27 OWNER'S CERTIFICATE OF DEDICATION**

AS OWNER, I HEREBY CERTIFY THAT I CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED ALL AS SHOWN AND REPRESENTED ON THIS PLAT.

I ALSO CERTIFY THAT THIS PLAT IS REQUIRED BY S.236.10 OR S.236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION: DEPARTMENT OF ADMINISTRATION, OUTAGAMIE COUNTY AND CITY OF APPLETON

WITNESS THE HAND AND SEAL OF SAID OWNER THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

\_\_\_\_\_  
PHYLLIS J. ZEISS,  
PHYLLIS J. ZEISS REVOCABLE TRUST

STATE OF WISCONSIN )  
 ) SS  
 ) \_\_\_\_\_  
 ) COUNTY )

PERSONALLY CAME BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023,  
THE ABOVE NAMED PHYLLIS J. ZEISS TO ME KNOWN TO BE THE SAME PERSON WHO EXECUTED  
THE FOREGOING INSTRUMENT AND ACKNOWLEDGE THE SAME.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF WISCONSIN  
MY COMMISSION EXPIRES \_\_\_\_\_

**LOT 28 OWNER'S CERTIFICATE OF DEDICATION**

AS OWNER, I HEREBY CERTIFY THAT I CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED ALL AS SHOWN AND REPRESENTED ON THIS PLAT.

I ALSO CERTIFY THAT THIS PLAT IS REQUIRED BY S.236.10 OR S.236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION: DEPARTMENT OF ADMINISTRATION, OUTAGAMIE COUNTY AND CITY OF APPLETON

WITNESS THE HAND AND SEAL OF SAID OWNER THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

\_\_\_\_\_  
SUSAN J. DUVEN,  
SUSAN J. DUVEN REVOCABLE TRUST

STATE OF WISCONSIN )  
 ) SS  
 ) \_\_\_\_\_  
 ) COUNTY )

PERSONALLY CAME BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023,  
THE ABOVE NAMED SUSAN J. DUVEN TO ME KNOWN TO BE THE SAME PERSON WHO EXECUTED  
THE FOREGOING INSTRUMENT AND ACKNOWLEDGE THE SAME.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF WISCONSIN  
MY COMMISSION EXPIRES \_\_\_\_\_

**THIS FINAL PLAT IS CONTAINED WHOLLY WITHIN THE PROPERTY DESCRIBED IN THE FOLLOWING RECORDED INSTRUMENTS:**

OWNERS OF RECORD:	RECORDING INFORMATION:	PARCEL NUMBER:
JODA J. WUNDERLICH	DOCUMENT NO. 2140457	311-8200-01
RUSSELL E. JACOBUS AND JERRIE E. JACOBUS	DOCUMENT NO. 2284597	311-8200-02
LARRY W. AND CHERYL S. CAIN REVOCABLE TRUST	DOCUMENT NO. 2199420	311-8200-03
MARGARET J. KOSTELNIK REVOCABLE TRUST	DOCUMENT NO. 2163892	311-8200-04
RICHARD C. VAN DRIEST AND TEENA L. VAN DRIEST	DOCUMENT NO. 2041004	311-8200-05
ERNESTINE E. ROUMAN	DOCUMENT NO. 2066531	311-8200-06
THOMAS C. SCHELEBE AND MICHELE R. SCHELEBE	DOCUMENT NO. 2262860	311-8200-07
JOINT REVOCABLE TRUST		
PATRICK AND CARRIE JO HAWLEY JOINT REVOCABLE TRUST	DOCUMENT NO. 2086150	311-8000-08
PATRICK AND CARRIE JO HAWLEY JOINT REVOCABLE TRUST	DOCUMENT NO. 2123433	311-8200-09
JOHN AND GLORIA JOINT REVOCABLE LIVING TRUST	DOCUMENT NO. 2206274	311-8200-10
PATRICIA A. POLLEN	DOCUMENT NO. 2059184	311-8200-11
VIRGINIA R. RUSSELL REVOCABLE TRUST	DOCUMENT NO. 2184679	311-8200-12
MARTIN A. WALTHO AND PHYLLIS WALTHO	DOCUMENT NO. 2029300	311-8200-13
MICHAEL G. SPEEL AND LAVERN R. SPEEL LIVING TRUST	DOCUMENT NO. 2289264	311-8200-14
MICHAEL G. SPEEL AND LAVERN R. SPEEL LIVING TRUST	DOCUMENT NO. 2260978	311-8200-15
EDWIN HAMMOND AND JANE HAMMOND	DOCUMENT NO. 2146537	311-8200-16
VANDEN HEUVEL REVOCABLE TRUST	DOCUMENT NO. 1831928	311-8200-17
GARY L. GEHRKE	DOCUMENT NO. 2009951	311-8200-18
JAMES J. FEENEY AND SHERYL L. FEENEY REVOCABLE TRUST	DOCUMENT NO. 1946819	311-8200-19
CHARLES L. LUKAS AND CATHY A. LUKAS	DOCUMENT NO. 1893325	311-8200-20
JOHN C. SHARP AND JACQUELINE B. SHARP	DOCUMENT NO. 2097523	311-8200-21
SILTON JOINT REVOCABLE TRUST	DOCUMENT NO. 2021267	311-8200-22
DANIEL M. ALBERS AND MARY E. ALBERS	DOCUMENT NO. 2086580	311-8200-23
LEONARD R. VANDER WYST AND ALICE A. VANDER WYST	DOCUMENT NO. 2115100	311-8200-24
LINDA E. KELLETT LIVING TRUST	DOCUMENT NO. 2245687	311-8200-25
WILLIAM C. GRIFFITH REVOCABLE TRUST	DOCUMENT NO. 2050897	311-8200-26
PHYLLIS J. ZEISS REVOCABLE TRUST	DOCUMENT NO. 1918350	311-8200-27
SUSAN J. DUVEN REVOCABLE TRUST	DOCUMENT NO. 2060978	311-8200-28

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

Certified \_\_\_\_\_, 20\_\_



Department of Administration

**Martenson & Eisele, Inc.**

1377 Midway Road Planning  
Menasha, WI 54952 Environmental  
www.martenson-eisele.com Surveying  
info@martenson-eisele.com Engineering  
920.731.0381 1.800.236.0381 Architecture

Drawing No. 1-1745-001  
Sheet 8 of 8  
This instrument drawn by: Amy Sedlar



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

---

**TO:** Finance Committee  
**FROM:** Jeri A. Ohman, Finance Director  
**DATE:** May 22, 2023  
**RE:** Request approval of HazMat budget amendment

---

The 2022 Hazardous Materials budget included the purchase of a 2008 Ford F550 from CEA in the amount of \$22,040. The purchase did not occur in 2022 as expected and was delayed until 2023. The 2023 budget amendments below are to account for the purchase:

**Hazardous Materials Fund**

Vehicles	+ \$22,040
Fund Balance Applied	+ \$22,040

**Central Equipment Agency Fund**

Sale of City Property	+ \$22,040
Trans Out – Capital Projects	+ \$22,040

A copy of the memorandum to the CEA Review Committee related to the purchase follows.

Thank you for your consideration of these budget adjustments. As always, feel free to contact me if you have questions.

# CITY OF APPLETON

## FIRE DEPARTMENT



700 N. Drew Street  
Appleton, WI 54911



(920) 832-1704



(920) 832-5830



[Ryan.Weyers@appleton.org](mailto:Ryan.Weyers@appleton.org)

## MEMORANDUM

April 20, 2021

To: CEA Review Committee  
From: Ryan Weyers, Deputy Fire Chief  
Cc: Jeremy Hansen, Fire Chief  
Re: AFD Fleet Adjustments

The Fire Department is proposing the following equipment changes in 2022 to better meet our operational goals:

- Eliminate Unit 851, a 2008 Ford F550-Fire Investigation/Light Rescue vehicle, from the CEA Fleet.
- Purchase and retain Unit 851 from CEA for the estimated salvage value of \$22,040 with Hazardous Materials money to be used for the Hazardous Materials Team.
- Use the Replacement Reserve money from Unit 851 to purchase two ¾ ton, four door pick-up trucks.
- Use the Replacement Reserve money from Unit 851 to upgrade unit 803 from a mid-sized SUV to a ½ ton four doors pick up.

### Unit 851 F550-Fire Investigation/Light Rescue

851 is a 2008 light rescue that operates out of station 1. This unit has been held over for 3 years and was first scheduled for replacement in 2018. The light rescue is responsible for carrying confined space equipment, rope equipment, and fire investigation equipment. This has been a dual-purpose vehicle that has also been used to tow the rescue boats.

The goal is to not replace this vehicle in like kind but to eliminate it from the CEA Fleet, but retain it in the Fire Department Fleet by purchase this vehicle as it will suit the needs of our hazardous materials team perfectly. This vehicle provides storage and towing capabilities.

### Two ¾ ton Pickups

The two new ¾ ton pickups would be used for responding with personnel to and from a fire scene, pulling the rescue boat and as a Shift Command vehicle.

### Unit 803 upgrade

Unit 803 would then be upgraded to an ½ ton four doors pick up with full response capabilities.

The two ¾ ton, 4x4 Crew cab pickups are estimated to be \$51,050 each. The upgrade to Unit 803 will run approximately \$15,000. The estimated cost to replace 851 in like kind is \$180,000. The purchase of the two F250 Crew cab pickups and the upgrade to Unit 803 would total \$117,100.

These equipment changes will result in a savings of approximately \$63,000 and will better help us meet our operational goals.

Thank you for your consideration.



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

**PARKS, RECREATION & FACILITIES  
MANAGEMENT**

**Dean R. Gazza, Director**

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

TO: Finance Committee

FROM: Dean R. Gazza

DATE: 5/22/2023

RE: Action: Award the City of Appleton’s “2023 Masonry Repairs Project” contract to Masonry Restoration, Inc. in the amount of \$162,675 with a contingency of \$15,000 for a project total not to exceed \$177,675.

The 2023 Wastewater Treatment Plant operations budget includes \$325,000 for painting, remediating asbestos, crack sealing, and exterior masonry repairs. The exterior masonry repairs project is to replace damaged bricks and repair other building envelope deficiencies across the AWWTP complex. The project will include replacing damaged bricks, repairing cracked foundations, patching holes, replacing mortar, and sealing joints. Every building at the AWWTP complex will be affected by this project. The recommendations for repairs were compiled by our consulting engineer after a building envelope audit was completed in 2019.

The bids were received as follows:

<b>Masonry Restoration, Inc. (low bid)</b>	<b>\$162,675</b>
Quality Building and Restoration	\$169,000
Berglund Construction	\$250,000

Our consulting engineer has written the City of Appleton a formal letter of recommendation to award the contract to Masonry Restoration, Inc. The Parks, Recreation, and Facilities Management Department has also reviewed the bids and is in agreement with the engineer’s recommendation. Therefore, we recommend awarding the contract to Masonry Restoration, Inc. in the amount of \$162,275 plus a contingency of \$15,000 only to be utilized as needed.

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



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

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**TO:** Finance Committee

**FROM:** Jeri A. Ohman, Finance Director

**DATE:** May 22, 2023

**RE:** Request to approve cash advance from Stormwater Utility Fund to Wastewater Utility Fund in an amount not to exceed \$3,000,000 to replace issuance of long term revenue bonds in 2023.

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The 2023 Wastewater Utility budget includes the issuance of revenue bonds in the amount of \$9,500,000. In reviewing the timing of the projects, it was determined that only \$3,000,000 would be needed in 2023 and the remaining amount could be held until 2024. City staff consulted with Baird, the City's debt advisor, and was offered alternatives to issuing revenue bonds for the reduced amount. These options include:

- Issue a short term note anticipation note (NAN) with estimated costs of approximately \$24,000.
- Use existing cash funds. Currently the Stormwater Utility Fund has cash funds available to advance to the Wastewater Utility Fund. Staff will monitor the cash needs of the Wastewater Utility and advance amounts as needed until the revenue bonds are issued in 2024.

The 2024 revenue bond issue will include the 2024 needs and the amount needed to repay any 2023 short term advance. Staff is recommending moving forward with the advance between the utility funds. Thank you for your consideration of this funding option. As always, feel free to contact me if you have questions.



# MEMORANDUM

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TO: Community and Economic Development Committee (CEDC)

FROM: Kara Homan, AICP, Director of Community & Economic Development

DATE: May 18, 2023

RE: Request Approval of the Development Agreement between the City of Appleton and Fox Commons Properties, LLC

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Fox Commons Properties, LLC (Developer) is requesting assistance to support their proposed transformation of City Center Plaza into a mixed-use center (Fox Commons) comprised of housing, supportive services, healthcare, retail and commercial businesses uses. Exhibit B of the proposed Development Agreement illustrates conceptual façade renderings for the “Fox Commons” project. When complete, the project will serve as a catalyst to transform the City’s downtown district, and spur on additional reinvestment in the heart of the City of Appleton. Said project, and corresponding development agreement, is in alignment with the City’s Comprehensive Plan (in particular, Chapter 14: Downtown Plan), and College North Neighborhood Plan.

The proposed project would be on the following parcel zoned CBD Central Business District: 31-2-0290-01.

The cost of the project is stated at \$33.6 million. The City Assessor estimates the assessed value of the project once completed to be \$17.3 million. The differential in construction cost versus assessed value is primarily caused by a future owner of Condominium Unit 2 (~35,000 sq. ft.) of the proposed condominium non-profit/tax exempt entity. Sections 3.1 and 3.3 of the agreement mitigate any future financial risk to the City should there be any conversion to future tax exempt status within the project, beyond Unit 2.

Developer requests Pay-As-You-Go TIF support, constituting a total revenue stream of \$4,357,550 over time. Based on the analysis of current value of the property, projected value of the property, and review of proposed expenses, TIF District #11 would invest ninety percent (90%) of the annual increment created (an estimated value of ~\$301,500 per year). In net present value terms, this amounts to a total contribution of \$2,511,196 (NPV), or 16.39% of the total increment created (\$15,321,100).

In addition to provisions for financial contribution, City staff looked to the above-referenced City plans, as adopted by the Common Council, to guide negotiations to secure additional provisions that benefit the City, and overall health and well-being of our downtown district. Provisions of this nature include:

- Pedestrian easement to allow for access between City Center East and West, and City Center Street and College Avenue (see Sec. 1.9).
- Pedestrian orientation and overall aesthetics of first level entrance and tenant spaces adjacent to College Avenue, and the main entrance to City Center Street (see Sec. 1.6, 1.7, 1.8).
- Prohibition of conversion of any housing units to Tourism Room Houses (aka VRBOs, see Sec. 1.10)

**Staff Recommendation:**

The Development Agreement between the City of Appleton and Fox Commons Properties, LLC **BE APPROVED.**

cc: Jeri Ohman, Finance Director  
Chris Behrens, City Attorney



## TAX INCREMENT DISTRICT NO. 11 DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (the "Agreement") is dated as of the \_\_\_\_ day of \_\_\_\_\_, 2023, ("Effective Date") by and among Fox Commons Properties, LLC, a Delaware limited liability company qualified to do business in the State of Wisconsin ("Developer") and the City of Appleton, a Wisconsin municipal corporation (the "City").

### RECITALS

Developer and the City acknowledge the following:

A. Developer or an affiliate thereof, owns or will acquire the real property located at 10 East College Avenue (Parcel 31-2-0290-01) Appleton, Wisconsin more particularly described in Exhibit A, attached hereto (collectively the "Property").

B. The Property is located within the City in Tax Increment District #11 (the "District") which was created in 2017 pursuant to Section 66.1105, Wis. Stats. along with a plan for the redevelopment of the District (the "District Plan") that provides for, among other things, the financial assistance set forth in this Agreement.

C. The City currently leases approximately 6,344 square feet of space in the Property pursuant to a Lease dated on or about February 26, 2001, by and between TAM, LLC, (as landlord) and the City (as tenant), as amended and assigned (the "Dance Studio Lease").

D. Developer has proposed improvements to the Property to create a mixed-use development that includes healthcare facilities, housing and a retail space that will serve as an active downtown destination and community hub (collectively the "Project") a portion of which will include two condominium units (Unit 1 and Unit 2).

E. The City has determined that the Project will spur economic development, expand the City's tax base and create new jobs; that such financial assistance is a Project Cost under the Tax Incremental Law; that the amount of financial assistance provided pursuant to this Agreement is the amount necessary to induce development of the Project; and, that the Project will not proceed without the financial assistance set forth in this Agreement.

F. Subject to obtaining financial assistance as set forth herein, Developer intends to undertake a redevelopment of the Property that will increase the value of the Property and provide other tangible benefits to the surrounding neighborhoods and to the City as a whole, consistent with the District Plan. The City finds that this redevelopment of the Property and the fulfillment, generally, of the terms and conditions of this Agreement are in the vital and best interests of the City and its residents and serves a public purpose in accordance with state and local law.

F. The City, pursuant to Common Council Action dated June 7, 2023 has approved this Agreement and authorized the execution of this Agreement by the proper City officers on the City's behalf.

G. The Developer has approved this Agreement and authorized the appropriate officers to execute this Agreement on the Developer's behalf.

H. The base value of the Property for purposes of this Agreement, including calculating increment generated by the Project, is One Million Nine Hundred Seventy-Eight Thousand Nine Hundred and no/100 Dollars (\$1,978,900.00). The Developer estimates the project will create up to an additional Fifteen Million Three Hundred Twenty-One Thousand One Hundred Dollars (\$15,321,100) in incremental value.

I. All terms that are capitalized but not defined in this Agreement and that are defined under the Tax Increment Law shall have the definitions assigned to such terms by the Tax Increment Law.

## AGREEMENT

NOW, THEREFORE, in consideration of the Recitals and the promises and undertakings set forth herein, which are incorporated into this Agreement by reference, the Parties mutually agree and covenant as follows:

### ARTICLE I UNDERTAKINGS OF THE DEVELOPER

1.1 Developer and City acknowledge that several of the specific undertakings of the Parties may require approvals from directors, boards or the Common Council, as applicable. The City and Developer's obligations under this Agreement are conditioned upon the obtaining of all such approvals in the manner required by law. The Parties cannot assure that all such approvals will be obtained; however, they agree to use their best good faith efforts to obtain them on a timely basis.

1.2 Despite anything herein to the contrary, Developer's performance under this Agreement is subject to, and contingent upon, Developer purchasing the Property and obtaining commitments for construction financing for the Project on terms and conditions satisfactory to Developer.

1.3 Developer's Project shall include improvements to, and development of, the Property as set forth in Exhibit B that will result in an increase in the Property's assessed value. All aspects of the Project shall be in accordance with all applicable City zoning and building codes, ordinances and regulations.

1.4 Project Costs shall include, without limitation, costs incurred after approval of this agreement for the construction of improvements (including infrastructure improvements), environmental remediation costs, demolition, interior remodeling and development of the project.

1.5 Developer warrants and represents to the City that but for the assistance provided by the City under Article II, herein, Developer would not be able to proceed with the Project.

1.6 The City desires to promote the Property's pedestrian access and preserve the pattern of storefront entrances that currently exist on College Avenue frontage; however, as of the Effective Date, the Parties acknowledge the tenant composition of the Project is not yet finalized. Thus, the Project's actual number of storefront entrances that currently exist on College Avenue may differ from the Property's pattern of storefront entrances prior to the Effective Date. Even so, Developer shall provide pedestrian access along College Avenue while still accounting for the practical constraints of the development process and the tenant composition of the Project.

Therefore, Developer shall require ground floor tenants with storefront on College Avenue to have a primary entrance onto the College Avenue frontage.

1.7 Developer shall require all Project ground floor tenant spaces / units along College Avenue have primary customer entrances and transparent facades on College Avenue. To preserve a pattern of storefronts with frequent openings to the sidewalk, the Project shall maintain a minimum of four (4) separate entrances along the College Avenue frontage. The main entrance serving the north-south connection through the building does not count as one of the four (4) required entrances. Along the College Avenue frontage, the building facade of each ground floor tenant space / unit must contain at least fifty percent (50%) glazed elements (e.g., transparent windows and doors) from sidewalk grade to ten (10) feet above the sidewalk.

1.8 At the north and south sides of the Project, main entrances shall be established to strengthen and facilitate pedestrian circulation through the Project (from Oneida Street to College Avenue). These main entrances shall generally align with the existing and vacated Oneida Street corridor, with at least two (2) sets of ground floor double doors provided on each side (north and south). Within the scope of Developer's design, the Project's facade shall provide visual cues to encourage pedestrian access, including wall treatment in the form of signage, graphic art, lighting, and transparent materials.

1.9 Consistent with the Parties' goal to improve pedestrian accessibility when moving east/west through the Property as well as promoting general pedestrian flow to and through downtown consistent with the City's Comprehensive Plan and College North Neighborhood Plan (hereafter the "plans"):

1.9.1 Developer will use good faith, commercially reasonable efforts to, and to cause the owners of the tract to the west of the Project ("City Center West") and to the east of the Project ("City Center East") to agree to, amend the existing easement agreement recorded as Doc. 1065031 and recorded January 18, 1993 with the Register of Deeds, or enter a new easement agreement between owners of City Center East, City Center West and the Property to replace such existing easement agreement, with substantially the same rights, establishing east/west access between the three properties as well as north/south access between City Center Street and College Avenue consistent with the intent of the plans.

1.9.2 The above referenced easement shall encompass all pedestrian corridors which are general common elements of the condominium comprising the Project, as the same may be relocated from time to time, which are necessary for east/west and north/south pedestrian passage to and from City Center East, City Center West, the Project, and City Center Street and College Avenue (the "Pedestrian Access Easement"). The areas subject to the Pedestrian Access Easement shall be available for the tenants, guests, customers, and invitees of the Project, City Center West, and City Center East from 8:00 am until 5:00 pm Monday through Saturday, provided that such areas may be restricted or closed up to seven (7) times per month for private events at the Project. For avoidance of doubt, the Pedestrian Access Easement grant shall not be deemed a public dedication.

1.9.3 Between 5:00 pm and 8:00 am Sunday through Saturday and between 8:00 am and 5:00 pm on Sundays, authorized employees, tenants and the like of City Center East and City Center West shall have secured access to the Pedestrian Access Easement to enable travel to and from City Center East and West through the Project.

1.9.4 The Pedestrian Access Easement boundaries shall substantially conform to the depiction in Exhibit C accounting for reasonable variations to the boundaries as the Project's development process is finalized or as may be modified from time to time by Project's owner, so long as reasonable means of north/south and east/west access as noted in Section 1.9.2 is provided.

1.10 Developer agrees that no Project housing/residential units shall be used as a "Tourist Rooming House," (e.g., AirBNB, VRBO, etc.) as defined in Sec. 97.01(15k), Wis. Stats. for the duration of the Agreement and Developer shall implement any necessary covenants and/or restrictions to carry out the intent of this section.

## ARTICLE II UNDERTAKINGS OF THE CITY

2.1 As a condition precedent to the City appropriating any funds under this Agreement, the City shall have entered into a termination agreement ("Lease Termination Agreement") for that certain Dance Studio Lease. To induce the City to enter the Lease Termination Agreement and, simultaneously with the execution thereof, Developer shall enter into an agreement with the City compensating the City for its early termination of the Dance Studio Lease ("Relocation Agreement"), on terms and conditions to be set forth in the Relocation Agreement.

2.2 The City shall appropriate sufficient funds for the performance of the City's obligations under this Agreement.

2.3 City shall cooperate with Developer throughout the Project and shall promptly review and/or process all submissions and applications in accordance with applicable City ordinances.

2.4 Subject to all of the terms, covenants and conditions of this Agreement and applicable provisions of law, and as an inducement by the City to Developer to carry out the Project, upon completion of the Project (which shall be defined as issuance of a Certificate of Use and Occupancy for all floors, including all common spaces, of the Project and, for avoidance of doubt, it is understood that said certificate may be issued with some tenant space being unoccupied, in "white box" finished status, and/or subject to final finishing per tenant requirements (hereafter "completion")) the City will provide payments to Developer solely from future Tax Increments (derived from both real and personal property) to assist with Developer's Project Costs. The City's total payment of Tax Increment Revenue to the Developer shall not exceed Four Million Three Hundred Fifty-Seven Thousand Five Hundred Fifty Dollars (\$4,357,550).

The Contribution will be paid to Developer as follows:

2.4.1 As the sole source for payment of the Contribution, the City agrees to pay the Developer an amount equal to ninety percent (90%) of the Tax Increment Revenue attributable to, and actually received from, the Property during the calendar year.

2.4.2 Payments under this Agreement shall be due in annual installments on August 15 of the calendar year following the first tax year after completion of the Project and continuing on each August 15 thereafter for a period of time described in Section 4.2.

2.4.3 The Contribution shall be a special and limited obligation of the City and not a general obligation. The City may prepay the Contribution, in its sole discretion, at any time, with no prepayment penalty.

2.5 This Agreement fully evidences the City's obligation to pay the Contribution. No separate instrument will be prepared to evidence the City's obligation to pay the Contribution. The Contribution shall not be included in the computation of the City's statutory debt limitation because the Contribution is limited and conditional and no taxes will be levied or pledged for its payment. Nothing in this Agreement shall be deemed to change the nature of the City's obligation from a limited and conditional obligation to a general obligation.

2.6 The City covenants to Developer that until the Contribution has been paid in full, the City shall not close the District prior to its statutory expiration date.

2.7 The City shall, upon Developer's request, provide to Developer an accounting of the status of the District including, but not limited to, the outstanding principal balance of the Contribution and annual Tax Increments received from the District.

2.8 Developer hereby acknowledges that, as a result of the special and limited nature of the City's obligation to pay the Contribution, Developer's recovery of the full amount of the Contribution depends on factors including, but not limited to, future mill rates, changes in the assessed value of the Property, the failure of the Property to generate the Tax Increments at the rate expected by Developer, reduction in Tax Increments caused by revenue-sharing, changes in the Tax Increment Law, and other factors beyond the City's and/or Developer's control.

2.9 The City shall grant Developer an option to purchase up to 280 yearly parking passes in the City-owned parking ramps on an annual basis, to be exercised and paid in full by December 1 of the calendar year prior. Annual rate paid shall be the rate established for City parking passes for the year of use, according to the city fee schedule. During the first calendar year of this Agreement, if Developer's single bulk purchase of parking passes occurs after July 1, Developer shall pay a pro-rated cost based upon the balance of the calendar year remaining after July 1. Thereafter, the parking pass rate shall not be prorated. This right to annually purchase up to 280 parking passes is not transferrable or assignable.

2.10 Upon request of the Developer, the City shall provide certified copies of resolutions and/or minute approvals from directors, boards or the Common Council as applicable.

### ARTICLE III PAYMENT OF TAXES

3.1 As long as the District is in existence, the Property and all buildings and improvements thereon shall be owned and taxable for real estate tax and special assessment purposes with the exception of up to 35,000 square feet of condominium space Unit 2 to be occupied by tax exempt healthcare entity as referred to in Recital C provided Unit 2 is continuously occupied by the original tax-exempt healthcare entity that first occupies it: and, this exception shall expire at such time the original tax-exempt healthcare entity sells, transfers or otherwise ceases to occupy Unit 2. The City may waive any or all of the restrictions upon execution of a payment in lieu of taxes (PILOT) agreement on a form acceptable to the City.

3.2 Subject to Section 3.1 and unless disputed in good faith by Developer (or its successors or assigns), throughout the duration of this Agreement, all ad valorem property taxes

properly assessed against the Property will be paid timely and in full. For avoidance of doubt, nothing in this section shall be construed to limit Developer's rights to contest any ad valorem property taxes assessed against the Property.

3.3 In the event that any property owned by Developer within the District becomes exempt from ad valorem property taxes during the life of the District, then for the remaining life of the District, the Developer will make (or cause to be made) annual payments in lieu of taxes in amounts equal to what the ad valorem property taxes would have been for such other property had it not been exempt. This provision shall not apply to up to 35,000 square feet of Unit 2 for the duration of time Unit 2 is occupied by the tax-exempt healthcare entity that occupies Unit 2 after completion as described in Sec. 2.4 of this Agreement. If the Developer conveys the Property within the District to any party (related or unrelated), the terms of such sale shall impose as a covenant upon all successor owners of the property the foregoing obligation for payments in lieu of taxes during the life of the District. The City shall be a beneficiary of such covenant and entitled to enforce same against the successor owners.

#### ARTICLE IV CONDITIONS TO PAYMENT; TERMINATION OF AGREEMENT

4.1 The City shall have no obligation to pay any portion of the Contribution to Developer unless and until all of the following conditions shall have been met:

4.1.1 The Project's completion on or before December 31, 2025.

4.1.2 The Property's assessed value is no less than Seventeen Million Three Hundred Thousand Dollars (\$17,300,000).

4.1.3 The conditions herein are subject to reasonable extensions, not to exceed six (6) months in each instance, for Force Majeure which shall include, but not be limited to, any delays caused by pandemic or other acts beyond the reasonable control of the Developer. Such extensions shall be by mutual written agreement and, in considering any requested extension, the City and Developer agree that each will act in good faith, cooperate in expeditious and timely approvals, and said extensions shall not be unreasonably withheld, conditioned or delayed by City.

4.2 Subject to Section 4.1.3 this Agreement, and the Parties obligations under this Agreement, shall terminate when any of the following shall have occurred:

4.2.1 The conditions in Section 4.1 are not met.

4.2.2 The Contribution is paid in full or August 15, 2042 (the "End Date"), whichever occurs first. The End Date shall be subject to extension commensurate with any extension granted pursuant to Sec. 4.1.3 provided the End Date shall not extend beyond August 15, 2043.

#### ARTICLE V CONFLICT OF INTEREST

5.1 No member, officer or employee of the City, during his/her tenure or for one year thereafter, will have or shall have had any interest, direct or indirect, in this Agreement or any proceeds thereof.

ARTICLE VI  
WRITTEN NOTICES

6.1 Any written notice required under this Agreement shall be sent to the following individuals:

FOR THE CITY:

City of Appleton  
Community and Economic Development Department  
100 North Appleton Street  
Appleton, WI 54911-4799  
Attention: Director

With a copy to:

City of Appleton  
City Attorney's Office  
100 North Appleton Street  
Appleton, WI 54911-4799  
Attention: City Attorney

FOR DEVELOPER:

Fox Commons Properties, LLC  
1100 N. Dr. Martin Luther King Jr. Drive  
Suite 610  
Milwaukee, WI 53203  
Attention: James R. Kleinfeldt

ARTICLE VII  
ASSIGNMENT

7.1 This Agreement shall inure the benefit of and bind the Parties hereto and its respective successors and assigns provided that Developer may not assign all or part of this Agreement without prior written consent of the city, unless such assignment is to an affiliate of Developer or purchaser of the Property, in which instance the Developer shall provide the City with written notice no less than 10 business days prior to said assignment.

ARTICLE VIII  
NO PARTNERSHIP OR VENTURE

8.1 Developer and its contractors or subcontractors shall be solely responsible for the completion of the Project. Nothing contained in this Agreement shall create or effect any partnership, venture or relationship between the City and Developer or any contractor or subcontractor employed by Developer in the construction of the Project.

ARTICLE IX  
MISCELLANEOUS

9.1 Under no circumstances shall any officer, official, director, member, manager, commissioner, agent, or employee of City or Developer have any personal liability arising out of this Agreement, and no party shall seek or claim any such personal liability.

9.2 The laws of the State of Wisconsin shall govern this Agreement.

9.3 This Agreement may be signed in any number of counterparts with the same effect as if the signatures thereto and hereto were upon the same instrument.

9.4 No modification, alteration, or amendment of this Agreement shall be binding upon any party until such modification, alteration, or amendment is reduced to writing and executed by all Parties to this Agreement.

9.5 Any captions or headings in this Agreement are for convenience only and in no way define, limit, or describe the scope or intent of any of the provisions of this Agreement.

9.6 If any provisions of this Agreement shall be held or deemed to be inoperative or unenforceable as applied in any particular case in any jurisdiction because it conflicts with any other provision or provisions of this Agreement or any constitution or statute or rule of public policy, or for any other reason, then such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable in any other case or circumstance, or of rendering any other provision or provisions herein contained invalid, inoperative, or unenforceable to any extent whatever. To the maximum extent possible, this Agreement shall be construed in a manner consistent with the powers of the City, including but not limited to, the City's powers under the Blight Elimination and Slum Clearance Law and the Tax Increment Law, to achieve its intended purpose. Reference is made to Section 66.1333(17) of the Wisconsin Statutes and Chapter 105, Laws of 1975 § 4, which provide that the Blight Elimination and Slum Clearance Law and the Tax Increment Law should be construed liberally to effectuate their purposes.

9.7 The Parties make no warranties or representations except as expressly set forth herein.

[Signatures on following pages]



IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year first above written.

CITY OF APPLETON:

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

ATTEST:

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

STATE OF WISCONSIN     )  
  : ss.  
OUTAGAMIE COUNTY     )

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 2023, Jacob A. Woodford, Mayor and Kami L. Lynch, City Clerk, of the City of Appleton respectively, 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.

Printed Name: \_\_\_\_\_  
Notary Public, State of Wisconsin  
My commission is/expires: \_\_\_\_\_

**PROVISION HAS BEEN MADE TO PAY FOR OBLIGATIONS INCURRED PURSUANT TO THIS AGREEMENT:**

\_\_\_\_\_  
Jeri Ohman, Finance Director

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Christopher R. Behrens, City Attorney  
Dated: May 17, 2023  
By: Christopher R. Behrens  
City Law A23-0747

DEVELOPER:

Fox Commons Properties LLC

By: \_\_\_\_\_  
James R. Kleinfeldt, Manager

STATE OF WISCONSIN     )  
  : ss.  
OUTAGAMIE COUNTY     )

Personally came, before me this \_\_\_\_ day of \_\_\_\_\_, 2023, James R. Kleinfeldt, Manager, 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.

\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Notary Public, State of Wisconsin  
My commission is/expires: \_\_\_\_\_

DRAFT - Subject to Approval

## SCHEDULE OF EXHIBITS

- A. Legal Description of Property
- B. Proposed Improvements
- C. Easement

DRAFT - Subject to Approval

## EXHIBIT A

### LEGAL DESCRIPTION OF THE PROPERTY

Tax Key No. 31- 2029001

ALL OF LOT 6 AND PART OF LOT 5 OF BLOCK 27, AND ALL OF LOT 7 AND PART OF LOTS 1, 2, 3, 6 AND 8 OF BLOCK 28 OF THE APPLETON PLAT, AND PART OF VACATED ONEIDA STREET LYING BETWEEN BLOCKS 27 AND 28, AND PART OF LOT 1 OF CERTIFIED SURVEY MAP NO. 299 AS RECORDED IN VOLUME 2 OF CERTIFIED SURVEY MAPS, ON PAGE 299, AS DOCUMENT NO. 821847, ALL BEING IN THE CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, ACCORDING TO THE RECORDED ASSESSOR'S MAP OF SAID CITY, MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID BLOCK 28, ALSO BEING THE POINT OF INTERSECTION OF THE NORTH LINE OF COLLEGE AVENUE WITH THE EAST LINE OF VACATED ONEIDA STREET; THENCE SOUTH 89° 56' 34" WEST ALONG THE NORTH LINE OF COLLEGE AVENUE EXTENDED AND THE SOUTH LINE OF SAID BLOCK 27, 223.16 FEET; THENCE NORTH 00° 01' 21" WEST, 140.11 Feet TO THE SOUTH LINE OF CITY CENTER STREET; THENCE NORTH 89° 56' 34" EAST, ALONG SAID SOUTH LINE OF CITY CENTER STREET, 163.16 FEET TO THE NORTHEAST CORNER OF SAID LOT 6 OF BLOCK 27; THENCE NORTH 65° 11' 47" EAST, 66.10 FEET TO THE WEST LINE OF SAID BLOCK 28; THENCE NORTH 00° 01' 21" WEST ALONG SAID WEST LINE, 67.45 Feet; THENCE NORTH 89° 56' 34" EAST, 176.26 FEET; THENCE SOUTH 00° 01' 21" EAST, 60.91 Feet; THENCE SOUTH 89° 56' 34" WEST, 30.10 Feet; THENCE SOUTH 00° 01' 21" EAST, 17.00 FEET; THENCE NORTH 89° 56' 34" EAST, 12.17 Feet; THENCE SOUTH 00° 01' 21" EAST, 157.31 Feet TO SAID NORTH LINE OF COLLEGE AVENUE; THENCE SOUTH 89° 56' 34" WEST ALONG SAID NORTH LINE, 120.83 Feet; THENCE NORTH 00° 01' 21" WEST, 80.45 FEET; THENCE SOUTH 89° 56' 34" WEST, 37.50 FEET TO SAID WEST LINE OF BLOCK 28; THENCE SOUTH 00° 01' 21" EAST ALONG SAID WEST LINE, 80.45 FEET TO THE POINT OF BEGINNING.

## EXHIBIT B

### PROPOSED IMPROVEMENTS

The project budget is \$33,622,572.67 and is depicted as follows (with the understanding that depicted plans are conceptual at the time of this agreement and subject to modification within the scope and spirit of the project):

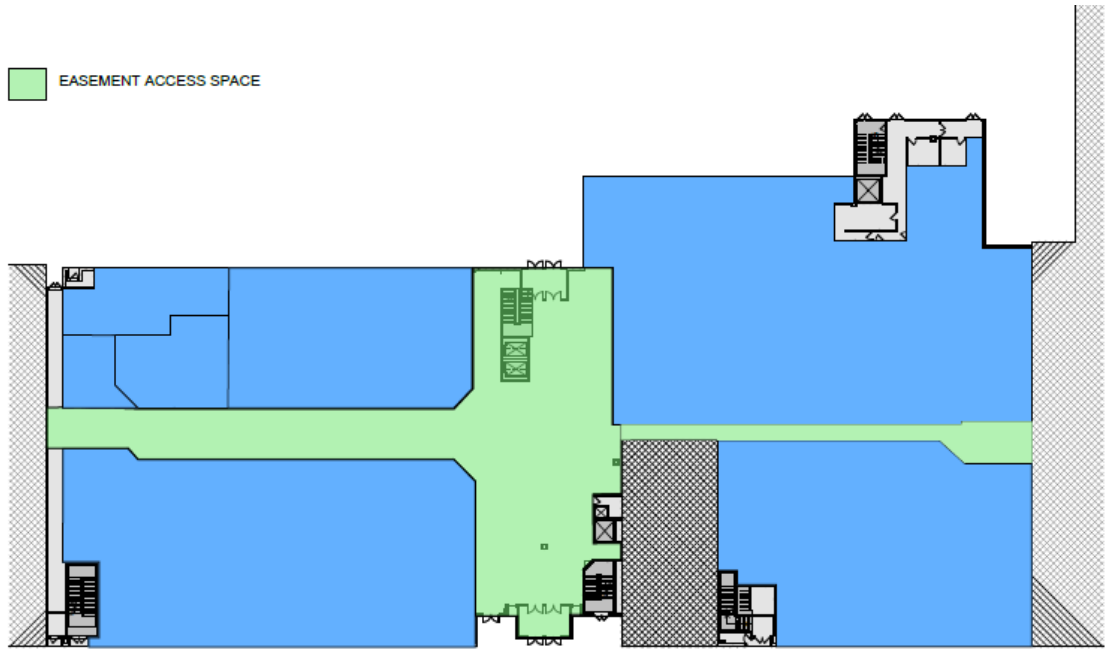


**EXHIBIT B**  
**PROPOSED IMPROVEMENTS (CONTINUED)**



# EXHIBIT C – EASEMENT

## FOX COMMONS PASSAGES WITH CORRESPONDING EASEMENT AREA



1 First Floor Plan  
1/27/12

First Floor Tenant Layout

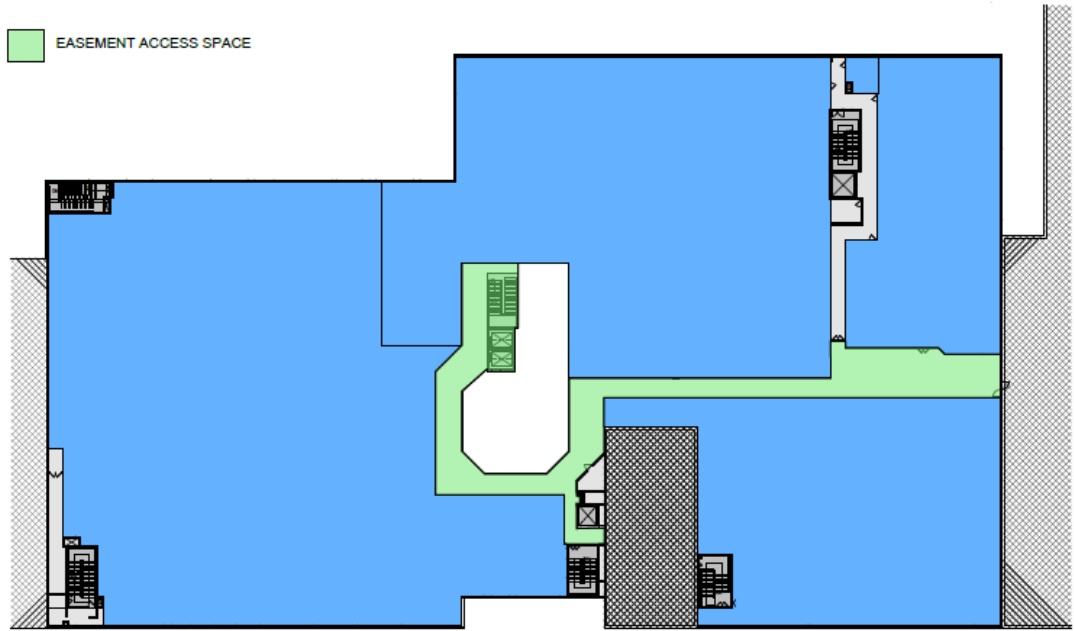
04/17/13  
2/10/12/10

Fox Commons - Core and Shell

DRAFT

EXHIBIT C – EASEMENT

FOX COMMONS PASSAGES WITH CORRESPONDING EASEMENT AREA (CONTINUED)



1 Second Floor Plan

Second Floor Tenant Layout

Fox Commons - Core and Shell

DRAFT -



<b>CITY OF APPLETON PERSONNEL POLICIES</b>	<b>TITLE: SALARY ADMINISTRATION</b>	
ISSUE DATE:	LAST UPDATE: October 2022	SECTION: Human Resources
POLICY SOURCE: Human Resources Department	AUDIENCE: All regular full and part-time employees covered by the Non-represented compensation plan. Excludes represented employees.	TOTAL PAGES: 6
Reviewed by Legal Services Date:	Committee Approval Date:	Council Approval Date: 11/2/22

**I. PURPOSE**

To outline the guidelines utilized for administration of the compensation plan.

**II. POLICY**

It is the policy of the City of Appleton to provide competitive compensation to attract and retain competent staff and to encourage and reward performance within the financial resources available.

**III. DISCUSSION**

The City of Appleton is committed to rewarding team members in a fair and consistent manner, we offer compensation and rewards that support equity and align with our diversity, equity, and inclusion values. We aim to attract and retain employees to contribute to the success of the organization. This policy is subject to change with approval of the Common Council. The Human Resources Director shall be responsible for the administration of the compensation policy.

**DEFINITIONS**

- A. Fair Labor Standards Act (FLSA): A federal act that sets minimum wage, overtime pay, equal pay, record keeping and child labor standards for employees who are covered by the act and who are not exempt from specific provisions. An employee classified in the compensation plan as “Exempt” is not eligible for the overtime compensation provisions of FLSA.
- B. Base Pay: An employee's initial rate of compensation, excluding extra lump sum compensation, shift differential etc. An employee's base pay can be expressed as a base hourly rate of pay or as an annual salary.
- C. Position Analysis Questionnaire (PAQ): A job analysis that outlines the responsibilities and the requirements necessary to perform the functions of the position. The PAQ is utilized to evaluate the position responsibilities for allocation to the appropriate pay grade.
- D. Compensation Plan: A schedule of pay ranges listing the job classifications and minimum/maximum rates. All regular positions shall be placed in one of these ranges based on a PAQ and point factor job evaluation.
- E. Emergency: For purposes of this policy, an emergency shall be defined as an unplanned, significant

event that affects the operation, or service level of the department (as determined by the Department Director and/or the Mayor)

- F. Interim Assignment: When an employee is assigned to a different position on a temporary basis, because of a vacancy.
- G. Non-base pay adjustment: Pay adjustments generally in the form of a lump sum or other forms that do not increase the employee's base pay.
- H. Red-circled: The maintenance of an employee's pay rate above the established range maximum. An employee whose pay rate is at or above the range maximum may be eligible for a non-base performance adjustment.
- I. Midpoint: The center of an open pay range. The midpoint provides a reference point to measure progression within the pay range.

#### IV. PROCEDURES

##### A. DETERMINATION OF PAY RANGES

The compensation plan shall be based on the principle of equal pay for equal work. Pay ranges within the compensation plan shall be determined with regard to factors including, but not limited to: training and ability; level of work; physical demands; independence of actions; supervision exercised; experience required; human relations skills; working conditions or hazards and impact of errors; and prevailing rates of pay for similar jobs in public and private employment as determined by the City.

##### B. ENTRANCE PAY RATE

The entrance pay rate shall be within 60% of the minimum of the pay range. All appointments (including department heads) above the 60% must be authorized, in advance, by a majority of the Mayor, Human Resources Committee Chair and Human Resources Director.

##### C. RECLASSIFICATION

The Position Classification Review Process is the method for determining pay range assignment of new positions or reclassification actions involving substantial changes in the duties and responsibilities of an existing position or external market changes.

###### (a) Classification or Reclassification Consideration

A request for reclassification of a current position or the classification of a new position may be initiated by a department director, or by the Human Resource Director. Requests for reclassifications may occur throughout the year as positions are created or become vacant.

Reclassification consideration for existing positions requires that the employee and the department director document substantial changes in existing duties since the most recent review. Duty changes may be from substantial, immediate reassignment of duties due to reorganization, or may be the result of a logical and gradual change of responsibilities over a period of time.

To be considered for reclassification, changes should be stable and typically should have been in effect for at least six months preceding the reclassification request so that it is clear that the changes that exist are likely to remain for some period of time. Reclassification will not be considered for temporary changes in duties.

A request for classification or reclassification consideration must be in writing to the Human Resources Generalist. The Human Resources Generalist will guide the appropriate process for a review.

(b) Review of Requests

Following internal review by the Human Resource Director, the Human Resource Generalist will submit the PAQ and any supporting documentation to the consultant for evaluation if the criteria for reclassification is met. If the reclassification is appropriate, the consultant will recommend a grade assignment for the position. The consultant may request further information.

(c) The Employer's Response to the Consultant's Recommendations

The employee and the department director will be informed of the final decision in writing. The effective date of any compensation changes will be based on the specific circumstance of the reclassification.

D. COMPENSATION PLAN COMPONENTS

(a) Pay Plan Adjustment

Pay Plan adjustments are typically made on an annual basis. The Human Resources Director shall recommend such adjustments to the Mayor and Finance Director based on the general level of pay adjustments in the relevant job markets where the City competes. These adjustments are also made in consideration of general changes in cost-of-living indices.

The adjustment takes the form of an adjustment to pay plan with the goal of maintaining market competitiveness of the pay plan.

No increase will be made to an employee's pay as a result of a pay plan adjustment.

(b) Merit increase

The amount allocated for merit increase shall be established each year by the Mayor and included in the annual budget, subject to approval by the Common Council. Merit increases will be awarded to all employees that meet or exceed their goals and departmental expectations.

E. PAY RATE ADJUSTMENTS

The Human Resources Director and the applicable Department Director shall determine the pay status of an employee based on the following:

- (a) Transfers - When an employee is transferred from one class to another with a common pay range, the employee shall continue to receive the same pay rate unless a different rate is deemed appropriate.
- (b) Promotion - When an employee is promoted from one class to another having a higher pay range, the employee shall receive an increase as deemed appropriate. For consideration of placement into the new pay range, such factors as the average value of overtime lost, average

value of extra hours worked in a non-exempt capacity as well as other internal and external factors shall be considered.

- (c) Demotion - When an employee accepts a position in a lower pay grade for any reason, a rate of pay shall be determined. For consideration of placement into the new salary range, such factors as experience, qualification, length of service, average value of overtime lost and the level of pay similar to employees in the pay range shall be considered.
- (d) Upward Re-Classification - When an employee's position is reclassified into a higher pay grade, the reclassification shall be treated the same as a promotion under (b) above.
- (e) Downward Re-Classification - When an employee's position is reclassified into a lower pay grade, the reclassification shall be treated the same as (c.) above.

(f) Equity Adjustments

Equity adjustments are salary changes outside of the normal salary programs (as listed above) to remedy salary issues such as external pressure in high demand areas, internal salary compression, and/or retention considerations. Equity adjustments may also be used when additional duties are added.

F. MINIMUM AND MAXIMUM RATES

Generally, an employee shall be paid within the pay range of their position. Library substitute positions may only advance to the midpoint of the pay scale.

An employee may be paid below the minimum of their pay range as the result of not receiving a pay adjustment due to their performance.

An employee who receives a base pay adjustment cannot exceed the maximum of their pay range. An employee who is at the maximum of their pay range may be eligible for a lump sum payment as a method to recognize performance.

In the event of a reclassification, or re-evaluation of a pay range that results in an employee's pay falling outside the maximum of the newly assigned pay range, such employee's pay rate may be red-circled.

G. OVERTIME

- (a) Employees in the Compensation Plan who meet the exemption under the Fair Labor Standards Act shall be exempt from all premium pay provisions except as otherwise outlined in this policy.
- (b) Employees who are required to work Sunday, not part of their regular schedule, shall receive double time pay. Utility Department employees who work Sunday, as part of their regular schedule, shall receive double time pay.
- (c.) All non-represented non-exempt employees in the Compensation Plan shall be paid no less than the minimum compensation required pursuant to the FLSA, including overtime compensation on a time and one half basis, for all hours worked in excess of 40 hours per week subject to the following:
  - 1. Compensatory Time, Sick leave, PTO Sick, approved non-paid leave and FMLA non-paid leave hours shall not be counted as hours worked for purposes of computing overtime compensation; and,
  - 2. Scheduled City holiday hours, vacation, PTO , funeral leave, jury duty and approved paid FMLA leave (except PTO Sick, see #1 above) may be counted as

hours worked for purposes of computing overtime compensation (except when employee is called to work, then see #3 below); and,

3. Hours worked and paid at a Sunday or Holiday double time rate\*, where the employee is also paid an additional call pay premium, shall not be counted as hours worked for purposes of computing overtime compensation.

\*Holiday double time rate refer to Fringe Benefit Policy.

- (c) Battalion Chiefs and Deputy Fire Chiefs who fill in for other Chief Officers, when overtime would otherwise be required, shall receive straight time pay for all such hours worked in addition to their regular bi-weekly rate. Operations Battalion Chiefs who are required by the Chief to attend extended (generally more than four (4) hours) training on their off-duty time may be eligible for straight time pay for attendance at such training at the discretion of the Fire Chief.
- (d) Police Lieutenants and Captains will receive compensation at time and one half of the employee's base hourly top senior sergeant rate when working beyond their normal schedule for Grants, Off-Duty Police Services, Avenue Detail, SWAT related incidents, major case investigations, transports, time in court, prisoner guard duty, and special events.
- (e) Overtime shall be approved in advance by the Department Director or supervisor and reviewed periodically by the Department Director. Overtime shall be kept to a minimum and shall be utilized to relieve specific occasional peak workloads or emergencies.

#### H. SHIFT PREMIUM

Non-exempt employees shall be eligible for a \$.50 shift premium added to their base pay if the employee is regularly scheduled (through shift selection or designated assignment) to work a 2<sup>nd</sup> or 3<sup>rd</sup> shift schedule (3<sup>rd</sup> or 4<sup>th</sup> shift schedule for Police).

#### I. TELEPHONE CALL

Non-exempt employees who are called by a supervisor on the telephone, outside of their regularly scheduled hours, to provide information related to the operation of the department shall be paid for the time actually spent on the telephone, but not less than one hour's straight time. This does not apply to employees receiving the Stand-by Duty pay.

#### J. EMERGENCY CALL-IN

Non-exempt employees who have left the worksite or are in a paid leave status, and who are called to return to work outside of their regularly scheduled hours to handle emergency situations that could not be anticipated, will be eligible for a lump sum of \$100 as call-in pay.

#### K. ASSIGNED SHIFT CHANGE

- (a) This applies to Utilities employees who operate on shifts.

When a non-exempt employee is required to work outside their assigned shift the employee will be paid as follows:

Employees notified for a change of assigned shift for a duration of more than one week and are given 48 hours or more notice shall be paid \$1.00 per hour, added to their base pay, for all hours worked for the duration of the scheduled shift.

Employees notified for a change of assigned shift for a duration of one week or less and are given 48 hours or more notice shall be paid \$2.00 per hour, added to their base pay, for all hours worked for the duration of the scheduled shift.

Employees notified for a change of assigned shift and are given less than a 48 hour notice shall be paid \$50 per day for the first 48 hours and then the employee shall be paid pursuant to the above.

The \$1.00 and \$2.00 premium pay shall be added to the employee's regular base rate for purposes of calculating the overtime rate.

(b) This applies to Department of Public Works employees who operate on shifts.

When a non-exempt employee is required to work outside their assigned shift the employee will be paid as follows:

Employees notified for a change of assigned shift shall be paid \$50 per day.

#### L. STAND-BY DUTY

Employees who are required by their department director to be on stand-by duty (required to remain within a one (1) hour response area, accessible by phone or pager, etc.) shall receive one hour's pay for each day of stand-by and (2) two hours if on the actual holiday (does not include the observed holiday).

All employees required to be on stand-by must remain physically fit and ready for duty and must continue to abide by City policies (i.e., Drug-Free Workplace).

#### M. CALL DUTY - EMERGENCY RESPONSE (Excludes Directors, Deputy Directors, Assistant Police Chief, Police Captains, and Police Lieutenants)

Any exempt employee, not on Stand By Duty, who is required to report to duty for emergency operations (e.g. snowplowing, water main breaks, facilities and grounds and technology issues, storms & other disasters) may be eligible for additional compensation in the form of a bonus as outlined below:

- ◆ If the employee reports for work and works less than three (3) hours, the employee shall be entitled to \$75.00 for each report.
- ◆ If the employee reports for work and works between 3-5 hours, the employee shall be entitled to \$200.00 for each report.
- ◆ If the employee reports for work and works between 5-8 hours, the employee shall be entitled to \$400.00 for each report
- ◆ If the employee reports for work and works more than 8 hours, the employee shall be entitled to \$500.00 for each report