



City of Appleton

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

Meeting Agenda - Final-revised Common Council

Wednesday, July 19, 2023

7:00 PM

Council Chambers

- A. CALL TO ORDER
- B. INVOCATION
- C. PLEDGE OF ALLEGIANCE TO THE FLAG
- D. ROLL CALL OF ALDERPERSONS
- E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS
- F. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES
 - [23-0788](#) Common Council Meeting Minutes of June 21, 2023
 - Attachments:* [CC Minutes 6-21-23.pdf](#)
- G. BUSINESS PRESENTED BY THE MAYOR
 - [23-0866](#) 2023 Flag Day Parade Awards
 - [23-0867](#) Proclamations:
 - Children's Week
 - Parks & Recreation Month*Attachments:* [Childrens Week Proclamation.pdf](#)
[Parks and Recreation Month Proclamation.pdf](#)
 - [23-0868](#) Budget Process Overview
- H. PUBLIC PARTICIPATION
- I. PUBLIC HEARINGS

[23-0693](#) Public Hearing for Comprehensive Plan Map Amendment #1-23 Lawrence University from Public/Institutional Land Use to Central Business District Land Use

Attachments: [Public Hearing Notice Comp Plan Amend #1-23.pdf](#)

[23-0719](#) Public Hearing for Rezoning #3-23 Lawrence University from PI Public/Institutional District to CBD Central Business District

Attachments: [RZ #3-23 Notice of Public Hearing.pdf](#)

[23-0787](#) Public Hearing for Rezoning #4-23 The Heritage from PD/R-3 #G-98 Planned Development Multi-family District to R-3 Multi-family District

Attachments: [RZ #4-23 Notice of Public Hearing.pdf](#)

J. SPECIAL RESOLUTIONS

[23-0769](#) Resolution Creating and Approving Project Plan for Tax Incremental District #13
(Taken up under Consolidated Action Items)

Attachments: [Resolution Common Council TIF 13 .pdf](#)

[23-0831](#) Initial Resolution for the Street Vacation of E. Circle Street from N. Durkee Street to N. Drew Street
(Taken up under Consolidated Action Items)

Attachments: [Circle Street Vacation - Initial Resolution - FINAL.pdf](#)

K. ESTABLISH ORDER OF THE DAY

L. COMMITTEE REPORTS

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[23-0759](#) Request from Rise Apartments LLC for a Permanent Street Occupancy Permit to install a 3' deep building awning 10' above the sidewalk grade in the W. Harris Street and N. Oneida Street right of way at 113 W. Harris Street.

Attachments: [2023.06.21 Rise Perm Street Occ Permit Application.pdf](#)

Legislative History

6/26/23	Municipal Services Committee	recommended for approval
---------	------------------------------	--------------------------

[23-0804](#) Approve Commercial Variance Process Services Contract for Large Projects to the E-Plan Exam.

Attachments: [Memo EPlan.pdf](#)
[Contract Amendment_Information Materials.pdf](#)
[E-Plan Exam - Fully Executed Contract.pdf](#)

Legislative History

7/10/23 Municipal Services recommended for approval
 Committee

[23-0805](#) Approve street vacation for a portion of E. Circle Street west of Drew Street and east of Durkee Street as shown on Exhibit "A".
 (Taken up under Consolidated Action Items)

Attachments: [Circle Street Vacation.pdf](#)

Legislative History

7/10/23 Municipal Services recommended for approval
 Committee

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[23-0613](#) Class "B" Beer License application for Core's Lounge LLC d/b/a Core's Lounge, Kor Xiong, Agent, located at 1350 W College Ave Suite D.

Attachments: [Core's Lounge.pdf](#)
[CoresLounge 2023 Lic Denial Letter.pdf](#)
[Fact and Findings Document Cores Lounge Signed 7-17-2023.pdf](#)

Legislative History

6/14/23 Safety and Licensing held
 Committee

6/28/23 Safety and Licensing recommended for denial
 Committee

*The following spoke regarding this license application:
 Amy Annen, 1334 W Washington St, Appleton WI 54914
 Nate Jones, 1350 W Washington St, Appleton WI 54914*

[23-0824](#) Fire Department Service Agreement for Gold Cross Ambulance

Attachments: [Service Agreement for Gold Cross Ambulance.pdf](#)

Legislative History

7/12/23 Safety and Licensing recommended for approval
 Committee

Nick Romenesko, 1920 Biscayne Dr, Little Chute appeared on behalf of Gold Cross and addressed the committee.

[23-0825](#) Request to Accept Absentee Ballot Envelope Subgrant from the WEC

Attachments: [C Appleton 45201 \\$7559.83 Envelope Subgrant Award Ltr.pdf](#)

Legislative History

7/12/23 Safety and Licensing Committee recommended for approval

[23-0710](#) Temporary Class "B" Beer and "Class B" Liquor Premise Amendment application for TNE Inc d/b/a Emmett's Bar & Grill, Sharon Reader, Agent, located at 139 N Richmond St, on August 3-7, 2023, for Mile of Music, contingent upon approval from the Health and Inspections departments.

Attachments: [Emmetts Bar & Grill S&L.pdf](#)

Legislative History

6/28/23 Safety and Licensing Committee recommended for approval

[23-0739](#) Temporary Class "B" Beer and "Class B" Liquor License Premise Amendment application for DDCT, Inc d/b/a Jim's Place, Stacy Hoffman, Agent, located at 223 E College Ave, on August 3-6, 2023, contingent upon approval from the Inspections department.

Attachments: [Jim's Place S&L.pdf](#)

Legislative History

7/12/23 Safety and Licensing Committee recommended for approval

[23-0717](#) Request to apply for WE Energies Grant for EMS Supplies and Training Items

Attachments: [Request to Apply for WE Energies Grant for EMS Supplies and Training Items.d](#)

Legislative History

6/28/23 Safety and Licensing Committee recommended for approval

[23-0740](#) Temporary Class "B" Beer and "Class B" Liquor License Premise Amendment for Wooden Nickel Restaurant & Lounge Inc d/b/a Wooden Nickel Sports Bar & Grill, Anthony Mueller, Agent, located at 217 E College Ave, on August 3-6, 2023, contingent upon approval from the Inspections department.

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

Legislative History

7/12/23 Safety and Licensing Committee recommended for approval

[23-0747](#) Class "A" Beer and "Class A" Liquor - Cider Only Change of Agent application for Kwik Trip Inc d/b/a Kwik Trip #639, Alexandra D Beck, New Agent, located at 2175 S Memorial Dr.

Attachments: [Alexandra D Beck S&L.pdf](#)

Legislative History

6/28/23 Safety and Licensing Committee recommended for approval

[23-0749](#) Temporary Class "B" Beer and "Class B" Liquor Premise Amendment application for Stone Arch Brewpub Inc, Steven Lonsway, Agent, located at 1004 S Olde Oneida St, on August 3-6, 2023, for Mile of Music, contingent upon approval from all departments.

Attachments: [Stone Arch Brewpub - Mile of Music S&L.pdf](#)

Legislative History

6/28/23 Safety and Licensing Committee recommended for approval

[23-0750](#) Temporary Class "B" Beer and Reserve "Class B" Liquor Premise Amendment for Fox Cities Performing Arts Center, Maria Van Laanen, Agent, located at 400 W College Ave, on August 16, 2023, contingent upon approval from all departments.

Attachments: [Fox Cities PAC S&L.pdf](#)

Legislative History

6/28/23 Safety and Licensing Committee recommended for approval

[23-0778](#) Class "B" Beer and "Class B" Liquor License application for Taste of Thai Fox Valley LLC d/b/a Taste of Thai, Chisa Jitmaiwong, Agent, located at 321 E College Ave, contingent upon approval from all departments.

Attachments: [Taste of Thai.pdf](#)

Legislative History

6/28/23 Safety and Licensing Committee recommended for approval

[23-0781](#) Class "B" Beer and "Class B" Liquor Permanent Premise Amendment application for WHW Gastropub LLC d/b/a Meade Street Bistro, Daniel J. Hoff Sr, Agent, located at 2729 N Meade St, contingent upon approval from the Health and Inspections departments.

Attachments: [Meade Street Bistro.pdf](#)

Legislative History

7/12/23 Safety and Licensing Committee recommended for approval

[23-0789](#) Late Pet Store Renewal application for Wild Habitats, Brady Bartel, Applicant, located at 1350 W College Ave Ste B, contingent upon approval from the Inspections department.

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

Legislative History

7/12/23	Safety and Licensing Committee	recommended for approval
---------	--------------------------------	--------------------------

[23-0790](#) Cigarette and Tobacco Products License application for James Holder d/b/a D8D Hemp, located at 2929 N Richmond St Ste 1.

Attachments: [D8D Hemp S&L.pdf](#)

Legislative History

7/12/23	Safety and Licensing Committee	recommended for approval
---------	--------------------------------	--------------------------

[23-0801](#) Class "B" Beer and "Class B" Liquor Transfer of Premise application for Taste of Thai Fox Valley LLC d/b/a Taste of Thai, Chisa Jitmaiwong, Agent, New location at 1222 S Oneida St, contingent upon approval from the Community Development, Health, Inspections and Police departments.

Attachments: [Taste of Thai Transfer of Premise.pdf](#)

Legislative History

7/12/23	Safety and Licensing Committee	recommended for approval
---------	--------------------------------	--------------------------

[23-0802](#) Class "B" Beer and "Class B" Liquor Permanent Premise Amendment application for Santino LLC d/b/a Houdini's Escape Gastropub, located at 1216 S Oneida St, contingent upon approval from the Community Development, Health, Inspections and Police departments.

Attachments: [Houdini's Escape S&L.pdf](#)

Legislative History

7/12/23	Safety and Licensing Committee	recommended for approval
---------	--------------------------------	--------------------------

[23-0818](#) Late 2023-2024 Class "B" Beer License Renewal application for Hmong Express LLC d/b/a Hmong Express, Ka Ying Thao, Agent, located at 1216 N Division St, contingent upon approval from the Finance and Inspections departments.

Attachments: [Hmong Express.pdf](#)

Legislative History

7/12/23	Safety and Licensing Committee	recommended for approval
---------	--------------------------------	--------------------------

3. MINUTES OF THE CITY PLAN COMMISSION

[23-0633](#)

Request to approve Comprehensive Plan 2010-2030 Future Land Use Map Amendment #1-23 for the subject parcels located at 313, 315, and 319 E. College Avenue (Tax Id #31-2-0005-00), 321 E. College Avenue (Tax Id #31-2-0007-00), and vacant lots (Tax Id #31-2-0008-00 and 31-2-0009-00) located along E. College Avenue on the southwest corner of E. College Avenue and Drew Street from future Public/Institutional land use designation to future Central Business District land use designation as shown on the attached map and approve the attached Resolution

Attachments: [StaffReport LawrenceUniversity CompPlan+Rezoning For6-14-23.pdf](#)

Legislative History

6/14/23 City Plan Commission recommended for approval
Proceeds to Council on July 19, 2023.

[23-0635](#)

Request to approve Rezoning #3-23 for the subject parcels located at 313, 315, and 319 E. College Avenue (Tax Id #31-2-0005-00) and vacant lots (Tax Id #31-2-0008-00 and 31-2-0009-00) located along E. College Avenue on the southwest corner of E. College Avenue and Drew Street, including to the centerline of the adjacent street and alley right-of-way, as shown on the attached maps, from P-I Public Institutional District to CBD Central Business District

Attachments: [StaffReport LawrenceUniversity CompPlan+Rezoning For6-14-23.pdf](#)

Legislative History

6/14/23 City Plan Commission recommended for approval
Proceeds to Council on July 19, 2023.

[23-0732](#)

Request to approve Special Use Permit #8-23 to conform and expand a community living arrangement (CLA) a/k/a community based residential facility (CBRF) located at 2600 S. Heritage Woods Drive (Tax Id #31-8-2020-00 & 31-8-2025-00) serving a total capacity of 51 persons, 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 2600SHeritageWoodsDr_SUP_For6-28-23.pdf](#)

Legislative History

6/28/23 City Plan Commission recommended for approval

[23-0734](#)

Request to approve Rezoning #4-23 for the subject site located at 2600 S. Heritage Woods Drive (Tax Id #31-8-2020-00 & 31-8-2025-00), including to the centerline of the adjacent right-of-way, as shown on the attached maps, from PD/R-3 Planned Development Amendment #G-98 Multi-family District to R-3 Multi-family District

Attachments: [StaffReport 2600SHeritageWoodsDr Rezoning_For6-28-23.pdf](#)

Legislative History

6/28/23 City Plan Commission recommended for approval

[23-0736](#)

Request to approve Resolution designating the proposed district boundaries and approving the Project Plan for Tax Incremental Financing District #13 in Southpoint Commerce Park, City of Appleton, Wisconsin (Taken up under Consolidated Action Items)

Attachments: [Resolution_City Plan Commission_TIF 13.pdf](#)
[Updated Page 9 for TIF District 13 Project Plan.pdf](#)
[TIF District 13 Project Plan DRAFT June 28 2023.pdf](#)
[Resolution_Common Council_TIF 13 .pdf](#)

Legislative History

6/28/23 City Plan Commission recommended for approval
Staff stated some changes were made to some of the figures listed under Section 4 on Page 9 of the project plan. The updated Page 9 with the proposed changes in red font was distributed to the Commission. The updated project plan (now incorporating the changes to Page 9) is attached.

[23-0737](#)

Request to approve the dedication of land for public right-of-way for portions of N. Providence Avenue and E. Baldeagle Drive located adjacent to N. Lightning Drive as shown on the attached maps

Attachments: [StaffReport_ProvidenceBaldeagle_StreetDedication_For6-28-23.pdf](#)

Legislative History

6/28/23 City Plan Commission recommended for approval

[23-0793](#)

Request to approve Special Use Permit #9-23 for an automobile sales and display lot located at 1524 W. Civic Street (Tax Id #31-3-0124-00), 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_1524WCivicSt_SUP_For7-12-23.pdf](#)

Legislative History

7/12/23 City Plan Commission recommended for approval

[23-0795](#)

Request to approve the street discontinuance to vacate a portion of E. Circle Street public right-of-way located west of N. Drew Street and east of N. Durkee Street and adopt the Initial Resolution and exhibit map (Taken up under Consolidated Action Items)

Attachments: [StaffReport_ECircleSt_StreetVacation_For7-12-23.pdf](#)

Legislative History

7/12/23 City Plan Commission recommended for approval

[23-0823](#)

Request to approve the location of the proposed Sexual Assault Survivors Monument within Ellen Kort Peace Park, per Wis. State Statute §62.23(5), as shown on the attached plans (Taken up under Consolidated Action Items)

Attachments: [Memo_Plan Commission SexualAssaultSurvivorMonument_For7-12-23.pdf](#)

Legislative History

7/12/23 City Plan Commission recommended for approval

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

[23-0809](#) Action: Adopt the Proposed Revised Reid Golf Course and Appleton Memorial Park Stormwater Utility Agreements for Stormwater Ponds

Attachments: [AMP and Reid Stormwater Pond Utility Agreements.pdf](#)

Legislative History

7/10/23 Parks and Recreation Committee recommended for approval

[23-0811](#) Request Approval of the Final Design - Sexual Assault Survivors Monument - Placed Within Ellen Kort Peace Park
(Taken up under Consolidated Action Items)

Attachments: [Park&RecMemo_SexualAssaultSurvivorsMonument_FinalDesign.pdf](#)

Legislative History

7/10/23 Parks and Recreation Committee recommended for approval

5. MINUTES OF THE FINANCE COMMITTEE

[23-0771](#) CEA Review Committee Report

Attachments: [CEA Minutes 6-12-23.pdf](#)

Legislative History

6/26/23 Finance Committee recommended for approval

[23-0772](#) Request to apply for a Safe Drinking Water Loan and to approve a Resolution declaring official intent to reimburse expenditures for loan disbursement payments.

Attachments: [Memo SDWLP Application Resolution.pdf](#)

[CensusTracts.pdf](#)

[Resolution - Intent to Reimburse.pdf](#)

Legislative History

6/26/23 Finance Committee recommended for approval

[23-0773](#) Request to reject bid from Kiefer U.S.A. for the 2023 Memorial Park Miracle League Field Resurfacing Project.

Attachments: [2023 Memorial Park Miracle League Field Resurfacing Project \(Reject Bids\).pd](#)

Legislative History

6/26/23 Finance Committee recommended for approval

[23-0777](#)

Request to award the City of Appleton's 2023 Dance Studio Flooring contract to CMG Flooring, in the amount of \$65,943 with a contingency of \$10,000 for a project total not to exceed \$75,943, along with the following budget amendment:

2023 City Hall Elevator Project	- \$100,000
2023 Dance Studio Move/Construction	+ \$100,000

To record costs related to the Dance Studio relocation project (2/3 vote of Council required)

Attachments: [2023 Dance Studio Floor.pdf](#)

Legislative History

6/26/23 Finance Committee recommended for approval

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

[23-0783](#)

****CRITICAL TIMING**** Request to approve Amendment #6 to the Offer to Purchase from Hayden Properties, LLC to purchase Lot 26 (Tax Id #31-9-5712-26), Lot 27 (Tax Id #31-9-5712-27), Lot 28 (Tax Id #31-9-5712-28) and Lot 29 (Tax Id #31-9-5712-29) Southpoint Commerce Park Plat No. 3 and Tax Id #31-9-5712-00 to modify and amend the property purchased by replacing Exhibit A with the new Exhibit A comprising approximately 16 acres (Associated with File #23-0784)

Attachments: [Hayden Properties LLC Amendment 6 to OTP Memo_7-12-23.pdf](#)
[Buyer Signed 6th Amendment to OTP + New Exhibit A Hayden Properties.pdf](#)
[Hayden Properties Accepted OTP 10-20-21.pdf](#)
[Hayden Properties II Executed Amendment 1.pdf](#)
[Hayden Properties II Executed Amendment 2.pdf](#)
[Hayden Properties II Executed Amendment 3.pdf](#)
[Hayden Properties II Executed Amendment 4.pdf](#)
[Hayden Properties II Executed Amendment 5.pdf](#)
[Subject Area Map_Southpoint_16 Acres.pdf](#)

Legislative History

7/12/23 Community & Economic recommended for approval
 Development Committee

[23-0784](#)

****CRITICAL TIMING**** Request to approve the Offer to Purchase from F Street Manager 3, LLC to purchase a portion of the vacant land described as Lot 26 (Tax Id #31-9-5712-26), Lot 27 (Tax Id #31-9-5712-27), Lot 28 (Tax Id #31-9-5712-28) and Lot 29 (Tax Id #31-9-5712-29) Southpoint Commerce Park Plat No. 3 and Tax Id #31-9-5712-00, such portion consisting of approximately 14 acres, as shown on the attached Exhibit A, at a purchase price of \$574,000.00 (\$41,000 per acre) (Associated with File #23-0783)

Attachments: [Buyer Signed OTP + Addendum Adjacent Excess Land 14 Acres F Street Ma](#)
[Exhibit A Subject Area Map Southpoint 14 Acres.pdf](#)

Legislative History

7/12/23	Community & Economic Development Committee	recommended for approval
---------	---	--------------------------

7. MINUTES OF THE UTILITIES COMMITTEE

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

[23-0753](#)

APD Reorganization.

Attachments: [Support Services Memo.pdf](#)
[Police DRAFT 5.4.23.pdf](#)
[Professional Development Administrative Specialist.pdf](#)

Legislative History

6/28/23	Human Resources & Information Technology Committee	recommended for approval
---------	--	--------------------------

[23-0827](#)

Changes to the Table of Organization for Health and Community and Economic Development.

Attachments: [2023.07.5_HealthTOChange_c.pdf](#)
[Community Health Supervisor.pdf](#)
[Health Department Draft 7.5.23.pdf](#)
[Community & Economic Development Draft 7.05.23.pdf](#)

Legislative History

7/12/23	Human Resources & Information Technology Committee	recommended for approval
---------	--	--------------------------

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

[23-0762](#) Authorization to Purchase Replacement Bus Shelters

Attachments: [Bus Shelter purchase memo and quotes.pdf](#)

Legislative History

6/27/23	Fox Cities Transit Commission	recommended for approval
6/27/23	Fox Cities Transit Commission	amended

Amended to include optional solar panels.

[23-0763](#) Authorization to enter into the First Option Year Extension with Star Protection and Patrol for Security Services at the Downtown Transit Center

Attachments: [Star Protection Memo.pdf](#)
[Star Protection 2023- Proposal For Price Increase.pdf](#)

Legislative History

6/27/23	Fox Cities Transit Commission	recommended for approval
---------	-------------------------------	--------------------------

10. MINUTES OF THE BOARD OF HEALTH[23-0815](#) Changes to the Table of Organization for Health and Community and Economic Development

Attachments: [2023.07.5_HealthTOChange_0.pdf](#)
[TableOrganizationHealthDepartment7.5.23.pdf](#)
[CommunityHealthSupervisor_JobDescription.pdf](#)
[TableOrganizationCommEconDevDept7.5.23.pdf](#)
[CoordinatedEntrySpecialist_JobDescription.pdf](#)

Legislative History

7/12/23	Board of Health	recommended for approval
---------	-----------------	--------------------------

M. CONSOLIDATED ACTION ITEMS[23-0859](#) Consolidated Action Items: E. Circle Street Vacation
Item 23-0805 Municipal Services Committee
Item 23-0795 City Plan Commission
Item 23-0831 Initial Resolution (Special Resolutions)[23-0861](#) Consolidated Action Items: Tax Incremental District #13
Item 23-0736 City Plan Commission
Item 23-0769 Common Council Resolution (Special Resolutions)

- [23-0865](#) Consolidated Action Items: Sexual Assault Survivors Monument in Ellen Kort Peace Park
Item 23-0823 City Plan Commission
Item 23-0811 Parks & Recreation Committee

N. ITEMS HELD

O. ORDINANCES

- [23-0832](#) Ordinances #20-23 to #85-23

Attachments: [Ordinances to Council 7-19-23.pdf](#)

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

R. OTHER COUNCIL BUSINESS

S. ADJOURN

Kami Lynch, City Clerk

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

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



City of Appleton

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

Meeting Minutes - Final Common Council

Wednesday, June 21, 2023

7:00 PM

Council Chambers

A. CALL TO ORDER

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

B. INVOCATION

The Invocation was offered by Alderperson Wolff.

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

Present: 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

[23-0686](#)

Common Council Meeting Minutes of June 7, 2023

Attachments: [CC Minutes 6-7-23.pdf](#)

Alderperson Fenton moved, seconded by Alderperson Siebers, 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

[23-0728](#)

Proclamations:

- Pollinator Week
- Make Music Day

Attachments: [Pollinator Week Proclamation.pdf](#)
[Make Music Day Appleton.pdf](#)

H. PUBLIC PARTICIPATION

*The following spoke regarding Item 23-0726 Library Bid Packages:
Walt Rugland, 1225 W Cedar St
Don Hietpas, 5570 N Osprey Dr*

I. PUBLIC HEARINGS

[23-0621](#)

Public Hearing for Rezoning #2-23 Future Providence Ave & Baldeagle Drive Annexation

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

The public hearing was held. No one spoke during the hearing.

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

[23-0662](#)

Resolution #5-R-23, Joining the Wisconsin Local Government Climate Coalition

Attachments: [#5-R-23 WLGCC Resolution.pdf](#)
[#5-R-23 WLGCC Resolution - AMENDED.pdf](#)

Aldersperson Fenton moved, seconded by Aldersperson Hayden, that the Resolution be amended to reinstate the original language that was removed in Committee. Roll Call. Motion carried by the following vote:

Aye: 9 - Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Israel Del Toro, Aldersperson Denise Fenton, Aldersperson Patrick Hayden, Aldersperson Joss Thyssen, Aldersperson Alex Schultz, Aldersperson Vaya Jones and Aldersperson Nate Wolf

Nay: 6 - Aldersperson William Siebers, Aldersperson Katie Van Zeeland, Aldersperson Kristin Alfheim, Aldersperson Sheri Hartzheim, Aldersperson Christopher Croatt and Aldersperson Chad Doran

Abstained: 1 - Mayor Jake Woodford

Alderson Croatt moved, seconded by Alderson Firkus, that the Resolution be approved as amended. Roll Call. Motion carried by the following vote:

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

Nay: 2 - Alderson Sheri Hartzheim and Alderson Chad Doran

Abstained: 1 - Mayor Jake Woodford

[23-0727](#)

Request to approve increase of contract to Skidmore, Owings & Merrill (SOM) from \$2,892,633 to \$4,272,451.

Attachments: [2023 Architectural Contract 6.16.23.pdf](#)

Alderson Alfheim moved, seconded by Alderson Meltzer, that the contract increase be approved. Roll Call. Motion carried by the following vote:

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

Abstained: 1 - Mayor Jake Woodford

[23-0726](#)

Request to approve Bid Packages and project related expenses into the Guaranteed Maximum Price Amendment to the Boldt Company for the Library Construction Project for a contract not to exceed \$30,928,427.

Attachments: [2023 Library Bid Guaranteed Maximum Price Approval 6.16.23.pdf](#)
[Capital Campaign Spotlight - June 2023.pdf](#)
[Library Q A 6-19-2023 \(1\).pdf](#)

Alderson Firkus moved, seconded by Alderson Meltzer, that the Item be amended to reject the bids for polished concrete. Roll Call. Motion carried by the following vote:

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

Abstained: 1 - Mayor Jake Woodford

Alderson Doran moved, seconded by Alderson Hartzheim, to convene into the Committee of the Whole to develop a contingency plan for a shortfall of funds raised/received. Roll Call. Motion failed by the following vote:

Aye: 2 - Alderson Sheri Hartzheim and Alderson Chad Doran

Nay: 13 - 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 and Alderperson Christopher Croatt

Abstained: 1 - Mayor Jake Woodford

Alderperson Croatt moved, seconded by Alderperson Meltzer, that the Library Bid Package be approved. Roll Call. Motion carried by the following vote:

Aye: 13 - 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 and Alderperson Christopher Croatt

Nay: 2 - Alderperson Sheri Hartzheim and Alderperson Chad Doran

Abstained: 1 - Mayor Jake Woodford

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

Alderperson Hartzheim moved, Alderperson Meltzer 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

[23-0659](#)

Anticipated award of Unit P-23 Pavement Marking Contract (Epoxy). Quotes to be opened Thursday, June 8, 2023. **Memo distributed at meeting.**

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

This Report Action Item was approved

[23-0660](#)

Anticipated award of Unit Q-23 Pavement Marking Contract (Paint). Quotes to be opened Thursday, June 8, 2023. ***Memo distributed at meeting.***

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

This Report Action Item was approved.

[23-0661](#)

Approve new parking restriction on the 2500-2700 block of N Roemer Road (adjacent The Boldt Company). Follow-Up to Six-Month Trial Period.

Attachments: [2500-2700 N Roemer Road Parking Change \(Boldt\)\(post 6-month trial\).pdf](#)

This Report Action Item was approved.

[23-0663](#)

Approve parking and traffic-related ordinance changes related to the A-23 Bluff Street Reconstruction Project.

Attachments: [Bluff Site A-23 Ordinance Changes.pdf](#)

This Report Action Item was approved.

[23-0665](#)

Approve parking ordinance change related to the College Avenue 4-to-3 Lane Conversion Project.

Attachments: [College Av 4-to-3 Lane Conversion \(CC-23\) Parking Change \(002\).pdf](#)

This Report Action Item was approved.

[23-0666](#)

Approve change to intersection traffic control at the Homestead Drive/Linwood Avenue intersection.

Attachments: [Homestead Dr - Linwood Av \(2-way stop control reversal\).pdf](#)

This Report Action Item was approved.

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[23-0473](#)

Temporary Class "B" Beer and Reserve "Class B" Liquor License Premise Amendment application for Trout Museum of Art, Christina Turner, Agent, to include Houdini Plaza, on August 25, 2023, contingent upon approval from the Community Development, Fire, Health and Inspections departments.

Attachments: [Trout Museum.pdf](#)

This Report Action Item was approved.

[23-0610](#)

Cigarette and Tobacco Products Retail License application for Appleton Liquor LLC, Heidi Guta, Applicant, located at 2727 N Meade St.

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

This Report Action Item was approved.

[23-0611](#)

Pet Store License Renewal application for Petco Animal Supplies Stores, Inc. d/b/a Petco #1656, located at 3829 E Calumet St, contingent upon approval from the Inspections department.

Attachments: [Petco #1656 S&L.pdf](#)

This Report Action Item was approved.

[23-0612](#)

Salvage Dealer's License Renewal application for Golper Supply Co, David Golper, Applicant, located at 1810 W Edgewood Dr, Grand Chute WI 54913, contingent upon approval from the Inspections department.

Attachments: [Golper Supply Co S&L.pdf](#)

This Report Action Item was approved.

[23-0616](#)

Class "B" Beer License application for United Sports Association for Youth d/b/a USA Sports Complex, Eric Gebhard, Agent, located at 3300 E Evergreen Dr, contingent upon approval from the Community Development and Inspections departments.

Attachments: [USA Sports Complex.pdf](#)

This Report Action Item was approved.

[23-0617](#)

Salvage Dealer License renewal application for Mach IV Motors LLC, Kara Tullberg, Applicant, located at 600 E Hancock St.

Attachments: [Mach IV Motors S&L.pdf](#)

This Report Action Item was approved.

[23-0620](#) 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-3rd set.pdf](#)

This Report Action Item was approved.

[23-0637](#) 2023-2024 Cigarette and Tobacco Products Renewal application for Andrew Thornell d/b/a Marleys Smoke Shop, located at 530 W College Avenue.

Attachments: [Marleys Smoke Shop S&L.pdf](#)

This Report Action Item was approved.

[23-0650](#) Class "B" Beer and "Class C" Wine application for Wild River Cafe LLC d/b/a Wild River Cafe, Randall Stadtmueller, Agent, located at 425 W Water St Suite 100, contingent upon approval from the Community Development, Finance, Health and Inspections departments.

Attachments: [Wild River Cafe.pdf](#)

This Report Action Item was approved.

[23-0651](#) Shared Equipment Agreement

Attachments: [Equipment Sharing Agreement.pdf](#)

This Report Action Item was approved.

[23-0652](#) Request Approval of the Agreement Between the City of Appleton and Wisconsin Emergency Management for Hazardous Materials Response for Northeast Wisconsin

Attachments: [North East Wisconsin Hazmat Response System Services Agreement 23-25.pdf](#)

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION

[23-0556](#) Request to approve Rezoning #2-23 to rezone the Future Providence Avenue and Baldeagle Drive (Right-of-Way) Annexation, formerly in the Town of Grand Chute, consisting of approximately 1.63 acres north of East Edgewood Drive, as shown on the attached maps, from Temporary AG Agricultural District to P-I Public Institutional District

Attachments: [StaffReport_FutureProvidenceandBaldeagleAnnex_Rezoning_For5-24-23.pdf](#)

This Report Action Item was approved.

[23-0629](#)

Request to approve Special Use Permit #6-23 to expand the existing microbrewery/ brewpub operations by occupying the 3rd floor of the building for event space with alcohol sales and consumption located at 1004 S. Olde Oneida Street (Tax Id #31-4-0323-01), as shown on the attached maps and per attached operational plans, 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_1004SOldeOneidaSt_SUP_For6-14-23.pdf](#)

This Report Action Item was approved.

[23-0631](#)

Request to approve Special Use Permit #7-23 to expand the existing tavern with a proposed outdoor patio with alcohol sales and consumption located at 336 W. Wisconsin Avenue (Tax Id #31-6-0599-00) and 1312 N. Division Street (Tax Id #31-6-0598-00), 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_336WWisconsinAv_SUP_For6-14-23.pdf](#)

This Report Action Item was approved.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

5. MINUTES OF THE FINANCE COMMITTEE

[23-0679](#)

Request to approve Change Order #2 to the 2022 Telulah Pavilion Repairs Project to RJM Construction LLC. in the amount of \$14,147, increasing the contract from \$61,050 to \$75,197, along with the following budget amendment:

2023 Parks Hardscape Repairs Project	- \$15,000
2022 Telulah Pavilion Repairs Project	+ \$15,000

To adjust for the increased cost of the project (2/3 vote of Council required)

Attachments: [Telulah Pavilion Renovation project Change Order and budget adjustment.pdf](#)

This Report Action Item was approved.

[23-0680](#)

Request to award AWTF Compressed Air System Improvements Project Base Bid to Rhode Brothers, Inc. in the amount of \$177,700 with a 10% contingency of \$17,770 for a project total not to exceed \$195,470, along with the following budget amendment:

Lake Station Intake Consulting Project	- \$50,000
AWTF Compressed Air System Improvements Project	+ \$50,000

To adjust for the increased cost of the project (2/3 vote of Council required)

Attachments: [230608 Finance Memo Compressed Air Improvements Bi Award Rhode 1.pdf](#)

This Report Action Item was approved.

[23-0681](#)

Request to approve Change Order #3 to Miron Construction contract as part of the AWWTP Sludge Storage Building Addition Construction Project totaling \$50,910 resulting in a decrease in contingency from \$741,241 to \$690,331.

Attachments: [SSB Addition Miron Change Orders No3.pdf](#)

This Report Action Item was approved.

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

[23-0626](#)

Request to approve the 2022 Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant (CDBG) Program

Attachments: [CAPER memo to CEDC 6-14-23.pdf](#)
[2022 CDBG CAPER Draft for Public Comment.pdf](#)

This Report Action Item was approved.

7. MINUTES OF THE UTILITIES COMMITTEE

[23-0654](#)

Anticipated award for Unit N-23, Spot Repairs, Protruding Tap and Mineral Deposit Removal (bids to be opened Monday, June 12, 2023).

Attachments: [Unit N-23 Anticipated Award memo.pdf](#)
[N-23 Contract Award Form.pdf](#)

This Report Action Item was approved.

[23-0655](#)

Request Approval of the Electronic Compliance Maintenance Annual Report (eCMAR) for 2022 and Request the following Resolution be presented to the Common Council for approval:

Whereas, the City of Appleton manages, operates, and maintains a sewer collection system and wastewater treatment plant; and

Whereas, the treatment efforts produce a liquid effluent and a biosolids that are returned to the environment; and

Whereas, the State of Wisconsin evaluates wastewater utilities throughout the State of Wisconsin through an electronic Compliance Maintenance Annual Report (eCMAR); and

Whereas, Appleton received the score of 4.00 GPA; and

Whereas, the State of Wisconsin requests the Common Council pass a resolution accepting the eCMAR report;

Now, therefore, be it resolved by the City Council that the City of Appleton:

Article 1. Continue supporting treatment and maintenance programs at the utility

Article 2. Continue planning efforts that will address and promote long term performance results at the facility.

Attachments: [2022 eCMAR Validated.pdf](#)

This Report Action Item was approved.

- 8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE**
- 9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION**
- 10. MINUTES OF THE BOARD OF HEALTH**
- M. CONSOLIDATED ACTION ITEMS**
- N. ITEMS HELD**

O. ORDINANCES

[23-0685](#)

Ordinance #19-23

Attachments: [Ordinances to Council 6-21-23.pdf](#)

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

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

Abstained: 1 - Mayor Jake Woodford

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

R. OTHER COUNCIL BUSINESS

S. ADJOURN

Alderson Hartzheim moved, seconded by Alderson Alfheim, that the meeting be adjourned at 8:17 p.m. Roll Call. Motion carried by the following vote:

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

Abstained: 1 - Mayor Jake Woodford

Kami Lynch, City Clerk

PROCLAMATION



Office of the Mayor

WHEREAS, childhood is a time to live, play, and learn; and

WHEREAS, it's important to build children's imagination, creativity, and confidence; and

WHEREAS, Children's Week is recognized in Appleton to show children how special they are to their families, how city government connects to their everyday lives, and how important they are to the future of our communities; and

WHEREAS, the City of Appleton demonstrates its appreciation of children and families in our communities by promoting a safe and healthy environment for our children; and

WHEREAS, all Children's Week activities are provided for little or no cost by City departments, community volunteers, and local business sponsors to thousands of children each year including swimming, sports activities, carnival games/amusements, Library events, Children's Parade, special events at parks, and much more; and

WHEREAS, Children's Week serves to reinforce the City's appreciation of volunteerism, educates children about relevant services, and connects children to City staff and local community members and volunteers.

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

Children's Week

in Appleton and urge all citizens to support efforts and attend events to celebrate the children of our communities.

Signed and sealed this 3rd day of July 2023.



JACOB A. WOODFORD
MAYOR OF APPLETON

PROCLAMATION



Office of the Mayor

WHEREAS, parks and recreation services are an integral part of communities throughout this country, including the City of Appleton, and are important for establishing and maintaining quality of life, ensuring the health of citizens, and contributing to the economic and environmental well-being of a community and region; and

WHEREAS, parks and recreation services build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation for those with different abilities, and improve the mental and emotional health of all residents; and

WHEREAS, parks and recreation services increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, attraction and retention of businesses, and crime reduction; and

WHEREAS, parks and natural recreation areas are fundamental to the environmental well-being of communities as they improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and

WHEREAS, our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS, as the U.S. House of Representatives has designated July as Parks and Recreation Month, the City of Appleton also recognizes the benefits derived from parks and recreation resources.

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

Parks and Recreation Month

in Appleton and urge all citizens to join with other communities in recognizing that parks and recreation services are essential to the quality of life not only in July, but throughout the entire year.



Signed and sealed this 3rd day of July 2023.

JACOB A. WOODFORD
MAYOR OF APPLETON

CITY OF APPLETON

NOTICE OF PUBLIC HEARING

PROPOSED COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT

NOTICE IS HEREBY GIVEN of a Public Hearing to be held before the Appleton Common Council on Wednesday, July 19, 2023, at 7:00 P.M. in Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, or as soon thereafter as can be heard, for the purpose of considering a Comprehensive Plan Future Land Use Map Amendment request.

A Comprehensive Plan Future Land Use Map amendment request has been initiated by Lawrence University of Wisconsin and Jimmy and Inthava Phimmasene, owners, and Michael Lokensgard of Godfrey & Kahn, S.C., applicant, pursuant to Wisconsin State Statute 66.1001 and the City of Appleton Comprehensive Plan 2010-2030. The owners/applicant request to amend the Comprehensive Plan Future Land Use Map from future Public/Institutional land use to future Central Business District land use for the following parcels:

Tax Id: 31-2-0005-00 (10,614 s.f.)

The East 46.7 feet of Lot 2 and West 41 feet of Lot 3 Block 2, Appleton Plat,

Tax Id: 31-2-0007-00 (4,880 s.f.)

The East 40 feet of Lot 3, Block 2, Appleton Plat,

Tax Id: 31-2-0008-00 (9,894.2 s.f.)

All of Lot 4, Block 2, Appleton Plat, Second Ward, and

Tax Id: 31-2-0009-00 (9,586.88 s.f.)

All of Lot 5, Block 2, Appleton Plat, Second Ward.

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

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

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

KAMILYNCH
CITY CLERK

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

RUN: June 19, 2023

NOTICE OF PUBLIC HEARING

#3-23

RE: Proposed Zone Change

A public hearing will be held in the Council Chambers, City Hall, Appleton, Wisconsin, on Wednesday, July 19, 2023, at 7:00 P.M., or as soon thereafter as can be heard, to consider the following proposed zone change:

Rezoning #3-23: A rezoning request has been initiated by Lawrence University of Wisconsin, owner, and Michael Lokensgard of Godfrey & Kahn, S.C., applicant, in the matter of amending Chapter Twenty-three (Zoning Ordinance) of the Municipal Code of the City of Appleton for the following described real estate parcels. The owner/applicant request to rezone from P-I Public Institutional District to CBD Central Business District for the following parcels, including to the center line of the adjacent right-of-way.

Legal Description:

Tax Id: 31-2-0005-00 (10,614 s.f.)

The East 46.7 feet of Lot 2 and West 41 feet of Lot 3 Block 2, Appleton Plat,

Tax Id: 31-2-0008-00 (9,894.2 s.f.)

All of Lot 4, Block 2, Appleton Plat, Second Ward, and

Tax Id: 31-2-0009-00 (9,586.88 s.f.)

All of Lot 5, Block 2, Appleton Plat, Second Ward.

June 22, 2023

RUN: June 27, 2023
July 4, 2023

KAMI LYNCH
City Clerk

NOTICE OF PUBLIC HEARING

#4-23

RE: Proposed Zone Change

A public hearing will be held in the Council Chambers, City Hall, Appleton, Wisconsin, on Wednesday, July 19, 2023, at 7:00 P.M., or as soon thereafter as can be heard, to consider the following proposed zone change:

Rezoning #5-22: A rezoning request has been initiated by ThedaCare Inc., owner, and Lisa Nebel, MSPT, DPT VP, Clinically Integrated Network, Post-Acute, applicant, pursuant to Section 23-65(b)(2) of the Appleton Municipal Code for the following-described real estate. The owner/applicant is requesting to rezone the parcels from PD/R-3 #G-98 Planned Development Multi-family District to R-3 Multi-family District, including to the center line of the adjacent right-of-way.

Legal Description:

CSM 4517 PART OF LOT 1 CONTAINING 10 EXEMPT ACRES 2500-2600 SOUTH HERITAGE WOODS DRIVE, INCLUDING TO THE CENTER LINE OF THE RIGHT-OF-WAY.

TAX ID NUMBERS: 31-8-2025-00 and 31-8-2020-00

June 28, 2023

RUN: July 5, 2023
July 12, 2023

KAMI LYNCH
City Clerk

**RESOLUTION NO. 2023-01
COMMON COUNCIL**

**RESOLUTION CREATING, DESCRIBING, AND MAKING CERTAIN FINDINGS
AND APPROVING PROJECT PLAN FOR
TAX INCREMENTAL DISTRICT #13
CITY OF APPLETON, WISCONSIN**

WHEREAS, the overall development of the City of Appleton is recognized as a major need of the City; and

WHEREAS, the City of Appleton desires to create a tax incremental district, in accordance with the provisions of Section 66.1105 of the Wisconsin Statutes (the “Tax Increment Law”), in order to provide a viable method of financing the costs of needed improvements and public works projects within said district and creating more “ready to build” lots for the expansion of business and industry, thereby creating incentives and opportunities for appropriate private development, including new development and rehabilitation of existing development, which will contribute to the overall development of the City; and

WHEREAS, in accordance with the procedures specified in the Tax Increment Law, the City Plan Commission on June 28, 2023 held a public hearing concerning the proposed creation of a tax incremental district and proposed project plan thereof in the City of Appleton, wherein interested parties were afforded a reasonable opportunity to express their views; and

WHEREAS, prior to its publication, a copy of the notice of the public hearing was sent to the chief executive officers of Calumet County and the Fox Valley Technical College District (the other entities having the power to levy taxes on property located within the proposed District) and the Board of Education of the Kimberly Area School District (the school district which includes property located within the proposed district), in accordance with the procedures specified in the Tax Increment Law; and

WHEREAS, after said public hearing, the City Plan Commission designated the boundaries of the proposed tax incremental district and recommended to the Common Council that it create such tax incremental district within the area enclosed by said boundaries, as specified in the boundary description attached to this Resolution as Exhibit A and entitled “Legal Boundary Description of Tax Incremental District #13, City of Appleton, Wisconsin”; and

WHEREAS, the City of Appleton Plan Commission has prepared and adopted a Project Plan for Tax Incremental District #13, which includes:

1. Intent and purpose of Tax Increment Financing District #13;
2. A statement of the kind, number, and location of proposed public works and improvement projects within the district and the ½ mile buffer zone;
3. Qualification of the proposed TIF District based on City valuation;
4. A list of estimated project costs;
5. A statement on non-project costs;
6. An economic feasibility study;
7. A description of the methods of financing and the time when such costs or monetary obligations are to be incurred;

8. Proposed changes of zoning ordinances, master plan, map, building codes, maps, and City ordinances;
9. A statement indicating how the creation of the district promotes orderly development of the City;
10. Estimate of property to be devoted to retail use;
11. A statement of a proposed method for the relocation of any persons or businesses to be displaced;
12. A map showing the district boundaries and a map of the ½ mile buffer zone;
13. A map showing existing uses and conditions of real property in such district;
14. A map showing proposed improvements and public works projects;
15. A listing of the parcels and legal description of the district; and
16. An opinion of the City Attorney on the compliance of the Project Plan with Wisconsin Statutes, Section 66.1105(4); and

WHEREAS, the Plan Commission has submitted such Plan to the Common Council and recommended approval thereof; and

WHEREAS, the Common Council hereby approves such Project Plan and finds the Plan feasible and in conformity with the master plan;

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

1. Pursuant to the Tax Increment Law, there is hereby created in the City of Appleton, a tax incremental district to be known as “Tax Incremental District #13, City of Appleton, Wisconsin” the boundaries of which shall be those recommended to the Common Council by the Plan Commission, as specified in the attached Exhibit A.
2. The Common Council hereby finds and declares that:
 - a. Not less than 50 percent by area of real property within such district is suitable for industrial development within the meaning of Wisconsin Statute Section 66.1101 “Promotion of industry; industrial sites” and is being created as an “Industrial” TID; and
 - b. The real property within the District is zoned for manufacturing, industrial, warehousing, distribution, and other like uses and will remain zoned for industrial use for the life of the District; and
 - c. The improvement of such area is likely to enhance significantly the value of substantially all the other real property in the said tax incremental district by promoting industrial development; and
 - d. The project costs directly serve for the purchase, reservation and development of industrial sites by the City, along with the installation of utilities and roadways; and
 - e. The equalized value of taxable property of the district plus the value increment of all existing districts within the City does not exceed 12 percent of the total equalized value of the taxable property within the City of Appleton; and

- f. Finds, pursuant to Section 66.1105(5)(b) that under 35 percent of the real property within the district will be devoted to retail business at the end of the district's maximum expenditure period; and
- g. The boundaries for Tax Incremental District #13 does not include any annexed territory not within the boundaries of the City of Appleton on January 1, 2004; and
- h. The Project Plan is economically feasible and is in conformity with the City of Appleton Comprehensive Plan 2010-2030.

The District is hereby created as of January 1, 2023. The City Clerk is hereby authorized and directed to apply to the Wisconsin Department of Revenue in such form as may be prescribed, for a "Determination of Tax Incremental Base", as of January 1, 2023, pursuant to the provisions of Section 66.1105(5)(b) of the Wisconsin Statutes.

The City Assessor is hereby authorized and directed to identify upon the assessment roll returned and examined under Section 70.45 of the Wisconsin Statutes, those parcels of property that are within Tax Incremental District No. 13, specifying thereon the name of the said tax incremental district, and the City Clerk is hereby authorized and directed to make similar notations on the tax roll made under Section 70.65 of the Wisconsin Statutes, pursuant to Section 66.1105(5)(f) of the Wisconsin Statutes.

Adopted this 19th day of July, 2023.

Jacob A. Woodford, Mayor

Attest:

Kami L. Lynch, City Clerk

EXHIBIT A

LEGAL BOUNDARY DESCRIPTION OF TAX INCREMENTAL DISTRICT #13 CITY OF APPLETON, WISCONSIN

DESCRIPTION: A TRACT OF LAND BEING PART OF THE NE $\frac{1}{4}$ OF THE NE $\frac{1}{4}$, PART OF THE NW $\frac{1}{4}$ OF THE NE $\frac{1}{4}$, PART OF THE NE $\frac{1}{4}$ OF THE NW $\frac{1}{4}$, PART OF THE SE $\frac{1}{4}$ OF THE NW $\frac{1}{4}$, ALL OF THE SE $\frac{1}{4}$ OF THE NE $\frac{1}{4}$, ALL OF THE SW $\frac{1}{4}$ OF THE NE $\frac{1}{4}$, ALL OF THE NE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$, ALL OF THE SE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$, ALL OF THE SW $\frac{1}{4}$ OF THE SE $\frac{1}{4}$, ALL OF THE NW $\frac{1}{4}$ OF THE SE $\frac{1}{4}$, ALL OF THE NE $\frac{1}{4}$ OF THE SW $\frac{1}{4}$, AND ALL OF THE SE $\frac{1}{4}$ OF THE SW $\frac{1}{4}$, OF SECTION 4,

PART OF THE NE $\frac{1}{4}$ OF THE NE $\frac{1}{4}$, PART OF THE NW $\frac{1}{4}$ OF THE NE $\frac{1}{4}$, PART OF THE NE $\frac{1}{4}$ OF THE NW $\frac{1}{4}$, OF SECTION 9, ALL IN TOWNSHIP 20 NORTH, RANGE 18 EAST, CITY OF APPLETON, CALUMET COUNTY, WISCONSIN BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING THE E $\frac{1}{4}$ OF SAID SECTION 4 AND BEING THE POINT OF BEGINNING;

THENCE S00°14'16"W 2636.69 FEET, COINCIDENT WITH THE EAST LINE OF THE SE $\frac{1}{4}$ OF SAID SECTION 4 TO THE SOUTHEAST CORNER THEREOF;

THENCE S00°30'32"W 40.00 FEET TO THE EASTERLY EXTENSION OF THE SOUTH LINE OF MIDWAY ROAD;

THENCE N89°43'14"W 2619.90 FEET, PARALLEL TO AND 40 FEET DISTANT FROM THE SOUTH LINE OF THE SE $\frac{1}{4}$ OF SAID SECTION 4 AND BEING COINCIDENT WITH THE SOUTH LINE OF MIDWAY ROAD;

THENCE NORTHWESTERLY 159.45 FEET, ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 761.57 FEET AND THE CHORD OF WHICH BEARS N83°43'18"W 159.15 FEET, COINCIDENT WITH THE SOUTHERLY LINE OF MIDWAY ROAD;

THENCE N77°43'26"W 120.93 FEET, COINCIDENT WITH THE SOUTHWESTERLY LINE OF MIDWAY ROAD TO THE SOUTH LINE OF THE SW $\frac{1}{4}$ OF SAID SECTION 4;

THENCE N89°21'16"W 1043.36 FEET, COINCIDENT WITH THE SOUTH LINE OF THE SW $\frac{1}{4}$ OF SAID SECTION 4 TO THE MOST WESTERLY LINE OF LOT 3 OF CERTIFIED SURVEY MAP NO.2932;

THENCE N00°22'38"E 2658.96 FEET, COINCIDENT WITH THE WEST LINE OF SAID LOT 3 AND THEN THE WEST LINE OF SOUTHPOINT COMMERCE PARK PLAT NO.3 AND THEN THE WEST LINE OF SOUTHPOINT COMMERCE PARK PLAT NO.2;

THENCE N00°06'12"W 591.59 FEET, COINCIDENT WITH THE WEST LINE OF SAID SOUTHPOINT COMMERCE PARK PLAT NO.2 TO THE SOUTHEASTERLY LINE OF PLANK ROAD;

THENCE NORTHEASTERLY AND EASTERLY COINCIDENT WITH THE SOUTHEASTERLY AND SOUTHERLY LINE OF PLANK ROAD AND ITS EASTERLY EXTENSION TO THE EAST LINE OF EISENHOWER DRIVE;

THENCE N00°07'53"E 394.12 FEET, COINCIDENT WITH THE EAST LINE OF EISENHOWER DRIVE TO THE NORTH LINE OF LOT 1 OF CERTIFIED SURVEY MAP NO.2932;

THENCE S89°28'07"E 987.58 FEET, COINCIDENT WITH THE NORTH LINE OF SAID LOT 1 TO THE EAST LINE OF THE NE $\frac{1}{4}$ OF SECTION 4, T20N, R18E;

THENCE S00°31'53"W 1798.73 FEET, COINCIDENT WITH THE EAST LINE OF THE NE $\frac{1}{4}$ OF SAID SECTION 4 TO THE EAST $\frac{1}{4}$ CORNER OF SAID SECTION 4 AND THE POINT OF BEGINNING.

INITIAL RESOLUTION

WHEREAS, the public interest requires that a portion of East Circle Street, from North Durkee Street to North Drew Street, that has not previously been vacated, be vacated and discontinued,

BE IT RESOLVED, that the Common Council of the City of Appleton, Wisconsin, hereby determines that the public interest requires that a portion of East Circle Street, City of Appleton, Outagamie County, Wisconsin, as hereinafter described, is hereby vacated and discontinued pursuant to §66.1003 of the Wisconsin Statutes.

LEGAL DESCRIPTION

All of a strip of land 60 feet in width and 405.5 feet m/l in length and containing 24,330 square feet of land m/l and being further described by:

All of Circle Street lying between Block Seven (7) and Block Twelve (12), of Herman Erbs 6th Ward Addition, located in the Southwest Quarter (SW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 23, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin.

See also attached Exhibit "A" for illustration.

EASEMENT

The City of Appleton their heirs, successors and or assigns (Grantee) hereby retain an easement for a sanitary sewer within the entire length and width of the above described right of way.

It is further agreed that this easement shall be a permanent easement.

It is further agreed that Grantee shall have the right to install, regrade, replace, relocate, operate, maintain, resize and repair the sanitary sewer and associated appurtenances. It is further agreed that after installing, regrading, replacing, relocating, operating, maintaining, resizing or repairing of this utility 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. This easement includes the right to operate any and all equipment deemed necessary by Grantee to perform said activities. Grantee agrees that it shall give timely notice to the Grantor of routine maintenance work.

COMMON DESCRIPTION:

Portion of East Circle Street from North Durkee Street to North Drew Street

FURTHER RESOLVED, that the City Clerk of the City of Appleton be authorized and directed to give notice required by §66.1003 of the Wisconsin Statutes.

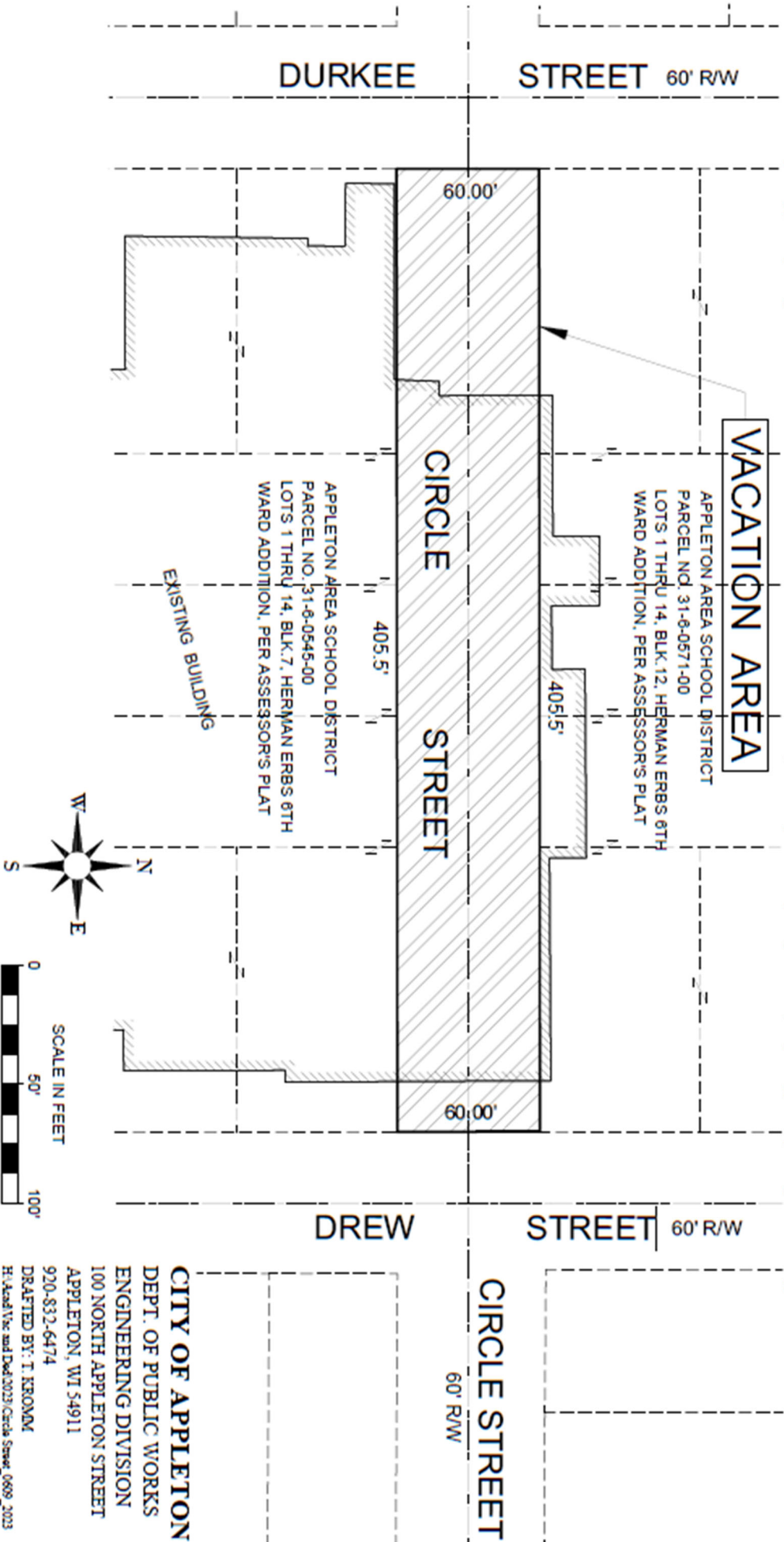
FURTHER RESOLVED, that according to §66.1005 of the Wisconsin Statutes, upon vacation and discontinuance of said part of East Circle Street, title to the above-described street shall belong to the adjoining property owner and shall acquire an ownership interest in the entire area being vacated as shown on the attached Exhibit Map.

By: _____

Date: _____
City Law A23-0898

EXHIBIT "A"

All of Circle Street, lying between Block Seven (7) and Block Twelve (12), of HERMAN ERBS 6TH WARD ADDITION, all according to the recorded Assessor's Map of the City of Appleton, being located in the Southwest ¼ of the Southwest ¼ of Section 23, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin.



CITY OF APPLETON
 DEPT. OF PUBLIC WORKS
 ENGINEERING DIVISION
 100 NORTH APPLETON STREET
 APPLETON, WI 54911
 920-832-6474
 DRAFTED BY: T. KRONAM
 H:\Asst Vic and Dept\2023\Circle Street_0609_2023

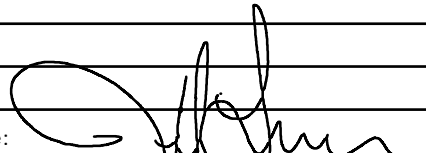


PERMIT TO OCCUPY THE PUBLIC RIGHT-OF-WAY

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

Rev. 04-10-15

Applicant Information

Name (print): _____ Company: _____
 Address: _____ Telephone: _____ FAX: _____
 _____ e-mail: _____
 Applicant Signature:  _____ Date: _____

Occupancy Information

General Description: _____

 Street Address: _____ Tax Key No.: _____
 - or -
 Street: _____ From: _____ To: _____
 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
- Terrace
- Roadway

Additional Requirements

- Plan/Sketch Certificate of Insurance Bond
 Other:

Traffic Control Requirements

N/A

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

Type of Street:

Proposed Traffic Control:

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

Additional Requirements:

Approved by: _____

Date: _____

This permit approval is subject to the following conditions:

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

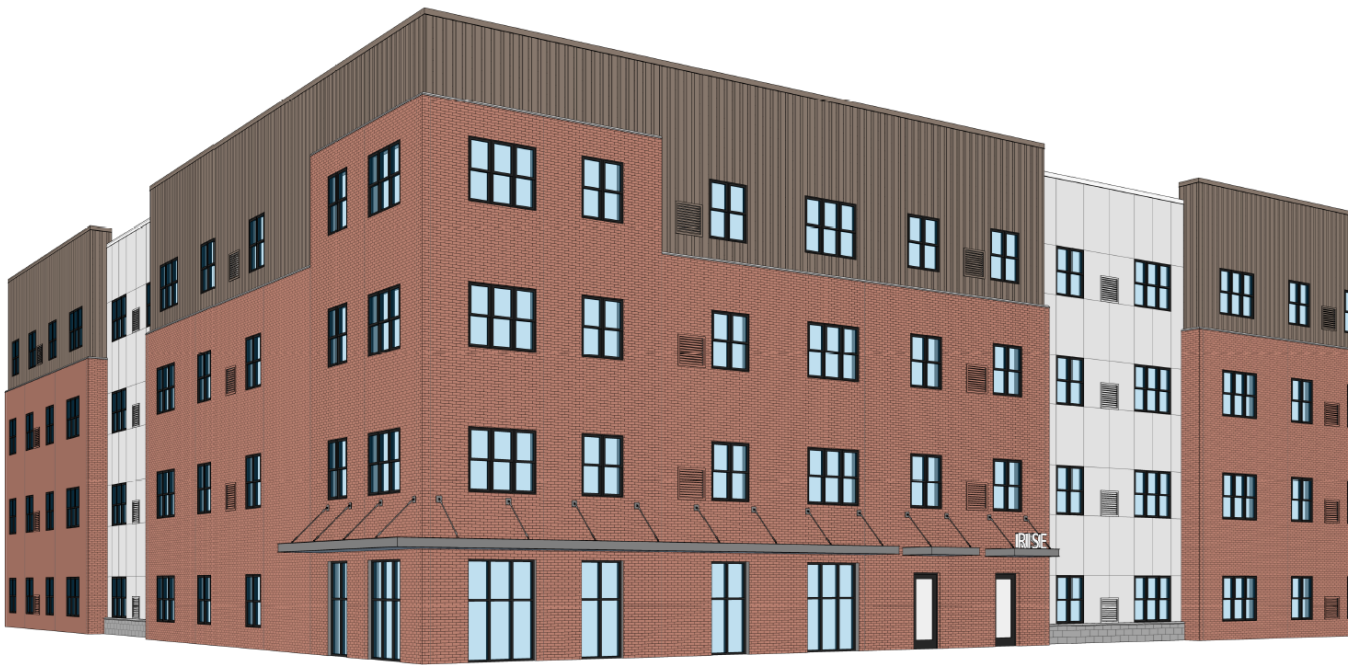
This permit is issued to the applicant upon payment of the permit fee and is expressly limited to the location and type described herein. The applicant, in exchange for receiving this permit, warrants that all street occupancies will be performed in conformity to City ordinances, standards and policies,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



PERSPECTIVE VIEW

W. HARRIS STREET

3' DEEP PROJECTING AWNING,
BOTTOM IS 10' ABOVE GRADE

CURB INLET
RIM=785.96
SE 12" CONC=782.70

CURB INLET
RIM=785.06
NE 12" CONC=782.57
SE 12" CONC=782.66
SW 8" TRUSS=783.16

STOP LINE

PROJECTION OVER PROP. LINE

68.09'

1.62'

389° 13' 39" W 165.31'

22.07'

2'

PROJECTION OVER
PROP. LINE

PROPOSED MID-RISE BUILDING
12,521 SF
FF= 789.00
ARCH FF=100.00

CURB INLET
RIM=785.82
NW 12" PVC=782.92

STORM MH
RIM=786.08
NE 12" PVC=
S 12" PVC=7

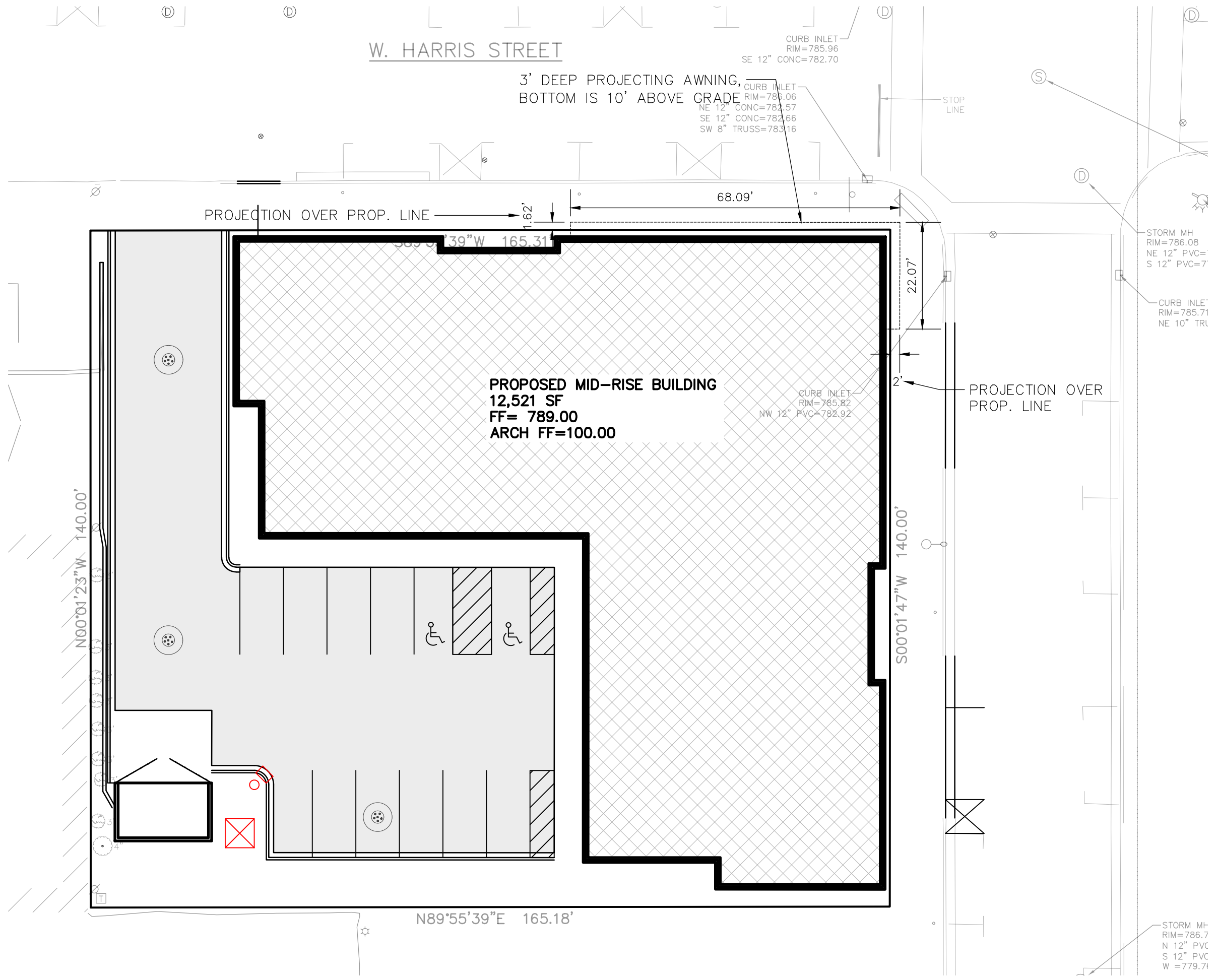
CURB INLET
RIM=785.71
NE 10" TR

N00°01'23"W 140.00'

S00°01'47"W 140.00'

N89°55'39"E 165.18'

STORM MH
RIM=786.7
N 12" PVC
S 12" PVC
W =779.71





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

05/24/2023

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 M3 Insurance Solutions 828 John Nolan Drive Madison, WI 53173	CONTACT NAME: PHONE (A/C. No. Ext): E-MAIL ADDRESS:	FAX (A/C. No):
	INSURER(S) AFFORDING COVERAGE	
INSURED Rise Apartments LLC 229 E Washington Street Appleton, WI 54911	INSURER A: Auto-Owners Insurance Company	
	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	

COVERAGES**CERTIFICATE NUMBER:****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 INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	GENERAL LIABILITY <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			4641075	05/30/2023	05/30/2024	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 4,000,000 PRODUCTS - COMP/OP AGG \$ 4,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	<input checked="" type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB DED RETENTION \$			4641075	05/30/2023	05/30/2024	<input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE EACH OCCURRENCE \$ 3,000,000 AGGREGATE \$ 3,000,000 Products/Completed O \$ 3,000,000
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

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

RE: 113 W Harris St, Appleton, WI 54911

FBB Tax Credit Investment, LLC, First Business Bank and its successors and assigns are listed as an additional insured on the general liability. Terrorism is included. 30 day notice of cancellation applies.

CERTIFICATE HOLDER**CANCELLATION**

FBB Tax Credit Investment, LLC, First Business Bank attn: Brian Hagen 401 Charmany Drive Madison, WI 53719	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
---	---



EVIDENCE OF PROPERTY INSURANCE

DATE (MM/DD/YYYY)

05/24/2023

THIS EVIDENCE OF PROPERTY INSURANCE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE ADDITIONAL INTEREST NAMED BELOW. THIS EVIDENCE OF PROPERTY INSURANCE DOES NOT AMMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

AGENCY M3 Insurance Solutions 828 John Nolan Drive Madison, WI 53713		PHONE (A/C, No, Ext):	COMPANY Liberty Mutual Insurance		
FAX (A/C, No):		E-MAIL ADDRESS:			
CODE: AGENCY CUSTOMER ID #:		SUB CODE:			
INSURED Rise Apartments LLC 229 E Washington Street Appleton, WI 54911		LOAN NUMBER	POLICY NUMBER 66205488BMO1Q3		
		EFFECTIVE DATE 05/30/2023	EXPIRATION DATE 05/30/2024	<input type="checkbox"/> CONTINUED UNTIL TERMINATED IF CHECKED	
THIS REPLACES PRIOR EVIDENCE DATED:					

PROPERTY INFORMATION

LOCATION/DESCRIPTION

RE: 113 W Harris St, Appleton, WI 54911

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 EVIDENCE OF PROPERTY INSURANCE 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.

COVERAGE INFORMATION

COVERAGE/PERILS/FORMS	AMOUNT OF INSURANCE	DEDUCTIBLE
Builder's Risk	9,668,596	10,000
Property in Transit and at Storage Locations	500,000	10,000
Soft Costs	500,000	10 Days
Earthquake	9,668,596	25,000
Flood	5,000,000	25,000
Rental Income	572,640	10 Days
Sewer Backup	50,000	10,000

REMARKS (Including Special Conditions)

Debris Removal of Covered Property: \$250,000
 Ordinance or Law: Undamaged Portion: \$9,668,596
 Ordinance or Law - Demolition and Increased Cost of Construction: \$50,000
 Wind and Hail: Included
 Coinsurance is Waived
 Permission to Occupy: 60 days
 30 day notice of cancellation applies. Replacement cost.

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL _____ DAYS WRITTEN NOTICE TO THE ADDITIONAL INTEREST NAMED BELOW, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

ADDITIONAL INTEREST

NAME AND ADDRESS FBB Tax Credit Investment, LLC First Business Bank attn: Brian Hagen 401 Charmany Drive Madison, WI 53719	<input type="checkbox"/> MORTGAGEE	<input checked="" type="checkbox"/> ADDITIONAL INSURED
	<input type="checkbox"/> LOSS PAYEE	
	LOAN #	
AUTHORIZED REPRESENTATIVE		



MEMORANDUM

TO: Municipal Services Committee

FROM: Kurt W. Craanen, Inspections Supervisor
Kara Homan, AICP Director of Community & Economic Development

DATE: July 10, 2023

RE: Request to Contract Commercial Variance Process to E-Plan Exam

The Inspections Division has contracted with E Plan Exam to review commercial plan submittals since March 2, 2022, when the Common Council approved entering into a contract. (File # 22-0191).

E Plan Exam has proposed to hear variance requests for plans that they reviewed for the City. E Plan Exam staff would accept applications, collect fees and make a judgment, just as the State Department of Safety and Professional Services (DSPS) has done for many years.

E Plan Exam is able to process the applications and schedule hearings much faster than DSPS and their staff will be familiar with project, since they will have completed the plan review.

There will be no cost to the City of Appleton for E Plan Exam to process variance requests.

Staff Recommendation:

APPROVE authorizing a contract amendment with EPLEX, LLC (dba E Plan Exam) to allow variance process administration for plans reviewed by E Plan Exam only.

Amendment to Professional Services Contract
Plan Review

This Contract is by and between the City of Appleton, 100 North Appleton Street, Appleton, WI 54911-4799, referred to as the City; and EPLEX, LLC, 12605 W North Ave., PMB 189, Brookfield, WI 53005, referred to as E-Plan Exam. Together the City and E-Plan Exam are referred to as the Parties

Recitals

On March 7, 2022 the Parties entered into a Professional Services Contract, referred to herein as the Contract, for E-Plan Exam to provide commercial plan review services to the City. The Parties now wish to add and/or modify the following provisions to the services outlined in that Contract.

Now, therefore, in consideration of the mutual promises of the Parties herein, the City and E-Plan Exam agree to amend the Contract as follows:

- **E-Plan Exam Services.** Section II of the contract, in addition to the language already present in the Contract shall have the following added:

E-Plan Exam Shall offer in addition to the commercial plan review services outlined in the agreement, E-Plan Exam, upon granting of permission and having been delegated by the State of Wisconsin, shall be permitted to undertake Variance reviews as outlined by the scope permitted by the Department of Safety and Professional Services.

- **Fees outlined in exhibit A section 2.** The following fees in section 2 shall be amended to include the following fee item for Variances:

Variance Review	When approved by the State of Wisconsin Department of Safety and Professional Services to approve and review variances of State code for equivalency, the fee for processing any variance at the time of application shall be \$2,000.00.
-----------------	---

- **Remainder Unchanged.** All other terms and conditions of the Contract remain unchanged and in effect.

Amendment effective as of June 1st, 2023.

By _____

Date: _____

By David Adam Mattox, President

Date: _____

Commercial Building (Structural and HVAC) Plan Review

STEP 1: Check one.

1. Plan review of small commercial buildings, as defined below. [Wis. Stat. § 101.12(3)(b)]
- A new building or structure containing less than 50,000 cubic feet of total volume.
 - An addition to a building or structure where the area of the addition results in the entire building or structure containing less than 50,000 cubic feet of total volume.
 - An addition containing no more than 2,500 square feet of total floor area and no more than one floor level, provided the largest roof span does not exceed 18 feet and the exterior wall height does not exceed 12 feet.
 - An alteration of a space in a building containing less than 100,000 cubic feet of total building volume.
2. **First- or Second-Class City Only:** Plan review for all size buildings within the City. [Wis. Stat. § 101.12(3m)(a)]
3. Plan review of building sizes other than those described above. [Appointed Agent per Wis. Stat. § 101.12(3g)]
- Fill in the desired enforcement responsibilities below:**
- _____

STEP 2: Code Enforcement Information. Municipalities performing the above responsibilities must utilize certified commercial building inspectors to perform the plan examination functions. Include this information below.

Name of Certified Inspector: _____

Contracted Agency that Employs Certified Inspector (if applicable): _____

Commercial Building Inspector Credential #: _____

Phone: _____ Email: _____

Expanded Plan Review: Municipalities performing plan reviews of buildings larger than those defined as “small commercial buildings” must employ at least one individual that is a) registered as a Wisconsin architect or professional engineer, b) certified as a commercial building inspector, and c) performs or directly supervises the plan examinations. Include this information below.

Name of Wisconsin Architect or Professional Engineer: _____

Architect or Professional Engineer Credential #: _____

Commercial Building Inspector Credential #: _____

STEP 3: Required Documentation.

- Current ordinance showing a) adoption of the Wisconsin State Code applicable chapters, b) authorization of municipal code official to enforce, c) duty of owners to submit for permits, d) fee schedule or reference to fees to be set by resolution, e) appeals process, and f) fines and penalties. A [model ordinance](#) is available, if needed.

STEP 4: Proceed to Last Page.

Fire Suppression and Fire Alarm (FS/FA) Plan Review

STEP 1: Check one.

1. Plan review of small commercial buildings, as defined below. [Appointed Agent per Wis. Stat. § 101.12(3g)]
- A new building or structure containing less than 50,000 cubic feet of total volume.
 - An addition to a building or structure where the area of the addition results in the entire building or structure containing less than 50,000 cubic feet of total volume.
 - An addition containing no more than 2,500 square feet of total floor area and no more than one floor level, provided the largest roof span does not exceed 18 feet and the exterior wall height does not exceed 12 feet.
 - An alteration of a space in a building containing less than 100,000 cubic feet of total building volume.

2. Plan review of all commercial buildings, without size limitations. [Appointed Agent per Wis. Stat. § 101.12(3g)]

3. Plan review of building sizes other than those described above. [Appointed Agent per Wis. Stat. § 101.12(3g)]
Fill in the desired enforcement responsibilities below:

STEP 2: Code Enforcement Information. Municipalities performing any of the above FSFA responsibilities must utilize certified commercial building inspectors and/or certified fire detection, prevention, and suppression inspectors to perform the plan examination functions. Include this information below.

Name of Certified Inspector: _____

Contracted Agency that Employs Certified Inspector (if applicable): _____

Commercial Building Inspector or Fire Detection, Prevention, and Suppression Inspector Credential #: _____

Phone: _____ Email: _____

STEP 3: Required Documentation.

- Current ordinance showing a) adoption of the Wisconsin State Code applicable chapters, b) authorization of municipal code official to enforce, c) duty of owners to submit for permits, d) fee schedule or reference to fees to be set by resolution, e) appeals process, and f) fines and penalties. A [model ordinance](#) is available, if needed.

STEP 4: Proceed to Last Page.

CHANGES TO ENFORCEMENT STAFF LISTED ON ANY PAGE OF THIS APPLICATION SHALL BE IMMEDIATELY REPORTED TO THE DEPARTMENT

Municipality's Primary Contact. The Department will list the municipality's contact(s) on its public delegated municipality lists. List individual(s) **employed by (not contracted with)** the municipality that oversee the plan review and/or inspection program(s).

Name of Municipality's Primary Contact: _____	
Position Title: _____	
Programs Managed: _____	
Phone: _____	Email: _____

Name of Municipality's Contact: _____	
Position Title: _____	
Programs Managed: _____	
Phone: _____	Email: _____

Name of Municipality's Contact: _____	
Position Title: _____	
Programs Managed: _____	
Phone: _____	Email: _____

Notes.

- Additional information may be requested to complete delegation application review.
- Fees per Wis. Admin. Code § SPS 302 are required to be remitted to our agency for commercial building, FS/FA, and conveyance projects, depending upon the delegation type authorized.

I understand the applicable responsibilities and expectations for the type of delegation we are requesting and that they are municipal responsibilities, regardless of how we provide staffing for our enforcement program. **I also understand that we will notify the DSPS of changes in enforcement staff and will adhere to reporting requirements of the specified program.** Further, I understand the Department of Safety and Professional Services has authority to audit and revoke delegation for failure to perform required duties.

_____ Signature of authorized Municipal Official	_____ Title	_____ Date
---	----------------	---------------

Name (printed)

Municipality

_____ Email Address	_____ Phone Number
------------------------	-----------------------

Address, City, Zip Code

Return completed form and required documentation to:
Etta Strey, Division of Industry Services, at Etta.Strey@wisconsin.gov



For submission of any plan or variance, applicants may electronically submit directly to us on our website at eplanexam.com/submit-a-project. Fees must be made payable to the “E-Plan Exam”. For more information regarding fee payments and payment options or any general questions, please contact us at info@eplanexam.com and we will gladly help!

This form must be used for the submission of all Projects requiring Variance review.

1. Variance Type (Check all that apply):

- New Construction
- Addition
- Alteration
- Existing Structure

- Commercial Building Variance
- Commercial HVAC Variance
- Commercial Fire Suppression Variance
- Commercial Fire Alarm Variance

2. Facility Information

Facility (Building Name):			
Number & Street:			
Municipality:	City	Village	Town
County:			
Taxkey:			

3. Owner Information

Name:	
Company Name:	
Legal Mailing Address:	
City, State, Zip Code:	
Telephone Number:	
Email Address:	

4. Designer Information

Name:	
Design Firm:	
Legal Mailing Address:	
City, State, Zip Code:	
Contact Person:	
Telephone Number:	
Email Address:	
License Number:	

License Type:	Registered Architect	Professional Engineer	Registered Designer
---------------	----------------------	-----------------------	---------------------

5. Project & Plan Status Information

Plan submitted with petition Plan review:			
Plan will be submitted after petition determination:			
Revision/Update to previous petition:			
E-Plan Exam or DSPPS Application Number:			
Was a plan review already done? (Please enclose a copy of review letter):	Approved	RFI Hold	Denied
What trade(s) were reviewed?:	Bldg	HVAC	F. Alarm
			F. Sprink

10. Verification by Owner

Note: Petitioner must be the owner of the building or system or credential applicant for a SPS 305 petition. Tenants, agents, designers, contractors, attorneys, etc., shall not sign petition unless Power of Attorney is submitted with the Petition for Variance Application.

I state, as petitioner, that I have read the foregoing petition and I believe it is true and that I have significant ownership rights to the subject building or project.

Petitioner's Signature:	
-------------------------	--

Make Checks Payable to:	E-PLAN EXAM
Fees Owed:	\$2,000.00

Complete remainder of form for variance from SPS 361-366.

Any variance for anything other than SPS 361-366 must be submitted to the State of Wisconsin Department of Safety and Professional Services.

11. Fire Department Position Statement:

To be completed for fire or life-safety related variances requested from SPS 361-366 and other fire-related requirements.

I have read the application for variance and recommend:

Approval

Conditional Approval

Denial

No Comment

Explanation for recommendation including any conflicts with local rules and regulations and suggested conditions:

Fire Department Name and Address:

Name of Fire Chief or Designee:

Signature of Fire Chief or Designee:

Date Signed:

Telephone Number:

12. Local Government Inspection Recommendation

To be completed for variances requested from SPS 361-366.

I have read the application for variance and recommend:

Approval

Conditional Approval

Denial

No Comment

Explanation for recommendation including any conflicts with local rules and regulations and suggested conditions

Local Government Inspection Department:

Name of Building Official (type or print):

Signature of Building Official:

Date Signed:

Telephone Number:

Petition for Variance Information and General Instructions SPS 303

This Petition for Variance may only be submitted to E-Plan Exam when the community where the variance is being sought has been granted special delegation by the State of Wisconsin Department of Safety and Professional Services (DSPS) to review at the local level. If you are unsure if the Community you are seeking to apply with has been granted such authority, please reach out to DSPS or E-Plan Exam so we can verify prior to application.

In instances where exact compliance with a particular code requirement cannot be met or alternative designs are desired, the petition for variance process allows for the department to review and consider acceptance of alternatives which are not in strict conformance with the letter of the code, but which meet the spirit and intent of the code. **A variance is not a waiver from a code requirement.** The petitioner must **provide an equivalency which meets the intent** of the code section petitioned to obtain a variance. Documentation of the rationale for the equivalency is required. Failure to provide adequate information may delay a decision on the petition. Pictures, sketches, and plans may be submitted to support equivalency. If the proposed equivalency does not adequately safeguard the health, safety, and welfare of building occupants, frequenters, firefighters, etc., the variance request will be denied.

NOTE: A SEPARATE PETITION IS REQUIRED FOR EACH BUILDING AND EACH CODE ISSUE PETITIONED (i.e., window issue cannot be processed on the same petition as stair issue). It should be noted that a petition for variance does not take the place of any required plan review submittal.

We are unable to process petitions for variance that are not complete in full. Before submitting the application, the following items should be checked for completeness:

- Petitioner's name (typed or printed), Petitioner's signature, and Proper Fee Payment
- The application must be signed by the owner of the building or system unless a Power of Attorney is submitted.
- Analysis to establish equivalency, including any pictures, illustrations, or sketches of the existing and proposed conditions to clearly convey your proposal to the reviewer.
- Any required position statements by fire chief or municipal official

A position statement from the chief of the local fire department is required for fire or life-safety issues. No fire department position statement is required for topics such as energy conservation. Submit a municipal building inspection department position for SPS 361-366 commercial building plan review is by the municipality or orders are written on the building under construction. (Submit a copy of the orders.)

Position statements must be completed and signed by the appropriate fire chief, local government enforcement official or state agency designee. All signatures from municipal officials will be verified.

Except for special cases, a determination on a petition will occur for variance within 30 business days of the scheduled review date, provided all calculations, documents, and fees required for the review have been received.

Any variance for anything other than SPS 361-366 must be submitted to the State of Wisconsin Department of Safety and Professional Services.



Wednesday, August 17, 2022

State of Wisconsin Department of Safety and Professional Services
Attn: Branden Piper & Justin Gavin & Etta Strey
PO Box 8935
Madison, WI 53708-8935

Dear Branden, Justin and Etta,

Our sincere apologies for the delay in getting this to you as our submissions have begun to uptick heading into the fall. However, we did try to be as comprehensive as possible in creating an outline here that hopefully should be able to be repeatable and give the Department as well as E-Plan Exam and any applicant a path of choice.

Our mission when considering any variance for any reason:

The petition for variance shall establish an equivalency which meets the intent of the rule being petitioned.

Municipal Application Outline:

Given variances inherently have intertwining aspects that often involve numerous differing aspects of the code (i.e. a variance for HVAC may require considerations/tradeoffs utilizing fire suppression, etc..) Communities seeking this responsibility to self-perform variances shall make application after the agent municipality has already been granted delegated agent authority, appointed agent authority, or is fully exercising its rights as a city of First/Second class for ~~all of the following trades~~ for plan review of unlimited size structures:

- Building
- HVAC
- ~~Plumbing~~
- Fire Alarm
- Fire Suppression

Application shall occur on a community-by-community basis where ~~all 5 base~~ commercial plan review delegations are held by the community and shall be specifically requested by the community in a separate delegated agent application via filling out desired responsibilities or another similar field on an application form similar to the below:

Commercial Building (Structural and HVAC) Plan Review

STEP 1: Check one.

<input type="checkbox"/>	1. Plan review of small commercial buildings, as defined below. [Wis. Stat. § 101.12(3)(b)] <ul style="list-style-type: none"> ▪ A new building or structure containing less than 50,000 cubic feet of total volume. ▪ An addition to a building or structure where the area of the addition results in the entire building or structure containing less than 50,000 cubic feet of total volume. ▪ An addition containing no more than 2,500 square feet of total floor area and no more than one floor level, provided the largest roof span does not exceed 18 feet and the exterior wall height does not exceed 12 feet. ▪ An alteration of a space in a building containing less than 100,000 cubic feet of total building volume.
<input type="checkbox"/>	2. First- or Second-Class City Only: Plan review for all size buildings within the City. [Wis. Stat. § 101.12(3m)(a)]
<input type="checkbox"/>	3. Plan review of building sizes other than those described above. [Appointed Agent per Wis. Stat. § 101.12(3g)] Fill in the desired enforcement responsibilities below:



Application Outline:

E-Plan Exam shall consider and may grant a variance from an administrative rule upon receipt of the following:

1. Variance Fee which will need to be adopted and enforced by the municipality.
2. A completed petition for variance form from the owner.
 - a. This shall be either a municipal variance form (which shall contain at a minimum the same core information requirements for processing as the state of Wisconsin form) or
 - b. The State SBD-9890 Form
3. A position statement from the fire department where applicable, provided an equivalency is established which meets the intent of the rule being petitioned.

Note: A completed petition for variance form shall include a clear and concise written statement of the specific provisions of the rule from which the variance is requested along with a specific statement of the procedures and materials to be used if the variance is granted.

All three elements will need to be provided prior to the commencement of any variance review.

Trades and Elements Reviewed:

This procedure when put into practice would apply to:

- Commercial Building Variances
- Commercial HVAC Variances
- Commercial Fire Alarm Variances
- Commercial Fire Sprinkler Variances
- ~~Commercial Plumbing Variances~~

This is intended to serve as a fast lane for some segments of variances that the State of Wisconsin Department of Safety and Professional Services review on a routine and regular basis but directly impact Commercial Building Construction.

Processing Time:

E-Plan Exam shall review and make a determination on a petition for variance within 30 business days of receipt of all calculations, documents and fees required to complete the review.

E-Plan Exam shall process priority petitions within 10 business days of receipt of all calculations, documents and fees required to complete the review.

Note: If a petition for variance is submitted with a request for a plan review, the processing times for the petition and the processing times for the plan review shall run consecutively, with the petition being processed first.

Procedure:

1. Upon receipt of the petition for variance form, the applicable fee and the position statement, and any other documents the petitioner may wish to submit, E-Plan Exam shall evaluate the petition for variance and determine if the petition for variance provides for an equivalency which meets the intent of the rule being petitioned.



2. If additional information is needed by E-Plan Exam to review the petition for variance and make a determination, E-Plan Exam shall notify the owner in writing of the specific information required.
3. Once the petition for variance is evaluated, E-Plan Exam will coordinate with the city, village, or town where the project is located to obtain a position statement from the fire department, where applicable, and a municipal recommendation on the petition for variance from the enforcement official of the municipality exercising jurisdiction, where applicable.
4. If it is determined that the petition for variance provides an equivalency, the petition for variance shall be submitted to the Department of Safety and Professional Services for a peer review.

This determination shall be done in direct concert with the Municipal Chief Inspector for that trade being requested for review and the Fire Chief. In the event that the submission is a Fire Alarm or Fire Suppression Variance request the Chief Building Inspector for the municipality shall be apart of the committee reviewing the variance.

If it is determined that the petition for variance does not provide an equivalency, the E-Plan Exam may:

- a. Approve the petition for variance subject to specific conditions determined by the division which shall establish an equivalency which meets the intent of the rule;
 - b. Grant a temporary variance to delay enforcement of a rule to a specified date, not to exceed one year. In requesting the variance, the petitioner shall demonstrate that all available steps are being taken to safeguard the public and employees against the hazard covered by the rule from which the variance is sought and shall possess and describe a program for coming into compliance with the rule as quickly as possible. A temporary variance may be renewed no more than twice, not to exceed one year each, and only if the petitioner files an application for renewal at least 90 calendar days before expiration of the temporary variance;
 - c. Grant an experimental variance to allow the petitioner to participate in an experiment approved by the division to demonstrate or validate new or improved techniques to safeguard the health or safety of the public and employees; or
 - d. Deny the petition for variance.
5. E-Plan Exam shall notify the State of Wisconsin Department of Safety and Professional Services applicable Section Chief in writing of the petition for variance determination, including any conditions of approval. Any denial shall include the reason for denial, and information on the appeals procedure.
 6. The State of Wisconsin Department of Safety and Professional Services, as soon as practical – (preferably within 5 business days), whether they through the Peer Review Process if it is acceptable to release the final position statement to the Petitioner granting / denying / or issuing any other form of approval as outlined in section 4 above.
 7. E-Plan Exam shall notify the petitioner in writing of the petition for variance determination, including any conditions of approval. Any denial shall include the reason for denial, and information on the appeals procedure.
 8. E-Plan Exam shall provide copies of all final variances issued to the State of Wisconsin Department of Safety and Professional Services within 30 days of issuance.



E-Plan Exam and DSPS interface and the Peer Review Process:

Prior to the issuance of any departmental decision of any variance, the State of Wisconsin Department of Safety and Professional Services, shall be directly notified of the pending decision by E-Plan Exam.

DSPS will have all the following rights as part of the Peer Review Process:

- To directly and immediately overrule the pending decision of E-Plan Exam.
- At any time provide direct guidance to have E-Plan Exam redirect the applicant to the Department for Variance Review and Processing.
- To request any supplemental and supporting documentation, plans, permits, historical information to make any decision at any time.
- **To revoke the community's ability to review any future issued variances at any point in time for any length of time.**

Note: Nothing at any point in time, for any reason nor for any type of variance review requested shall prevent any applicant from seeking the direct permission and making direct application for variance to the State of Wisconsin Department of Safety and Professional Services. Similar to the delegated agent program established – this shall purely be a program of choice by the applicant, state, and communities that seek to partake in this.

Fees:

The fee for reviewing petitions for variance on rules under chs. [SPS 361](#) to [366](#) as well as [SPS 382](#) shall be established by the municipality who seeks to establish this program and shall be enacted via fee resolution or ordinance adoption as required per Wisconsin State Statutes.

Where an identical variance is sought for identical buildings with a common owner in a single municipality, and all of the buildings are listed on one submitted petition, the fee for the first building shall be a regular fee per the Municipal ordinances, and a modified reduced fee

Upon request, E-Plan Exam will process petitions for variance on a priority basis and will offer expedited services.

With regards to the specific variance fee to be implemented, this would need to be worked out with each individual community, their legal council, their voting board/committee, and based on our ultimate end contract. However whatever fee is established shall be established in a community fee schedule.

Modifications and Revisions:

If a petition for variance is initially denied by E-Plan Exam, the petitioner may, in writing, modify the request for variance by submitting additional or other alternatives in order to provide an equivalency and resubmit the application for the petition for variance.

The petitioner may, in writing, request that his or her original petition statements or the conditions of approval be modified and resubmit the application for the petition for variance.

Revocation:

E-Plan Exam may revoke any petition for variance where it is determined that the variance was obtained through fraud or deceit or where the petitioner has violated the specific conditions on which the variance was approved.



E-PLAN
EXAM

The State of Wisconsin Department of Safety and Professional Services may likewise request that E-Plan Exam revoke any issued petition for variance.

Appeals Process:

As communities will undertake likely as part of this process the Delegated Agent responsibilities and will have their own Appeal Process in place – appeals shall occur in the following manner:

- In accordance with outlined and approved procedures as required to be submitted for the Plan Review Delegated Agent Plan Review Program
Or
- A direct appeal to the State of Wisconsin Department of Safety and Professional Services where any opinion rendered by the Department in accordance with SPS 361.03(3) & SPS 361.03(4) to resolve any conflict and shall directly supersede any local judgement including that of E-Plan Exam.

It is our sincere goal that this serve merely as a starting point and a set of guiding principles that should absolutely be expanded upon over time. Our goal is to work in cooperation with the Department of Safety and Professional Services and we look forward to any feedback you provide.

Sincerely and respectfully,

David Adam (DA) Mattox, P.E
President
E-Plan Exam
414-736-4721
damattox@eplanexam.com



For submission of any plan or variance, applicants may electronically submit directly to us on our website at eplanexam.com/submit-a-project. Please note, in either format paper or electronic, fees must be made payable to the “E-Plan Exam”. For more information regarding fee payments and payment options or any general questions, please contact us at info@eplanexam.com and we will gladly help!

This form must be used for the submission of all Projects requiring Variance review.

1. Variance Type (Check all that apply):

- New Construction
- Addition
- Alteration
- Existing Structure
- Commercial Building Variance
- Commercial HVAC Variance
- ~~Commercial Plumbing Variance~~
- Commercial Fire Suppression Variance
- Commercial Fire Alarm Variance

2. Facility Information

Facility (Building Name):			
Number & Street:			
Municipality:	City	Village	Town
County:			
Taxkey:			

3. Owner Information

Name:	
Company Name:	
Legal Mailing Address:	
City, State, Zip Code:	
Contact Person:	
Telephone Number:	
Email Address:	

4. Designer Information

Name:					
Design Firm:					
Legal Mailing Address:					
City, State, Zip Code:					
Contact Person:					
Telephone Number:					
Email Address:					
License Number:					
License Type:	Registered Architect	Professional Engineer	Registered Designer	Master Plumber	Other (state)

7. State your proposed means and rationale of providing equivalent degree of health, safety, or welfare as addressed by the code section petitioned.

DRAFT

8. Reason why compliance with the code cannot be attained without the variance (Attach additional sheets, if necessary)

DRAFT

11. Fire Department Position Statement:

To be completed for fire or life-safety related variances requested from SPS 361-366 and other fire-related requirements.

I have read the application for variance and recommend:

Approval

Conditional Approval

Denial

No

Comment Explanation for recommendation including any conflicts with local rules and regulations and suggested conditions

Fire Department Name and Address

Name of Fire Chief or Designee (type or print)

Signature of Fire Chief or Designee

Date Signed:

Telephone Number:

12. Local Government Inspection Recommendation

To be completed for variances requested from SPS 382, SPS 384 and SPS 361-366.

I have read the application for variance and recommend:

Approval

Conditional Approval

Denial

No

Comment Explanation for recommendation including any conflicts with local rules and regulations and suggested conditions

Local Government Inspection Department

Name of Chief Inspector (type or print)

Signature of Fire Chief or Designee

Date Signed:

Telephone Number:

Petition for Variance Information and Instructions SPS 303

In instances where exact compliance with a particular code requirement cannot be met or alternative designs are desired, the division has a petition for variance process in which it reviews and considers acceptance of alternatives which are not in strict conformance with the letter of the code, but which meet the intent of the code. **A variance is not a waiver from a code requirement.** The petitioner must **provide an equivalency which meets the intent** of the code section petitioned to obtain a variance. Documentation of the rationale for the equivalency is required. Failure to provide adequate information may delay a decision on the petition. Pictures, sketches, and plans may be submitted to support equivalency. If the proposed equivalency does not adequately safeguard the health, safety, and welfare of building occupants, frequenters, firefighters, etc., the variance request will be denied.

NOTE: A SEPARATE PETITION IS REQUIRED FOR EACH BUILDING AND EACH CODE ISSUE PETITIONED (i.e., window issue cannot be processed on the same petition as stair issue).

It should be noted that a petition for variance does not take the place of any required plan review submittal.

The division is unable to process petitions for variance that are not properly completed. Before submitting the application, the following items should be checked for completeness in order to avoid delays:

- Petitioner's name (typed or printed)
- Petitioner's signature
- The application must be signed by the owner of the building or system unless a Power of Attorney is submitted.
- Analysis to establish equivalency, including any pictures, illustrations, or sketches of the existing and proposed conditions to clearly convey your proposal to the reviewer.
- Proper fee
- Any required position statements by fire chief or municipal official

A position statement from the chief of the local fire department is required for fire or life-safety issues. No fire department position statement is required for topics such as ~~plumbing, private onsite sewage systems, or~~ energy conservation. Submit a municipal building inspection department position for SPS 361-366 commercial building plan review is by the municipality or orders are written on the building under construction. (Submit a copy of the orders.)

Position statements must be completed and signed by the appropriate fire chief, local government enforcement official or state agency designee. All signatures from municipal officials will be verified.

Except for special cases, a determination on a petition will occur for variance within 30 business days of the scheduled review date, provided all calculations, documents, and fees required for the review have been received.

Any variance for anything other than SPS 361-366 & SPS 382 & SPS 384 must be submitted to the State of Wisconsin Department of Safety and Professional Services.

CONTRACT

I. THE PARTIES

- 1.01 City of Appleton, a Wisconsin municipal corporation, doing business at 100 North Appleton Street, Appleton, WI 54911-4799 (“City”).
- 1.02 EPLEX, LLC, a limited liability company and doing business as E-Plan Exam, maintaining offices at 12605 West North Avenue #189, Brookfield, WI 53005 “Contractor”.

II. SCOPE OF WORK

- 2.01 The Contractor shall, in a workmanlike manner, perform as required under this contract; and unless otherwise expressly stated, shall provide all the labor, materials, tools, expendable equipment, utility and transportation services necessary for plan reviews for Building, HVAC, Plumbing, Fire Alarm, and Fire Sprinkler, all in strict compliance with the Contractor’s proposal and all other documents incorporated herein by reference. Time is of the essence.

III. CONTRACT PRICE

- 3.01 Subject to any additions or deductions provided herein, the Contractor shall pay the City for the performance of this contract in a sum equal to 10% of all plan review fees charged to an applicant as described in Exhibit A and Contractor’s Proposal.

IV. COMPONENT PARTS OF THIS CONTRACT

- 4.01 This contract consists of the following component parts all of which are as fully a part of this contract as if herein set out verbatim or, if not attached, as if hereto attached.
- 4.01.1 Insurance Requirements Exhibit IR 3.2 – Professional Services: \$5M Umbrella consisting of 5 pages
- 4.01.2 Exhibit A – Plan Review Services dated 3/7/2022 and consisting of 5 pages
- 4.01.3 Contractor’s Proposal for the City of Appleton dated December 2021 consisting of 8 pages

V. ADDITIONAL PROVISIONS

- 5.01 In the event that any provision in any of the above component parts of this contract conflicts with any provision in any other of the component parts, the provision in the

component part first enumerated above shall govern over any other component part which follows it numerically, except as may be otherwise specifically stated.


- 5.02 In the event that any part of this contract is found to be illegal, it shall be stricken from the contract and the contract interpreted as if that clause did not exist.
- 5.03 This contract shall be construed in accordance with, and governed by, the laws of the State of Wisconsin, without giving effect to any choice of law doctrine that would cause the law of any other jurisdiction to apply. Venue shall be in Outagamie County, Wisconsin.
- 5.04 In connection with the performance of work under this contract, the contractor agrees not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in Wis. Stats. §51.01(5), sexual orientation, gender identity, or national origin. This provision shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Except with respect to sexual orientation and gender identity, the contractor further agrees to take affirmative action to ensure equal employment opportunities. The contractor agrees to post in conspicuous places, available for employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of the nondiscrimination clause.
- 5.05 Nothing contained within this contract is intended to be a waiver or estoppel of the City or its insurer to rely upon the limitations, defenses, and immunities contained within Wisconsin law, including those contained within Wisconsin Statutes Sections 893.80, 895.52, and 345.05. To the extent that indemnification is available and enforceable, the municipality or its insurer shall not be liable in indemnity or contribution for an amount greater than the limits of liability for municipal claims established by Wisconsin Law.
- 5.06 This contract may be executed in several counterparts, either by original signature or verified electronic signature, each of which shall be deemed an original, but such counterparts shall together constitute but one and the same agreement. The headings in this contract are inserted for convenience of reference only and shall not constitute a part hereof.
- 5.07 Each of the Parties herein represents and warrants that the execution, delivery, and performance of this Contract has been duly authorized and signed by a person who meets statutory or other binding approval to sign on behalf that respective Party.


5.08 **AGREEMENT TO INDEMNIFY AND SAVE HARMLESS.** The Contractor agrees 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, costs, including attorney's fees, arising out of the activities performed as described herein, caused in whole or in part by any negligent act or omission of the Contractor, 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.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties have caused this instrument to be executed on the day and year of the last signature below.

EPLEX, LLC, a limited liability corporation and doing business as E-Plan Exam, Contractor

By: 
Printed Name: DAVID ADAM MATTOS
Title: Co-Founder
Date: 3-7-22

By: 
Printed Name: EDWARD LISINSKI
Title: Co-FOUNDER
Date: 3/7/2022

City of Appleton

By: _____
Jacob A. Woodford, Mayor

By: _____
Kami Lynch, City Clerk

Approved as to form:

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

Christopher R. Behrens, City Attorney
Last Revision: February 2022
CityLaw: A22-0103.dg

Jeri A. Ohman, Finance Director

IR 3.2 – Professional Services: \$5M Umbrella
City of Appleton
Insurance Requirements

Project: _____

The contract or purchase order is not considered approved and the Contractor shall not commence work until proof of the required insurance has been provided to the applicable department for the City of Appleton.

It is hereby agreed and understood that the insurance required by the City of Appleton is primary coverage and any insurance or self-insurance maintained by the City of Appleton, its officers, council members, agents, employees or authorized volunteers will not contribute to a loss. All insurance shall be in full force prior to commencing work and remain in force until the entire job is completed or the length of time specified in the contract or listed below, whichever is longer.

- **Professional Liability**
 - Limits
 - Each claim \$1,000,000
 - Annual aggregate..... \$1,000,000
 - Must continue coverage for 2 years after final acceptance for service/job

- **General Liability Coverage**
 - Commercial General Liability
 - Each occurrence limit \$1,000,000
 - Personal liability and advertising injury \$1,000,000
 - General aggregate \$2,000,000
 - Products/Completed operations aggregate..... \$2,000,000
 - Claims made form of coverage is not acceptable.
 - Insurance must include:
 - Premises and Operations Liability
 - Contractual Liability
 - Personal Injury
 - Explosion, collapse and underground coverage
 - Products/Completed Operations must be carried for 2 years after acceptance of completed work
 - **The general aggregate must apply separately to this project/location**

- **Business Automobile Coverage**
 - Combined single limit for bodily injury and property damage
 - Each incident \$1,000,000
 - Must cover liability for Symbol #1 - “Any Auto” – including owned, non-owned and hired automobile liability.

- **Workers Compensation and Employers Liability:** IF required by Wisconsin State Statute or any workers compensation statute of a different state.
 - Must carry coverage for statutory workers compensation and an employers liability limit of:
 - Each accident..... \$100,000
 - Disease policy limit \$500,000
 - Disease – each employee \$100,000

- **Umbrella Liability:** IF exposure exists, provide coverage at least as broad as the underlying commercial general liability, automobile liability and employers liability, with a minimum limit of
 - Each occurrence..... \$5,000,000
 - Aggregate \$5,000,000
 - Maximum self-insured retention of \$10,000

- **Additional Provisions**
 - **Primary and Non-Contributory requirement: All insurance must be primary and non-contributory to any insurance or self-insurance carried by City of Appleton.**
 - **Acceptability of Insurers:** Insurance is to be placed with insurers who have an *A.M. Best* rating of no less than A- and a Financial Size Category of no less than Class VI, and who are authorized as an admitted insurance company in the state of Wisconsin.
 - **Additional Insured Requirements:** The following must be named as **additional insureds** on the general liability and business automobile liability policies for liability arising out of project work: **City of Appleton, and its officers, council members, agents, employees and authorized volunteers. On the Commercial General Liability Policy, the additional insured coverage must be ISO form CG 20 10 07 04 and also include Products/Completed Operations equivalent to ISO form CG 20 37 07 04 or their equivalents for a minimum of 2 years after acceptance of work. This does not apply to Workers Compensation Policies.**
 - Certificates of Insurance acceptable to the City of Appleton shall be submitted prior to commencement of the work to the applicable department. **In addition form CG 20 10 07 04 for ongoing work exposure and form CG 20 37 07 04 for products-completed operations exposure must also be provided or its equivalent.** These certificates shall contain a provision that coverage afforded under the policies will not be canceled or non renewed until at least 30 days’ prior written notice has been given to the City of Appleton.

REQUIREMENTS CONTINUE ON FOLLOWING PAGE

Insurance Requirements for Sub-Contractors, all sub-contractors shall be required to obtain Commercial General Liability, Automobile Liability, Worker's Compensation, Employer's Liability and if applicable, Watercraft Liability, Aircraft Liability and Unmanned Aircraft Liability Insurance. This insurance shall be as broad as and with the same coverage limits as those required of the Contractor.

The following additional coverages are required where the corresponding box is checked. In addition, Contractor shall be responsible for consulting with its insurance carrier to determine whether any of the other following coverages should be carried based upon the specific project:

- Bond Requirements**
 - **Bid Bond:** The Contractor's Bid Bond equal to 5% of the contract shall accompany the bid for the project.
 - **Payment and Performance Bond:** If awarded the contract, the Contractor will provide to the Owner a Payment and Performance Bond in the amount of the contract price, covering faithful performance of the contract and payment of obligations arising thereunder, as stipulated in bidding requirements, or specifically required in the contract documents on the date of the contract's execution.
 - **Acceptability of Bonding Company:** The Bid, Payment and Performance Bonds shall be placed with a bonding company with an *A.M. Best* rating of no less than A- and a Financial Size Category of no less than Class VI.
 - **License and Permit Bond:** The Contractor will provide to the City a License and Permit Bond in the amount stipulated in Appleton's Municipal Code.

- Property Insurance Coverage (Builder's Risk) to be provided by the Contractor**
 - The property insurance must include engineering or architect fees and must equal the bid amount, plus any change orders.
 - Coverage includes property on the work site/s, property in transit and property stored off the work site/s.
 - Coverage will be on a **Replacement Cost basis**.
 - The City of Appleton, consultants, architects, architect consultants, engineers, engineer consultants, contractors and subcontractors will be added as named insureds to the policy.
 - Coverage must include collapse and be written on a "special perils" or "all risk" perils basis.
 - Coverage must include water damage (including, but not limited to, flood, surface water, hydrostatic pressure) and earth movement.
 - Coverage must include testing and start up.
 - Coverage must include boiler and machinery if the exposure exists.
 - Coverage must include engineers' and architects' fees.
 - Coverage must include building ordinance or law coverage with a limit of 5% of the contract amount.
 - The policy must cover/allow partial utilization by owner.

- Coverage must include a “waiver of subrogation” against any named insureds or additional insureds.
- Contractor is responsible for all deductibles and coinsurance penalties.

Pollution Liability – Contractors; Motor Vehicle/Automobile; Professional; Environmental Consultants/Engineers

- Definition of “Covered Operations” in the policy must include the type of work being done for the City of Appleton
- Limits of Liability:
 - \$500,000 each loss for bodily injury, property damage, environmental damage
 - \$1,000,000 Aggregate for bodily injury, property damage, environmental damage (environmental damage includes pollution and clean-up costs)
- Deductible must be paid by the Contractor, consultants/engineers
- The City of Appleton, its Council members and employees must be Additional Insureds
- The policy must also cover subcontractors
- Specify if “Wrongful Delivery” is covered
- Must cover motor vehicle loading and unloading and show on Certificate of Insurance
- Certificate of Insurance must state:
 - If the policy is an Occurrence or a Claims Made Form
 - If the defense costs reduce the limit of liability
 - If the policy covers motor vehicle loading and unloading claims
 - If there is an underground storage tank or a super fund exclusion
 - If there is a Contractual Liability Exclusion
 - If Bodily Injury includes mental anguish and emotional distress

Aircraft Liability insurance with a limit of \$3,000,000 per occurrence for bodily injury and property damage including passenger liability and slung cargo if the project includes the use or operation of any aircraft or helicopter.

Unmanned Aircraft Liability insurance with a limit of \$1,000,000 per occurrence for bodily injury, property damage liability, and invasion of privacy liability if the project includes the use of or operation of any unmanned aircraft (drones).

Watercraft Liability insurance with a limit of \$1,000,000 per occurrence for bodily injury and property damage if the project includes the use of and/or operation of any watercraft.

Cyber Liability and Technology Errors and Omissions Insurance

- Per occurrence..... \$100,000



Commercial Crime Policy

- Per occurrence \$100,000

Last Review: 12/2021

Exhibit A – Plan Review Services

3/7/2022

1. PLAN REVIEW SERVICES

Plan review services will be provided when requested by City of Appleton (“Client”). Client retains exclusive authority over which plan reviews are referred to E-Plan Exam (“Consultant”). Plan review is limited to Structural, Building, Mechanical, Plumbing, Fire Alarm, and Fire Sprinkler trades/disciplines.

Each discipline will be reviewed by a plan examiner holding certifications as required by the local jurisdiction and/or licensed Architect and/or Professional Engineer holding licensure in the State of Wisconsin.

- Disciplines are defined as follows:
 - Building (architectural / structural)
 - Mechanical (HVAC)
 - Plumbing
 - Fire (Sprinkler, Fire Alarm, etc.)
- Post final comprehensive conditional plan approval – required if requested by Jurisdiction of Authority.
 - Delegated Component Submittal(s)
 - Shop Drawings

2. PLAN REVIEW FEE:

- Building, HVAC, Plumbing, Fire Alarm and Fire Sprinkler Plan Review Fees shall be based upon the fee schedule adopted by the Municipality.
- Plan Review Fees will be split with the Client.
 - 90% of plan review fees are retained by Consultant and 10% are retained by Client.
 - Out of Consultant’s retained fees, Consultant shall be responsible for fees due to the State of Wisconsin as applicable for plan reviews Consultant perform as specified in Wisconsin Administrative Code.

COMMERCIAL PLAN REVIEW FEE SCHEDULE – BUILDING/HVAC/FIRE ALARM/FIRE SUPPRESSION				
1. New construction, additions, alterations and parking lots fees are computed per this table.				
2. New construction and additions are calculated based on total gross floor area of the structure.				
3. A separate plan review fee is charged for each type of plan review.				
Area (Square Feet)	Building Plans	HVAC Plans	Fire Alarm System Plans	Fire Suppression System Plans
Less than 2,500	\$250	\$150	\$30	\$30
2,500 - 5,000	\$300	\$200	\$60	\$60

5,001 - 10,000	\$500	\$300	\$100	\$100
10,001 - 20,000	\$700	\$400	\$150	\$150
20,001 - 30,000	\$1,100	\$500	\$200	\$200
30,001 - 40,000	\$1,400	\$800	\$350	\$350
40,001 - 50,000	\$1,900	\$1,100	\$500	\$500
50,001 - 75,000	\$2,600	\$1,400	\$700	\$700
75,001 - 100,000	\$3,300	\$2,000	\$1,000	\$1,000
100,001 - 200,000	\$5,400	\$2,600	\$1,200	\$1,200
200,001 - 300,000	\$9,500	\$6,100	\$3,000	\$3,000
300,001 - 400,000	\$14,000	\$8,800	\$4,400	\$4,400
400,001 - 500,000	\$16,700	\$10,800	\$5,600	\$5,600
Over 500,000	\$18,000	\$12,100	\$6,400	\$6,400
Note:	1. A Plan Entry Fee of \$100.00 shall be submitted with each submittal of plans in addition to the plan review and inspection fees.			
	2. At the sole discretion of the Supervisor of Building Inspection and Plans Examiner; Fees may be modified, reduced or waived based on scope of services, project type, or other relevant factors.			
Determination of Area	The area of a floor is the area bounded by the exterior surface of the building walls or the outside face of columns where there is no wall. Area includes all floor levels such as subbasements, basements, ground floors, mezzanines, balconies, lofts, all stories, and all roofed areas including porches and garages, except for cantilevered canopies on the building wall. Use the roof area for free standing canopies.			
Structural Plans and other Component Submittals	When submitted separately from the general building plans, the review fee for structural plans, precast concrete, laminate wood, beams, cladding elements, other facade features or other structural elements, the review fee is \$250.00 per plan with an additional \$100.00 plan entry fee per each plan set.			
Accessory Buildings	The plan review fee for accessory buildings less than 500 square feet shall be \$125.00 with the plan entry fee waived.			
Early Start	The plan review fee for permission to start construction shall be \$75.00 for all structures less than 2,500 sf. All other structures shall be \$150.00. The square footage shall be computed as the first floor of the building or structure.			
Plan Examination Extensions	The fee for the extension of an approved plan review shall be 50% of the original plan review fee, not to exceed \$3,000.00.			

Resubmittals & revisions to approved plans	When deemed by the reviewer to be a minor revision from previously reviewed and/or approved plans, the review fee shall be \$75.00. Any significant changes or alterations beyond minor amendments as determined by the Plans Examiner and Building Inspection Department may result in additional charges as appropriate.
Submittal of plans after construction	Where plans are submitted after construction, the standard late submittal fee of \$250.00 will be assessed per each review type that occurred after construction. This is in addition to any other plan entry fees, structural components and base fees applied to a project.
Expedited Priority Plan Review	The fee for a priority plan review, which expedites completion of the plan review in less than the normal processing time when the plan is considered ready for review, shall be 200% of the fees specified in these provisions.

COMMERCIAL PLAN REVIEW FEE SCHEDULE – PLUMBING				
1. New construction, alterations and remodeling fees are computed per the following table				
2. New construction fee is calculated based on square footage of the area constructed.				
3. Alterations and remodeling fee is based on the number of plumbing fixtures.				
Area (Square Feet) (New Construction & Additions)	Plumbing Plan Review Fee		Number of Fixtures (Alteration, Remodeling, and Site Work)	Plumbing Plan Review Fee
Less than 3,000	\$300		<15	\$200
3,001 - 4,000	\$400		16-25	\$300
4,001 - 5,000	\$550		26-35	\$450
5,001 – 6,000	\$650		36-50	\$550
6,001 – 7,500	\$700		51-75	\$800
7,501 – 10,000	\$850		76-100	\$900
10,001 – 15,000	\$900		101-125	\$1,050
15,001 – 20,000	\$950		126-150	\$1,150
20,001 – 30,000	\$1,100		>151	\$1,150
30,001 – 40,000	\$1,250		Plus \$160 for each additional 25 fixtures (rounded up) beyond 150 Fixtures	
40,001 – 50,000	\$1,550			
50,001 – 75,000	\$2,100			
Over 75,000	\$2,500			
Plus \$0.0072 per each additional sq. ft. over 75,000 sq. ft.				
Note:	1. A Plan Entry Fee of \$100.00 shall be submitted with each submittal of plans in addition to the plan review and inspection fees.			

	2. At the Sole discretion of the Supervisor of Building Inspection and Plans Examiner; Fees may be modified, reduced or waived based on scope of services, project type, or other relevant factors.
Determination of Area	The area of a floor is the area bounded by the exterior surface of the building walls or the outside face of columns where there is no wall. Area includes all floor levels such as subbasements, basements, ground floors, mezzanines, balconies, lofts, all stories, and all roofed areas including porches and garages, except for cantilevered canopies on the building wall. Use the roof area for free standing canopies.
Resubmittals & revisions to approved plans	When deemed by the reviewer to be a minor revision from previously reviewed and/or approved plans, the review fee shall be \$75.00. Any significant changes or alterations beyond minor amendments as determined by the Plans Examiner and Building Inspection Department may result in additional charges as appropriate.
Submittal of plans after construction	Where plans are submitted after construction, the standard late submittal fee of \$250.00 will be assessed per each review type that occurred after construction. This is in addition to any other plan entry fees and base fees applied to a project.
Expedited Priority Plan Review	The fee for a priority plan review, which expedites completion of the plan review in less than the normal processing time when the plan is considered ready for review, shall be 200% of the fees specified in these provisions.

3. Supplemental Services as required by municipality:

- Hourly rate for services beyond what is specified in this Agreement shall be rendered at \$175.00 per hour. This shall only be assessed when prior written consent is provided by the Client to the Consultant and agreed to by the Consultant in writing.
 - This hourly rate is not intended for plan review services, but rather for incidental supplemental “on call” professional engineering services as required beyond the scope as outlined in services defined throughout the balance of Exhibit A.

4. PLAN REVIEW FEE – includes the following services:

- One optional remote code consultation meeting after conclusion of the first review
- Consultation via phone during duration of project regarding reviews preformed.
- Three (3) reviews of all disciplines to verify that all comments have been addressed.
 - Subsequent reviews may result in resubmittal plan examination fees to be assessed.
- Changes to plans after conditional approval is granted may result in resubmittal plan examination fees to be assessed.
- Free code consultation with all inspectors/City staff, both employed directly and under contract, serving the City of Appleton for entirety of duration of any project reviewed by E-Plan Exam, regardless of any contract in place with that entity and the City of Appleton. This free consultation period shall extend prior to any formal submission of any plan documents to the conclusion of any project reviewed or termination of this agreement (whichever occurs first).

5. TIME OF PERFORMANCE

- Plan review turnaround time shall be fifteen (15) business days after full receipt by Consultant of all required documents as required by the Department of Safety and professional services as well as the City of Appleton municipal code.
 - Plan Review turnaround time is defined as time frame from date of full receipt of plans to conclusion of plan review. Conclusion of plan review date will be determined by date that plans are listed as one of the following as dictated by best practices with the State of Wisconsin Department of Safety and Professional Services:
 - Conditionally Approved
 - Hold – Request for Additional Information
 - Denied

6. CONSULTANT CONTACT

Consultant will provide a qualified professional to oversee this project. They are available by phone and email using the contact information listed below.

Plan Review Management Contact

David Adam Mattox, P.E.

414-736-4721

damattox@eplanexam.com

Plan Review Management Contact

Edward Lisinski, P.E.

414-412-6096

edlisinski@eplanexam.com



E-PLAN
— EXAM

City of Appleton
December 2021

E-PLAN EXAM



Commercial Plan Review Services

OVERVIEW

E-Plan Exam is pleased to submit this proposal for services to support Appleton in its pursuit to deliver better customer service to your constituents and your internal team members through the plan review process!

It is our mission and goal at E-Plan Exam to assist municipalities in their effort to better serve the construction community by working in partnership to deliver exceptional quality plan reviews within an expedited time frame, while maintaining low costs. As code officials, who have served in high functional capacities, overseeing large building inspection and plan review departments, we fully understand and appreciate the challenges that are encountered daily in construction. Our philosophy and approach to better the communities we serve is to work in direct partnership with all stakeholders on all projects, from the time it is simply an idea in the mind of the developer to the point where occupancy is granted. What we have found is when we create and foster a positive experience with the communities we serve through integrity and passion, it improves the safety and the quality of the projects we are privileged to work on.

The proposal contained herein is meant to serve as a starting point and establish a foundation from which we can continue to build upon together. We sincerely look forward to supporting your community!

Our Main Objective

There are five main plan reviews that are required for any commercial building construction in Wisconsin: Building, HVAC, Plumbing, Fire Alarm and Fire Sprinkler. Without delegated authority granted by the State of Wisconsin Department of Safety and Professional Services, all projects would have to flow through them. This is where delegation comes in to handle some or all these scopes at the local level – but in many communities these thresholds are often inconsistent.

At the time of this proposal, after review with Wisconsin DSPS, **only 20 Communities** out of more than 1,800 in the State have the capabilities to do full-fledged plan review of Unlimited Size Structures for Building, HVAC, Fire Alarm, Fire Sprinkler, and Plumbing plan reviews.

- Most Communities, if they are delegated, are only delegated for small-scale Building and HVAC for projects not exceeding 50,000 cubic foot in volume for new construction (roughly the size of a new freestanding Starbucks).
- Most communities do not have any Plumbing Plan Review authority – Appleton does! If you desire, we can assist you in on-call fill in services for Plumbing Plan Reviews!
- Most communities are not delegated for Fire Alarm and Fire Sprinkler for projects. Appleton is already delegated for Fire Alarm and Fire Sprinkler! Like Plumbing, if you want, we can provide support here should you desire!

Our goal would be to enhance your local capabilities by **obtaining full-fledged delegation for Building and HVAC, projects of unlimited size for your community and elevate Appleton's capabilities!**

Once this program is up and running, at its heart it's a program of choice. Applicants would have the choice to submit to your community, and in turn E-Plan Exam, or they could still submit to the State. Likewise, your community can request that a submitter submit directly to the State for any reason. If you would like to proceed, would be joining a very select group of communities as of today that would have full-fledged approval from DSPS to handle all commercial projects at the local level. And once your community would be delegated by the State of Wisconsin, our goals would be simple:

- **Reroute revenue** never seen by your community from the State of Wisconsin.
- Guarantee **15 business days turn around** for any commercial project.
- Provide **full visibility** to the entirety of the plan review process to all stakeholders.
- In partnership, serve as an extension to your municipal operations by offering **free unlimited code consultations**.

Much of these elements are relatively easy to achieve, and while there are some prerequisites, our team will gladly work with you to achieve these delegations and set a new standard for construction in your community!

About Us

We founded our company in Wisconsin where our primary goal is to transform and raise the standard for which plan reviews are done in the state. In partnership with your community, we believe can provide exceptional service and effect positive change! Through successful implementation of our program, we have shown that these four simple objectives differentiate our operation from your current experience, and dramatically impact the communities we serve:

1. Integrity – At E-Plan Exam we take our practice and oaths seriously to safeguard the public welfare, life, health, and property for all our community partners. This is the guiding principle on which our company was founded and is present at the heart of every interaction we have.
2. Communication – We separate ourselves by our promise and guarantee to go above and beyond to work with everyone we interact with. Our goal is never to simply give a “yes” or “no” answer to whether something is code compliant but to work with everyone on what a code compliant path looks like.
3. Knowledge – Our experience is derived from working as advisors to the State of Wisconsin, serving on local and national code boards, leading large Wisconsin communities, and overseeing a variety of construction projects. With every unique project requiring its own solution, we will always make sure to coordinate our efforts with local inspection staff as well as the State of Wisconsin to ensure uniform enforcement and application of the code.
4. Passion – We believe that the permitting and plan review process is the most critical point where projects have the greatest potential to be delayed. Our greatest passion is driven by the ability to ensure that we guarantee a maximum of 15 business days for any review. In our opinion, waiting for weeks or even months on a plan review for a business to start construction is unacceptable. At E-Plan Exam we strive to challenge this industry “norm,” and do better, because we can.

OUR PROPOSAL

Outlined in this proposal and contract language is our promise to ensure the service offering we provide is at its best. We are prepared to guarantee that not only will all plan reviews be done within 15 business days, but all reviews will be done by individuals who either live or work in the State of Wisconsin. This allows us the capability to utilize plan examiners who have intimate knowledge of not only the current codes and our “Wisconsinisms”, but also our historical state building codes. All of which are still very much enforced today by state statutes and administrative code.

Additionally, our ability to communicate and coordinate our code efforts with not only the local inspection team but also the community, will result in fewer issues encountered during construction. This will allow for community development to occur with ease. To continuously improve our service, we ask that we have the opportunity to meet with community leadership, and those most impacted by our work regularly to review and improve our processes.

Proposed Fee Structure

Our fee structure outlined below operates on a percent fee split:

For all buildings and structures within the City of Appleton:

- **90% of plan review fees are retained by E-Plan Exam and 10% are retained by Appleton.**
 - **Out of E-Plan Exam’s retained plan review fees, we shall be responsible for fees due to the State of Wisconsin as applicable for reviews we perform as specified in Wisconsin Administrative Code.**

These fees are based on the following fee schedule which is a simplified and customer friendly variant of the State of Wisconsin’s Plan Review Fee Schedule. Please see below:

COMMERCIAL PLAN REVIEW FEE SCHEDULE – BUILDING/HVAC/FIRE ALARM/FIRE SUPPRESSION

1. New construction, additions, alterations, and parking lots fees are computed per this table.
2. New construction and additions are calculated based on total gross floor area of the structure.
3. A separate plan review fee is charged for each type of plan review.

Area (Square Feet)	Building Plans	HVAC Plans	Fire Alarm System Plans	Fire Suppression System Plans
Less than 2,500	\$250	\$150	\$30	\$30
2,500 - 5,000	\$300	\$200	\$60	\$60
5,001 - 10,000	\$500	\$300	\$100	\$100
10,001 - 20,000	\$700	\$400	\$150	\$150
20,001 - 30,000	\$1,100	\$500	\$200	\$200
30,001 - 40,000	\$1,400	\$800	\$350	\$350
40,001 - 50,000	\$1,900	\$1,100	\$500	\$500
50,001 - 75,000	\$2,600	\$1,400	\$700	\$700
75,001 - 100,000	\$3,300	\$2,000	\$1,000	\$1,000
100,001 - 200,000	\$5,400	\$2,600	\$1,200	\$1,200
200,001 - 300,000	\$9,500	\$6,100	\$3,000	\$3,000
300,001 - 400,000	\$14,000	\$8,800	\$4,400	\$4,400
400,001 - 500,000	\$16,700	\$10,800	\$5,600	\$5,600
Over 500,000	\$18,000	\$12,100	\$6,400	\$6,400
Note:	1. A Plan Entry Fee of \$100.00 shall be submitted with each submittal of plans in addition to the plan review and inspection fees.			
	2. At the Sole discretion of the Supervisor of Building Inspection and Plans Examiner; Fees may be modified, reduced, or waived based on scope of services, project type, or other relevant factors.			
Determination of Area	The area of a floor is the area bounded by the exterior surface of the building walls or the outside face of columns where there is no wall. Area includes all floor levels such as subbasements, basements, ground floors, mezzanines, balconies, lofts, all stories, and all roofed areas including porches and garages, except for cantilevered canopies on the building wall. Use the roof area for free standing canopies.			
Structural Plans and other Component Submittals	When submitted separately from the general building plans, the review fee for structural plans, precast concrete, laminate wood, beams, cladding elements, other facade features or other structural elements, the review fee is \$250.00 per plan with an additional \$100.00 plan entry fee per each plan set.			
Accessory Buildings	The plan review fee for accessory buildings less than 500 square feet shall be \$125.00 with the plan entry fee waived.			
Early Start	The plan review fee for permission to start construction shall be \$75.00 for all structures less than 2,500 sf. All other structures shall be \$150.00. The square footage shall be computed as the first floor of the building or structure.			
Plan Examination Extensions	The fee for the extension of an approved plan review shall be 50% of the original plan review fee, not to exceed \$3,000.00.			
Resubmittals & revisions to approved plans	When deemed by the reviewer to be a minor revision from previously reviewed and/or approved plans, the review fee shall be \$75.00. Any significant changes or alterations beyond minor amendments as determined by the Plans Examiner and Building Inspection Department may result in additional charges as appropriate.			

Submittal of plans after construction	Where plans are submitted after construction, the standard late submittal fee of \$250.00 will be assessed per each review type that occurred after construction. This is in addition to any other plan entry fees, structural components and base fees applied to a project.
Expedited Priority Plan Review	The fee for a priority plan review, which expedites completion of the plan review in less than the normal processing time when the plan is considered ready for review, shall be 200% of the fees specified in these provisions.

COMMERCIAL PLAN REVIEW FEE SCHEDULE – PLUMBING

1. New construction, alterations and remodeling fees are computed per the following table
2. New construction fee is calculated based on square footage of the area constructed.
3. Alterations and remodeling fee is based on the number of plumbing fixtures.

Area (Square Feet) (New Construction & Additions)	Plumbing Plan Review Fee		Number of Fixtures (Alteration, Remodeling, and Site Work)	Plumbing Plan Review Fee
Less than 3,000	\$300		<15	\$200
3,001 - 4,000	\$400		16-25	\$300
4,001 - 5,000	\$550		26-35	\$450
5,001 – 6,000	\$650		36-50	\$550
6,001 – 7,500	\$700		51-75	\$800
7,501 – 10,000	\$850		76-100	\$900
10,001 – 15,000	\$900		101-125	\$1,050
15,001 – 20,000	\$950		126-150	\$1,150
20,001 – 30,000	\$1,100		>151	\$1,150
30,001 – 40,000	\$1,250		Plus \$160 for each additional 25 fixtures (rounded up) beyond 150 Fixtures	
40,001 – 50,000	\$1,550			
50,001 – 75,000	\$2,100			
Over 75,000	\$2,500			
Plus \$0.0072 per each additional sq. ft. over 75,000 sq. ft.				

- | | |
|-------|--|
| Note: | 1. A Plan Entry Fee of \$100.00 shall be submitted with each submittal of plans in addition to the plan review and inspection fees. |
| | 2. At the Sole discretion of the Supervisor of Building Inspection and Plans Examiner; Fees may be modified, reduced, or waived based on scope of services, project type, or other relevant factors. |

Determination of Area	The area of a floor is the area bounded by the exterior surface of the building walls or the outside face of columns where there is no wall. Area includes all floor levels such as subbasements, basements, ground floors, mezzanines, balconies, lofts, all stories, and all roofed areas including porches and garages, except for cantilevered canopies on the building wall. Use the roof area for free standing canopies.
-----------------------	---

Resubmittals & revisions to approved plans	When deemed by the reviewer to be a minor revision from previously reviewed and/or approved plans, the review fee shall be \$75.00. Any significant changes or alterations beyond minor amendments as determined by the Plans Examiner and Building Inspection Department may result in additional charges as appropriate.
--	--

Submittal of plans after construction	Where plans are submitted after construction, the standard late submittal fee of \$250.00 will be assessed per each review type that occurred after construction. This is in addition to any other plan entry fees and base fees applied to a project.
Expedited Priority Plan Review	The fee for a priority plan review, which expedites completion of the plan review in less than the normal processing time when the plan is considered ready for review, shall be 200% of the fees specified in these provisions.

Initial review time for all plans shall not be longer than 15 business days to either Approve, Deny, or Request for Additional Information/Place on Hold.

In addition to the outlined fees above, as a courtesy to our municipal partners, we also offer on-call hourly professional engineering services of \$175.00 per hour, when both the City of Appleton and E-Plan Exam agree in writing prior to such services.

Our initial proposed contract is for 48 months with all billing invoiced monthly with terms of Net 30 days.

And finally, there is no retainer or annual base fee required for our services. We are there when you need us, but when you don't, there is no cost to the municipality. Our goal is to fit seamlessly into your operation, to serve as an extension of your team and to work as your partner.

Insurance

E-Plan Exam carries a full complement of business insurance including errors and omissions, property, general and liability insurance. Certificates of insurance in the following amounts will be provided upon request:

Type of Insurance	Amount of Insurance
Commercial General Liability	<ul style="list-style-type: none"> \$1,000,000 Each Occurrence \$2,000,000 General Aggregate
Professional Liability	<ul style="list-style-type: none"> \$1,000,000 Each Claim \$2,000,000 Aggregate
Umbrella Liability	<ul style="list-style-type: none"> \$5,000,000 Each Occurrence \$5,000,000 Aggregate

Plan Review Process

Plan Intake

In construction, time is money and accuracy is critical. To that end, we have fully automated our procedures to streamline plan review intake. In cooperation with our municipal partners, we have enabled online plan review submission. A sample of our plan review intake forms can be found at eplanexam.com/submit-a-project. Once an applicant submits a project, notifications are sent to all staff who wish to receive notice. This notification will include links to all pertinent contact information, documents, and construction plans that were submitted.

As part of our service, your community will have full access to our system and database. This will allow you to see not only where a project is in our plan review queue, but also what issues may have been encountered and the status of the review. This access is not only limited to you, but to all our clients. You can easily see where everything stands as a whole and filter down to the plan reviews within your municipal boundaries. If you are interested in learning more about our services, we can give you temporary access to our live system and demonstrate it for you.



Fee Collection Services

As part of our service, we offer to all our municipal partners the collection and handling of any plan review fees. This is something that often takes up a significant amount of time to collect fees, ensure proper charges, and process invoices. To simplify matters, we offer two options:

1. E-Plan Exam collects any fees directly for the plan reviews we perform. Our team invoices for each project received directly to the applicant and issues a payment to our municipal partners to be received within 15-30 days. This option frees up significant amounts of administrative time for tracking down payments, as well as streamlines payments to the State of Wisconsin. We take ownership for ensuring proper fee calculations and payments.
2. We also offer an option to invoice your community for plan review services rendered, based on projects within any given month. In this option, you would collect all fees from the applicants, and we would send you an invoice with billable terms of net 30 days.

Plan Review

We love to talk about complex projects before they are ready to be submitted. This helps to clear up any potential code issues and ensures a smooth plan review. Code consultations with our examiners and architects, designers, contractors, and/or municipal partners are encouraged for complex projects.

Once the plan review is complete, we turn over all documents, specifications, and requests for additional information, to the applicants as well as the municipality. Our goal is to do as thorough of a review as possible while giving as much information to the municipality, so they can properly do their inspections. Additionally, for large scopes of work or complex projects, we will do project kick off meetings with the local inspection team to make them aware of the intricacies of the project.

All the services mentioned above including code consultations, and code inquiries from our municipal partners, inspectors, or applicants are included as part of our base plan review service.

Our goal is to make this program and our plan review experts an extension of your staff, give you more insight and capabilities versus the State's current process, reroute previously unseen revenue to your community, and provide top quality customer service to you and the constituents within your community.

CONCLUSION

We sincerely look forward to working with the City of Appleton and supporting your efforts!

Should the City of Appleton desire to speak with our references, municipal partners, or the developers we have worked with, we will be more than happy to provide contact information. If you decide to proceed with our services, we are proud to say that we will be able to serve your community immediately.

If you have any questions about this proposal or would like to discuss our services, please feel free to contact us at your earliest convenience and we will be more than happy to discuss. We are also available for virtual meetings if preferred.

Thank you for your consideration and we sincerely look forward to hearing from you!

Sincerely and respectfully,



David Adam (DA) Mattox, P.E.
Co-Founder
414-736-4721
damattox@eplanexam.com



Ed Lisinski, P.E., MP
Co-Founder
414-412-6096
edlisinski@eplanexam.com



E-PLAN

EXAM

eplanexam.com

12605 W North Avenue #189 - Brookfield, WI 53005



APPLICATION FOR STREET VACATION
 Community Development Department
 100 N. Appleton St. PH: 920-832-6468
 Appleton, WI 54911 FAX: 920-832-5994

RECEIVED
 Dept. of Community &
 Economic Development
 6-12-23
 Stamp date received

APPLICANT		STREET VACATION INITIATED BY	
Name THOMAS KROMM, CITY OF APPLETON		<input type="checkbox"/> Citizen Initiated <input type="checkbox"/> Aldermanic Resolution <input checked="" type="checkbox"/> City Staff Initiated	
Mailing Address 100 N. APPLETON STREET APPLETON, WI			
Phone 920-832-6474		Fax 920-832-6489	
E-mail TOM.KROMM@APPLETON.ORG			

STREET INFORMATION	
Name of Street(s) to be Vacated: CIRCLE STREET	
Location: WEST OF DREW STREET AND EAST OF DURKEE STREET.	
Legal Description of Proposed Street Vacation *Please submit an electronic copy of the legal description in Microsoft Word format. SEE ATTACHMENT	
Current Zoning: P-I	Proposed Zoning: P-I
Current Uses: THIS PUBLIC RIGHT OF WAY IS ALREADY BEING USED, OCCUPIED AND MAINTAINED BY THE ADJOINING PROPERTY OWNER.	

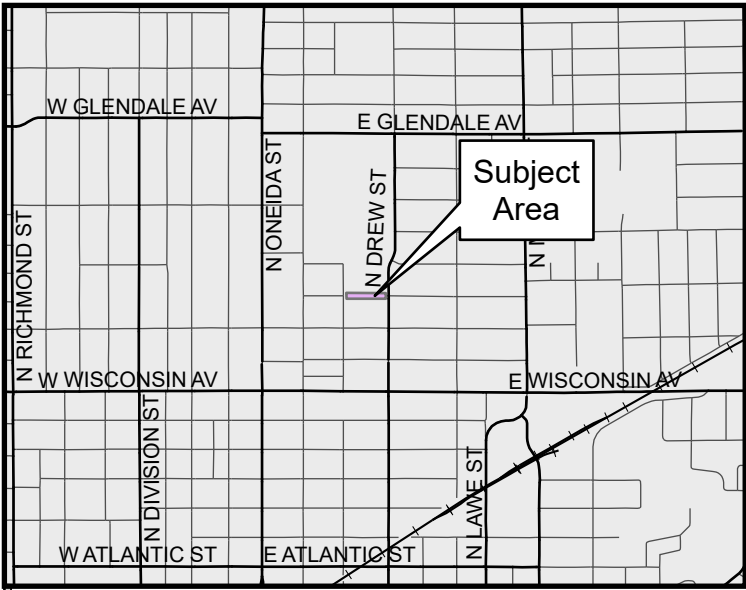
PLEASE STATE THE REASON(S) FOR STREET VACATION REQUEST
*Please attach a location map of the property or portion of the property in question and facts to support the request. THE PUBLIC STREET IS NO LONGER BEING USED AS A PUBLIC STREET AND THE ADJOINING PROPERTY OWNER WOULD LIKE TO FURTHER DEVELOP THE PROPERTY.

6/12/2023	<i>Thomas M Kromm</i>
Date	Applicant Signature

OFFICE USE ONLY	
Application Complete _____	Date Filed ____/____/____

Reasonable accommodations for persons with disabilities will be made upon request and if feasible. 7/10

E. Circle Street,
west of N. Drew Street and
east of N. Durkee Street
Street Vacation
Vicinity Map



P-I



E. Circle Street, west of
N. Drew Street and
east of N. Durkee Street
Street Vacation
Aerial Map



Subject Area



City Plan Commission
7-12-2023

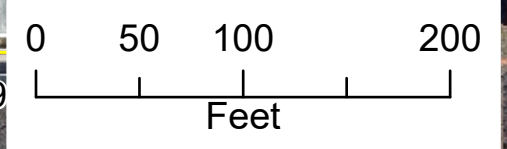
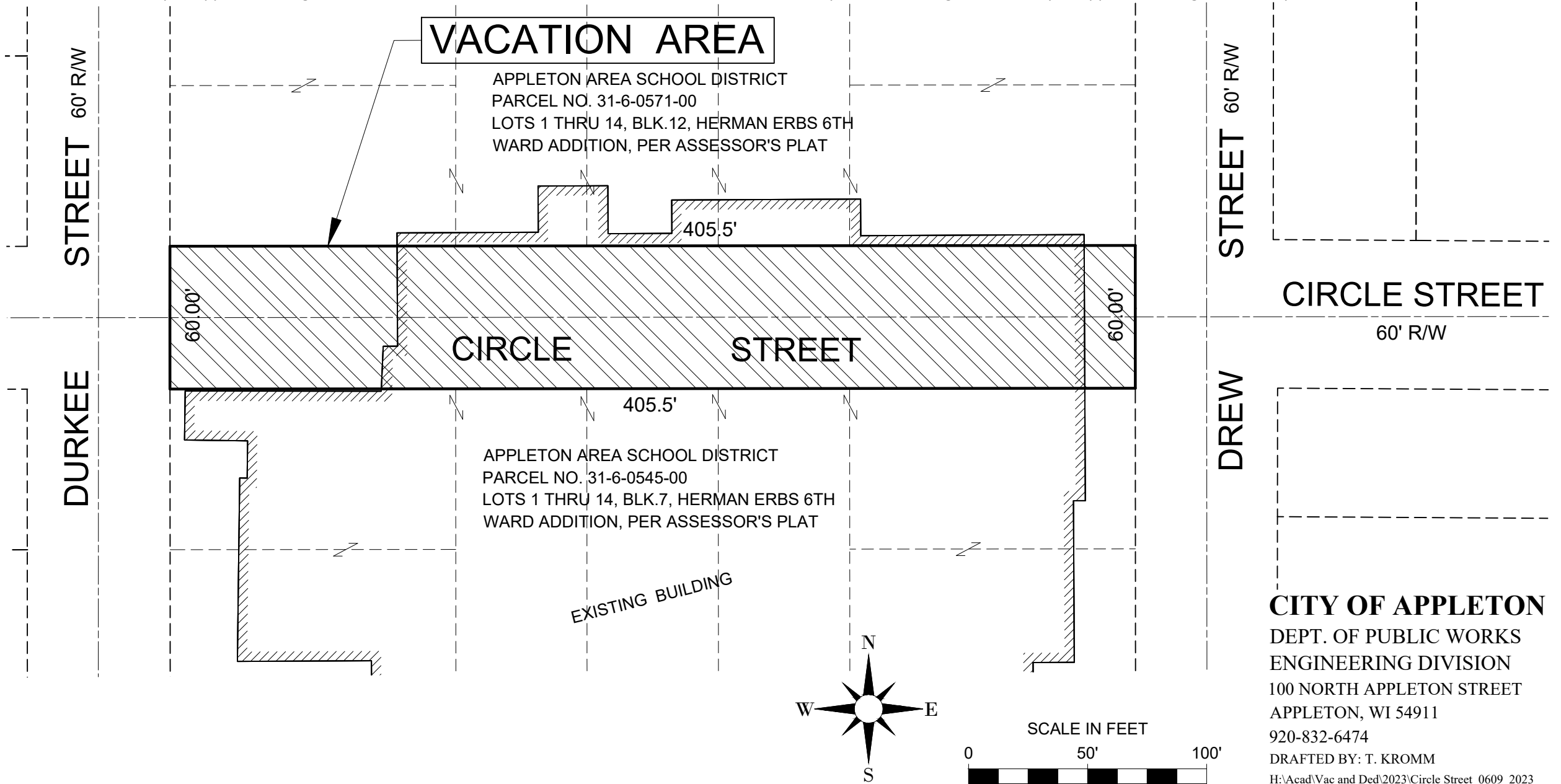


EXHIBIT "A"

All of Circle Street, lying between Block Seven (7) and Block Twelve (12), of HERMAN ERBS 6TH WARD ADDITION, all according to the recorded Assessor's Map of the City of Appleton, being located in the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 23, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin.



CIRCLE STREET VACATION

LEGAL DESCRIPTION

All of a strip of land 60 feet in width and 405.5 feet m/l in length and containing 24,330 square feet of land m/l and being further described by:

All of Circle Street lying between Block Seven (7) and Block Twelve (12), of Herman Erbs 6th Ward Addition, located in the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) of Section 23, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin.

See also attached Exhibit "A" for illustration.

EASEMENTS

The City of Appleton their heirs, successors and or assigns (Grantee) hereby retain an easement for a sanitary sewer within the entire length and width of the above described right of way. It is further agreed that this easement shall be a permanent easement. It is further agreed that Grantee shall have the right to install, regrade, replace, relocate, operate, maintain, resize and repair the sanitary sewer and associated appurtenances. It is further agreed that after installing, regrading, replacing, relocating, operating, maintaining, resizing or repairing of this utility 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. This easement includes the right to operate any and all equipment deemed necessary by Grantee to perform said activities. Grantee agrees that it shall give timely notice to the Grantor of routine maintenance work.

Original Alcohol Beverage Retail License Application

(Submit to municipal clerk.)

For the license period beginning: 07/01/2023 ending: 06/30/2024
(mm dd yyyy) (mm dd yyyy)

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

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

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

Applicant's Wisconsin Seller's Permit Number REDACTED	
FEIN Number REDACTED	
TYPE OF LICENSE REQUESTED	FEE
<input type="checkbox"/> Class A beer	\$
<input checked="" type="checkbox"/> Class B beer	\$ 100
<input type="checkbox"/> Class C wine	\$
<input type="checkbox"/> Class A liquor	\$
<input type="checkbox"/> Class A liquor (cider only)	\$ N/A
<input type="checkbox"/> Class B liquor	\$
<input type="checkbox"/> Reserve Class B liquor	\$
<input type="checkbox"/> Class B (wine only) winery	\$
Publication fee	\$ 60 + 7
TOTAL FEE	\$ 167

Name (individual / partners give last name, first, middle; corporations / limited liability companies give registered name)
Core's Lounge LLC

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

President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
<u>Xiong</u>	<u>Kor</u>		<u>2618 N. 27th St Sheboygan WI 53083</u>
Vice President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Secretary / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Treasurer / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Agent Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

1. Trade Name Core's Lounge Business Phone Number _____

2. Address of Premises 1350 W. College Ave Suite D Appleton WI 54914 Post Office & Zip Code 54914

3. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.)
Drinks will be serve at tables.
All beverages will be stored in the 2 door fridge which will be in the back storage.

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

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

(b) If yes, under what name was license issued? Core's Lounge

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

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

Contact Person's Name (Last, First, M.I.) <i>Xiong Kor</i>	Title/Member <i>Owner</i>	Date <i>05/24/23</i>
Signature <i>Xiong Kor</i>	Phone Number REDACTED	Email Address REDACTED

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk <i>05/24/2023</i>	Date reported to council / board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	



City of Appleton Alcohol License Questionnaire

1. Name of Applicant: Kor

2. Name of Business: Cow's Lounge

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

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

3. Address of Business: 1350 W. College Ave. Suite D

Appleton, WI 54914

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

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

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

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

First name	M.I.	Last name	Date of Birth
<u>Kor</u>		<u>Xiang</u>	<u>REDACTED</u>
_____	_____	_____	____/____/____
_____	_____	_____	____/____/____
_____	_____	_____	____/____/____
_____	_____	_____	____/____/____

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

Name: _____
First name Middle Initial Last name

Address: _____
City State ZIP

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

Name: Coris Lounge

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

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

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

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

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

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

12 months ago.

10. Seating capacity: Inside 50-60 Outside NONE

11. Operating hours (Inside the building): Monday - Sunday 10AM - 2AM
Operating hours (Outdoor seating areas): _____

12. Employees/Staff

Number of floor personnel 2 Number of door checkers _____

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

a. Gross floor building area of the premises to be licensed: 2400 square feet.

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

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

Restaurant, serving food and beer.

[Signature]
Signature

05/24/23
Date

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

Submit to municipal clerk.

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

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

The undersigned duly authorized officer/member/manager of Coe's Lounge 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 Coe's Lounge
(Trade Name)

located at 1350 W. College Ave Suite D

appoints Kor Xiong
(Name of Appointed Agent)
2618 N. 27th St. Sheboygan, WI 53083
(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? 30 yrs.

Place of residence last year 2618 N. 27th St. Sheboygan WI 53083

For: Coe's Lounge LLC
(Name of Corporation / Organization / Limited Liability Company)

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

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

ACCEPTANCE BY AGENT

I, Kor Xiong, 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] 05/24/23 Agent's age REDACTED
(Signature of Agent) (Date)

2618 N. 27th St. Sheboygan WI 53083 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)



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

TO: Safety and Licensing Committee
Common Council

FROM: Lt. Adam Nagel

DATE: 06/15/2023

RE: Police Department's Recommendation for Denial of Kor Xiong / Core's Lounge
LLC Class "B" Beer License Application.

Committee and Council Members:

The police department is requesting that the Safety and Licensing Committee recommend to the Common Council to **deny** Kor Xiong's application for a Class "B" Beer License Application. This application is for the business Core's Lounge at 1350 W College Ave. The owner of this establishment, Kor Xiong and others associated with Core's Lounge have received multiple citations at Core's Lounge. These have included multiple underage drinking violations, noise complaints, and disorderly/violent behavior. Core's Lounge's liquor license was revoked by the common council in April 2022 and we have not seen any positive changes to the establishment that would reasonably demonstrate the assurances required to grant such a license to a habitual law offender.

In addition to the applicant being a habitual law offender, the Police Department believes that there are significant concerns for the public health, safety, and welfare of the community. Based on the convictions outlined below and the dozens of other instances where law enforcement assistance was requested due to excessive noise coming from the formerly licensed premises, we believe that each of the following reasons alone provide enough of a basis to deny the application, let alone in combination:

1. there will be an adverse impact on the overall peacefulness and quietness of the neighborhood where the establishment is located;
2. the proximity of the establishment to this particular residential area; or
3. the inability of police to provide law enforcement services to the new establishment and the impact of the new establishment on the ability to provide law enforcement services to the balance of the community at all times (i.e., we previously spent significant amounts of resources responding to this establishment and a person fell victim to gun violence. To increase police resources to a level that would assure public safety would take away from the safety of the remainder of Appleton).

Under Wisconsin law no license related to alcohol beverages may be issued to a habitual law

offender where the circumstances of the habitual law offenses substantially relate to the circumstances of the particular licensed activity.

Also an applicant is allowed an opportunity to show evidence of rehabilitation and fitness to engage in the licensed activity. The licensing agency must consider any of the following evidence if presented by the individual:

- (1) Evidence of the nature and seriousness of any offense of which he or she was convicted.
- (2) Evidence of all circumstances relative to the offense, including mitigating circumstances or social conditions surrounding the commission of the offense.
- (3) The age of the individual at the time the offense was committed.
- (4) The length of time that has elapsed since the offense was committed.
- (5) Letters of reference by persons who have been in contact with the individual since the applicant's release from any local, state, or federal correctional institution.
- (6) All other relevant evidence of rehabilitation and present fitness presented.

As part of any denial of licensing, the police department must determine if incidents are substantially related to the sale of alcohol. Kor Xiong and other staff responsible for the management of Core's Lounge were cited on multiple different occasions for offenses related to the sale of alcohol. These violations are detailed below. Nou Vang was a bar manager for Kor Xiong at Core's Lounge at all times relevant to the citations noted below. Kor was also cited and found guilty on two separate occasions for alcohol violations after Core's Lounge's alcohol licenses were revoked. Please consider this fact against any evidence of rehabilitation that the applicant may produce.

- On or about 11/05/22 Kor Xiong was cited at Core's Lounge for Operating a Premises without a Licensed Operator in violation of Appleton City Ordinance 9-51. There was a finding of guilt on this citation on or about January 4, 2023.
- On or about 04/24/22 Kor Xiong was cited at Core's Lounge for Operating a Premises without a Required Alcohol License in violation of Appleton City Ordinance 9-51. There was a finding of guilt on this citation on or about June 29, 2022.
- On or about 02/13/22 Kor Xiong hosted an event at Core's Lounge. During this event a person was shot. The individual arrested for this shooting was convicted of 1st Degree Reckless Injury on or about 10/12/2022. Multiple underage drinkers were located and cited. Underage drinkers admitted to being in Core's Lounge that evening. Nou Vang was cited for Permitting Underage Person to Loiter on Premises. There was a finding of guilt on this citation on or about March 9, 2022.
- On or about 09/04/21 Kor Xiong was cited at Core's Lounge for being Open After Hours / Failing to vacate in violation of Appleton City Ordinance 9-52(4). There was a finding of guilt on this citation on or about November 10, 2021.
- On or about 07/25/21 Nou Vang was cited at Core's Lounge for being Open After Hours / Failing to vacate and Loud and Excessive Noise in violation of Appleton City

Ordinance 9-52(4) and 12-80. There were findings of guilt on both citations on or about November 10, 2021.

- On or about 12/24/19 Kor Xiong was cited at Core's Lounge for Loud and Excessive Noise in violation of Appleton City Ordinance 12-80. There was a finding of guilt on this citation on or about July 15, 2020.

The above-mentioned violations have a significant link to the ability to serve alcohol responsibly and maintain control of a business. The service of alcohol includes coming into contact with individuals in a very vulnerable state and the Police Department feels that Kor Xiong and the bar management staff have not demonstrated the necessary maturity and decision-making capacity to be allowed an alcohol beverage license in the City of Appleton, including continued law violations after their previous alcohol license was revoked. Being aware of no evidence showing the licensee's rehabilitation and fitness to engage in the licensed activity, the Police Department recommends that the Council deny the application based on the applicant being a habitual law offender. Additionally, the Police Department's aforementioned concerns for public health, safety, and welfare of the community provide further reason to deny this application.

Very Respectfully:

A handwritten signature in black ink, appearing to read 'Adam Nagel', written over a horizontal line.

Lt. Adam Nagel
Appleton Police Department

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

IN RE THE ALCOHOL LICENSE OF CORE'S LOUNGE, LLC

AGENT: KOR XIONG
d/b/a CORE'S LOUNGE
1350 W. COLLEGE AVE., SUITE D
APPLETON, WI 54911

REPORT TO THE COMMON COUNCIL OF THE CITY OF APPLETON

Following the public hearing held before the Safety and Licensing Committee of the Common Council of the City of Appleton held on June 21, 2023 in the City of Appleton, Outagamie County, Wisconsin, the committee makes the following Findings of Fact, Conclusions of Law, and recommendations for the council's approval:

Findings of Fact

1. The "Original Alcohol Beverage Retail License Application" is made in the name of Core's Lounge LLC, with Kor Xiong named as the president and only named member. Wisconsin Department of Financial Institutions records show this entity to have been administratively dissolved as of December 14, 2022.
2. On November 5, 2022 Kor Xiong was cited at Core's Lounge for Operating a Premises without a Liquor License in violation of Appleton City Ordinance 9-51. Kor Xiong was found guilty of this offense on or about January 4, 2023.
3. On 04/24/22 Kor Xiong was cited at Core's Lounge for Operating a Premises without a Liquor License in violation of Appleton City Ordinance 9-51. Kor Xiong was found guilty of this offense on or about June 29, 2022.
4. On 02/13/22 Kor Xiong hosted an event at Core's Lounge. During this event a person was shot. The individual arrested for this shooting was subsequently convicted of 1st Degree Reckless Injury on or about 10/12/22. Multiple underage drinkers were located and cited. Underage drinkers admitted to being in Core's Lounge that evening. Noua Vang was cited for Permitting Underage Persons to Loiter on Premises, the premises being Core's Lounge. Noua Vang was found guilty of the offense on or about March 9, 2022.

5. On 09/04/21 Kor Xiong was cited at Core's Lounge for being Open After Hours / Failing to vacate in violation of Appleton City Ordinance 9-52(4). Kor Xiong was found guilty of this offense on or about November 10, 2021.
6. On 07/25/21 Nou Vang was cited at Core's Lounge for being Open After Hours / Failing to vacate and Loud and Excessive Noise in violation of Appleton City Ordinance 9-52(4) and 12-80. Nou Vang was convicted of this offense on or about November 10, 2021.
7. On 12/24/19 Kor Xiong was cited at Core's Lounge for Loud and Excessive Noise in violation of Appleton City Ordinance 12-80. Kor Xiong was found guilty of this offense on or about July 15, 2020.
8. Nou Vang was a bar manager at Core's Lounge at all times relevant to the citations listed above.
9. Kor Xiong and Nou Vang committed the offenses for which they were found guilty.
10. As a result of the above discussed law violations, the Alcohol Beverage Retail License previously held by Core's Lounge LLC was revoked by the Common Council of the City of Appleton in April of 2022.
11. No evidence has been brought forth which might demonstrate efforts by the applicant to rehabilitate their suitability to be issued they license for which they have applied.
12. The applicant provided false information on the Alcohol License Questionnaire by responding "no" to the question "(h)ave you or any member of your organization ever been convicted of a misdemeanor or ordinance violation?"
13. Residents near Core's Lounge have expressed frustration with the applicant's past disregard for the peace and enjoyment of other members of the neighborhood during the time in which the applicant was previously licensed. Neighborhood residents report that they remain concerned about similar behavior resuming if a new license were to be issued and that they have seen nothing to lessen that concern.
14. No public comments in support of the application were made to the Safety and Licensing Committee when this application was under consideration.
15. The applicant was not present for the Committee's consideration of the application and therefore provided no information addressing public concerns, any of the facts as asserted within Lt. Nagel's memorandum on behalf of the Appleton Police Department, and no comments in support of their application generally.

Conclusions of Law

1. The Safety and Licensing Committee of the Common Council of the City of Appleton has proper jurisdiction to review Alcohol Beverage Retail License applications and to make a recommendation to the full council pursuant to Section 9-77 of the Municipal Code of the City of Appleton and Wisconsin Statutes §125.12.

2. Pursuant to Wisconsin Statutes §125.12(3m), the Common Council of the City of Appleton is not obligated to approve an application for an Alcohol Beverage Retail License, but must provide written notice to the applicant of the reason for not issuing the license.
3. Wisconsin Statutes §125.51(1)(a) provides a municipality the authority to grant retail licenses for intoxicating liquor as it "deems proper." Reasons for denial need not be provided for by statutes. State ex rel. Ruffalo v. Common Council of City of Kenosha, 38 Wis. 2d 518, 526, 157 N.W.2d 568, 572 (1968).
4. Pursuant to Wisconsin Statutes §125.04(5)(b), no permit related to alcohol beverages may be issued to any person who has habitually been a law offender. Kor Xiong is a "Habitual Law Offender" and may not be granted any license or permit related to alcohol beverages. The applicant's citation record demonstrates that they are someone who has repeatedly violated the law. These repeated law violations involve unlawful activity that is specifically regulated in association with the business activity of selling alcohol beverages.
5. Wisconsin Statutes §111.335(4)(c)1.b. requires that the applicant denied a license based on their conviction record be allowed to show evidence of rehabilitation and fitness to perform the licensed activity. No evidence of rehabilitation has been submitted, and the record does not support the applicant's rehabilitation.
6. Appleton Municipal Code section 9-52(10) (as authorized by Wisconsin Statutes section 125.10(1)), prohibits issuance of a retail class A, B, or C license to an applicant that has been convicted of selling alcohol beverages without a proper retail license in the previous 18 months. Applicant's June 29, 2022 conviction therefore renders them ineligible to be issued a license until 18 months have elapsed from that date.
7. Applicant's January 4, 2023 conviction is for a different offense and does not automatically disqualify them from receiving a retail license, but it factually requires the applicant to have been selling alcohol beverages without having a proper retail license. It remains an appropriate consideration in determining whether to grant the applicant's application.
8. Appleton Municipal Code section 9-22(b) (as authorized by Wisconsin Statutes section 125.10(1)), authorizes but does not require false information provided on the Alcohol Beverage Retail License Application to be taken as such an admission of ineligibility for the license and as grounds for denial. The applicant provided false or inaccurate information in the application, and the Safety and Licensing Committee concludes that this falsity constitutes an admission of ineligibility and grounds for denial.
9. It is the conclusion of the Safety and Licensing Committee that approving the application would interfere with the peace, quiet, and enjoyment of the residential neighborhood situated in close proximity to the establishment, and that it would significantly hamper

the Appleton Police Department's ability to provide adequate law enforcement services to the establishment and to the balance of the community.

10. Based upon the above, the applicant is barred from being granted the applied for license by Wisconsin Statutes and by the Municipal Code of the City of Appleton.

Recommendation

Based upon the above findings and fact and conclusions of law, it is the conclusion of the Safety and Licensing Committee that for both discretionary and mandatory reasons, that the Alcohol Beverage Retail License Application submitted on behalf of Core's Lounge LLC should be denied and recommends that the Common Council of the City of Appleton **deny said application.**

Dated this 17th day of July 2023



Aldersperson Christopher Croatt
Chairperson, Safety and Licensing Committee

SHARED SERVICES AND OPERATING AGREEMENT

This AGREEMENT is entered into this _____ day of _____, 2023 (the “Effective Date”) by and between the City of Appleton (“CITY”), including its fire department (“AFD”), and Gold Cross Ambulance Service, Inc. (“GOLD CROSS”) (collectively hereinafter referred to as “PARTIES”). In agreeing to partner on the provision of emergency medical services in the CITY, the PARTIES have justifiably relied on the material representations made herein.

NOW, THEREFORE, in consideration of the foregoing and the mutual agreements and covenants hereinafter set forth, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the PARTIES agree as follows:

AGREEMENT

I. Term.

This AGREEMENT is effective as of the Effective Date and shall remain in effect following the Effective Date of this AGREEMENT for a period of three (3) years, unless and until terminated earlier under the express provisions set forth herein. On or about each one-year anniversary of this AGREEMENT, parties shall evaluate their performance pursuant to this agreement, evaluate metrics established to evaluate performance and adjust those metrics upon mutual agreement.

II. Agreement to Provide Exclusive Ambulance Services.

GOLD CROSS agrees to assist AFD on its expansion of emergency response services on the condition that neither AFD nor the CITY will obtain an ambulance and begin providing patient transport services (i.e., ambulance services), or allow for an outside ambulance service, during the term of this AGREEMENT. As such, with the exception of services provided by the City, or as otherwise provided by mutual-aid agreements, automatic-aid agreements, Mutual-Aid Box Alarm System (MABAS) resources, or requests due to special circumstances, GOLD CROSS will be the primary provider of the services set forth herein provided it consistently meets minimum response time standards referenced within the National Fire Protection Association (NFPA).

The CITY shall owe GOLD CROSS no compensation for GOLD CROSS’S performance of services, provision of equipment or materials, or compliance under this Agreement. GOLD CROSS’S consideration for its performance under this Agreement shall be the right to be the primary provider of Advanced Life Support Ambulance services to all areas of the CITY subject to the terms and conditions stated herein. As billing and reimbursement is an independent GOLD CROSS business matter, GOLD CROSS may directly bill patients, guarantors, custodians and/or third-party payors of patients treated, seen, or transported as determined and as periodically modified by GOLD CROSS, without notice to or approval of the CITY.

The CITY recognizes that GOLD CROSS does provide similar services to other municipalities and as such, nothing in this AGREEMENT prohibits GOLD CROSS from entering into any other

agreement with any other entity.

The PARTIES understand that mutual aid and other agreements will exist and as such, shall provide copies of such agreements to the other party as requested.

III. Furnishing of Ambulance Services by GOLD CROSS.

- A. GOLD CROSS hereby agrees to continue furnishing all ambulance services for the CITY at staffing levels consistent with relevant statutes, including but not limited to DHS 110.50(1)(a) for Basic Life Support, DHS 110.50(d)(1 and 3) for Advanced Life Support.
- B. GOLD CROSS shall possess, maintain, and provide such vehicles, equipment, facilities and supplies; and shall hire, train and provide such personnel as are necessary to respond on a twenty-four (24) hours per day, seven (7) days per week basis.
- C. GOLD CROSS employees shall display identification that clearly displays an individual's certification/license medical care level, including those in a training/student role.

IV. Furnishing of Non-Transport Services by AFD.

- A. AFD hereby agrees to furnish non-transport EMT services for the CITY at staffing levels consistent with relevant statutes. AFD will ensure that each fire apparatus in service will be staffed by the minimum number of required EMTs.
- B. AFD shall possess, maintain, and provide such vehicles, equipment, facilities and supplies, and shall hire, train and provide such personnel as are necessary to respond on a twenty-four (24) hours per day, seven (7) days per week basis.
- C. The PARTIES anticipate that both AFD and GOLD CROSS will be dispatched to every EMS incident reported via 911 in the CITY. The first party on the scene will initiate patient care while the second party on the scene will provide assistance where appropriate in the best interest of the patient. Private calls for service directly to GOLD CROSS coded as a C, D, or E shall immediately be reported to Outagamie County Communications Center by GOLD CROSS and GOLD CROSS will request AFD to respond.
- D. AFD will assist GOLD CROSS in preparing the patient for transport and may travel with the patient in the ambulance when additional medical services are in the best interest of the patient. GOLD CROSS will ultimately decide whether it is necessary for an AFD staff member to travel in the ambulance to the hospital.

V. Vehicles and Equipment.

- A. During the term of this AGREEMENT, both PARTIES shall possess, maintain and

provide their own vehicles for provision of the services under this AGREEMENT.

1. The PARTIES shall equip, maintain, and operate all vehicles in accordance with the laws of the State of Wisconsin and the rules and regulations of the Wisconsin Department of Health Services and Wisconsin Department of Transportation.
- B. The PARTIES shall be responsible for their own vehicle maintenance and repair. This shall include all repairs, preventive maintenance, parts replacement, labor, and other actions necessary to keep the vehicles in safe and efficient operating condition.
- C. The PARTIES shall provide all emergency medical equipment and supplies necessary to perform the provisions of this AGREEMENT. The equipment and supplies shall be current in nature and maintained in accordance with standard medical practices and the laws of the State of Wisconsin and rules and regulations of the Wisconsin Department of Health Services, and the Wisconsin Department of Transportation.
- D. GOLD CROSS shall be responsible for the replenishment of the CITY'S consumable equipment and supplies with equivalent like-kind equipment and supplies at the completion of a call. Whenever practicable, GOLD CROSS shall replenish CITY equipment and supplies onsite. When equipment and supplies cannot be replenished onsite, GOLD CROSS will order like-kind equipment and supplies for replenishment on a regular basis and at no charge with the sole exception of cardiac monitor defibrillation pads should the AFD and GOLD CROSS field dissimilar cardiac monitors.

VI. Support Training and Education.

- A. GOLD CROSS will provide training and education, including ride-along opportunities, to AFD:
 1. GOLD CROSS will collaborate with AFD on training topics and GOLD CROSS will deliver the training on a mutually agreed date and time.
 2. Training will include Basic Life Support (BLS) and Advanced Life Support (ALS).
 3. Training to occur on a quarterly basis or as deemed necessary by GOLD CROSS and the AFD.

VII. Dispatch And Response Time Goals.

- A. GOLD CROSS shall maintain as a goal a response time for C, D and E coded emergency calls of eight (8) minutes and fifty-nine (59) seconds (8:59) with

response time defined as the elapsed time from the time the call is received by the CITY until the arrival of a transport ambulance and a minimum of one paramedic at the incident location.

AFD shall maintain as a goal a response time for C, D and E coded emergency calls of four (4) minutes and fifty-nine (59) seconds (4:59) with response time defined as the elapsed time from the time the call is received by the CITY until the arrival of the fire apparatus at the incident location.

- B. GOLD CROSS and AFD agree that A-Adam and B-Boy non-emergency calls shall be tracked and reported but will not be subject to the response time goals set forth in this section considering their non-emergent nature.
- C. GOLD CROSS will be responsible for planning the dispatch of ambulances through the provision of a deployment and system status management plan. GOLD CROSS shall provide to the CITY a written deployment and system status plan for the number of ambulances, their assigned locations, deployment strategies and shift schedule(s).
- D. GOLD CROSS will notify AFD on AFD Main if a transport unit's response time is expected to be greater than fifteen (15) minutes for emergency response calls (C, D and E).

VIII. Communications.

- A. The PARTIES shall possess, maintain, and provide at its sole cost such communications equipment, facilities and supplies as are deemed necessary for dispatch of their emergency response vehicles. In addition thereto, the PARTIES shall provide and maintain the following:
 - 1. Necessary communications equipment in each vehicle so as to be capable of transmitting and receiving communications on the designated police/fire talk groups. GOLD CROSS radios will be programmed to turn on upon ambulance ignition and will monitor AFD Main at all times while the ambulance is in operation within Appleton's city limits.
 - 2. GOLD CROSS will maintain multichannel radio communication capabilities enabling communications with hospitals on frequencies 155.340 and 155.400 using the appropriate private linetone codes for each hospital.
- B. All such equipment shall meet all applicable national and state standards.
- C. GOLD CROSS shall utilize a digital computer aided dispatch program to capture and record all data elements required for accurate response time performance measurement, analysis, and reporting. In addition, GOLD CROSS shall use

Automated Vehicle Location (AVL) and Global Positioning System (GPS) for real time tracking of all emergency ambulance responses.

IX. Local Medical Directors.

- A. The PARTIES each agree to select, and work under the direction of, their respective medical director.
 - 1. The medical directors' minimum involvement with the PARTIES' service under this AGREEMENT shall be a monthly medical quality control review.
 - 2. The medical directors shall collaborate with the PARTIES and each other on development and implementation of medical protocols, dispatch procedures, special event plans, public education opportunities and mass-casualty incidents (MCI) and all products will be National Incident Management (NIMS) compliant.

X. Separate Employers.

The PARTIES shall be solely responsible for maintaining adequate staffing levels to meet their obligations under the AGREEMENT. Nothing in this AGREEMENT shall be interpreted to create a joint employer relationship. The PARTIES retain exclusive control over their respective employees' terms and conditions of employment including, but not limited to, all hiring and termination decisions. The PARTIES assume exclusively the responsibility for the acts of their employees as they relate to the services to be provided during the course and scope of their employment. GOLD CROSS, its agents, officers, and employees shall not be entitled to any rights or privileges of AFD employees and shall not be considered in any manner to be AFD employees. No representations contrary to any of the above shall be made either directly or indirectly.

XI. Licenses and Laws.

The PARTIES under this AGREEMENT and throughout its term shall obtain and continue in force all licenses, permits, approvals, and authorizations necessary for the provision of emergency medical services hereunder and required by the laws and regulations of the United States, the State of Wisconsin, the County of Outagamie, the City of Appleton, and all other governmental agencies.

XII. Operational Plan and Reports.

- A. GOLD CROSS agrees and understands that an EMS Operational Plan must be prepared by the CITY and submitted by the CITY to the State of Wisconsin and thereafter approved by the Department of Health Services. GOLD CROSS and the CITY agree to cooperate in the creation of the EMS Operation Plan (and all components thereof) and the approval process. Likewise, GOLD CROSS and CITY shall cause the respective medical directors to work with each other and cooperate to provide necessary detail and input from a medical perspective.

B. GOLD CROSS and the CITY agree to provide a copy of the EMS Operational Plan, Special Event Plan, Waiver requests, and supporting documents, submitted to the State of Wisconsin for approval within ten (10) days of submission.

C. GOLD CROSS and the CITY will work together to prepare and provide a monthly joint quality improvement process to coincide with a monthly quality assurance process. Each party will provide raw data, in a format that is acceptable by the receiving party, that includes the following information shown on a per month basis:

1. Response Time Review

a. Total number of responses and transports broken down by EMD dispatching code:

- Data shall illustrate the A, B, C, D and E incidents.
- Data shall identify emergent and non-emergent response incidents.

b. 90% Fractile Response time performance:

- Data shall illustrate the A, B, C, D and E incidents.
- Data shall identify emergent and non-emergent response incidents.

c. GOLD Cross will provide AFD with additional response time data upon request. Response time data will be reviewed during a monthly continuous quality improvement meeting.

2. Patient Care Metrics

- Total number of stroke activation.
- Total number of over-triaged stroke evaluations.
- On scene time for stroke patients.
- Total number of STEMI activations.
- Total number of over-triaged STEMI evaluations.
- At patient to EKG time.
- On scene time for STEMI patients.
- Total number of trauma activation.
- On scene time for trauma patients.
- Total number of cardiac arrests.
- Total number of survivors.

3. On a quarterly basis senior leadership from GOLD CROSS AND AFD will meet to review all response times and patient care metrics and, on an annual basis, the PARTIES, including City Senior Leadership and hospital representatives, shall meet to review all response times and patient care

metrics.

XIII. Insurance.

A. Each Party shall maintain in force at all times during the performance of this AGREEMENT, insurance coverage as follows that includes:

1. Worker’s Compensation in accordance with Wisconsin Statutes.

EACH ACCIDENT	\$ 100,000
DISEASE – EA EMPLOYEE	\$ 100,000
DISEASE – POLICY LIMIT	\$ 500,000

2. Auto Liability coverage.

COMBINED SINGLE LIMIT (each accident)	\$2,000,000
BODILY INJURY (per person)	\$1,000,000
BODILY INJURY (per accident)	\$2,000,000
PROPERTY DAMAGE (per accident)	\$500,000

3. General Liability coverage.

EACH OCCURRENCE	\$2,000,000
DAMAGE TO RENTED PREMISES (each occurrence)	\$300,000
MED EXP (any one person)	\$5,000
PERSONAL & ADV INJURY	\$2,000,000
GENERAL AGGREGATE	\$4,000,000
PRODUCTS – COMP/OP AGG	\$4,000,000

4. Professional liability coverage.

EACH OCCURRENCE	\$4,000,000
AGGREGATE	\$4,000,000

XIV. Default/Termination.

A. Each Party may, without any advance notice, terminate this AGREEMENT if any of the following occur:

1. Either Party ceases to be in compliance with State of Wisconsin Laws and Administrative Codes relative to the provision of emergency medical services or other terms set forth in this AGREEMENT. Notice of such default must be provided to the defaulting party with the defaulting party having thirty (30) calendar days to cure any default.
2. Suspension, revocation, termination, surrender or lapse of required certification by the State of Wisconsin Department of Health Services as an ambulance service provider or a non-transporting paramedic service.

B. Each Party may, with advance written notice, terminate this Agreement for any reason:

1. By providing twelve (12) months notice to the other Party.

To evidence their AGREEMENT hereto, the parties have signed the herein AGREEMENT on the dates after their signatures to wit:

Gold Cross Ambulance Service, Inc.

By: _____
Printed Name: _____
President, Board of Directors

By: _____
Printed Name: _____
Title: _____

City of Appleton

By: _____
Jacob A. Woodford, Mayor

By: _____
Kami Lynch, City Clerk

Approved as to form:

Christopher R. Behrens, City Attorney

By: _____
Jeremy J. Hansen, Fire Chief

CL-A22-0802
Revised: June 19, 2023



Wisconsin Elections Commission

201 West Washington Avenue | Second Floor | P.O. Box 7984 | Madison, WI 53707-7984
(608) 266-8005 | elections@wi.gov | elections.wi.gov

2023 Absentee Ballot Envelope Subgrant Program

Notice of Absentee Ballot Envelope Subgrant Award

Wisconsin Elections Commission
201 West Washington Avenue, 2nd Floor
PO Box 7984; Madison, WI 53707-7984

Subgrantee: City of Appleton, Outagamie, Calumet & Winnebago Counties

Subgrantee UEI/DUNS Number: N/A

Date: 07/05/2023

City of Appleton, Outagamie, Calumet & Winnebago Counties, has been awarded **\$7,559.83** under 2023 Absentee Ballot Envelope Subgrant Program, issued by the Wisconsin Elections Commission (WEC). This amount is the WEC-approved amount allocated to the municipality, as listed in Appendix A of the subgrant materials, and for which the municipality has certified that all subgrant funds being awarded will be expended in accordance with the terms and conditions delineated and certified in the subgrant Request for Funds & Memorandum of Understanding (MOU) form. These funds are a subgrant of the HAVA Election Security Grant (Award number EAC-ELSEC22WI-01-04, Federal Award Identification Number (**FAIN**) **EACELSEC18WI, CFDA Number 90.404**), authorized by the U.S. Congress under Section 101 of the Help America Vote Act (HAVA) of 2002 (Public Law 107-252), provided for in the Consolidated Appropriations Act of Fiscal Year 2023 (Public Law 117-328), and issued by the U.S. Election Assistance Commission (Funding Source: EAC1651DB2020XX-2020-61000001-410001-EAC1908000000), for which the Wisconsin Elections Commission was awarded on March 14, 2023. The purpose of this federal grant is to “improve the administration of elections for Federal office, including to enhance election technology and make election security improvements to the systems, equipment and processes used in federal elections.”

As a sub-recipient, your jurisdiction must adhere to all applicable federal requirements including requirements under the Federal Financial Accountability and Transparency Act (FFATA) and Office of Management and Budget (OMB) guidance: Title 2 C.F.R. Subtitle A, Chapter II, Part 200-Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 C.F.R. § 200).

Wisconsin Elections Commissioners

Don M. Millis, chair | Marge Bostelmann | Joseph J. Czarnecki | Ann S. Jacobs | Robert Spindell | Mark L. Thomsen

Administrator
Meagan Wolfe

I. PURPOSE AND USE OF FUNDS

The purpose of the subgrant is to help improve overall election security of federal elections statewide by providing cities, villages, and towns across the State of Wisconsin with federal election security funds to safeguard and secure the integrity of the absentee voting process in federal elections.

Funds must be expended to purchase the redesigned absentee ballot (new design available in August) during the subgrant project period of March 3, 2023 – December 31, 2024, or returned to the WEC by December 31, 2024.

II. DOCUMENTATION AND AUDIT

DOCUMENTATION: The receiving jurisdiction must maintain all documentation of expenditures made using requested subgrant funds for a minimum of eight years from the date of the expenditure or until the WEC authorizes destruction of said records. Documentation includes receipts, invoices, payroll reports, etc. and notations to document that claimed expenditures relate to this subgrant. A standard inventory list of all items purchased using subgrant funds must be created and maintained by the jurisdiction for purposes of any state or federal audit. Such original purchasing documentation and inventory lists shall be retained by the receiving jurisdiction until the WEC authorizes the destruction of said records.

AUDIT: All subgrant funds are subject to audit by the Commission and/or the federal government to ensure funds have been spent appropriately and in accordance with all applicable state and federal laws. Pursuant to Wis. Stat. § 5.05(11), if the federal government objects to the use of any funds provided to a jurisdiction under the subgrant, the jurisdiction shall repay the amount of the subgrant to the Commission.

Julia Billingham, MAcc

Senior Accountant

WI Elections Commission

201 West Washington Avenue, 2nd Floor

PO Box 7984; Madison, WI 53707-7984

Direct: 608.266.2094; General WEC: 608.266.8005

julia.billingham@wisconsin.gov

<http://elections.wi.gov>





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

REQUEST for Alcohol License Premise Amendment

FEES ARE NON-REFUNDABLE		Date Recv'd <u>6/5/23</u>
License Fee	\$10.00/event	Acct: CLCAGP
Receipt	<u>5177-10</u>	

SECTION 1 – LICENSE INFORMATION

Name of Establishment	<u>Emmetts Bar & Grill</u>	
Address of Establishment	<u>139 N. Richmond St Appleton</u>	
Name of Agent	<u>Sharon Reader</u>	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

See attached

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

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

Thursday Aug 3rd 4pm - 1am Saturday Aug 5th 4pm - 1am
Friday Aug 4th 4pm - 1am Sunday Aug 6th 11am - 8pm

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: *Sharon Reader*

FOR OFFICE USE ONLY

Department	Approve	Deny	By	Reason
Comm. Dev.				
Finance				
Fire				
Health				
Inspections				
Police				
S&L 06/28/2023	Council		Date Issued	Exp. Date
				License Number

May 29, 2023

To Whom It May Concern,

I would like to amend my liquor license to include my parking lot (approximate sq. footage = 175 x 175 sq ft) for the Mile of Music weekend. The dates are Thursday, August 4 through Sunday, August 7, 2022. We are planning to have live music and serve alcohol outside.

Like last year, we will have plenty of staff and security scheduled for this event. We plan to have this area fenced off. We will not be allowing anyone under the age of 21 into this area. We will have plenty of Port-a-Potties available.

I have gotten permission from my landlord and surrounding business and neighbors to hold the event outside.

I have to say that I was extremely pleased how my security staff handled this event each year.

If there is any more information you would need, please call me at REDACTED

Sincerely,

A handwritten signature in black ink that reads "Sharon Reader". The signature is written in a cursive style with a large, prominent initial "S".

Sharon Reader
Owner - Emmetts Bar & Grill

WASHINGTON STREET

Brown Bldg. | Dumpsters

Parking

Back Lot

HANDICAPPED STALL

BEER TENT

EXIT

PORTABLES

Artist Entrance

STAGE

MAIN ENTRANCE

EXIT

Entrance

Liquor Tent

Food Vendor Area

Evergreen C.V.

Emmetts

Booster Mobile

Toppers

Vacant

Linda Michoacan

Linda Michoacan

Storage Units | Attic



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

REQUEST for Alcohol License Premise Amendment

FEES ARE NON-REFUNDABLE		Date Rec'd <u>6/15/23</u>
License Fee	\$10.00/event	Acct: CLCAGP
Receipt	<u>5229-1</u>	

SECTION 1 - LICENSE INFORMATION

Name of Establishment <u>Jims place</u>	
Address of Establishment <u>223 E College Ave</u>	
Name of Agent <u>Stacy Hoffman</u>	Phone Number

SECTION 2 - PREMISE AMENDMENT

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

<u>Jims place</u>	Proposed patio for mile	Alley	YMCA
<u>Kush Kafe</u>			
<u>Wooden Nickel</u>			

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

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

August 3, 4, 5, 6 2023 Aug 3 - 11am - 12am Aug 5 11am - 12am
Aug 4 - 11am - 12am Aug 6 11 - 5 pm

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: Stacy Hoffman

FOR OFFICE USE ONLY

Department	Approve	Deny	By	Reason
Comm. Dev.				
Finance				
Fire				
Health				
Inspections				
Police				
S&L <u>07/12/2023</u>	Council <u>7/19/2023</u>	Date Issued	Exp. Date	License Number

To whom it may concern,

I Theodore Cervelli am allowing Jim's Place (Jay) and wooden nickel (Tony) to use the parking lot in the back of the building of 219 E. College Ave. for the period of August 2 through August 7th 2023 thank you.

Theodore Cervelli

Paul L. L.
6-12-23

Grants -- Request To Apply

Please enter and submit the Request To Apply Grant Form:

Date of Request:	<input type="text" value="6/14/2023"/>
Applicant Department:	<input type="text" value="Appleton Fire Department"/>
Applicant Department Grant Contact Name:	<input type="text" value="Kelly Lynch"/>
Applicant Department Grant Contact Title:	<input type="text" value="Battalion Chief of EMS"/>
Committee of Jurisdiction:	<input type="text" value="Safety & Licensing"/>
Name of Grant:	<input type="text" value="WE Energies Foundation Grant"/>
Funding Source:	<input type="text" value="WE Energies"/>
Amount of Grant Request:	<input type="text" value="\$2,000"/> Local Match Requirement: \$ <input type="text" value="0"/>
Source of Match:	<input type="checkbox"/> General Fund <input type="checkbox"/> Non-General Fund <input checked="" type="checkbox"/> Not Applicable
Timeframe of Grant:	<input type="text" value="6/1/2023"/> through <input type="text" value="3/31/2024"/>
Type of Grant Request:	<input checked="" type="checkbox"/> Monetary <input type="checkbox"/> Other (explain under 'purpose of grant')

Please keep entries below to 300 characters or less.

Purpose of Grant (summary):	<input type="text" value="To purchase a <u>Laerdal</u> Multi-Venous IV Training Arm Kit, EZ-I0 System Training Kit, Vascular Doppler, and small amount of consumables to assist the department in maintaining skill proficiency and tools necessary to accomplish critical tasks."/>
How Does the Grant Meet City/Department/Program Goals:	<input type="text" value="Increased skill levels of our EMTs improves the quality of life for our citizens and visitors to the City of Appleton."/>
What are the Personnel Requirements (include both existing and new staff) of the Grant?:	<input type="text" value="AFD personnel would instruct our staff on the use of this new equipment."/>



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

REQUEST for Alcohol License Premise Amendment

FEES ARE NON-REFUNDABLE	Date Recv'd <u>6/6/23</u>
License Fee \$10.00/event	Acct: CLCAGP
Receipt <u>5187-03</u>	

SECTION 1 - LICENSE INFORMATION

Name of Establishment <u>Wooden Nickel Restaurant & Lounge Inc</u>	
Address of Establishment <u>217. E. College Ave</u>	
Name of Agent <u>Anthony A. Mueller</u>	Phone Number

SECTION 2 - PREMISE AMENDMENT

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

Is this change Permanent? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	If this is temporary please specify the reason for the amendment: <u>Mile. of Music</u> <u>Aug 3rd thru Aug 6th</u>
--	---

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

Aug 3 11-12AM Aug 5 11-12AM
Aug 4 11-12AM Aug 6 11-5pm

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: Anthony A. Mueller

FOR OFFICE USE ONLY				
Department	Approve	Deny	By	Reason
Comm. Dev.				
Finance				
Fire				
Health				
Inspections				
Police				
S&L 07/12/2023	Council 7/19/2023	Date Issued	Exp. Date	License Number

To whom it may concern,

I Theodore Cervelli am allowing Jim's Place (Jay) and wooden nickel (Tony) to use the parking lot in the back of the building of 219 E. College Ave. for the period of August 2 through August 7th 2023 thank you.

Theodore Cervelli

Jed L. L.
6-12-23

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 Winnebago
 City

The undersigned duly authorized officer/member/manager of KWIK TRIP, INC.
(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 Kwik Trip 639
(Trade Name)

located at 2175 S. Memorial Dr., Appleton, WI 54915

appoints Alexandra D. Beck
(Name of Appointed Agent)
1345 Lucerne Dr., #2, Menasha, WI 54952
(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).
Agent of Kwik Trip 228, Town of Grand Chute, WI, until new agent appointment approved.

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? Since 1980

Place of residence last year 1345 Lucerne Dr., #2, Menasha, WI 54952

For: KWIK TRIP, INC.
(Name of Corporation / Organization / Limited Liability Company)
 By: Scott P. Zeltz
(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, Alexandra D. Beck, hereby accept this appointment as agent for the 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.
(Print / Type Agent's Name)

Alexandra D. Beck 06/09/23
(Signature of Agent) (Date)
1345 Lucerne Dr., #2, Menasha, WI 54952
(Home Address of Agent)

Agent's age REDACTED
 Date of birth REDACTED

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

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

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

Auxiliary Questionnaire Alcohol Beverage License Application

Submit to municipal clerk.

WI Dr. Lic. #B200-0047-8589-01

Individual's Full Name (please print) (last name) Beck		(first name) Alexandra		(middle name) Diffie	
Home Address (street/route) 1345 Lucerne Dr., #2		Post Office Menasha	City	State WI	Zip Code 54952
Home Phone Number REDACTED			Age REDACTED	Date of Birth REDACTED	Place of Birth Winona, MN

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 Kwik Trip, Inc.
(Officer / Director / Member / Manager / Agent) (Name of Corporation, Limited Liability Company, or Nonprofit Organization)

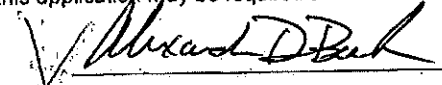
which is making application for an alcohol beverage license.

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? Since 1980
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. Agent of Kwik Trip 228, Town of Grand Chute, WI, until new agent appointed.
(Name, Location and Type of License/Permit)
5. Do you hold and/or are you an officer, director, stockholder, agent or employee 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	Address	Employed From	To
Lane Bryant	800 Willard Dr, Ashwaubenon, WI	2/2007	7/2009
JJ Keller	3003 Breezewood Ln, Neenah, WI	1/2007	2009

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)
 Alexandra D. Beck



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

**REQUEST for
Alcohol License
Premise Amendment**

FEES ARE NON-REFUNDABLE		Date Recv'd <u>6/7/23</u>
License Fee	\$10.00/event	Acct: CLCAGP
Receipt	<u>5187-5</u>	

SECTION 1 – LICENSE INFORMATION

Name of Establishment <u>STONE ARCH BREWPUB, INC.</u>	
Address of Establishment <u>1004 S. OLDE ONEIDA ST.</u>	
Name of Agent <u>STEVE LONSWAY</u>	Phone Number

SECTION 2 – PREMISE AMENDMENT

Please describe the change in premises:
 A drawing/diagram of the proposed area must also be submitted with this application
WE WISH TO UTILIZE OUR NORTH AREA FOR ~~LIVE MUSIC ON TUESDAYS~~
FROM 5 TO 11P (MUSIC ENDS AT 9P) AND DURING MILE OF MUSIC WEEK
2 DIAGRAMS ATTACHED

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

Please list the date(s) and time(s) that this temporary premise amendment will be utilized:
~~TUESDAYS DURING SUMMER AND~~ MILE OF MUSIC DAY
AUG. 3 TO 6 NOON TO 11PM - FRI, SAT. - NOON TO 5PM SUN.

SECTION 3 – PENALTY NOTICE

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

Signature of Applicant: St. Lonsway

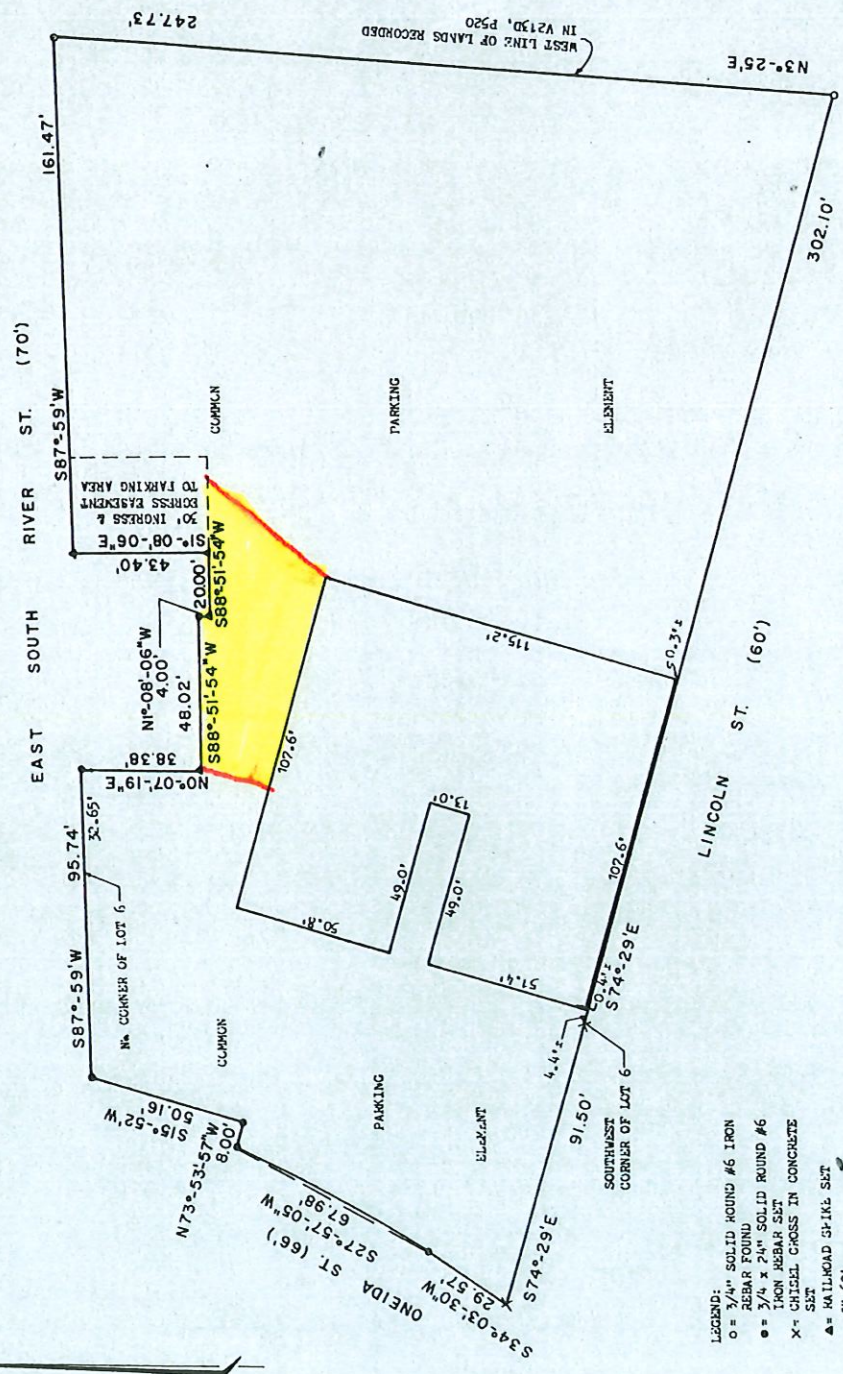
FOR OFFICE USE ONLY

Department	Approve	Deny	By	Reason
Comm. Dev.				
Finance				
Fire				
Health				
Inspections				
Police				

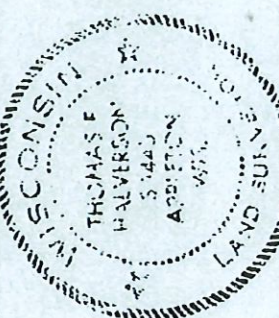
S&L 06/28/2023	Council	Date Issued	Exp. Date	License Number
----------------	---------	-------------	-----------	----------------

BETWEEN THE LOCKS CONDOMINIUM

CITY OF APPLETON,
OUTAGAMIE COUNTY,
WISCONSIN

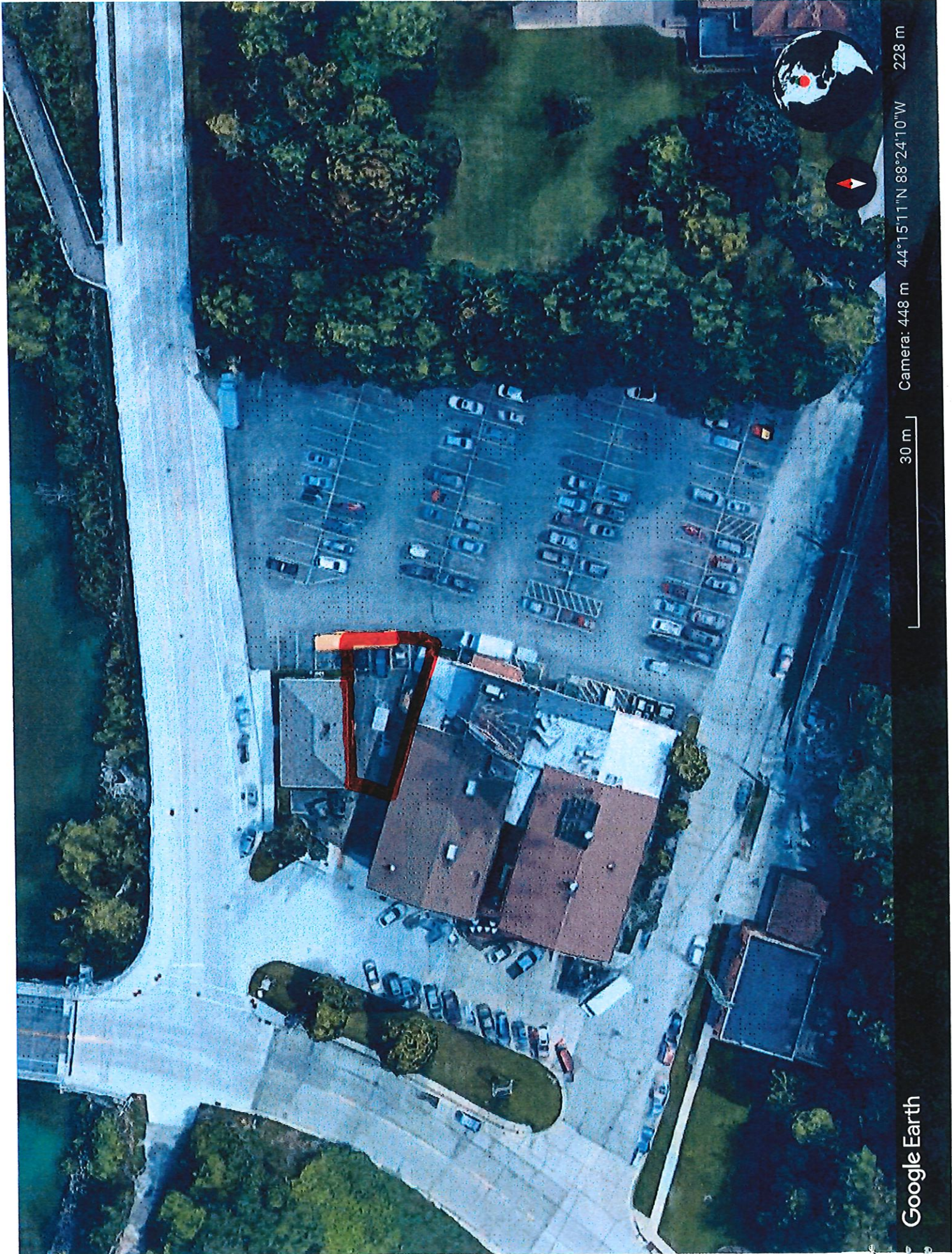


CONDOMINIUM DESCRIPTION: PART OF VACATED ONEIDA STREET, ALL OF LOT SIX (6) AND PART OF LOT SEVEN (7), IN BLOCK THREE (3), EDWARD VESTAS FLAT AND PART OF BLOCK EIGHTY-THREE (83), FOURTH WARD RECORD, APPELLON, OUTAGAMIE COUNTY, WISCONSIN, ACCORDING TO THE RECORD ASSESSOR'S MAP OF SAID CITY, MORE FULLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 6; THENCE S74°-29'E, 302.10 FEET ALONG THE NORTHERLY LINE OF EAST LINCOLN STREET TO THE WEST LINE OF LANDS RECORDED IN V213D, P520; THENCE N3°-25'E, 302.10 FEET ALONG SAID WEST LINE TO THE SOUTH LINE OF EAST SOUTH RIVER STREET; THENCE S87°-59'W, 161.47 FEET ALONG SAID SOUTH LINE; THENCE S87°-59'W, 4.00 FEET; THENCE S88°-51'-54''W, 48.02 FEET; THENCE N1°-08'-06''W, 4.00 FEET; THENCE S88°-51'-54''W, 48.02 FEET; THENCE N73°-53'-57''W, 8.00 FEET; THENCE S74°-29'E, 91.50 FEET ALONG SAID SOUTH LINE AND ITS WESTERLY EXTENSION TO THE EAST LINE OF LANDS OWNED BY THE U. S. GOVERNMENT; THENCE S15°-21'W, 50.16 FEET ALONG SAID EAST LINE TO THE SOUTH LINE OF LANDS OWNED BY THE U. S. GOVERNMENT; THENCE N73°-53'-57''W, 8.00 FEET ALONG SAID SOUTH LINE TO THE EASTERLY LINE OF PRESENT ONEIDA STREET; THENCE ALONG THE ARC OF A CURVE OF SAID EASTERLY LINE ON A CHORD WHICH BEARS S27°-57'-05''W AND IS 67.98 FEET IN LENGTH TO THE TERMINATION OF SAID CURVE; THENCE S34°-03'-30''W, 29.57 FEET ALONG SAID EASTERLY LINE TO THE NORTH LINE OF LINCOLN STREET EXTENDED WESTERLY; THENCE S74°-29'E, 91.50 FEET ALONG SAID WESTERLY EXTENSION TO THE POINT OF BEGINNING. SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.



I, THOMAS F. HALVERSON, REGISTERED WISCONSIN LAND SURVEYOR, CERTIFY THAT THIS PLAT IS A CORRECT REPRESENTATION OF THE CONDOMINIUM DESCRIBED AND THAT THE IDENTIFICATION AND LOCATION OF EACH UNIT AND THE COMMON AREAS CAN BE DETERMINED FROM THE PLAT AND FLOOR PLANS.

Thomas F. Halverson
 THOMAS F. HALVERSON, RLS-1045
 CARON LAND SURVEYING CO., INC.
 P. O. BOX 1297
 APPLETON, WISCONSIN 54912-1297
 54272-B
 DATED 7-2-81



Google Earth

30 m

Camera: 448 m 44°15'11"N 88°24'10"W 228 m





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

REQUEST for Alcohol License Premise Amendment

FEES ARE NON-REFUNDABLE	Date Recv'd <u>6/7/23</u>
License Fee \$10.00/event	Acct: CLCAGP
Receipt <u>5187-6</u>	

SECTION 1 – LICENSE INFORMATION

Name of Establishment Fox Cities Performing Arts Center	
Address of Establishment 400 West College Ave. Appleton, WI 54911	
Name of Agent Maria Van Laanen	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
 The Fox Cities PAC. will be hosting our annual cookout as a thank you to our Partners support this past year. The event will be taking place on Wednesday, August 16, 2023 from 5:00 PM -7:30 PM. We are planning to host a summer cookout, outdoors at the Center, on our Loading Dock. Traditional Wisconsin Cookout food will be served and a variety of beverages. To allow us to serve alcohol at this event we are requesting a one-day amendment to our liquor license. The space has a capacity of approximately 200 people. On site security will be present. Since the event is on the loading dock and in part of the staff parking lot, the Center will provide additional Handicapped parking in the Center's north parking lot. A drawing of the proposed area is attached.

Is this change Permanent? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	If this is temporary please specify the reason for the amendment: Although this event will be hosted on Center property, it is outside and we will need our liquor license amended for the day to extend outside to this space.
--	--

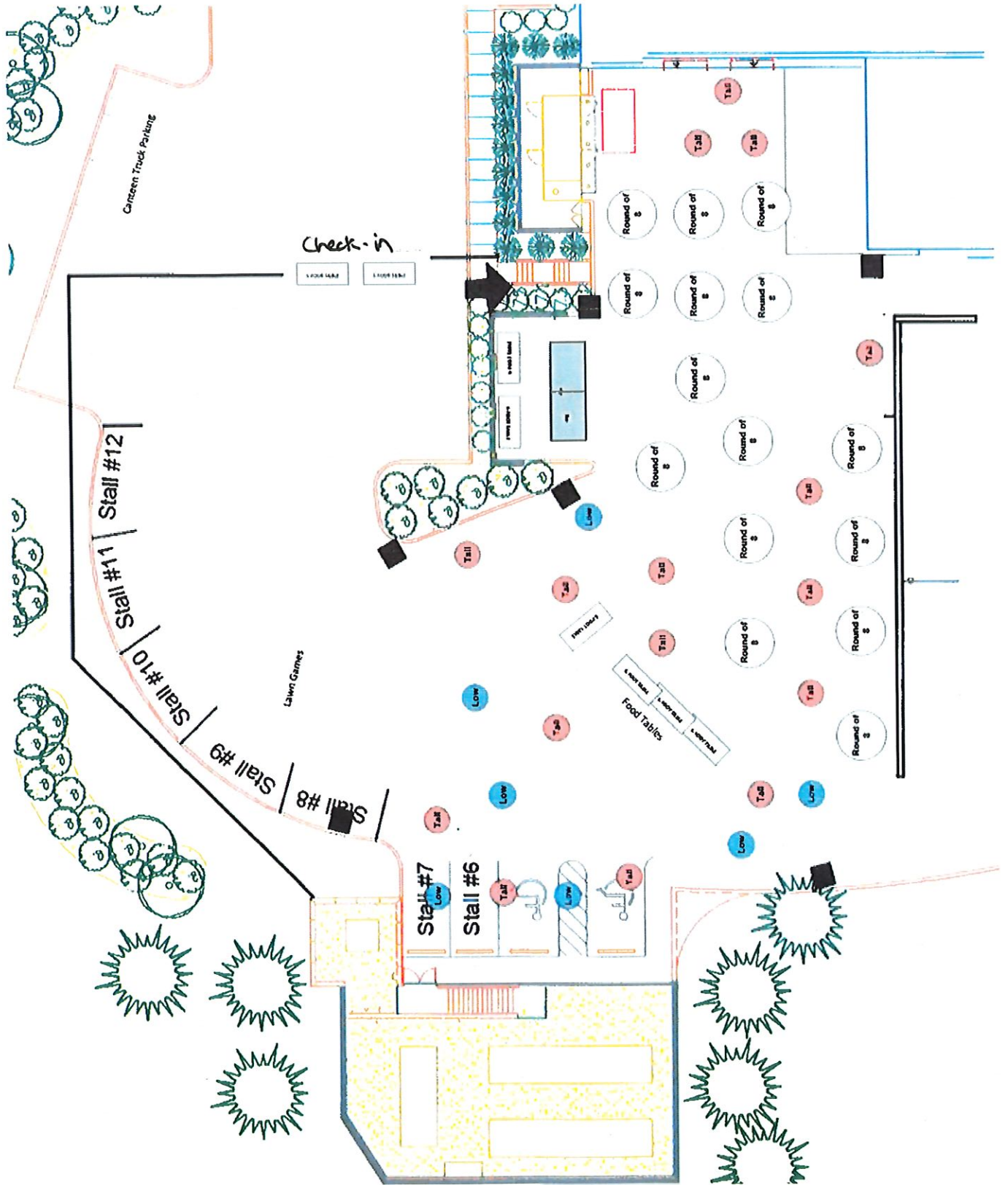
Please list the date(s) and time(s) that this temporary premise amendment will be utilized:
 The event will be on Wednesday, August 16, 2023 from 5:00p.m. - 7:30p.m.

SECTION 3 – PENALTY NOTICE

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

Signature of Applicant:

FOR OFFICE USE ONLY				
Department	Approve	Deny	By	Reason
Comm. Dev.				
Finance				
Fire				
Health				
Inspections				
Police				
S&L 07/12/2023	Council 07/19/23	Date Issued	Exp. Date	License Number



Original Alcohol Beverage Retail License Application

(Submit to municipal clerk.)

For the license period beginning: 07-01-2023 ending: 06-30-2024
(mm dd yyyy) (mm dd yyyy)

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

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

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

Applicant's Wisconsin Seller's Permit Number REDACTED	
FEIN Number REDACTED	
TYPE OF LICENSE REQUESTED	FEE
<input type="checkbox"/> Class A beer	\$
<input checked="" type="checkbox"/> Class B beer	\$ <u>100</u>
<input type="checkbox"/> Class C wine	\$
<input type="checkbox"/> Class A liquor	\$
<input type="checkbox"/> Class A liquor (cider only)	\$ N/A
<input checked="" type="checkbox"/> Class B liquor	\$ <u>500</u>
<input type="checkbox"/> Reserve Class B liquor	\$
<input type="checkbox"/> Class B (wine only) winery	\$
Publication fee	\$ <u>600</u>
TOTAL FEE	\$ <u>600</u>

Name (Individual / partners give last name, first, middle; corporations / limited liability companies give registered name)
TASTE OF THAI FOX VALLAY LLC.

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

President / Member Last Name <u>JITMAIWONG</u>	(First) <u>Chisa</u>	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code) <u>N203 Pinecrest Blvd Appleton WI 54915</u>
Vice President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Secretary / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Treasurer / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Agent Last Name <u>JITMAIWONG</u>	(First) <u>Chisa</u>	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code) <u>N203 Pinecrest Blvd Appleton WI 54915</u>
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

1. Trade Name Taste of Thai Business Phone Number 920-830-2030
 2. Address of Premises 321 E. College Ave Post Office & Zip Code 54911

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

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

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

6. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? If yes, explain Yes No
7. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? Yes No
If yes, explain.
8. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? If yes, explain Yes No
9. (a) Corporate/limited liability company applicants only: Insert state WI and date 6/7/2023 of registration.
- (b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? If yes, explain Yes No
- (c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? If yes, explain. Yes No
10. Does the applicant understand they must register as a Retail Beverage Alcohol Dealer with the federal government, Alcohol and Tobacco Tax and Trade Bureau (TTB) by filing (TTB form 5630.5d) before beginning business? [phone 1-877-882-3277] Yes No
11. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776] Yes No
12. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? Yes No

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

Contact Person's Name (Last, First, M.I.) JIMAIWONG CHISA	Title/Member OWNER	Date 05/16/2023.
Signature CHISA J.	Phone Number REDACTED	Email Address REDACTED

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk 5-16-23	Date reported to council / board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	



City of Appleton Alcohol License Questionnaire

1. Name of Applicant: Chisa Jitmainwong

2. Name of Business: Taste of Thai

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

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

3. Address of Business: 321 E. College Ave Appleton WI 54911

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

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

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

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

CHISA		JITMAIWONG	12 / 02 / 1986
First name	M.I.	Last name	Date of Birth
_____	_____	_____	____/____/____
First name	M.I.	Last name	Date of Birth
_____	_____	_____	____/____/____
First name	M.I.	Last name	Date of Birth
_____	_____	_____	____/____/____
First name	M.I.	Last name	Date of Birth
_____	_____	_____	____/____/____

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

Name: Natcha Jitmainwong
First name Middle Initial Last name

Address: 321 E. College Ave Appleton WI 54911
City State ZIP

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

Name: Taste of Thai

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

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

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

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

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

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

75 months ago.

10. Seating capacity: Inside 170 Outside 0

11. Operating hours (Inside the building): 11:00 AM - 2:00 PM, 4:00 PM - 8:30 PM Wednesday - Monday
Operating hours (Outdoor seating areas): _____

12. Employees/Staff

Number of floor personnel 2 Number of door checkers 2

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

a. Gross floor building area of the premises to be licensed: 2,288 square feet.

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

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

Food service restaurant with alcohol sell.

CHISA J.

Signature

05/16/2023.

Date

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

Submit to municipal clerk.

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

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

The undersigned duly authorized officer/member/manager of TASTE OF THAI, FOX VALLEY 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 TASTE OF THAI
(Trade Name)

located at 321 E. College Ave Appleton WI 54911

appoints Chisa Jitmainrong
(Name of Appointed Agent)
N203 Pinecrest Blvd 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? 6 months

Place of residence last year 1021 Durham Ln. Menasha 54952.

For: TASTE OF THAI FOX VALLEY LLC.
(Name of Corporation / Organization / Limited Liability Company)

By: CHISA J.
(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, Chisa Jitmainrong, 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.

CHISA J. 05/16/2023. Agent's age REDACTED
(Signature of Agent) (Date)

N203 Pinecrest Blvd Appleton WI 54915 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)



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

**REQUEST for
Alcohol License
Premise Amendment**

FEES ARE NON-REFUNDABLE		Date Recv'd <u>6/26/23</u>
License Fee	\$10.00/event	Acct: CLCAGP
Receipt	<u>5369-4</u>	

SECTION 1 – LICENSE INFORMATION

Name of Establishment	<u>MEADE STREET BISTRO</u>		
Address of Establishment	<u>2729 N. MEADE STREET Appleton WI 54911</u>		
Name of Agent	<u>Daniel Hoff / Sony Meyer</u>	Phone Number	<u>920-731-8885</u>

SECTION 2 – PREMISE AMENDMENT

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

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

Please list the date(s) and time(s) that this temporary premise amendment will be utilized:
TUESDAYS - 4 - 8pm
Wed + Thursdays 11am - 8pm
FRIDAYS - 11am - 9pm
SATURDAYS 11am - 9pm
SUNDAYS - For Spec. Events ONLY

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: Sony Meyer

FOR OFFICE USE ONLY

Department	Approve	Deny	By	Reason
Comm. Dev.				
Finance				
Fire				
Health				
Inspections				
Police				
S&L <u>7-12-23</u>	Council <u>7-19-23</u>	Date Issued	Exp. Date	License Number



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

APPLICATION for the Operation of a PET STORE/KENNEL

FEES ARE NON-REFUNDABLE		Date Rec'd <u>JUN 2/6 2023</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>82.00</u>	Receipt <u>5278-5</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>Wild Habitats</u>			
Business Street Address	City	State	Zip
<u>1350 W College Ave Ste B</u>	<u>Appleton</u>	<u>WI</u>	<u>54914</u>
Business Telephone Number <u>920-939-2089</u>			
SECTION 2 – APPLICANT INFORMATION			
Name <u>Brady Bartel</u>			
Home Street Address	City	State	Zip
<u>1026 W. Cecil St.</u>	<u>Neenah</u>	<u>WI</u>	<u>54956</u>
Date of Birth	<input checked="" type="radio"/> Male	Female	Telephone Number
<u>REDACTED</u>			<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 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: <u>Brady Bartel</u>			
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
Police			
Fire			
City Sealer			
Inspection			
Community Development			
S&L	Council	Date Issued	Exp. Date
<u>07/12/2023</u>	<u>07/19/2023</u>		
			License Number

04-23-21

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

Application for Cigarette and Tobacco Products Retail License

Submit to municipal clerk.

MUNICIPAL USE ONLY

License Number
Period Covered
Date of Issuance

Applicant's Wisconsin 15-digit Sales Tax Account Number
REDACTED

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

Legal Name (corporation, limited liability company, partnership or sole proprietorship) <i>James Holder</i>			Federal Employer Identification No. (FEIN) REDACTED		
Trade or Business Name (if different than Legal Name) <i>D8D Hemp</i>			Telephone Number () REDACTED		
Business Address (License Location) <i>2929 N. Richmond St</i>		Business Located In <input checked="" type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> Town		Business Telephone <i>920) 574-3984</i>	
Municipality <i>Appleton</i>	State <i>WI</i>	Zip Code <i>54911</i>	of: <i>Appleton</i>		County <i>Outagamie</i>
Mailing Address (if different than Business Address)			Municipality		State Zip Code

Organization (check one)

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

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

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

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

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

James Holder
 (Officer of Corporation / Member / Manager of Limited Liability Company / Partner / Individual)

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

FEE \$ 10

Appleton, Wisconsin
June 23, 2023

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

The undersigned hereby applies for a transfer of Class B license from 321 E college Ave.
Appleton, WI 54911 (Present Location) to 1222 S. Oneida Street Appleton, WI 54915 (Proposed Location)
on or about 07/01/2023 (Date)

1. APPLICANT: (print name and address plainly)

- (a) Full name of applicant CHISA JITMAIWONG
(b) Address N203 PINECREST Blvd, Appleton 54915

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

- (a) Street number 1222 S. oneida St. Appleton, WI 54915
(b) Trade name of establishment Taste of Thai
(c) Physical description of building, buildings and/or land area comprising licensed premises.
2704 sq. ft. bar and restaurant areas.
1500 sq. ft outdoor patio area.

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

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

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

(g) Give name and address of previous licensee. Santino LLC
1216 S. oneida St. Appleton, WI 54915

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

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

3. If granted, state any interest, directly or indirectly, that any brewer, bottler, wholesaler, manufacturer, or rectifier will hold in the premises for which you are applying

N/A None.

4. If you do not own the fixtures, state the manner, terms and conditions under which said fixtures are held

Fixtures are owned by building owner

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

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

CHISA J.

(Signature)

CLASS OF BUSINESS

Name Taste of Thai

Original Location 321 E College Ave

Ward _____

Proposed Location 1222 S Oneida St.

Ward _____

License No. _____

Treasurer's Receipt No. 5263-3

Filed _____

Submitted to Council or Board

7/12/23 - Safety Licensing ; 7/19/23 - Common Council

Approved _____ Date _____

Denied _____ Date _____



City of Appleton

Alcohol License Questionnaire

1. Name of Applicant: CHISA JITMAIWONG

2. Name of Business: TASTE OF THAI FOX VALLEY LLC.

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

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

3. Address of Business: 1222 S. oneida Street Appleton, WI 54915

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

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

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

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

<u>CHISA</u>		<u>JITMAIWONG</u>	<u>/ /</u>
First name	M.I.	Last name	Date of Birth
_____	_____	_____	<u>/ /</u>
First name	M.I.	Last name	Date of Birth
_____	_____	_____	<u>/ /</u>
First name	M.I.	Last name	Date of Birth
_____	_____	_____	<u>/ /</u>
First name	M.I.	Last name	Date of Birth

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

Name: Positive Ventures LLC

First name
Middle Initial
Last name

Address: 733 Midway Rd. Menasha WI 54952

City
State
ZIP

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

Name: HOUDINI'S ESCAPE GASTROPUB

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

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

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

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

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

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

0 months ago.

10. Seating capacity: Inside 80 Outside 70

11. Operating hours (Inside the building): TUES - THURSDAY 4.00 - 8.30 FRI - SUN - 4.00 - 10.00
Operating hours (Outdoor seating areas): TUES - THURSDAY 4.00 - 8.00 FRI - SUN - 4.00 - 9.00

12. Employees/Staff

Number of floor personnel 8 Number of door checkers 0

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

a. Gross floor building area of the premises to be licensed: 2704 square feet.

b. Gross outdoor seating areas of the premises to be licensed: 1500 square feet.

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

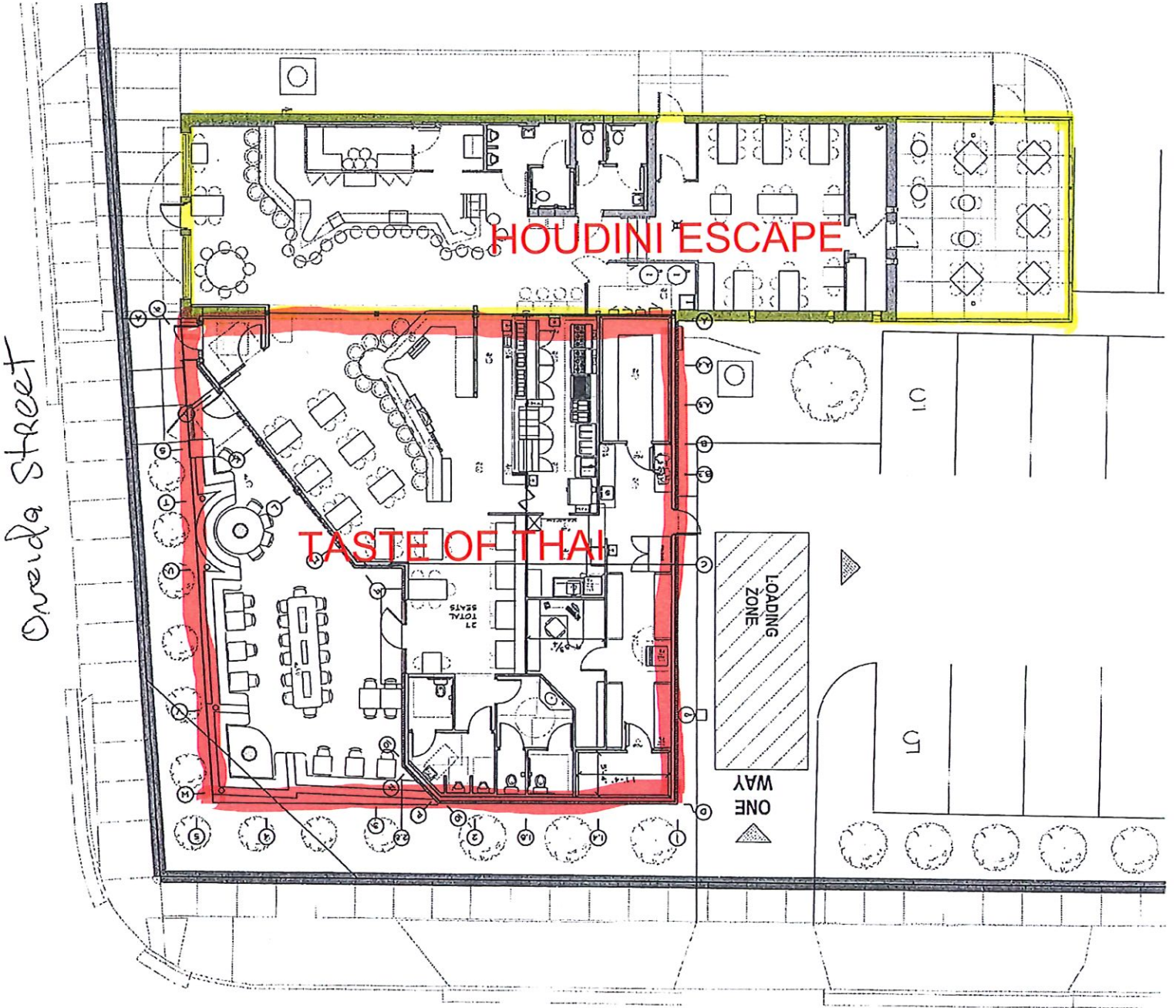
BAR and restaurant.

CHISA J.

Signature

06/23/23

Date





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

**REQUEST for
Alcohol License
Premise Amendment**

FEES ARE NON-REFUNDABLE		Date Recv'd <u>6/30/23</u>
License Fee	\$10.00/event	Acct: CLCAGP
Receipt	<u>5098-5</u>	

SECTION 1 – LICENSE INFORMATION

Name of Establishment	SANTINO LLC DBA HOUDINI'S ESCAPE GASTROPUB		
Address of Establishment	1216 S ONEIDA ST APPLETON WI		
Name of Agent	KATELYN JAMES	Phone Number	

SECTION 2 – PREMISE AMENDMENT

Please describe the change in premises:
 A drawing/diagram of the proposed area must also be submitted with this application
 A wall will be going up between the old bar and new bar. Drawing included

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

Please list the date(s) and time(s) that this temporary premise amendment will be utilized:
 Sunday - Thursday 11:00 to 9:00
 Friday - Saturday 11:00 to 10:00

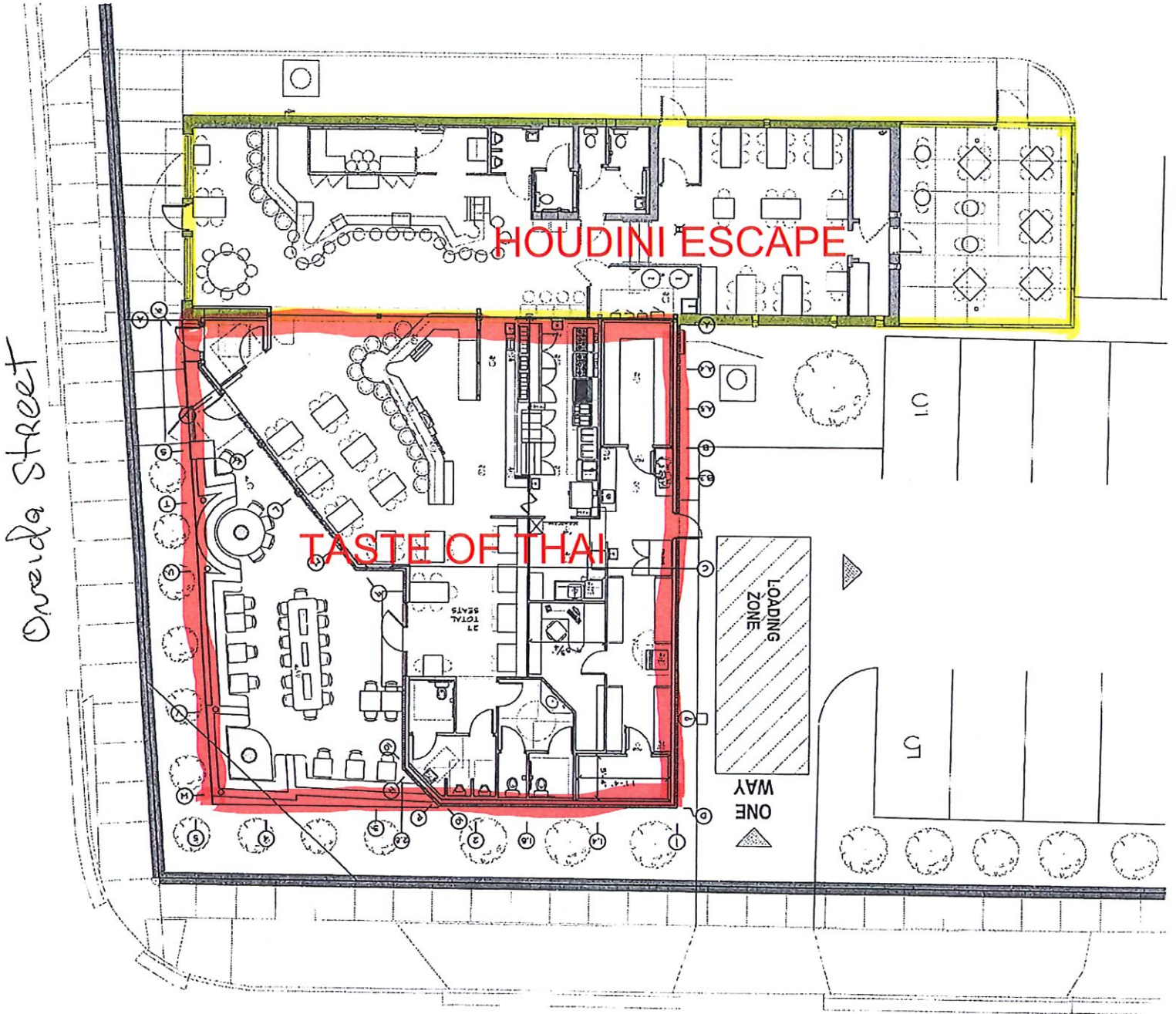
SECTION 3 – PENALTY NOTICE

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], Member

FOR OFFICE USE ONLY

Department	Approve	Deny	By	Reason
Comm. Dev.				
Finance				
Fire				
Health				
Inspections				
Police				

S&L <u>7-12-23</u>	Council <u>7-19-23</u>	Date Issued	Exp. Date	License Number
--------------------	------------------------	-------------	-----------	----------------



Erica Ziegert

From: Eric Jacobson
Sent: Friday, June 30, 2023 1:46 PM
To: Erica Ziegert
Cc: Katie Jacobson
Subject: Houdini's Renewals

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Erica,

Please add an additional 600 square feet for the back patio.
Bar square feet is 2,343
Total is 2,943.

Thanks
Eric Jacobson
Member

Positive Ventures, LLC
733 Midway Road
Menasha, WI 54952

From: Eric Jacobson
Sent: Friday, June 30, 2023 1:43 PM
To: 'Erica Ziegert'
Cc: Katie Jacobson
Subject: Houdini's Renewals

Erica,

The square footage of the original bar is 2,343.

Thanks
Eric Jacobson
Member

Positive Ventures, LLC
733 Midway Road
Menasha, WI 54952

Renewal Alcohol Beverage License Application

FOR CLERKS ONLY	
Municipality	Appleton
License Period	7/1/23-6/30/24

License(s) Requested

- Class "A" Beer \$ _____ "Class A" Liquor \$ _____
 Class "B" Beer \$ 100 "Class B" Liquor \$ _____
 "Class C" Wine \$ _____ "Class A" Liquor (Cider Only) \$ 0
 Reserve "Class B" Liquor \$ _____ "Class B" (Wine Only) Winery \$ _____

License Fees	\$ <u>100</u>
Publication Fee	\$ <u>60</u>
Background Check	\$ <u>7</u>
Total Fees	\$ <u>167</u>

Part A: Premises/Business Information

1. Legal Business Name (registered entity name or individual's name if sole proprietorship)
Among Express LLC

2. Trade Name or DBA
Among Express

3. Premises Address
1216 N. Division St Appleton, WI 54911

4. County Outagamie 5. Municipality _____ 6. Aldermanic District _____

7. Mailing Address (if different from premises address)
339 W. Wisconsin Ave Appleton WI 54911

8. FEIN REDACTED 9. Wisconsin Seller's Permit Number REDACTED

10. Premises Phone 920-903-8035 11. Premises Email Among Express 1216 @ gmail.com

12. Entity Type (check one)
 Sole Proprietor Partnership Limited Liability Company Corporation Nonprofit Organization

13. Describe your premises in detail. Attach a floor plan if possible. If you do not want to change your premises description, use the same language previously approved by your municipality, which may be found on your most recent license certificate. Requested changes to the premises description must be approved by the municipal governing body.
Small dining area for sale and consumption.
 Beer will be store down stairs in storage room.

Part B: Questions

1. Have you added or removed any partners, officers, directors, or managing members since your most recent application was submitted? Yes No

If yes to question 1, please list the names, titles, and phone numbers of any changed persons, and attach Form AT-103 for all NEW members.

First Name <u>Soua</u>	Last Name <u>Xang</u>	Title <u>Member</u>	<input type="checkbox"/> Add <input checked="" type="checkbox"/> Remove
Phone <u>REDACTED</u>			
First Name	Last Name		
Phone	Title	<input type="checkbox"/> Add <input type="checkbox"/> Remove	
First Name	Last Name		
Phone	Title	<input type="checkbox"/> Add <input type="checkbox"/> Remove	

Part B: Questions Cont.

2. Has any partner, officer, director, managing member, or agent had any changes to their most recently filed Form AT-103 including updated contact information, changes in address, criminal history, interest restrictions, etc? If yes, attach a new Form AT-103 reflecting the updated information Yes No
3. Does the licensee or any of its officers, directors, managing members, or agent hold any direct or indirect interest in any other alcohol beverage wholesaler or producer (e.g., brewer, brewpub, winery, distillery)? If yes, please explain using the space below. Attach additional sheets if necessary Yes No
4. Have the partners, agent, or sole proprietor, satisfied the responsible beverage server training requirement for this license period? Yes No
5. Is the person or business identified in Part A, the genuine seller of alcohol beverages and operator of the business (e.g., reporter of profit/loss from the sale of alcohol beverages on their income tax return, holder of the seller's permit for the business location, payer of employees, taxes, utilities, and other expenses for the business, etc.)? Yes No
6. Is the business indebted to any wholesaler beyond 15 days for beer or 30 days for liquor? Yes No
7. Does the applicant owe municipal property taxes, assessments, or other fees? Yes No

Part C: For Corporate/LLC Applicants Only:

1. Has your designated agent changed since your most recent application? If yes, list the new agent name below and attach Form AT-103 for that person and a Form AT-104 Yes No
- | | | |
|-----------------------------------|------------------------------------|--------------------------------|
| 2. Agent Last Name
<i>Thao</i> | Agent First Name
<i>Ka Ying</i> | Agent Phone Number
REDACTED |
|-----------------------------------|------------------------------------|--------------------------------|

Part D: Attestation

Who must sign this application?
 • sole proprietor • one general partner of a partnership • one corporate officer • one managing member of an LLC

READ CAREFULLY BEFORE SIGNING: Under penalty of law, I have answered each of the above questions completely and truthfully. I agree that I am acting solely on behalf of the applicant business and not on behalf of any other individual or entity seeking the license. Further, I agree that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another individual or entity. I agree to operate this business according to the law, including but not limited to, purchasing alcohol beverages from state authorized wholesalers. I understand that lack of access to any portion of a licensed premises during inspection will be deemed a refusal to allow inspection. Such refusal is a misdemeanor and grounds for revocation of this license. I understand that any license issued contrary to Wis. Stat. Chapter 125 shall be void under penalty of state law. I further understand that I may be prosecuted for submitting false statements and affidavits in connection with this application, and that any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000 if convicted.

Signature <i>Ka Ying Thao</i>	Date <i>6/29/2023</i>
Name (Last, First, M.I.) <i>Thao Ka Ying</i>	
Title <i>owner</i>	Phone REDACTED

Part E: For Clerk Use Only

Date application was filed with clerk <i>6-29-23</i>	Date reported to governing body <i>7-19-23</i>	Date provisional license issued (if applicable)
Date license granted	License number	Date license issued
Signature of Clerk/Deputy Clerk		



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Meeting Date: June 14, 2023

Common Council Public Hearing Meeting Date: July 19, 2023
(Public Hearing on Comprehensive Plan Amendment and Rezoning)

Items: City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map Amendment #1-23 and Rezoning #3-23

Case Manager: Don Harp, Principal Planner

GENERAL INFORMATION

Owner(s)/Applicant: Lawrence University of Wisconsin and Jimmy and Inthava Phimmasene c/o Michael Lokensgard, Godfrey & Kahn, S.C.

Addresses/Tax Id #'s: 313, 315, and 319 East College Avenue (Tax Id: 31-2-0005-00), 321 East College Avenue (Tax Id: 31-2-0007-00), and vacant lots (Tax Id: 31-2-0008-00 and Tax Id: 31-2-0009-00) located along East College Avenue on the southwest corner of East College Avenue and South Drew Street.

Petitioner's Request: "Lawrence University of Wisconsin ("Lawrence") is seeking to rezone Parcels 31-2-0005, -0008 and -0009 from P-I Public Institutional District to CBD Central Business District. This request for a corresponding amendment to the City of Appleton's Comprehensive Plan Future Land Use Map is being made in conjunction with that request.

The City's Comprehensive Plan Future Land Use Map (the "Map") identifies the future use of these parcels, along with Parcel 31-2-0007 (the Taste of Thai restaurant), as Public/Institutional. This is the only area anywhere on College Avenue between Drew and Richmond Streets that the Comprehensive Plan Future Land Use Map identifies for future Public/Institutional use.

With the exception of these three parcels, all of the properties on both sides of College Avenue between Drew Street and Richmond Street are zoned CBD. Upon information and belief, the Lawrence parcels were zoned P-I when that classification was first created solely due to their being owned by Lawrence. Rezoning them to CBD would result in a uniform zoning classification being applicable to the entire south side of College Avenue between Drew and Durkee Streets.

Parcel 31-2-0005 (Lawrence's "Conservatory West" offices) is a legal, non-conforming use in a P-I district, as it does not meet applicable setback or off-street parking requirements. However, the building does meet all of the requirements of the CBD District. Were the Conservatory West building to ever be removed, it would be extremely difficult to repurpose the parcel if P-I District requirements were applied.

Parcels 31-2-0008 and 31-2-0009 are vacant, but their potential use is significantly limited by the requirements of the P-I district.

Comprehensive Plan 2010-2030 Future Land Use Map Amendment #1-23 & Rezoning #3-23

June 14, 2023

Page 2

Lawrence is developing a long-term strategic plan for its real estate holdings and wishes to preserve maximum flexibility with respect to these parcels. Lawrence has determined that having these parcels designated as future CBD would permit their development (or redevelopment, as the case may be) in line with the balance of the block (and downtown) and would permit a greater variety of mixed – use, revenue generating options, including potential residential use on floors above street level. Moreover, anything Lawrence would do with the parcels would be consistent with a CBD designation, since higher educational institutions are specifically permitted in the CBD District.

This rezoning would be consistent with the City’s Comprehensive Plan, which notes that College Avenue is “a perfect example of an urban core street.” Rezoning will permit Lawrence to develop uses and an accompanying streetscape consistent with that characterization.

We note that Parcel 31-2-2007 is already zoned CBD, and the proposed amendment to the Map simply brings the Map into conformance with the actual use of that parcel. The owner of Parcel 31-2-2007 has consented to this request.

BACKGROUND

The Memorial Presbyterian Church previously occupied Tax Id: 31-2-0009-00. The permit to raze the building was issued on November 11, 1966. This parcel is currently undeveloped.

The Armory Building previously occupied Tax Id: 31-2-0008-00. The permit to raze the building was issued on May 20, 1969. A 7-stall off-street parking lot currently occupies this parcel.

The Taste of Thai restaurant building currently occupies Tax Id: 31-2-0007-00. Special Use Permit #5-19 was issued to the Taste of Thai for restaurant and sidewalk café with alcohol sales and service.

Lawrence University of Wisconsin’s “Conservatory West” offices currently occupies Tax Id: 31-2-0005-00. The building is mixed use with offices and residential apartments and a 14- stall off-street parking lot.

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

STAFF ANALYSIS

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

Existing Site Conditions: Combined, the subject land area totals approximately 35,059.88 square feet (0.804 acres). The subject land area has frontage along East College Avenue, South Drew Street and an Alley.

Street Classification: On the City's Arterial/Collector Plan, East College Avenue is classified as an arterial street, South Drew Street is classified as a collector street, and the Alley is classified as a local street.

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

North: Zoning – CBD Central Business District.

Future Land Use Designation – Central Business District.

Current Land Use – Various commercial uses, including residential apartments and the Outagamie County History Museum.

South: Zoning – P-I Public Institutional District.

Future Land Use Designation – Public/Institutional.

Current Land Use – Lawrence University Campus, including Brokaw Hall, Colman Hall and faculty/student off-street parking.

East: Zoning – P-I Public Institutional District.

Future Land Use Designation – Public/Institutional.

Current Land Use – Lawrence University Campus, including Main Hall, and other academic administration buildings and residence halls.

West: Zoning – CBD Central Business District.

Future Land Use Designation – Central Business District.

Current Land Use – Mix of commercial uses, including residential apartments.

Proposed Future Land Use Designation: The owner(s)/applicant propose to amend the City's Comprehensive Plan 2010-2030 to change the Future Land Use Map designation for the subject site (Tax Id #'s 31-2-0005-00, 31-2-0007-00, 31-2-0008-00 and 31-2-0009-00) from:

- Future Public/Institutional land use to future Central Business District land use.

Amendments to the Comprehensive Plan are sometimes triggered by technical corrections to omissions or errors, specific development proposals, or changing circumstances in the City. In this case, a mixed-use development proposal for the subject site is necessitating the change to Central Business District designation.

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

Goal 1 – Community Growth

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

OBJECTIVE 7.10 Utilities and Community Facilities:

Continue to coordinate, partner, and collaborate with educational institutions to support access for all to education.

OBJECTIVE 9.4 Economic Development:

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

OBJECTIVE 10.2 Land Use:

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

OBJECTIVE 10.1 Land Use:

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

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

OBJECTIVE 10.5 Land Use:

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

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

3.1 Encourage mixed-use and mid-density residential redevelopment on under-utilized or marginal sites on the edge of downtown.

Proposed Zoning Classification: CBD Central Business District. This district is intended to provide a centrally located and readily accessible area that offers a wide variety of retail, service, financial, entertainment, governmental, and residential uses. A broad range of uses is permitted to reflect downtown's role as a commercial, cultural and government center. Development is intended to be intense with maximum lot coverage, increased building scale and height density and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape. Per Section 23-114(i) of the Municipal Code, the development standards for the CBD District are listed below:

- 1) **Minimum lot area:** 2,400 square feet.
- 2) **Maximum lot coverage:** 100%.
- 3) **Minimum lot width:** 20 feet.

- 4) **Minimum front yard:** None.
- 5) **Minimum rear yard:**
 - a. None.
 - b. 10 feet abutting residentially-zoned district.
- 6) **Minimum side yard:**
 - a. None.
 - b. 10 feet if abutting a residentially zoned district.
- 7) **Maximum building height:** 200 feet.

Zoning Ordinance Review Criteria: A rezoning is often triggered by development proposals or changing circumstances in the City. In this case, the request is being made to establish uniform zoning and accommodate future mixed-use development. If the rezoning request is approved, any future development would need to conform to the CBD Central Business District zoning regulations listed above and other applicable sections of the Zoning Ordinance. Ultimately, Site Plan review and approval would be required, pursuant to Section 23-570 of the Municipal Code, prior to the issuance of a building permit by the Inspections Division.

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

- a. Prior to making a recommendation on a proposed rezoning, the Plan Commission shall make a finding to determine if the following conditions exist. No rezoning of land shall be approved prior to finding at least one of the following:
 1. The request for a zone change is in conformance with the Comprehensive Plan for the City of Appleton. *If Future Land Use Map Amendment #1-23 is approved, the rezoning request for Tax Id #'s 31-2-0005-00, 31-2-0008-00 and 31-2-0009-00 will be in conformance with the Comprehensive Plan 2010-2030.*
 2. A study submitted by the applicant that indicates that there has been an increase in the demand for land in the requested zoning district, and as a result, the supply of land within the City mapped as such on the Official Zoning Map is inadequate to meet the demands for such development.
 3. Proposed amendments cannot be accommodated by sites already zoned in the City due to lack of transportation, utilities or other development constraints, or the market to be served by the proposed use cannot be effectively served by the location of the existing zoning district(s).
 4. There is an error in the code text or zoning map as enacted.

Comprehensive Plan 2010-2030 Future Land Use Map Amendment #1-23 & Rezoning #3-23

June 14, 2023

Page 6

- b. In addition to the findings required to be made by subsection (a), findings shall be made by the Plan Commission on each of the following matters based on the evidence presented:
 1. The adequacy of public facilities such as transportation, utilities and other required public services to serve the proposed site. *The subject site is served by existing infrastructure, and the transportation network should be able to accommodate the proposed rezoning and future land uses.*
 2. The effect of the proposed rezoning on surrounding uses. *Central Business District zoning already exists on one of the subject parcels (Tax Id #31-2-0007-00). A mix of commercial, public institutional and residential apartment uses are already located north, south, east and west of the subject site. Therefore, the proposed rezoning request is unlikely to create adverse impacts in the surrounding neighborhood.*

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

Technical Review Group (TRG) Report: These items appeared on the May 23, 2023 TRG agenda. No negative comments were received from participating departments.

RECOMMENDATION

Based upon the above analysis, staff recommends the proposed City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map Amendment #1-23 for the subject parcels located at 313, 315, and 319 East College Avenue (Tax Id: 31-2-0005-00), 321 East College Avenue (Tax Id: 31-2-0007-00), and vacant lots (Tax Id: 31-2-0008-00 and Tax Id: 31-2-0009-00) located along East College Avenue on the southwest corner of East College Avenue and South Drew Street from future Public/Institutional land use to future Central Business District land use designation and resolution, **BE APPROVED**; and

Staff recommends, based upon the standards for zoning map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning Application #3-23 to rezone the subject parcels located at 313, 315, and 319 East College Avenue (Tax Id: 31-2-0005-00) and vacant lots (Tax Id: 31-2-0008-00 and Tax Id: 31-2-0009-00) located along East College Avenue on the southwest corner of East College Avenue and Drew Street from P-I Public Institutional District to CBD Central Business District, including to the centerline of the adjacent street and alley right-of-way, as shown on the attached map, **BE APPROVED**.

NOTE: If approved, Rezoning #3-23 will be reported out at the same Common Council meeting as the proposed Comprehensive Plan Amendment #1-23 to accurately reflect the change in future land use from future Public/Institutional land use to future Central Business District land use designation.

**RESOLUTION
CITY OF APPLETON**

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

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

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

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

WHEREAS, members of the public were invited to make comments at a meeting held on June 14, 2023, by the City Plan Commission, wherein the following Comprehensive Plan amendment (Amendment #1-23) herein adopted were reviewed and commented upon by members of the public; and

WHEREAS, the City of Appleton Plan Commission has reviewed the recommended amendment to the Comprehensive Plan Future Land Use Map at a meeting held on June 14, 2023, and

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

1. Having been filed with the City Clerk by the City of Appleton Community and Economic Development Department requesting a Comprehensive Plan Future Land Use Map Amendment to change future land use designations for specified property Tax Id #'s 31-2-0005-00, 31-2-0007-00, 31-2-0008-00 and 31-2-0009-00 on the Future Land Use Map from (Public/Institutional Use) to (Central Business District).

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

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

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

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

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

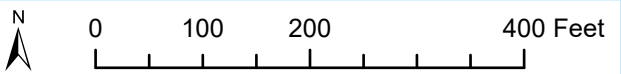
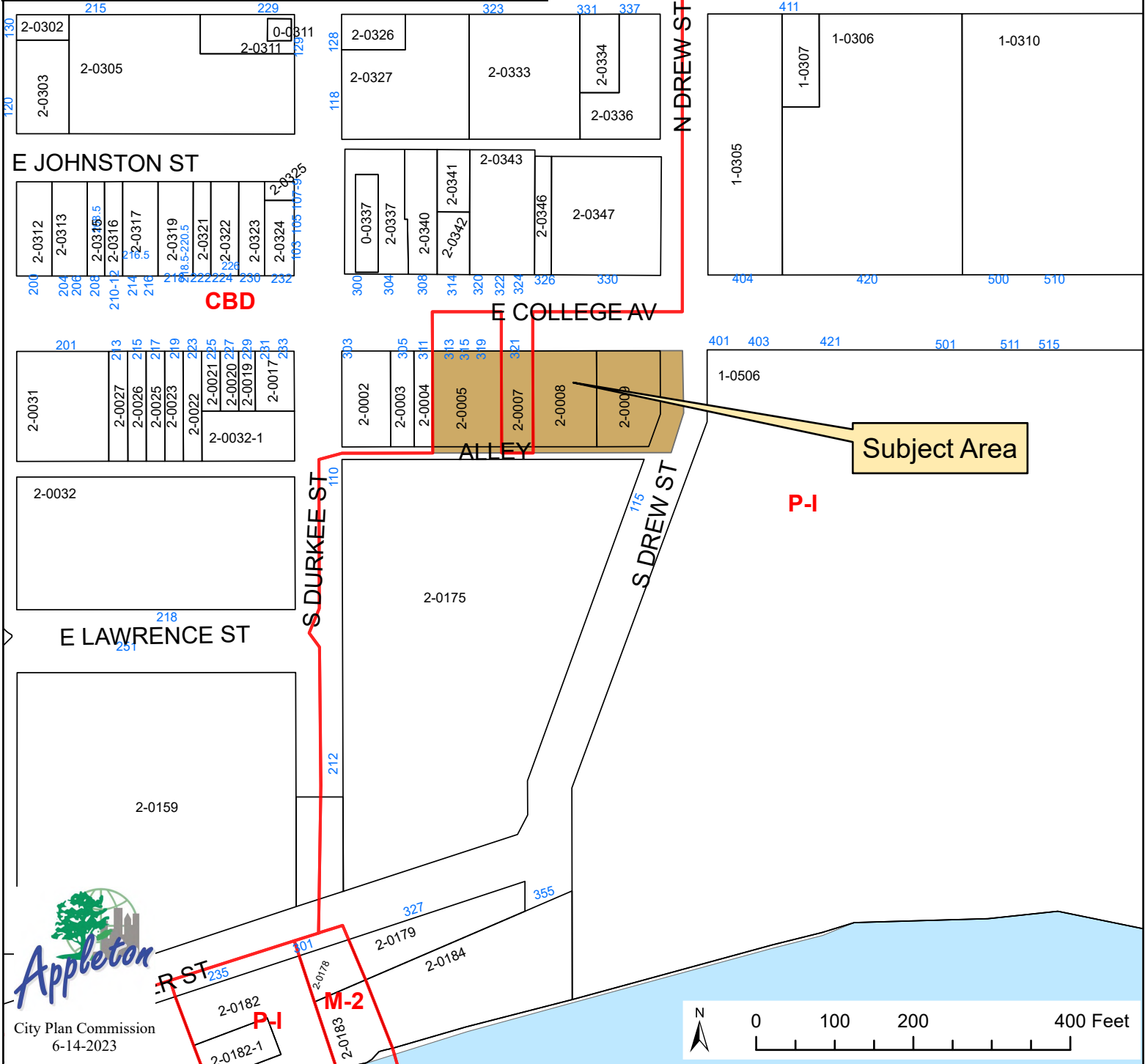
Adopted this _____ day of _____, 2023.

Jacob A. Woodford, Mayor

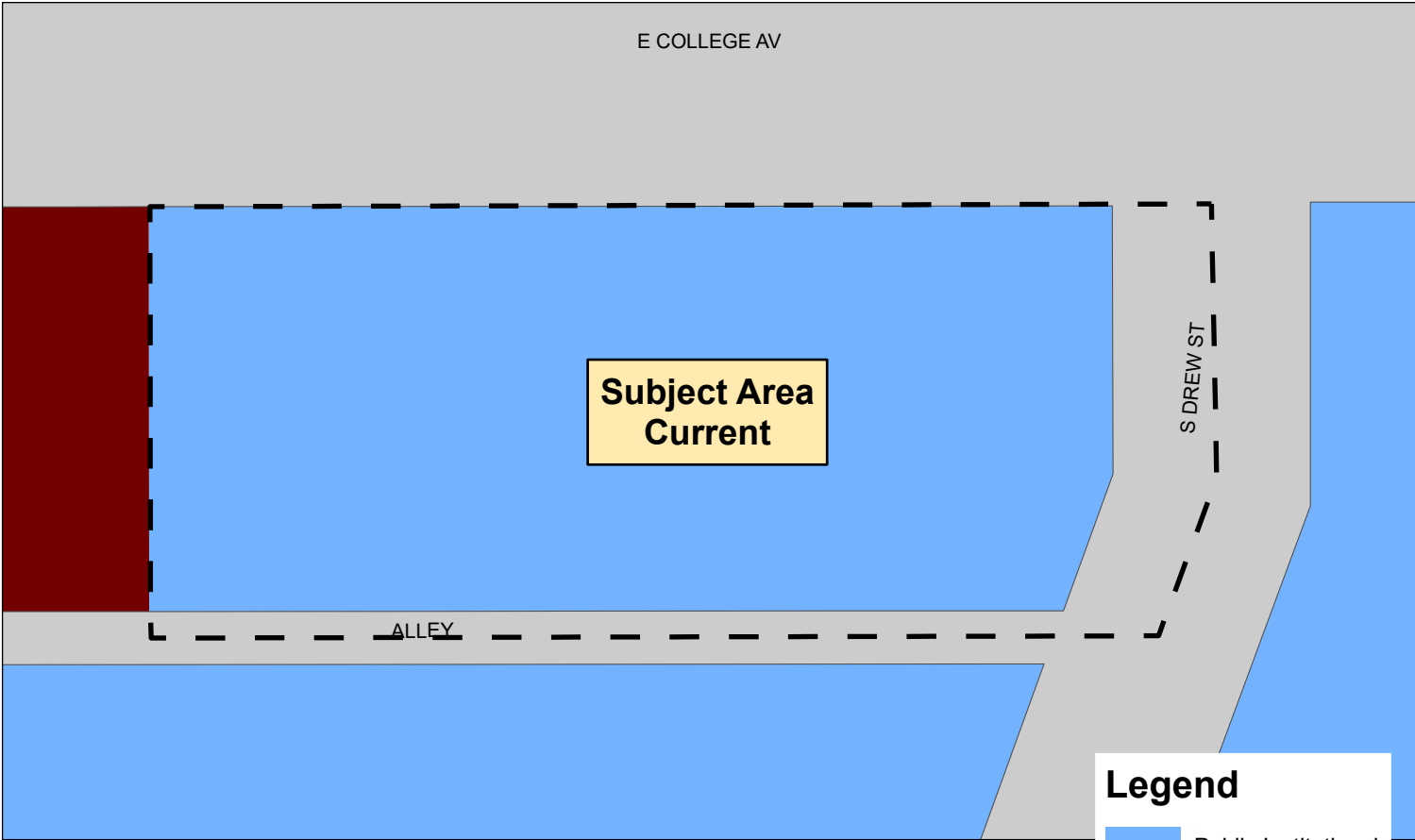
ATTEST:

Kami Lynch, City Clerk

Future Land Use Map Amendment Future Public/Institutional to Central Business District Vicinity Map

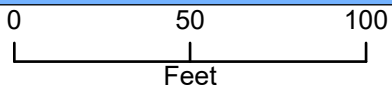
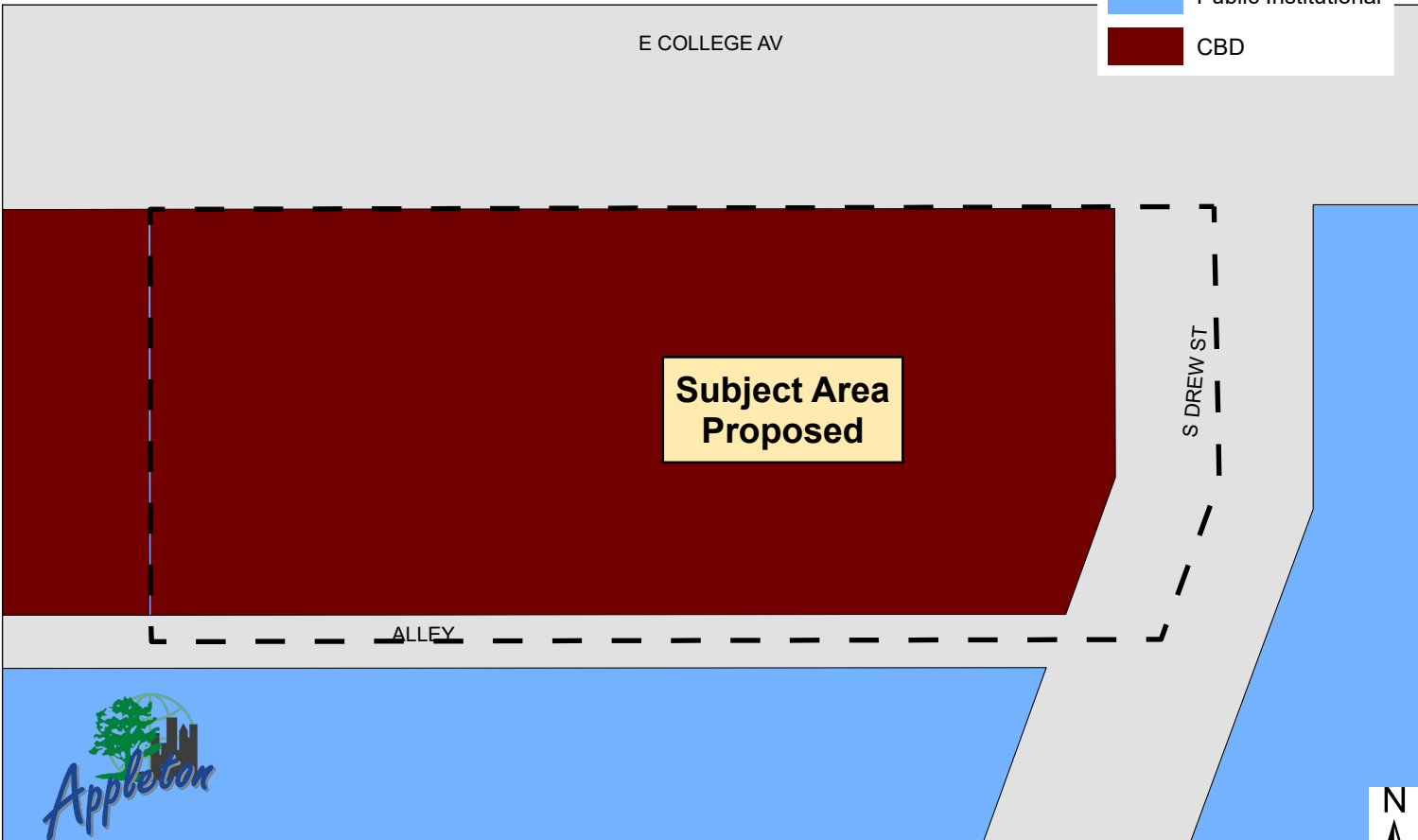


Future Land Use Map Amendment
Future Public/Institutional to Central Business District

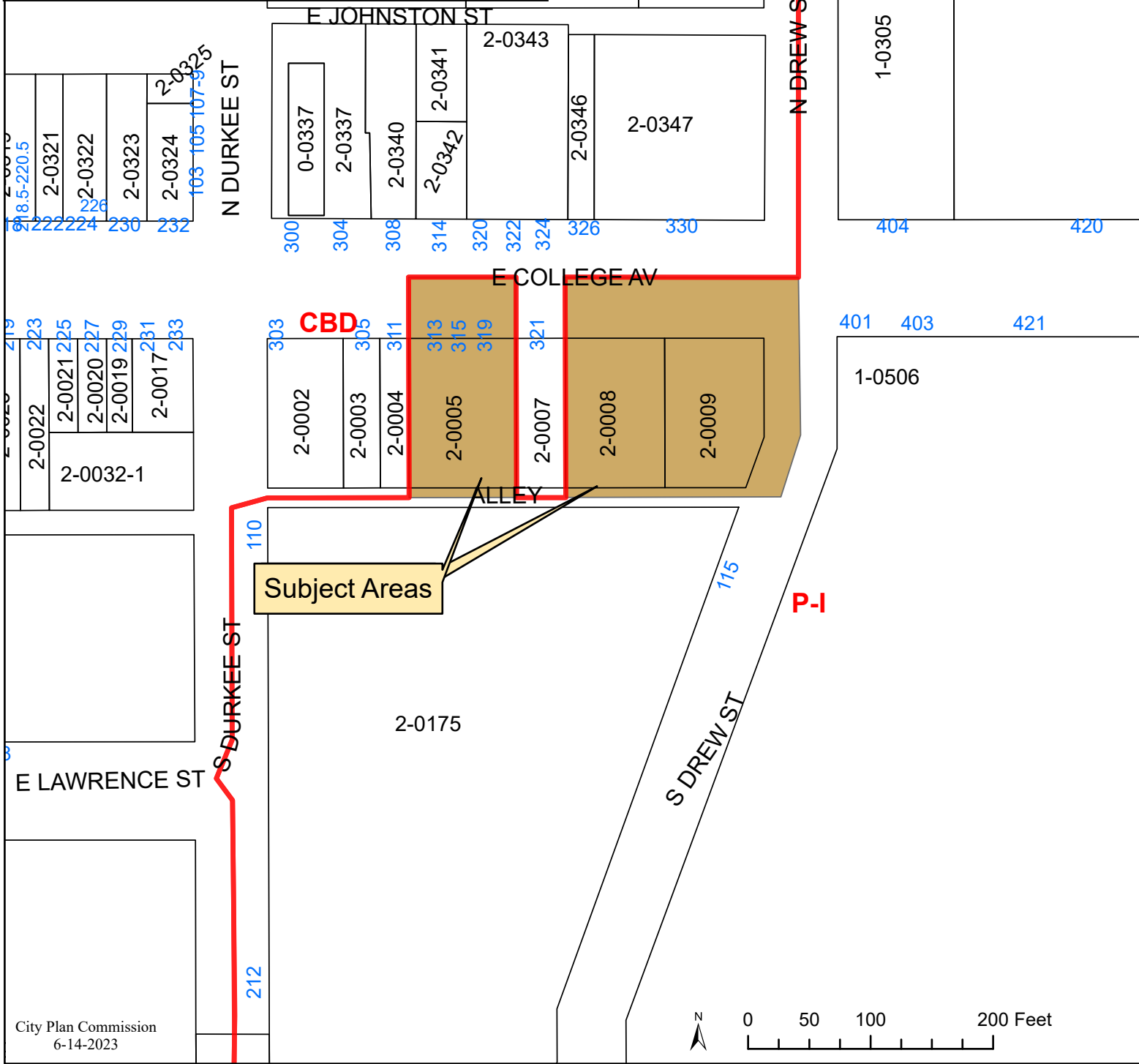


Legend

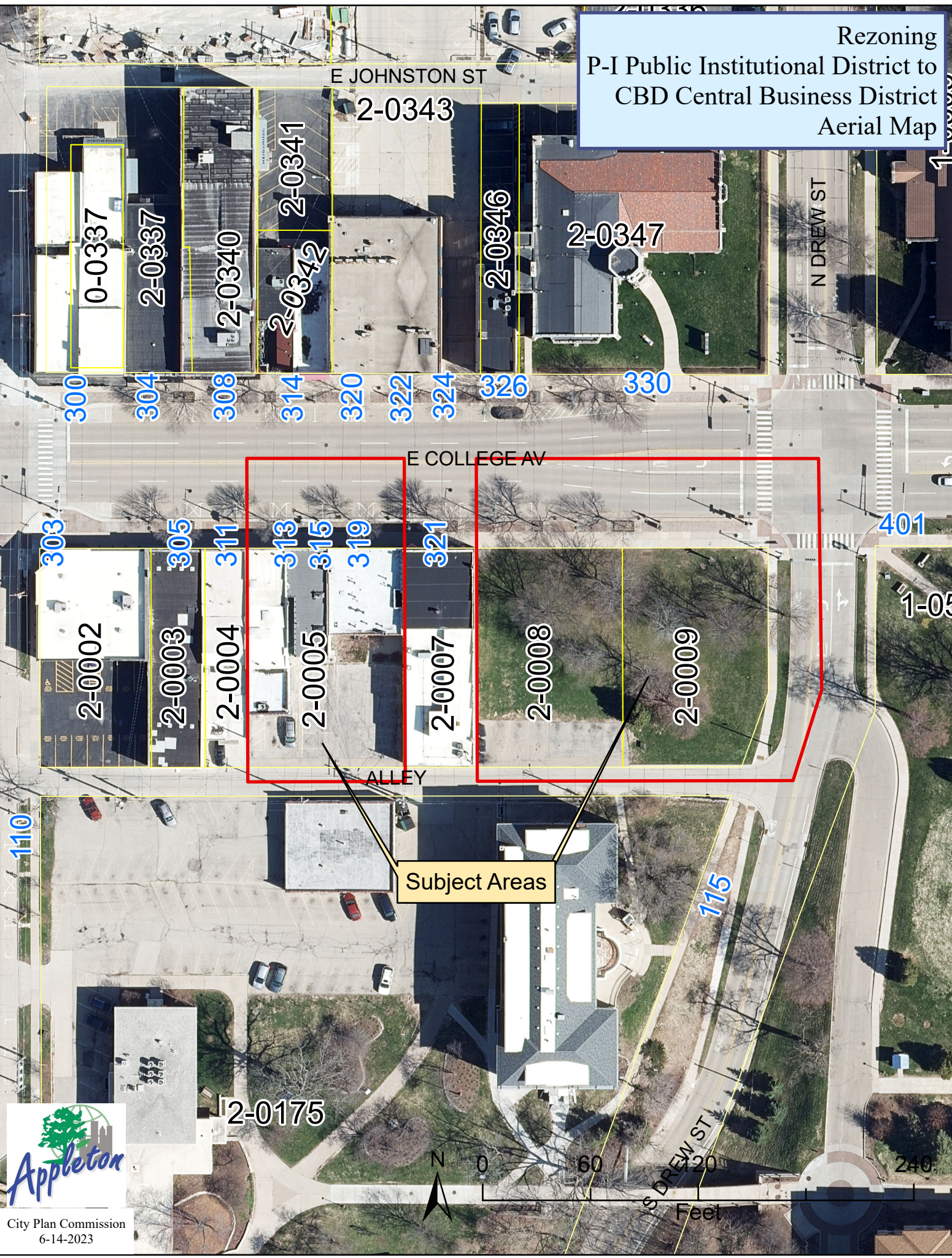
- Public Institutional
- CBD



Rezoning
P-I Public Institutional District to
CBD Central Business District
Vicinity Map



Rezoning
P-I Public Institutional District to
CBD Central Business District
Aerial Map



Subject Areas





REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Meeting Date: June 14, 2023

Common Council Public Hearing Meeting Date: July 19, 2023
(Public Hearing on Comprehensive Plan Amendment and Rezoning)

Items: City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map Amendment #1-23 and Rezoning #3-23

Case Manager: Don Harp, Principal Planner

GENERAL INFORMATION

Owner(s)/Applicant: Lawrence University of Wisconsin and Jimmy and Inthava Phimmasene c/o Michael Lokensgard, Godfrey & Kahn, S.C.

Addresses/Tax Id #'s: 313, 315, and 319 East College Avenue (Tax Id: 31-2-0005-00), 321 East College Avenue (Tax Id: 31-2-0007-00), and vacant lots (Tax Id: 31-2-0008-00 and Tax Id: 31-2-0009-00) located along East College Avenue on the southwest corner of East College Avenue and South Drew Street.

Petitioner's Request: "Lawrence University of Wisconsin ("Lawrence") is seeking to rezone Parcels 31-2-0005, -0008 and -0009 from P-I Public Institutional District to CBD Central Business District. This request for a corresponding amendment to the City of Appleton's Comprehensive Plan Future Land Use Map is being made in conjunction with that request.

The City's Comprehensive Plan Future Land Use Map (the "Map") identifies the future use of these parcels, along with Parcel 31-2-0007 (the Taste of Thai restaurant), as Public/Institutional. This is the only area anywhere on College Avenue between Drew and Richmond Streets that the Comprehensive Plan Future Land Use Map identifies for future Public/Institutional use.

With the exception of these three parcels, all of the properties on both sides of College Avenue between Drew Street and Richmond Street are zoned CBD. Upon information and belief, the Lawrence parcels were zoned P-I when that classification was first created solely due to their being owned by Lawrence. Rezoning them to CBD would result in a uniform zoning classification being applicable to the entire south side of College Avenue between Drew and Durkee Streets.

Parcel 31-2-0005 (Lawrence's "Conservatory West" offices) is a legal, non-conforming use in a P-I district, as it does not meet applicable setback or off-street parking requirements. However, the building does meet all of the requirements of the CBD District. Were the Conservatory West building to ever be removed, it would be extremely difficult to repurpose the parcel if P-I District requirements were applied.

Parcels 31-2-0008 and 31-2-0009 are vacant, but their potential use is significantly limited by the requirements of the P-I district.

Comprehensive Plan 2010-2030 Future Land Use Map Amendment #1-23 & Rezoning #3-23

June 14, 2023

Page 2

Lawrence is developing a long-term strategic plan for its real estate holdings and wishes to preserve maximum flexibility with respect to these parcels. Lawrence has determined that having these parcels designated as future CBD would permit their development (or redevelopment, as the case may be) in line with the balance of the block (and downtown) and would permit a greater variety of mixed – use, revenue generating options, including potential residential use on floors above street level. Moreover, anything Lawrence would do with the parcels would be consistent with a CBD designation, since higher educational institutions are specifically permitted in the CBD District.

This rezoning would be consistent with the City’s Comprehensive Plan, which notes that College Avenue is “a perfect example of an urban core street.” Rezoning will permit Lawrence to develop uses and an accompanying streetscape consistent with that characterization.

We note that Parcel 31-2-2007 is already zoned CBD, and the proposed amendment to the Map simply brings the Map into conformance with the actual use of that parcel. The owner of Parcel 31-2-2007 has consented to this request.

BACKGROUND

The Memorial Presbyterian Church previously occupied Tax Id: 31-2-0009-00. The permit to raze the building was issued on November 11, 1966. This parcel is currently undeveloped.

The Armory Building previously occupied Tax Id: 31-2-0008-00. The permit to raze the building was issued on May 20, 1969. A 7-stall off-street parking lot currently occupies this parcel.

The Taste of Thai restaurant building currently occupies Tax Id: 31-2-0007-00. Special Use Permit #5-19 was issued to the Taste of Thai for restaurant and sidewalk café with alcohol sales and service.

Lawrence University of Wisconsin’s “Conservatory West” offices currently occupies Tax Id: 31-2-0005-00. The building is mixed use with offices and residential apartments and a 14- stall off-street parking lot.

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

STAFF ANALYSIS

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

Existing Site Conditions: Combined, the subject land area totals approximately 35,059.88 square feet (0.804 acres). The subject land area has frontage along East College Avenue, South Drew Street and an Alley.

Street Classification: On the City's Arterial/Collector Plan, East College Avenue is classified as an arterial street, South Drew Street is classified as a collector street, and the Alley is classified as a local street.

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

North: Zoning – CBD Central Business District.

Future Land Use Designation – Central Business District.

Current Land Use – Various commercial uses, including residential apartments and the Outagamie County History Museum.

South: Zoning – P-I Public Institutional District.

Future Land Use Designation – Public/Institutional.

Current Land Use – Lawrence University Campus, including Brokaw Hall, Colman Hall and faculty/student off-street parking.

East: Zoning – P-I Public Institutional District.

Future Land Use Designation – Public/Institutional.

Current Land Use – Lawrence University Campus, including Main Hall, and other academic administration buildings and residence halls.

West: Zoning – CBD Central Business District.

Future Land Use Designation – Central Business District.

Current Land Use – Mix of commercial uses, including residential apartments.

Proposed Future Land Use Designation: The owner(s)/applicant propose to amend the City's Comprehensive Plan 2010-2030 to change the Future Land Use Map designation for the subject site (Tax Id #'s 31-2-0005-00, 31-2-0007-00, 31-2-0008-00 and 31-2-0009-00) from:

- Future Public/Institutional land use to future Central Business District land use.

Amendments to the Comprehensive Plan are sometimes triggered by technical corrections to omissions or errors, specific development proposals, or changing circumstances in the City. In this case, a mixed-use development proposal for the subject site is necessitating the change to Central Business District designation.

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

Goal 1 – Community Growth

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

OBJECTIVE 7.10 Utilities and Community Facilities:

Continue to coordinate, partner, and collaborate with educational institutions to support access for all to education.

OBJECTIVE 9.4 Economic Development:

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

OBJECTIVE 10.2 Land Use:

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

OBJECTIVE 10.1 Land Use:

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

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

OBJECTIVE 10.5 Land Use:

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

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

3.1 Encourage mixed-use and mid-density residential redevelopment on under-utilized or marginal sites on the edge of downtown.

Proposed Zoning Classification: CBD Central Business District. This district is intended to provide a centrally located and readily accessible area that offers a wide variety of retail, service, financial, entertainment, governmental, and residential uses. A broad range of uses is permitted to reflect downtown's role as a commercial, cultural and government center. Development is intended to be intense with maximum lot coverage, increased building scale and height density and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape. Per Section 23-114(i) of the Municipal Code, the development standards for the CBD District are listed below:

- 1) **Minimum lot area:** 2,400 square feet.
- 2) **Maximum lot coverage:** 100%.
- 3) **Minimum lot width:** 20 feet.

- 4) **Minimum front yard:** None.
- 5) **Minimum rear yard:**
 - a. None.
 - b. 10 feet abutting residentially-zoned district.
- 6) **Minimum side yard:**
 - a. None.
 - b. 10 feet if abutting a residentially zoned district.
- 7) **Maximum building height:** 200 feet.

Zoning Ordinance Review Criteria: A rezoning is often triggered by development proposals or changing circumstances in the City. In this case, the request is being made to establish uniform zoning and accommodate future mixed-use development. If the rezoning request is approved, any future development would need to conform to the CBD Central Business District zoning regulations listed above and other applicable sections of the Zoning Ordinance. Ultimately, Site Plan review and approval would be required, pursuant to Section 23-570 of the Municipal Code, prior to the issuance of a building permit by the Inspections Division.

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

- a. Prior to making a recommendation on a proposed rezoning, the Plan Commission shall make a finding to determine if the following conditions exist. No rezoning of land shall be approved prior to finding at least one of the following:
 1. The request for a zone change is in conformance with the Comprehensive Plan for the City of Appleton. *If Future Land Use Map Amendment #1-23 is approved, the rezoning request for Tax Id #'s 31-2-0005-00, 31-2-0008-00 and 31-2-0009-00 will be in conformance with the Comprehensive Plan 2010-2030.*
 2. A study submitted by the applicant that indicates that there has been an increase in the demand for land in the requested zoning district, and as a result, the supply of land within the City mapped as such on the Official Zoning Map is inadequate to meet the demands for such development.
 3. Proposed amendments cannot be accommodated by sites already zoned in the City due to lack of transportation, utilities or other development constraints, or the market to be served by the proposed use cannot be effectively served by the location of the existing zoning district(s).
 4. There is an error in the code text or zoning map as enacted.

Comprehensive Plan 2010-2030 Future Land Use Map Amendment #1-23 & Rezoning #3-23

June 14, 2023

Page 6

- b. In addition to the findings required to be made by subsection (a), findings shall be made by the Plan Commission on each of the following matters based on the evidence presented:
 1. The adequacy of public facilities such as transportation, utilities and other required public services to serve the proposed site. *The subject site is served by existing infrastructure, and the transportation network should be able to accommodate the proposed rezoning and future land uses.*
 2. The effect of the proposed rezoning on surrounding uses. *Central Business District zoning already exists on one of the subject parcels (Tax Id #31-2-0007-00). A mix of commercial, public institutional and residential apartment uses are already located north, south, east and west of the subject site. Therefore, the proposed rezoning request is unlikely to create adverse impacts in the surrounding neighborhood.*

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

Technical Review Group (TRG) Report: These items appeared on the May 23, 2023 TRG agenda. No negative comments were received from participating departments.

RECOMMENDATION

Based upon the above analysis, staff recommends the proposed City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map Amendment #1-23 for the subject parcels located at 313, 315, and 319 East College Avenue (Tax Id: 31-2-0005-00), 321 East College Avenue (Tax Id: 31-2-0007-00), and vacant lots (Tax Id: 31-2-0008-00 and Tax Id: 31-2-0009-00) located along East College Avenue on the southwest corner of East College Avenue and South Drew Street from future Public/Institutional land use to future Central Business District land use designation and resolution, **BE APPROVED**; and

Staff recommends, based upon the standards for zoning map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning Application #3-23 to rezone the subject parcels located at 313, 315, and 319 East College Avenue (Tax Id: 31-2-0005-00) and vacant lots (Tax Id: 31-2-0008-00 and Tax Id: 31-2-0009-00) located along East College Avenue on the southwest corner of East College Avenue and Drew Street from P-I Public Institutional District to CBD Central Business District, including to the centerline of the adjacent street and alley right-of-way, as shown on the attached map, **BE APPROVED**.

NOTE: If approved, Rezoning #3-23 will be reported out at the same Common Council meeting as the proposed Comprehensive Plan Amendment #1-23 to accurately reflect the change in future land use from future Public/Institutional land use to future Central Business District land use designation.

**RESOLUTION
CITY OF APPLETON**

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

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

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

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

WHEREAS, members of the public were invited to make comments at a meeting held on June 14, 2023, by the City Plan Commission, wherein the following Comprehensive Plan amendment (Amendment #1-23) herein adopted were reviewed and commented upon by members of the public; and

WHEREAS, the City of Appleton Plan Commission has reviewed the recommended amendment to the Comprehensive Plan Future Land Use Map at a meeting held on June 14, 2023, and

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

1. Having been filed with the City Clerk by the City of Appleton Community and Economic Development Department requesting a Comprehensive Plan Future Land Use Map Amendment to change future land use designations for specified property Tax Id #'s 31-2-0005-00, 31-2-0007-00, 31-2-0008-00 and 31-2-0009-00 on the Future Land Use Map from (Public/Institutional Use) to (Central Business District).

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

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

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

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

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

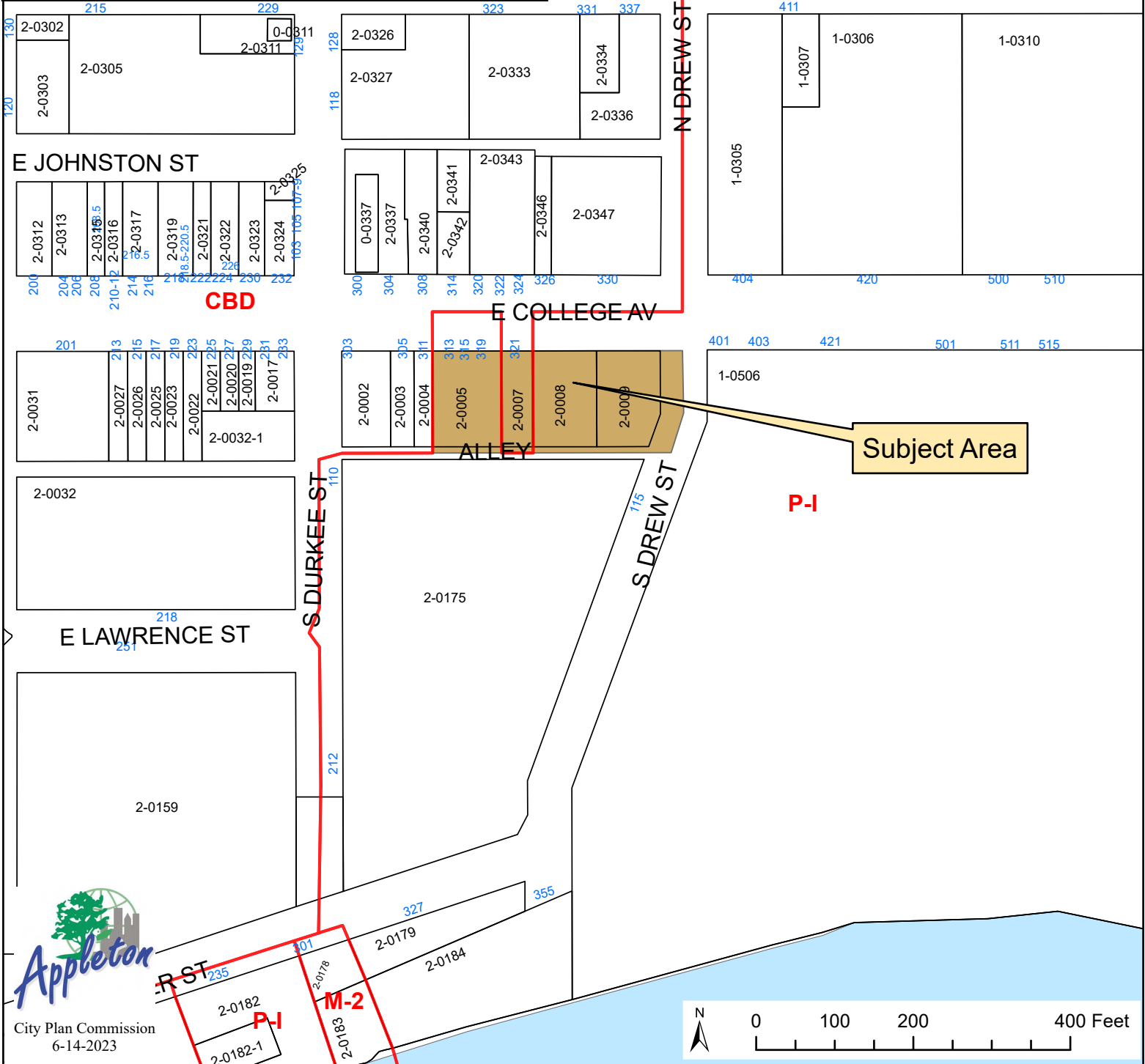
Adopted this _____ day of _____, 2023.

Jacob A. Woodford, Mayor

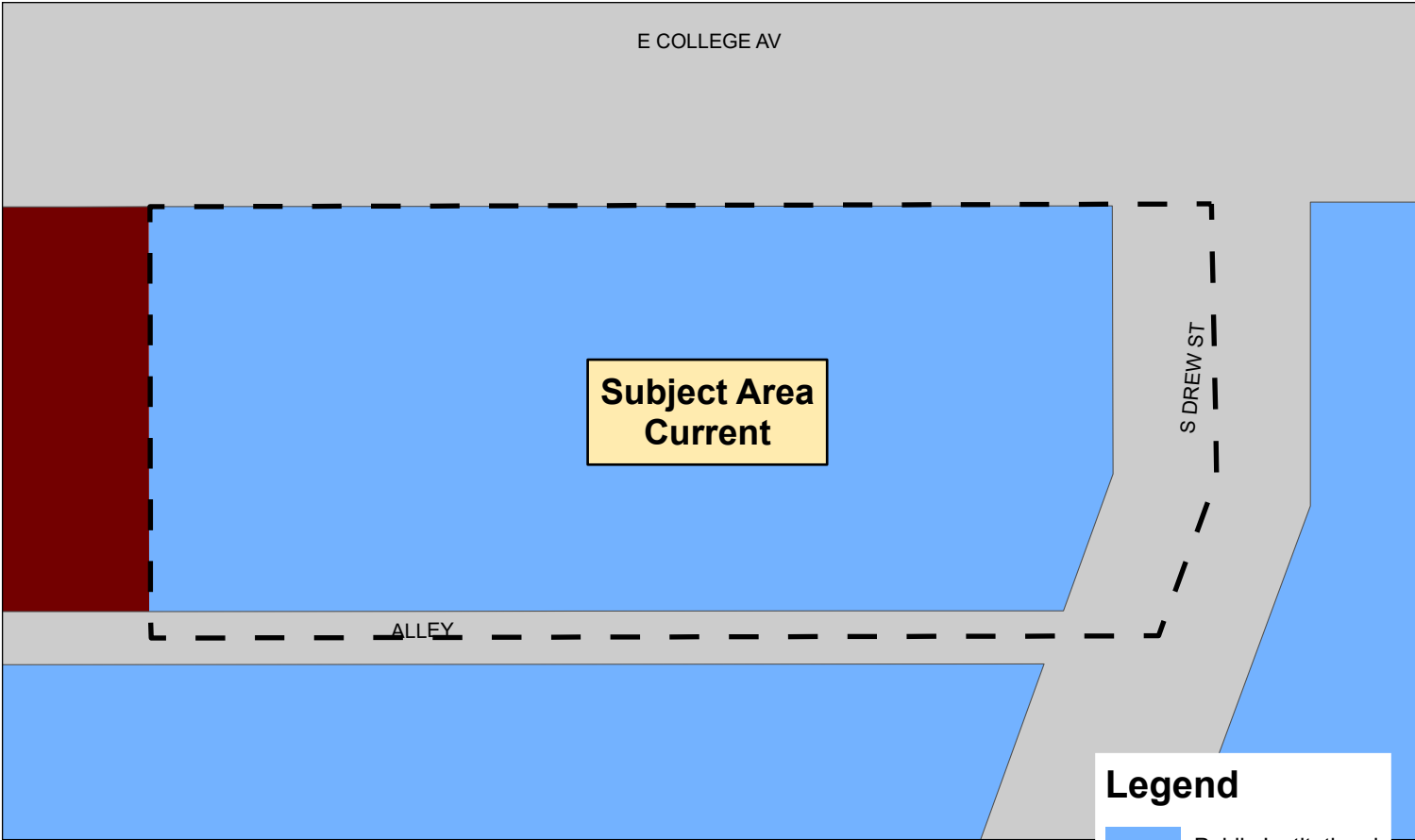
ATTEST:

Kami Lynch, City Clerk

Future Land Use Map Amendment
 Future Public/Institutional to
 Central Business District
 Vicinity Map

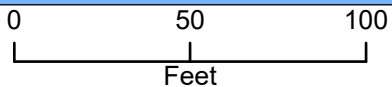
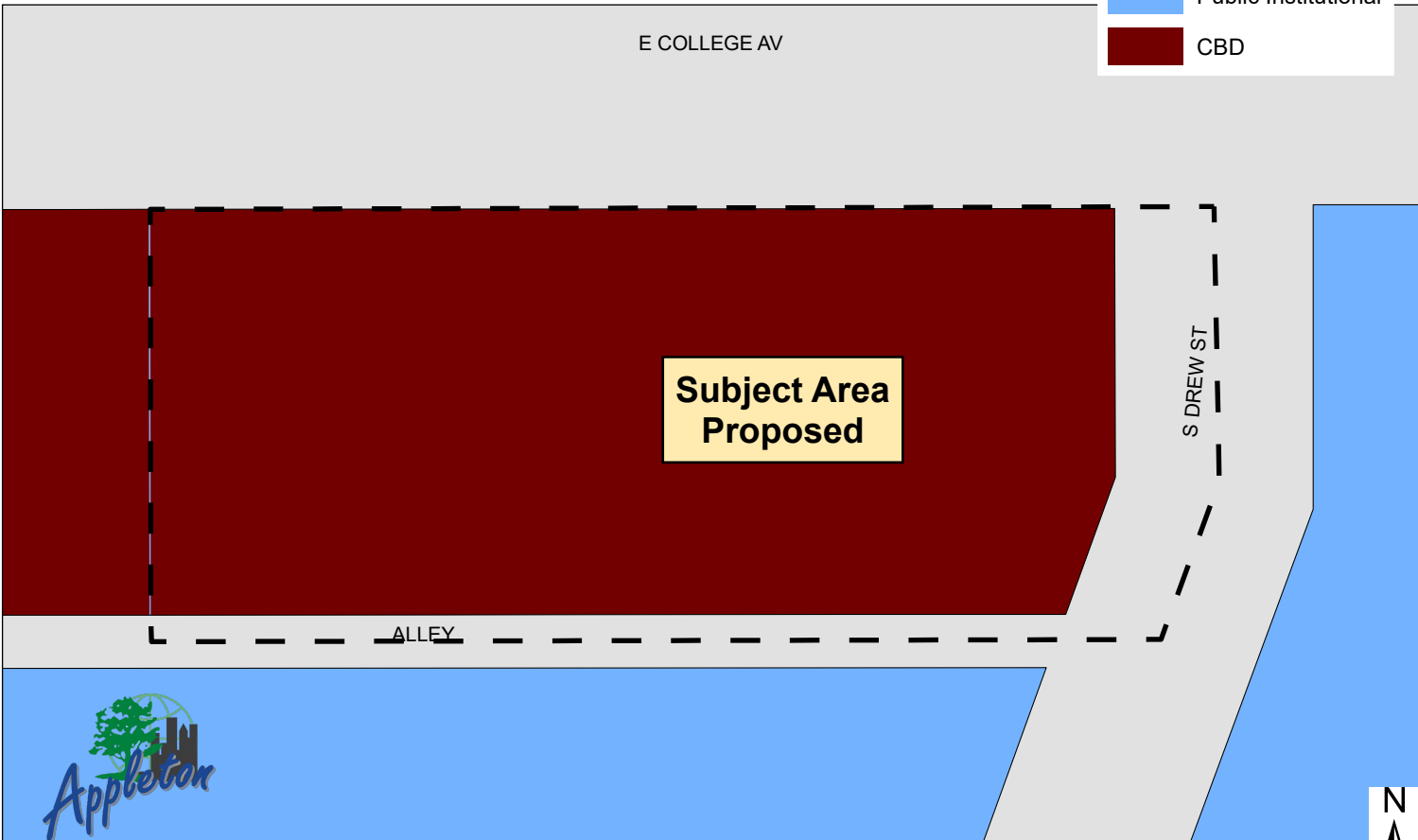


Future Land Use Map Amendment
Future Public/Institutional to Central Business District

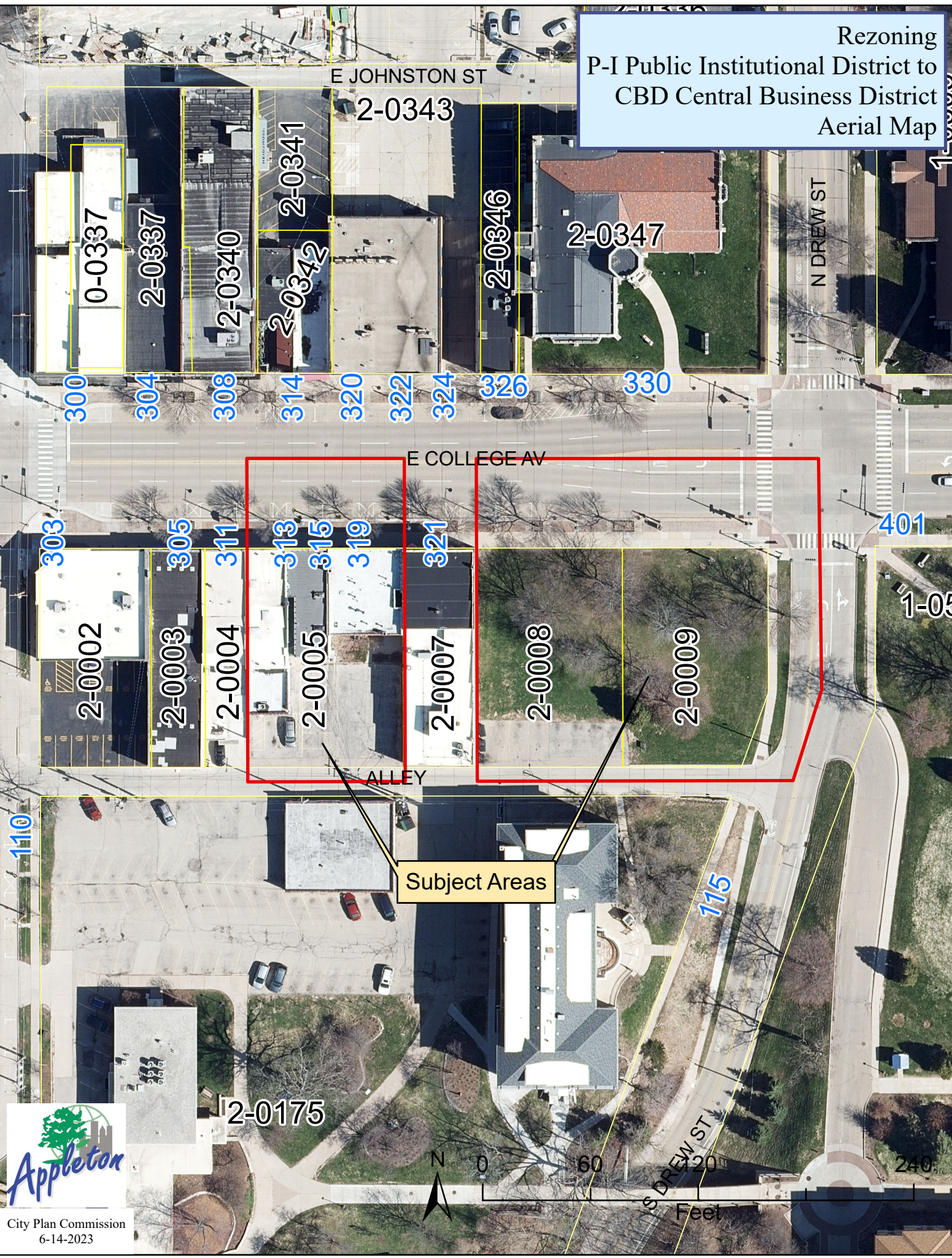


Legend

- Public Institutional
- CBD



Rezoning
P-I Public Institutional District to
CBD Central Business District
Aerial Map



E JOHNSTON ST

2-0343

0-0337

2-0337

2-0340

2-0341

2-0342

2-0346

2-0347

N DREW ST

300

304

308

314

320

322

324

326

330

E COLLEGE AV

303

305

311

313

315

319

321

401

2-0002

2-0003

2-0004

2-0005

2-0007

2-0008

2-0009

1-05

110

ALLEY

Subject Areas

115



2-0175



0

60

120

240

Feet



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Meeting Date: June 28, 2023

Common Council Meeting Date: July 19, 2023 (to be reported out with Rezoning #4-23)

Item: Special Use Permit #8-23 – 2600 South Heritage Woods Drive for operation of a Community Living Arrangement (CLA) serving 51 persons in an R-3 Multi-family Residential District

Case Manager: Don Harp, Principal Planner

GENERAL INFORMATION

Owner: ThedaCare, Inc.

Applicant: Lisa Nebel, c/o ThedaCare, Inc.

Lot/Parcel: 2600 South Heritage Woods Drive / #31-8-2020-00 and #31-8-2025-00

Petitioner's Request: The owner/applicant is requesting a special use permit for the above-referenced parcels to conform and expand operations of community living arrangement (CLA) a/k/a community based residential facility (CBRF) serving 51 persons in the subject site. A Special Use Permit is required for CLA serving more than 16 persons in the R-3 Multi-family District.

BACKGROUND

On December 11, 1983, a portion of the subject property (\pm 28 acres) was annexed to the City pursuant to the Memorial Drive Annexation.

On February 15, 1984, a portion of the subject property (\pm 28 acres) was rezoned from R-1A One-family District (zoning classification assigned to annexed land pursuant to the Memorial Drive Annexation) to C-2 Commercial District, pursuant to Rezoning #46-83.

On November 11, 1984, a portion of the subject property (\pm 6.184 acres) was annexed to the City pursuant to the Hoffman Annexation.

On March 15, 1985, a building permit was issued for the construction of 147 condominium units and supporting buildings on the subject site.

On May 12, 1994, Site Plan #94-15 was approved for an assisted living facility addition to the existing Heritage Retirement Center.

On May 18, 1994, Ordinance 61-94 was adopted, which repealed and recreated the Zoning Ordinance and Official Zoning Map. This Zoning Ordinance introduced the Planned Development (PD) Overlay District. As a result, the subject property's zoning classification changed from R-1A One-family District and C-2 Commercial District to PD/R-3 Planned Development Multi-family District.

Special Use Permit #8-23

June 28, 2023

Page 2

On August 15, 1996, Site Plan #96-26 was approved for a 10-bed community based residential facility (CBRF) building addition on the subject site.

On December 2, 1998, the Common Council approved Planned Development Amendment #G-98. The approval included a 50-bed skilled nursing facility, 10-bed hospice facility, and future building expansions for a 20,000 square foot community health facility, 20-unit assisted living facility, and up to 208 residential units.

On September 9, 1999, Site Plan #99-29 was approved for a 60-bed skilled nursing facility building addition on the subject site. A time extension was approved to finalize and record the Implementation Plan Document (e.g. development regulations for Planned Development Amendment #G-98) as part of the site plan approval process. However, the Implementation Plan Document was not finalized and recorded in the Winnebago County Register of Deeds' office.

On March 1, 2000, the Common Council approved Certified Survey Map #4517.

On June 2, 2004, Ordinance 74-04 was adopted, which repealed and recreated the Zoning Ordinance that is currently in place. This Zoning Ordinance includes sections on transition rules and period of validity for overlay districts. Recording the Implementation Plan Document (IPD) in the County Register of Deeds' office constitutes approval of the IPD and Development Plan. Per Section 23-151(l) of the Municipal Code, a PD overlay district designation remains on PD parcels even if there is no approved IPD, or if the IPD has expired or been made invalid. Any future development requires approval of a Development Plan and IPD, or a request to rezone the property.

On May 20, 2008, Site Plan #08-11 was approved for a 34-stall parking lot expansion on the subject site.

On August 4, 2010, the Common Council approved the street vacation for Heritage Woods Drive.

STAFF ANALYSIS

Existing Site Conditions: The owner's/applicant's site is approximately 34.184 acres in size. The subject site is currently developed with skilled nursing, 20-bed community based residential facility (CBRF), residential care apartments, and surface parking.

Current Project Summary: The property owner is proposing to remodel an interior space of the existing building to create an 8-bed community based residential facility (CBRF) memory care unit.

Future Project Summary: The property owner is planning to expand operations of the community based residential facility (CBRF) by serving a total of 51 persons per a future expansion project.

Operational Information: See attached plan of operation.

Zoning Ordinance Requirements: Community living arrangements (CLAs) a/k/a community based residential facilities (CBRFs) require a Special Use Permit in the R-3 Multi-family District provided one of the following is met:

Special Use Permit #8-23

June 28, 2023

Page 3

- The facility capacity is sixteen (16) or more persons (per Section 23-96(e) of the Municipal Code).
- The total capacity of all existing and proposed CLAs located in an aldermanic district may not exceed one percent (1%) of the total aldermanic district population (per Section 23-52(b)(2)(a) of the Municipal Code).
- The total capacity of all existing and proposed CLAs located in the City shall not exceed one percent (1%) of the total City population (per Section 23-52(b)(2)(b) of the Municipal Code).

Based on the owner's/applicant's proposal, the first of these conditions are met. Listed below are details explaining how the subject CLA relates to these Zoning Ordinance requirements and Aldermanic District No. 11.

- The proposed licensed capacity of the subject CLA is 51 persons.
- The population of Aldermanic District 11 is 5,112 people (2020 census).
- Maximum licensed CLA capacity (1% of the Aldermanic District 11 population) is 51 persons.
- Current licensed capacity of all existing CLAs in the aldermanic district is 20 persons.
- The subject CLA will elevate the licensed CLA capacity of Aldermanic District 11 to 51 persons.
- The proposed capacity of the subject CLA will not exceed the allowed 1% district capacity.

It is important to note the population of the City is approximately 75,880 people (2020 census). One percent of the total City population is 758. The licensed capacity of all existing CLAs in the City is 540, and the subject CLA will elevate the CLA licensed capacity of the City to 571. The proposed capacity of the subject CLA will not exceed the one percent City capacity.

The capacity limits were set by the Wisconsin legislature in 1978 and are intended to preserve the established character of a neighborhood and community.

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

North: City of Appleton. C-2 General Commercial District. The adjacent land uses to the north are currently a mix of commercial uses and undeveloped property.

South: City of Appleton. PD/R-3 #1-03 Planned Development Multi-family District. The adjacent land use to the south is multi-family residential.

Village of Fox Crossing and City of Menasha. The adjacent land uses to the south are single-family residential.

East: Village of Fox Crossing. The adjacent land uses to the east are single-family residential.

West: Village of Fox Crossing. The adjacent land uses to the west are single-family residential.

Street Classification: On the City's Arterial/Collector Plan, Valley Road is classified as a collector street. Heritage Woods Drive is a private street.

Special Use Permit #8-23

June 28, 2023

Page 4

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

Goal 1 – Community Growth

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

Goal 3 – Housing Quality, Variety, and Affordability

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

OBJECTIVE 5.3 Housing and Neighborhoods:

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

OBJECTIVE 10.1 Land Use

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

Zoning Ordinance Requirements and Substantial Evidence: When reviewing an application for a Special Use Permit, the City must determine if the owner's/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 owner/applicant must meet to obtain a Special Use Permit and that reasonable persons would accept in support of a conclusion." Any requirements and conditions listed for approval must be reasonable, and to the extent practicable, measurable.

Finding of Fact: This request was reviewed in accordance with the standards for granting a Special Use Permit under Sections 23-66(e)(1-8) of the Zoning Ordinance: 1. *proper zoning district:* R-3 zoning allows CLA as a special use permit pending approval of Rezone #4-23; 2. *zoning district regulations:* the district regulations were reviewed pursuant to the attached development plan; 3. *special regulations:* stipulations 3, and 4 (below) address the special regulations for this proposed use; 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 employees, residents and visitors 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 already present on the site, future expansion of the CBRF facility will require Site Plan review and approval, pursuant to Section 23-570 of the Zoning Code, prior to the issuance of a building permit by the Inspections Division. The single-family residential uses located to the west, south, and east are buffered by the existing woods located on the subject site.; 8. *impact on services:* the City has existing utilities (storm sewer) and other services in place to serve this use. Existing water and sanity service is provided by the Village of Fox Crossing. These standards were found in the affirmative, as long as all stipulations are satisfied.

Technical Review Group (TRG) Report: This item was discussed at the June 6, 2023 Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION

Staff recommends, based on the above, that Special Use Permit #8-23 for a Community Living Arrangement (CLA)/Community Based Residential Facility (CBRF) require serving 51 persons located at 2600 S. Heritage Woods Drive (Tax Id #31-8-2020-00 and #31-8-2025-00), as shown on the attached maps and per the attached plan of operation, along with the attached resolution, **BE APPROVED** to run with the land, subject to the following conditions:

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

Substantial Evidence: This condition is one of the special regulations included in Section 23-52(b)(3) of the Zoning Ordinance for this particular use.

2. 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.

3. Prior to the issuance of a Certificate of Occupancy, the operator of the CLA/CBRF shall provide the Inspections Supervisor with a copy of a valid license from the Wisconsin Department of Health Services.

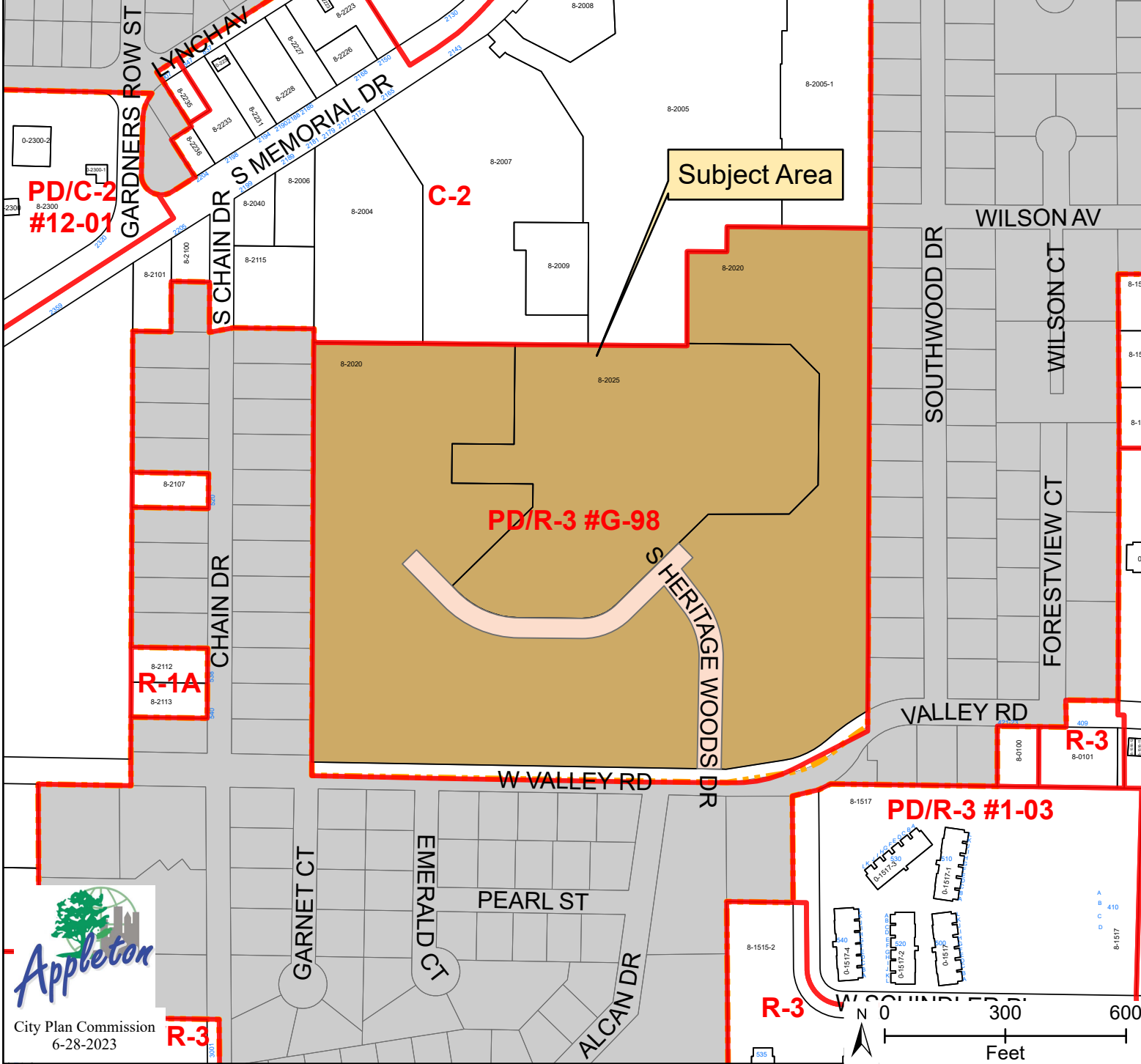
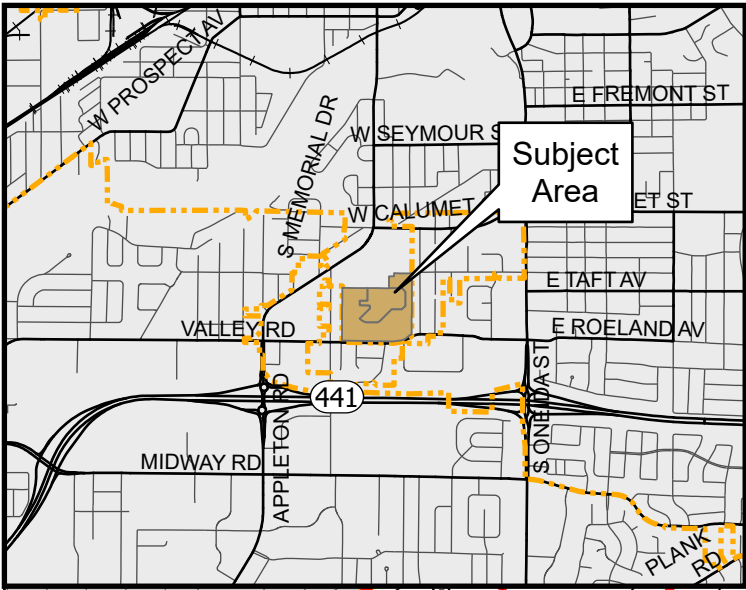
Substantial Evidence: This condition is one of the special regulations included in Section 23-52(b)(1) of the Zoning Ordinance for this particular use.

4. Future exterior expansion of the CLA/CBRF facility shall conform to the character of the residential dwellings in the neighborhood in which it is located.

Substantial Evidence: This condition is one of the special regulations included in Section 23-52(b)(4) of the Zoning Ordinance for this particular use.

NOTE: If approve, Special Use Permit #8-23 will be reported out at the same Common Council meeting as the proposed Rezoning #4-23 to accurately reflect the change in zoning classification from PD/R-3 Planned Development Amendment #G-98 Multi-family District to R-3 Multi-family District.

Special Use Permit
 The Heritage
 (2600 S. Heritage Woods Drive)
 Conform and Expand the existing
 CBRF facility from 20 bed capacity
 to 51 bed capacity.
 Vicinity Map



Special Use Permit
The Heritage
(2600 S. Heritage Woods Drive)
Conform and Expand the existing
CBRF facility from 20 bed capacity
to 51 bed capacity.



Subject Area



City Plan Commission
6-28-2023

**CITY OF APPLETON
RESOLUTION FOR SPECIAL USE PERMIT #8-23
COMMUNITY LIVING ARRANGEMENT(CLA) a/k/a
COMMUNITY BASED RESIDENTIAL FACILITY (CBRF)
2600 S. HERITAGE WOODS DRIVE**

WHEREAS, ThedaCare, Inc. has applied for a Special Use Permit to establish a Community Living Arrangement (CLA) a/k/a Community Based Residential Facility (CBRF) serving 51 persons, also identified as Parcel Numbers 31-8-2020-00 and 31-8-2025-00; and

WHEREAS, the proposed Community Living Arrangement (CLA)/Community Based Residential Facility (CBRF) serving 51 persons is proposed to be located in the R-3 Multi-family 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 June 28, 2023 on Special Use Permit #8-23, 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 23-52(b) and Section 23-66(c)(5) of the Municipal Code, and forwarded Special Use Permit #8-23 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 July 19, 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 #8-23 for a Community Living Arrangement (CLA)/Community Based Residential Facility (CBRF) serving 51 persons also identified as Parcel Numbers 31-8-2020-00 and 31-8-2025-00, 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 #8-23 for a Community Living Arrangement (CLA)/Community Based Residential Facility (CBRF) serving 51 persons, also identified as Parcel Numbers 31-8-2020-00 and 31-8-2025-00, 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 #8-23:

- A. All applicable codes, ordinances, and regulations, including but not limited to Fire and Building Codes, shall be complied with.
 - B. 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.
 - C. Prior to the issuance of a Certificate of Occupancy, the operator of the CLA/CBRF shall provide the Inspections Supervisor with a copy of a valid license from the Wisconsin Department of Health Services.
 - D. Future exterior expansion of the CLA/CBRF facility shall conform to the character of the residential dwellings in the neighborhood in which it is located.
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
COMMUNITY LIVING ARRANGEMENT (CBRF)**

Name of business: The Heritage

Years in operation: 38

Licensed Capacity of the Community Living Arrangement (CBRF):

Proposed Licensed Capacity: **51 Persons/beds.**

Existing Licensed Capacity: 20 Persons/beds.

Gross floor area of the existing buildings(s): 293,000 square feet.

Gross floor area of the proposed building(s): 35,000 square feet interior remodel.

Describe Services provided by the Community Living Arrangement (CBRF):

The Heritage is a long term care facility with both an RCAC and CBRF license. We currently have 147 beds and serve seniors 55 and older. We serve residents who are ambulatory, semi-ambulatory or non-ambulatory but one or more of whom are not physically or mentally capable of responding to an electronic fire alarm and exiting the facility without help or verbal or physical prompting.

Client Group Served: Advanced Aged, Irreversible Dementia/Alzheimer's
Each resident will have an Individual Service Plan (ISP), which addresses his/her needs and sets forth specific goals to be accomplished through services provided by Heritage Assisted Living.

Proposed Hours of Operations:

Day	From	To
Monday - Friday	12:00 am	11:59 am
Saturday	12:00 am	11:59 am
Sunday	12:00 am	11:59 am

Number of Employees:

Number of proposed employees: 140

Number of existing employees: 105

Number of employees scheduled to work on the largest shift: 30

Off-street parking:

Number of spaces proposed one-site: 150

Number of spaces existing on-site: **150**

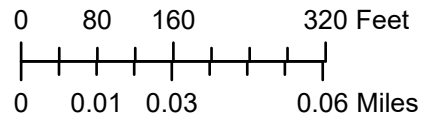
Outdoor Lighting:

Type: **LED-pole lights**

Location: **All sidewalks, entrances, exits, garages and buildings.**



Development Plan: The Heritage





REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Hearing Meeting Date: June 28, 2023

Common Council Public Hearing Meeting Date: July 19, 2023 (Public Hearing on Rezoning)

Item: Rezoning #4-23 – 2600 South Heritage Woods Drive from PD/R-3 Planned Development #G-98 Multi-family District to R-3 Multi-family District

Case Manager: Don Harp, Principal Planner

GENERAL INFORMATION

Owner: ThedaCare, Inc.

Applicant: Lisa Nebel, c/o ThedaCare, Inc.

Address/Parcels: 2600 South Heritage Woods Drive / #31-8-2020-00 and #31-8-2025-00

Petitioner's Request: The owner/applicant is requesting to rezone the above-referenced parcels from PD/R-3 Planned Development #G-98 Multi-family District to R-3 Multi-family District, including to the centerline of the adjacent right-of-way for the purpose of conforming and expanding operations of the community living arrangement (CLA) a/k/a community based residential facility (CBRF) serving 51 persons on the subject site.

BACKGROUND

On December 11, 1983, a portion of the subject property (± 28 acres) was annexed to the City pursuant to the Memorial Drive Annexation.

On February 15, 1984, a portion of the subject property (± 28 acres) was rezoned from R-1A One-family District (zoning classification assigned to annexed land pursuant to the Memorial Drive Annexation) to C-2 Commercial District, pursuant to Rezoning #46-83.

On November 11, 1984, a portion of the subject property (± 6.184 acres) was annexed to the City pursuant to the Hoffman Annexation.

On March 15, 1985, a building permit was issued for the construction of 147 condominium units and supporting buildings on the subject site.

On May 12, 1994, Site Plan #94-15 was approved for an assisted living facility addition to the existing Heritage Retirement Center.

On May 18, 1994, Ordinance 61-94 was adopted, which repealed and recreated the Zoning Ordinance and Official Zoning Map. This Zoning Ordinance introduced the Planned Development (PD) Overlay District. As a result, the subject property's zoning classification changed from R-1A One-family District and C-2 Commercial District to PD/R-3 Planned Development Multi-family District.

On August 15, 1996, Site Plan #96-26 was approved for a 10-bed community based residential facility (CBRF) building addition on the subject site.

On December 2, 1998, the Common Council approved Planned Development Amendment #G-98. The approval included a 50-bed skilled nursing facility, 10-bed hospice facility, and future building expansions for a 20,000 square foot community health facility, 20-unit assisted living facility, and up to 208 residential units.

On September 9, 1999, Site Plan #99-29 was approved for a 60-bed skilled nursing facility building addition on the subject site. A time extension was approved to finalize and record the Implementation Plan Document (e.g. development regulations for Planned Development Amendment #G-98) as part of the site plan approval process. However, the Implementation Plan Document was not finalized and recorded in the Winnebago County Register of Deeds' office.

On March 1, 2000, the Common Council approved Certified Survey Map #4517.

On June 2, 2004, Ordinance 74-04 was adopted, which repealed and recreated the Zoning Ordinance that is currently in place. This Zoning Ordinance includes sections on transition rules and period of validity for overlay districts. Recording the Implementation Plan Document (IPD) in the County Register of Deeds' office constitutes approval of the IPD and Development Plan. Per Section 23-151(l) of the Municipal Code, a PD overlay district designation remains on PD parcels even if there is no approved IPD, or if the IPD has expired or been made invalid. Any future development requires approval of a Development Plan and IPD, or a request to rezone the property. In this case, the property owner elected to request a zoning map amendment to rezone the property from PD/R-3 Planned Development #G-98 Multi-family District to R-3 Multi-family District.

On May 20, 2008, Site Plan #08-11 was approved for a 34-stall parking lot expansion on the subject site.

On August 4, 2010, the Common Council approved the street vacation for Heritage Woods Drive.

A separate request for a Special Use Permit has been filed and is also being presented at the June 28, 2023 Plan Commission meeting.

STAFF ANALYSIS

Existing Site Conditions: The owner's/applicant's site is approximately 34.184 acres in size. The subject site is currently developed with skilled nursing, 20-bed community based residential facility (CBRF), residential care apartments, and surface parking.

Surrounding Zoning Classification and Land Uses:

North: City of Appleton. C-2 General Commercial District. The adjacent land uses to the north are currently a mix of commercial uses and undeveloped property.

South: City of Appleton. PD/R-3 #1-03 Planned Development Multi-family District. The adjacent land use to the south is multi-family residential.

Village of Fox Crossing and City of Menasha. The adjacent land uses to the south are single-family residential.

East: Village of Fox Crossing. The adjacent land uses to the east are single-family residential.

West: Village of Fox Crossing. The adjacent land uses to the west are single-family residential.

Street Classification: On the City's Arterial/Collector Plan, Valley Road is classified as a collector street. Heritage Woods Drive is a private street.

Proposed Zoning Classification: The purpose of the R-3 Multi-family District is to provide for and maintain residential areas characterized by multiple family dwellings, while maintaining the basic qualities of a dense residential neighborhood, which may include other housing types and institutional and limited non-residential uses. The development standards for the R-3 District are listed below:

- 1) **Minimum lot area:**
 - a. 6,000 square feet for single-family dwellings.
 - b. 7,000 square feet for two story two-family dwellings.
 - c. 9,000 square feet for single story two-family dwellings.
 - d. 1,500 square feet per dwelling unit for multi-family dwellings.
 - e. 3,000 square feet per zero lot line two-family dwellings.
 - f. 7,000 square feet for all other uses.
- 2) **Maximum lot coverage:** 70%, except 100% for zero lot line two-family dwellings.
- 3) **Minimum lot width:**
 - a. 50 feet for single-family dwellings.
 - b. 70 feet for two-family dwellings.
 - c. 30 feet for zero lot line two-family dwellings.
 - d. 80 feet for multi-family dwellings and all other uses.
- 4) **Minimum front yard:**
 - a. 20 feet.
 - b. 25 feet if located on an arterial street.
- 5) **Minimum rear yard:** 35 feet, except 25 feet for zero lot line two-family dwelling.
- 6) **Minimum side yard:**
 - a. 6 feet for single, two-family dwellings, and zero lot line two-family dwelling.
 - b. 0 feet for the common wall of a zero lot line two-family dwelling.
 - c. 20 feet for multi-family dwellings and all other uses

- 7) **Maximum building height:**
 - a. 35 feet for single, two-family dwellings and zero lot line two-family dwelling.
 - b. 45 feet for multi-family dwellings and all other uses.
- 8) **Minimum distance between multi-family buildings:** 12 feet.

Zoning Ordinance Review Criteria: The request is being made to accommodate the current proposed interior remodeling project to construct an 8-bed community based residential facility (CBRF) memory care unit, as well as a future expansion project of the CBRF facility. The proposed future total licensed CBRF capacity of the entire facility would be 51 beds.

Future development project would need to conform to the R-3 District zoning regulations listed above and other sections of the Zoning Ordinance. Ultimately, Site Plan review and approval may be needed, pursuant to Section 23-570 of the Municipal Code, prior to the issuance of a building permit by the Inspections Division.

A rezoning is often triggered by development proposals or changing circumstances in the City. In this case, because no Implementation Plan was finalized and recorded for Planned Development Amendment #G-98, some type of zoning action is needed in order for future development to occur, pursuant to Section 23-151(l)(1) of the Municipal Code. The property owner elected to request a zoning map amendment to rezone the property from PD/R-3 Planned Development #G-98 Multi-family District to R-3 Multi-family District.

Rezoning to the R-3 District would allow for the existing skilled nursing, CBRF, and residential care apartments and the proposed use CBRF expansion on the subject lot. A CBRF with a capacity greater than 16 persons in the R-3 District is listed as a Special Use Permit under 23-96(e).

Appleton Comprehensive Plan 2010-2030: The City of Appleton *Comprehensive Plan 2010-2030* identifies this area for future multi-family residential uses. The proposed R-3 Multi-family District rezoning is consistent with the 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 5.3 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.

OBJECTIVE 10.1 Land Use:

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

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

- a. Prior to making a recommendation on a proposed rezoning, the Plan Commission shall make a finding to determine if the following conditions exist. No rezoning of land shall be approved prior to finding at least one of the following:
 1. The request for a zone change is in conformance with the Comprehensive Plan for the City of Appleton. *The rezoning request is in conformance with the Comprehensive Plan 2010-2030, as the Future Land Use Map identifies this area for future multi-family residential uses.*
 2. A study submitted by the applicant that indicates that there has been an increase in the demand for land in the requested zoning district, and as a result, the supply of land within the City mapped as such on the Official Zoning Map, is inadequate to meet the demands for such development.
 3. Proposed amendments cannot be accommodated by sites already zoned in the City due to lack of transportation, utilities or other development constraints, or the market to be served by the proposed use cannot be effectively served by the location of the existing zoning district(s).
 4. There is an error in the code text or zoning map as enacted.
- b. In addition to the findings required to be made by subsection (a), findings shall be made by the Plan Commission on each of the following matters based on the evidence presented:
 1. The adequacy of public facilities such as transportation, utilities and other required public services to serve the proposed site. *The subject area is served by existing infrastructure, and the transportation network should be able to accommodate the proposed rezoning.*
 2. The effect of the proposed rezoning on surrounding uses. *Residential care apartments (independent living), CBRF and skilled nursing facility (assisted living), public and semi-public uses are already present on the subject site. The single-family residential uses located to the east and west are buffered by the existing woods located on the subject site. The single-family and multi-family residential uses located to the south are buffered by the existing woods located on the subject site and separated by street right-of-way. Therefore, the proposed rezoning request is unlikely to create adverse impacts in the surrounding neighborhood.*

Review Criteria: Based upon the above analysis, it would appear the criteria established by Section 23-65(d)(3) Zoning Amendments has been satisfied.

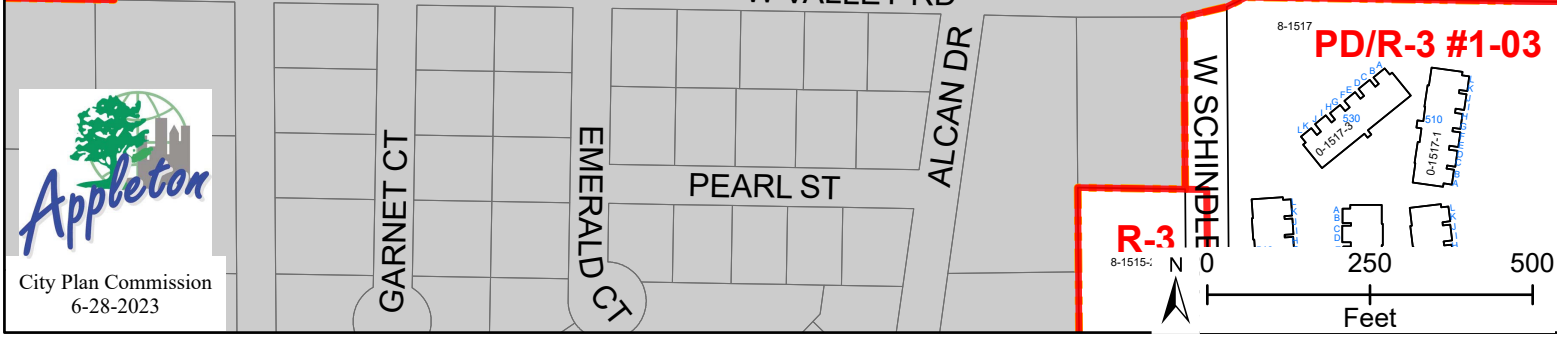
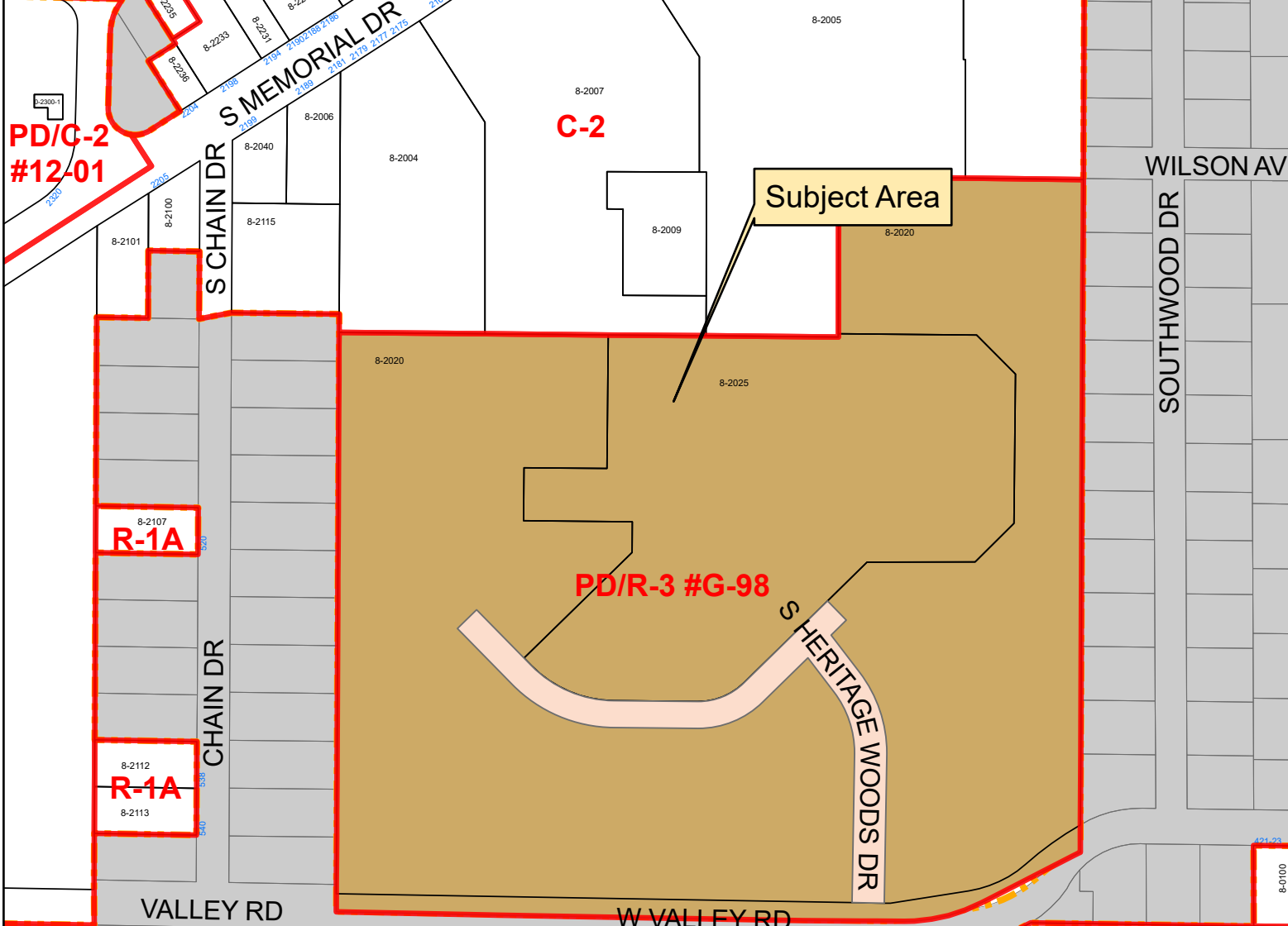
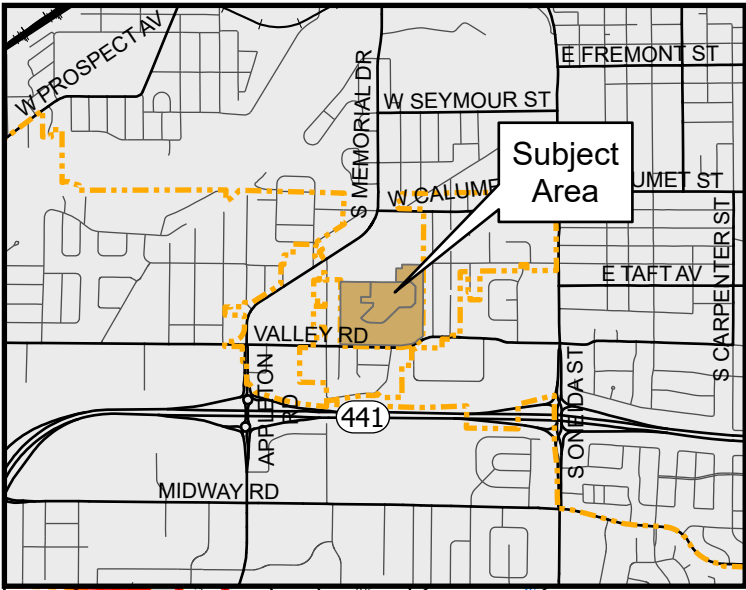
Technical Review Group (TRG) Report: This item was discussed at the June 6, 2023 Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION

Staff recommends, based upon the standards for zoning map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning Application #4-23 to rezone the subject site located at 2600 S. Heritage Woods Drive (Tax Id #31-8-2020-00 and #31-8-2025-00) from PD/R-3 Planned Development Amendment #G-98 Multi-family District to R-3 Multi-family District, including to the centerline of the adjacent right-of-way and as shown on the attached map, **BE APPROVED**.

NOTE: If approved, Special Use Permit #8-23 will be reported out at the same Common Council meeting as the proposed Rezoning #4-23 to accurately reflect the zoning classification change from PD/R-3 Planned Development Amendment #G-98 Multi-family District to R-3 Multi-family District.

Rezoning
 The Heritage
 (2600 S. Heritage Woods Drive)
 Rezone from PD/R-3 #G-98
 (Planned Development Overlay
 Multifamily District) to
 R-3 (Multifamily District)
 Vicinity Map



Rezoning
The Heritage (2600 S. Heritage Woods Drive)
Rezone from PD/R-3 #G-98
(Planned Development Overlay
Multifamily District) to
R-3 (Multifamily District)



Subject Area



City Plan Commission
6-28-2023

MP



0 370 740 1,480

Feet

HWY 441
ON RAMP

**RESOLUTION NO. 23-CPC-01
CITY PLAN COMMISSION**

**RESOLUTION DESIGNATING THE PROPOSED BOUNDARIES
AND APPROVING A PROJECT PLAN FOR TAX INCREMENTAL DISTRICT #13
CITY OF APPLETON, WISCONSIN**

WHEREAS, Section 66.1105 of the Wisconsin Statutes (the “Tax Increment Law”) provides the authority and establishes procedures for creating tax incremental districts and approving the project plans; and

WHEREAS, the City of Appleton, after completing preliminary planning work, scheduled, gave public notice of, and on June 28, 2023 held a public hearing before the City Plan Commission wherein interested parties were afforded a reasonable opportunity to express their views on the proposed creation of a tax incremental district and the proposed boundaries thereof, in accordance with the procedures specified in the Tax Increment Law; and

WHEREAS, prior to its publication, a copy of the notice of the public hearing was sent to the chief executive officers of Calumet County and the Fox Valley Technical College District (the other entities having the power to levy taxes on property located within the proposed District) and the Board of Education of the Kimberly Area School District (the school district which includes property located within the proposed district), in accordance with the procedures specified in the Tax Increment Law; and

WHEREAS, the City Plan Commission, after due consideration following the said public hearing, determined the creation of a tax incremental district within the area described by the boundary description attached to this resolution as Exhibit A hereof will provide the City of Appleton with a viable method of financing the costs of needed improvements and public works projects within said district and creating more “ready to build” lots for the expansion of business and industry, thereby creating incentives and opportunities for appropriate private development, including new development and rehabilitation of existing development, which will contribute to the overall development of the City; and

WHEREAS, it finds that not less than 50 percent by area of real property within such district is suitable for industrial development within the meaning of Wisconsin Statute Section 66.1101 “Promotion of industry; industrial sites” and is being created as an “Industrial” TID; and

WHEREAS, it finds the improvement of the area in Tax Incremental District #13 is likely to enhance significantly the value of substantially all the other real property in the district by promoting industrial development; and

WHEREAS, the City of Appleton Plan Commission has prepared a Project Plan for Tax Incremental District #13, attached as Exhibit B, which includes:

1. Intent and purpose of Tax Increment Financing District #13;
2. A statement of the kind, number, and location of proposed public works and improvement projects within the district and the ½ mile buffer zone;
3. Qualification of the proposed TIF District based on City valuation;
4. A list of estimated project costs;
5. A statement on non-project costs;

6. An economic feasibility study;
7. A description of the methods of financing and the time when such costs or monetary obligations are to be incurred;
8. Proposed changes of zoning ordinances, master plan, map, building codes, maps, and City ordinances;
9. A statement indicating how the creation of the district promotes orderly development of the City;
10. Estimate of property to be devoted to retail use;
11. A statement of a proposed method for the relocation of any persons or businesses to be displaced;
12. A map showing the district boundaries and a map of the ½ mile buffer zone;
13. A map showing existing uses and conditions of real property in such district;
14. A map showing proposed improvements and public works projects;
15. A listing of the parcels and legal description of the district; and
16. An opinion of the City Attorney on the compliance of the project plan with Wisconsin Statutes, Section 66.1105(4); and

WHEREAS, the project costs directly serve for the purchase, reservation and development of industrial sites by the City, along with the installation of utilities and roadways; and

WHEREAS, the equalized value of taxable property in the district, plus the value increment of all other existing districts does not exceed 12% of the total value of equalized taxable property within the City; and

WHEREAS, the percentage of territory within the Tax Incremental District #13 that is estimated will be devoted to retail business at the end of the maximum expenditure period is under 35%; and

WHEREAS, the boundaries for Tax Incremental District #13 does not include any annexed territory not within the boundaries of the City of Appleton on January 1, 2004; and

WHEREAS, the Project Plan is economically feasible and is in conformity with the City of Appleton Comprehensive Plan 2010-2030; and

WHEREAS, in accordance with the procedures specified in the Tax Increment Law, before the Common Council may create any tax incremental district, the Plan Commission must designate the boundaries of such district and submit its recommendation concerning the creation of such district to the Common Council;

NOW, THEREFORE, BE IT RESOLVED by the Plan Commission of the City of Appleton as follows:

1. That the City Plan Commission hereby designates the boundaries specified in the boundary description attached to this resolution as Exhibit A hereof and entitled “Legal Boundary Description of Tax Incremental District #13, City of Appleton, Wisconsin”, as the boundaries of said Tax Incremental District #13, and recommends that the said district be created by the Common Council of the City of Appleton within the area enclosed by the said boundaries.
2. That the City Plan Commission hereby adopts such Project Plan for Tax Incremental District #13, attached to this Resolution as Exhibit B, and recommends to the Common Council the approval of such Project Plan as its creation promotes the orderly development of the City.

Adopted this 28th day of June, 2023.

Isaac Uitenbroek, City Plan Commission Vice Chair

Attest:

Kami L. Lynch, City Clerk

EXHIBIT A

LEGAL BOUNDARY DESCRIPTION OF TAX INCREMENTAL DISTRICT #13 CITY OF APPLETON, WISCONSIN

DESCRIPTION: A TRACT OF LAND BEING PART OF THE NE $\frac{1}{4}$ OF THE NE $\frac{1}{4}$, PART OF THE NW $\frac{1}{4}$ OF THE NE $\frac{1}{4}$, PART OF THE NE $\frac{1}{4}$ OF THE NW $\frac{1}{4}$, PART OF THE SE $\frac{1}{4}$ OF THE NW $\frac{1}{4}$, ALL OF THE SE $\frac{1}{4}$ OF THE NE $\frac{1}{4}$, ALL OF THE SW $\frac{1}{4}$ OF THE NE $\frac{1}{4}$, ALL OF THE NE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$, ALL OF THE SE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$, ALL OF THE SW $\frac{1}{4}$ OF THE SE $\frac{1}{4}$, ALL OF THE NW $\frac{1}{4}$ OF THE SE $\frac{1}{4}$, ALL OF THE NE $\frac{1}{4}$ OF THE SW $\frac{1}{4}$, AND ALL OF THE SE $\frac{1}{4}$ OF THE SW $\frac{1}{4}$, OF SECTION 4,

PART OF THE NE $\frac{1}{4}$ OF THE NE $\frac{1}{4}$, PART OF THE NW $\frac{1}{4}$ OF THE NE $\frac{1}{4}$, PART OF THE NE $\frac{1}{4}$ OF THE NW $\frac{1}{4}$, OF SECTION 9, ALL IN TOWNSHIP 20 NORTH, RANGE 18 EAST, CITY OF APPLETON, CALUMET COUNTY, WISCONSIN BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING THE E $\frac{1}{4}$ OF SAID SECTION 4 AND BEING THE POINT OF BEGINNING;

THENCE S00°14'16"W 2636.69 FEET, COINCIDENT WITH THE EAST LINE OF THE SE $\frac{1}{4}$ OF SAID SECTION 4 TO THE SOUTHEAST CORNER THEREOF;

THENCE S00°30'32"W 40.00 FEET TO THE EASTERLY EXTENSION OF THE SOUTH LINE OF MIDWAY ROAD;

THENCE N89°43'14"W 2619.90 FEET, PARALLEL TO AND 40 FEET DISTANT FROM THE SOUTH LINE OF THE SE $\frac{1}{4}$ OF SAID SECTION 4 AND BEING COINCIDENT WITH THE SOUTH LINE OF MIDWAY ROAD;

THENCE NORTHWESTERLY 159.45 FEET, ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 761.57 FEET AND THE CHORD OF WHICH BEARS N83°43'18"W 159.15 FEET, COINCIDENT WITH THE SOUTHERLY LINE OF MIDWAY ROAD;

THENCE N77°43'26"W 120.93 FEET, COINCIDENT WITH THE SOUTHWESTERLY LINE OF MIDWAY ROAD TO THE SOUTH LINE OF THE SW $\frac{1}{4}$ OF SAID SECTION 4;

THENCE N89°21'16"W 1043.36 FEET, COINCIDENT WITH THE SOUTH LINE OF THE SW $\frac{1}{4}$ OF SAID SECTION 4 TO THE MOST WESTERLY LINE OF LOT 3 OF CERTIFIED SURVEY MAP NO.2932;

THENCE N00°22'38"E 2658.96 FEET, COINCIDENT WITH THE WEST LINE OF SAID LOT 3 AND THEN THE WEST LINE OF SOUTHPOINT COMMERCE PARK PLAT NO.3 AND THEN THE WEST LINE OF SOUTHPOINT COMMERCE PARK PLAT NO.2;

THENCE N00°06'12"W 591.59 FEET, COINCIDENT WITH THE WEST LINE OF SAID SOUTHPOINT COMMERCE PARK PLAT NO.2 TO THE SOUTHEASTERLY LINE OF PLANK ROAD;

THENCE NORTHEASTERLY AND EASTERLY COINCIDENT WITH THE SOUTHEASTERLY AND SOUTHERLY LINE OF PLANK ROAD AND ITS EASTERLY EXTENSION TO THE EAST LINE OF EISENHOWER DRIVE;

THENCE N00°07'53"E 394.12 FEET, COINCIDENT WITH THE EAST LINE OF EISENHOWER DRIVE TO THE NORTH LINE OF LOT 1 OF CERTIFIED SURVEY MAP NO.2932;

THENCE S89°28'07"E 987.58 FEET, COINCIDENT WITH THE NORTH LINE OF SAID LOT 1 TO THE EAST LINE OF THE NE $\frac{1}{4}$ OF SECTION 4, T20N, R18E;

THENCE S00°31'53"W 1798.73 FEET, COINCIDENT WITH THE EAST LINE OF THE NE $\frac{1}{4}$ OF SAID SECTION 4 TO THE EAST $\frac{1}{4}$ CORNER OF SAID SECTION 4 AND THE POINT OF BEGINNING.

EXHIBIT B

**PROJECT PLAN FOR TAX INCREMENTAL DISTRICT #13
CITY OF APPLETON, WISCONSIN**

[DISTRIBUTED SEPARATELY]

4

LIST OF PROJECT COSTS

All costs are based on 2023 prices and are preliminary estimates that are based on best information available. The Plan is not meant to be a budget nor an appropriation of funds for specific projects, but a framework within which to manage projects understanding the District can be in effect for a twenty-year period allowed by Wisconsin Statute. The City of Appleton reserves the right to increase these costs to reflect inflationary increases and other uncontrollable circumstances between 2023 and the time of construction. The City retains the right to delete projects or change the scope and/or timing of projects implemented as the Common Council individually authorizes them, without amending the Plan.

Project/Activity	Total Cost	Estimated Timing
• Municipal Infrastructure Improvements and administration	\$16,241,452	2024-2036
• Municipal Infrastructure and administration within the ½ Mile Boundary	\$2,055,000	2028-2031
• Development Incentives & Property Improvement Grants	None projected at this time	-----
• Other Costs - Administrative, Professional, Environmental, and Promotion Services Costs. Filing fees and fees charged by State. Audit Costs, partial salaries.	\$403,650	2024-2043
• Financing Costs* <ul style="list-style-type: none"> ○ General Fund Advance Interest Expense \$104,928 ○ General Obligation \$3,445,457 	\$3,550,385	2024-2041
TOTAL:	\$22,250,487	2024-2043

***NOTE:** The financing costs associated with the proposed project costs for this District are incorporated into the financing schedules for the District. See *Section 7: Description of the Methods of Financing and the Time When Such Costs or Monetary Obligations are to be Incurred* for financing details for the District.

DRAFT June 28, 2023



**PROJECT PLAN
FOR THE CREATION OF
TAX INCREMENTAL FINANCING DISTRICT #13
SOUTHPOINT COMMERCE PARK
CITY OF APPLETON, WISCONSIN**

ORGANIZATIONAL JOINT REVIEW BOARD MEETING HELD:	JUNE 22, 2023
PUBLIC HEARING AT CITY PLAN COMMISSION HELD:	SCHEDULED FOR JUNE 28, 2023
DATE ADOPTED BY CITY PLAN COMMISSION:	SCHEDULED FOR JUNE 28, 2023
DATE ADOPTED BY COMMON COUNCIL:	SCHEDULED FOR JULY 19, 2023
DATE ADOPTED BY JOINT REVIEW BOARD:	SCHEDULED FOR AUGUST 2, 2023
EXPENDITURE DEADLINE:	JULY 2038 (<u>15 YEARS</u>)
TID EXPIRATION DATE:	JULY 2043 (<u>20 YEARS</u>)

TAX INCREMENT DISTRICT #13 PROJECT PLAN

CITY OF APPLETON OFFICIALS & STAFF

Jacob A. Woodford	Mayor
William Siebers	Aldersperson District 1
Vered Meltzer	Aldersperson District 2
Brad Firkus	Aldersperson District 3
Israel Del Toro	Aldersperson District 4
Katie Van Zeeland	Aldersperson District 5
Denise Fenton	Aldersperson District 6
Patrick Hayden	Aldersperson District 7
Joss Thyssen	Aldersperson District 8
Alex Schultz	Aldersperson District 9
Vaya Jones	Aldersperson District 10
Kristin Alfheim	Aldersperson District 11
Nate Wolff	Aldersperson District 12
Sheri Hartzheim	Aldersperson District 13
Christopher Croatt	Aldersperson District 14
Chad Doran	Aldersperson District 15
Christopher R. Behrens	City Attorney
Kami L. Lynch	City Clerk
Jeri A. Ohman	Finance Director
Kara J. Homan	Community & Economic Development Director

CITY PLAN COMMISSION

Mayor Jacob A. Woodford	Chair
Isaac Uitenbroek	Member
Andrew Dane	Member
Adrienne Palm	Member
Sabrina Robins, Ph.D.	Member
Denise Fenton	Aldersperson/Member
Peter Neuberger	Member/Deputy Director of Public Works

JOINT REVIEW BOARD

Jeri Ohman	City Representative
David Maccoux	Calumet County
Amy Van Straten	Fox Valley Technical College
Becky Hansen	Kimberly Area School District
Tony Saucerman	Public Member

**TAX INCREMENT DISTRICT #13
PROJECT PLAN**

TABLE OF CONTENTS

1. Intent and Purpose of Tax Increment Financing District #13..... 4

2. Statement of Kind, Number and Location of Proposed Public Works and Improvement
Projects Within the District or the ½ Mile Buffer Zone 4

3. Qualification Based on City Valuation 8

4. List of Project Costs 9

5. List of Non-Project Costs..... 10

6. Economic Feasibility Study 11

7. Description of the Methods of Financing and the Time When Such Costs or Monetary
Obligations are to be Incurred..... 16

8. Proposed Changes in Zoning Ordinances, Master Plan, Building Codes, Maps and City
Ordinances..... 21

9. Orderly Development of the City of Appleton 22

10. Estimate of Property to be Devoted to Retail Use 23

11. Proposed Relocation Plan for Displaced Persons or Businesses 24

12. Map of TIF District #13 Boundaries and TIF District #13 Boundaries with Half Mile
Buffer Zone 25

13. Map of Existing Uses and Conditions..... 27

14. Map and Description of Proposed Improvements and Public Works Projects 29

15. Parcel List & Legal Description..... 31

16. Opinion of the City Attorney on the Compliance of the Project Plan with Wisconsin
Statute..... 34

1

INTENT AND PURPOSE OF TAX INCREMENT FINANCING DISTRICT #13

Tax Increment Financing District Number 13 (the “District”) is being created by the City of Appleton under the authority provided by Wisconsin Statute Section 66.1105 “Tax Increment Law” to promote industrial development in the City of Appleton, more specifically, the proposed District is in the City’s Southpoint Commerce Park, roughly bounded by Plank Road, Coop Road, Midway Road, and along Quest Drive. A map of the proposed District boundaries is found in Section 12.

This area is primarily characterized by industrial development and unimproved vacant land currently farmed. The District consists of approximately 366 acres of land that is zoned for manufacturing, industrial, warehousing, distribution, and other like uses. Within this Plan are maps and narrative highlighting the areas targeted for improvements in this District that would not happen but for the creation of this District.

The District is being created as an “Industrial” TID based upon the finding that the area within TID 13 is suitable for industrial development within the meaning of Wisconsin Statute Section 66.1101 “Promotion of industry; industrial sites”. This provides for the purchase, reservation and development of industrial sites by the City, along with the installation of utilities and roadways. The map exhibit on Page 27 illustrates existing uses and conditions of the District.

2

STATEMENT OF KIND, NUMBER AND LOCATION OF PROPOSED PUBLIC WORKS AND IMPROVEMENT PROJECTS WITHIN THE DISTRICT OR THE 1/2 MILE BUFFER ZONE

The following is a list of proposed public works and improvement projects the City either directly, or through other entities, may implement in conjunction with this District. Any costs directly or indirectly related to the public works and improvements are considered “project costs” and eligible to be paid with tax increment revenues of the tax incremental district. The map exhibit in Section 14 Proposed Improvements and Public Works Projects illustrates the proposed public works and improvement project’s locations.

A. Municipal Infrastructure Improvements

- Construction and/or reconstruction of the streets to promote development of industrial projects within the District. Scope of work may include right-of-way acquisition, land assembly, grading, gravel, curb and gutter, asphalt, streetlights, traffic signals, walkways, trails, trailheads, concrete paving, lighting, signage, and related appurtenances.
- Construction and/or reconstruction of a sanitary sewer collection system to facilitate development of industrial projects within the District. The scope of work may include sewer mains, manholes, laterals, force main, lift stations, and related appurtenances.
- Construction and/or reconstruction of the water distribution system to facilitate development of industrial projects within the District. Projects may include water mains, valves, hydrants, service connections, laterals, booster pumps and other related appurtenances.
- Construction, reconstruction and/or maintenance of storm water drainage facilities to support development of industrial projects within the District. Projects may include retention or detention basins, biofilters, conveyance systems, storm sewer mains, manholes, inlets, drains and related appurtenances.
- Installation of electric and/or natural gas service or the relocation of existing services to promote industrial projects in the District and provide better service. Acquisition of equipment to service the District.
- Installation of telephone, fiber, and cable or the relocation of existing services to promote industrial projects in the District and provide better service. Acquisition of equipment to service the District.
- Programming of passive recreation trails and related appurtenances

- B. Administrative Costs:** These include, but not limited to, a portion of the salaries of the City employees, professional fees, and others directly involved in the projects for the District over the implementation of the Project Plan. Audit expenses, state filing fees, and any expenses associated with dissolving the District are also eligible costs.
- C. Organizational Costs:** These include, but are not limited to, publication and printing costs in connection with this Project Plan as well as the fees for the financial consultants, attorney, engineers, planners, surveyors, a portion of the salaries of the City employees and other contracted services.
- D. Professional Services:** These include, but are not limited to, those costs incurred for architectural, planning, engineering and legal and similar professional services.
- E. Financing Costs:** Interest, finance fees, bond discounts, redemption premiums, legal opinions, credit ratings, capitalized interest, insurance and other expenses related to financing. This would also include interest on advances made by the City of Appleton.
- F. Land Assembly, Clearance, and Real Estate Acquisitions:** In order to promote industrial development, it may be necessary to assist developers or for the City to acquire and demolish blighted or underutilized properties within the District. These may include but are not limited to, the cost of acquisitions, clearance/demolition, titles, easements, appraisals, consultant fees, closing costs, surveying and mapping, and the lease and/or the sale of property at or below market price to encourage or make feasible an economic development project that is consistent with the intent of this District.

- G. Relocation Costs:** In the event any property is acquired for the projects, expenses including the cost of the relocation plan, director, staff, publications, appraisals, land and property acquisition costs and relocation benefits as required by Wisconsin Statutes Section 32 are considered eligible project costs.
- H. Development Incentives (Cash Grants and/or Loans) & Property Improvement Grants:** As a partner in the future development of this District, the City of Appleton may enter into agreements with property owners, lessees, or developers for the purpose of sharing costs to encourage the desired kind of improvements based on the purpose of this District and assure tax base is generated sufficient to recover project costs. Not every project will demand the same level of funding. These payments would be negotiated on a project basis in order to attract new taxable property or rehabilitate existing property in the District. No cash grants or loans will be provided until the Common Council adopts a development agreement and a copy of such agreement will be retained in the City's official records for the TID.
- I. Environmental Audits and Remediation:** Costs related to all environmental assessments and remediation will be considered eligible project costs.
- J. Promotion and Development:** Promotion and development of the District including professional services or marketing, recruitment, realtor commissions and fees in lieu of commissions, marketing services and materials, advertising costs, administrative costs and support of development organizations.
- K. Projects Outside the Tax Increment District:** Pursuant to Wisconsin Statutes Section 66.1105(2)(f)1.n, the city may undertake projects within territory located within one-half (1/2) mile of the boundary of the District provided that (1) the project is located within the City's corporate boundaries, and (2) the projects are approved by the Joint Review Board. The cost of projects completed outside the District pursuant to this section are eligible Project Costs and may include any project cost that would otherwise be eligible if undertaken within the District. Specific Public Works projects at the time of the District creation in the ½ mile boundary area of this District are included in Section 14 of this Plan. Refer to Section 14 for a map of proposed improvements and Public Works projects.
- L. Payments Made at the Discretion of the Common Council:** These payments may include but are not limited to payments which are found to be necessary or convenient to the creation of the District or the implementation of the Project Plan that support the goals of the District as outlined in Section 1.

The above-identified lists of proposed public works projects are the projected activities at this time that may be required in the District. Future development of this area as it begins to occur may dictate additions or deletions from the above list. The City of Appleton reserves the right to such additions or deletions to the project list to the full extent allowed by the law.

In the event any of the projects are not reimbursable out of the TIF fund under Wisconsin Statutes Section 66.1105, in the written opinion of nationally recognized bond counsel or a court of record so rules

in a final order, then such project or projects shall be deleted herefrom and the remainder of the projects hereunder shall be deemed the entirety of the projects for purposes of the Project Plan.

The City reserves the right to implement only those projects that remain economically viable as the project period proceeds.

Project costs as outlined in this Project Plan include any eligible expenditure made or estimated to be made or monetary obligations incurred or estimated to be incurred by the City or by the Developer. Project costs incurred by developer must be in accordance with a development agreement as approved by the Common Council. Any income, special assessments, or other revenues, including user fees or charges, will diminish project costs. To the extent the project costs benefit the municipality outside the District, a proportionate share of the cost is not a project cost. Specific Public Works projects identified at the time of the District creation in the ½ mile boundary area of this District are included in Section 14 of this Project Plan. Costs identified in this Plan are preliminary estimates made prior to design considerations and are subject to change after planning is completed. Prorations of costs in this Plan are also estimates and subject to change based upon implementation, future assessment policies, and user fee adjustments.

3

QUALIFICATION BASED ON CITY VALUATION

The following calculations demonstrate the City is in compliance with Wisconsin Statute Section 66.1105(4)(gm)4.c, which requires the equalized value of the taxable property in the proposed District, plus the value increment of all existing Tax Increment Districts, does not exceed 12% of the total equalized value of taxable property within the City.

STEP 1: Calculation of Maximum Equalized Property Value Allowed within Tax Increment Districts in the City of Appleton

Equalized Value (as of January 1, 2022)		Maximum Allowable TIF Property Value
\$7,511,516,400	x 12% =	\$901,381,968

STEP 2: Calculation of Equalized Property Value Currently Located and Proposed to be Located within Tax Increment Districts

Tax Incremental Districts	Equalized Value
TIF District #3 Increment	65,221,800
TIF District #7 Increment	21,091,600
TIF District #8 Increment	98,990,400
TIF District #9 Increment	2,468,100
TIF District #10 Increment	1,518,900
TIF District #11 Increment	48,120,400
TIF District #12 Increment	15,857,200
Proposed Base of TIF District #13 Creation*	53,353,400
Total Existing Increment Plus Proposed Base	\$306,621,800

**Note: 2022 Base Values are final Assessed Values.*

***TID 6 off Tax Roles in 2023, not included in calculation*

The equalized value of the increment of existing Tax Incremental Districts within the City, plus the base value of the proposed District, totals **\$306,621,800**. This value equals **4.08%** of the City total equalized value and is substantially less than the maximum of **\$901,381,968** in equalized value permitted for the City of Appleton. The City is, therefore, in compliance with the statutory equalized valuation test and may proceed with creation of this District.

4

LIST OF PROJECT COSTS

All costs are based on 2023 prices and are preliminary estimates that are based on best information available. The Plan is not meant to be a budget nor an appropriation of funds for specific projects, but a framework within which to manage projects understanding the District can be in effect for a twenty-year period allowed by Wisconsin Statute. The City of Appleton reserves the right to increase these costs to reflect inflationary increases and other uncontrollable circumstances between 2023 and the time of construction. The City retains the right to delete projects or change the scope and/or timing of projects implemented as the Common Council individually authorizes them, without amending the Plan.

Project/Activity	Total Cost	Estimated Timing
• Municipal Infrastructure Improvements and administration	\$16,241,452	2024-2036
• Municipal Infrastructure and administration within the ½ Mile Boundary	\$2,055,000	2028-2031
• Development Incentives & Property Improvement Grants	None projected at this time	-----
• Other Costs - Administrative, Professional, Environmental, and Promotion Services Costs. Filing fees and fees charged by State. Audit Costs, partial salaries.	\$403,650	2024-2043
• Financing Costs* <ul style="list-style-type: none"> ○ General Fund Advance Interest Expense \$104,928 ○ General Obligation \$3,445,457 	\$3,550,385	2024-2041
TOTAL:	\$22,250,487	2024-2043

***NOTE:** The financing costs associated with the proposed project costs for this District are incorporated into the financing schedules for the District. See *Section 7: Description of the Methods of Financing and the Time When Such Costs or Monetary Obligations are to be Incurred* for financing details for the District.

5

LIST OF NON-PROJECT COSTS

Any potential “non-project costs” associated with this Plan are unknown at this time.

DRAFT

6

ECONOMIC FEASIBILITY STUDY

The charts and tables on the following pages show the City of Appleton will be able to obtain the necessary funds to implement the proposed projects and revenue from the District will be sufficient to pay for them. Chart 1 presents the City’s equalized value, and Chart 2 provides the full faith and credit borrowing capacity of the City. Equalized valuation projections were made using two methods as detailed in Chart 1. This analysis uses the straight-line method as a more financially conservative approach. Chart 2 projects the general obligation borrowing capacity of the City, taking into account the existing debt of the City, the five-year Capital Improvement Plan, and assuming a 1% increase per year beyond the five-year plan. As shown, the debt balance projected is well below the net borrowing capacity.

Chart 3 projects revenues sufficient to finance all of the projects of the District, and Chart 4 presents the allocation of increment by taxing entity assuming similar weighted average components as the 2022 rate. The pro forma is based on the following assumptions:

- The base value of the District is **\$53,353,400**.
- The tax rate is projected at \$22.2919 for 2023 and remaining at this amount for the life of the District (Actual 2022 Gross Tax Rate).
- Valuations are projected to increase only .5% per year due to inflation.
- The base value of the District is estimated to increase **\$88,145,000** in new construction value based on the following schedule:

Year	Project Increment Added
2022 Base Value Real Estate & Personal Property	\$ 53,353,400
January 1, 2024	\$ 10,430,000
January 1, 2025	\$ 15,000,000
January 1, 2026	\$ 10,215,000
January 1, 2027	\$ 15,000,000
January 1, 2028	\$ 7,500,000
January 1, 2029	\$ 30,000,000
Total Increment (net of base value):	\$ 88,145,000

**CITY OF APPLETON
EQUALIZED VALUATION PROJECTION**

YEAR	VALUATION	CHANGE	
2017	5,222,943,900		
2018	5,443,435,200	220,491,300	
2019	5,855,356,700	411,921,500	
2020	6,200,311,200	344,954,500	
2021	6,688,360,800	488,049,600	
2022	7,511,516,400	823,155,600	
		<u>\$2,288,572,500</u>	
Straight Line Method (Total change divided by 5)		<u>\$457,714,500</u>	
Percentage Method (Total percentage change from 2017 to 2022 divided by 5)		<u>8.76%</u>	
Projected Valuations			
	<u>Straight Line</u>	<u>Percentage</u>	<u>TIF Project Plan Increment Only</u>
2023	7,511,516,400	7,511,516,400	7,511,516,400
2024	7,969,230,900	8,169,525,237	7,521,946,400
2025	8,426,945,400	8,885,175,648	7,536,946,400
2026	8,884,659,900	9,663,517,035	7,546,946,400
2027	9,342,374,400	10,510,041,127	7,562,161,400
2028	9,800,088,900	11,430,720,730	7,569,661,400
2029	10,257,803,400	12,432,051,866	7,599,661,400
2030	10,715,517,900	13,521,099,609	7,599,661,400
2031	11,173,232,400	14,705,547,935	7,599,661,400
2032	11,630,946,900	15,993,753,934	7,599,661,400
2033	12,088,661,400	17,394,806,779	7,599,661,400
2034	12,546,375,900	18,918,591,853	7,599,661,400
2035	13,004,090,400	20,575,860,499	7,599,661,400
2036	13,461,804,900	22,378,305,879	7,599,661,400
2037	13,919,519,400	24,338,645,474	7,599,661,400
2038	14,377,233,900	26,470,710,818	7,599,661,400
2039	14,834,948,400	28,789,545,086	7,599,661,400
2040	15,292,662,900	31,311,509,236	7,599,661,400
2041	15,750,377,400	34,054,397,445	7,599,661,400
2042	16,208,091,900	37,037,562,661	7,599,661,400
2043	16,665,806,400	40,282,053,150	7,599,661,400

Chart 2

**CITY OF APPLETON
GENERAL OBLIGATION BORROWING CAPACITY**

Budget Year	Equalized Value	Gross Debt Limit	Debt Balance	Net G.O. Borrowing Capacity
2023	7,511,516,400	375,575,820	94,189,118	281,386,702
2024	7,521,946,400	376,097,320	91,557,002	284,540,318
2025	7,536,946,400	376,847,320	87,159,644	289,687,676
2026	7,546,946,400	377,347,320	84,211,402	293,135,918
2027	7,562,161,400	378,108,070	80,395,831	297,712,239
2028	7,569,661,400	378,483,070	81,200,000	297,283,070
2029	7,599,661,400	379,983,070	82,012,000	297,971,070
2030	7,599,661,400	379,983,070	82,832,000	297,151,070
2031	7,599,661,400	379,983,070	83,660,000	296,323,070
2032	7,599,661,400	379,983,070	84,497,000	295,486,070
2033	7,599,661,400	379,983,070	85,342,000	294,641,070
2034	7,599,661,400	379,983,070	86,195,000	293,788,070
2035	7,599,661,400	379,983,070	87,057,000	292,926,070
2036	7,599,661,400	379,983,070	87,928,000	292,055,070
2037	7,599,661,400	379,983,070	88,807,000	291,176,070
2038	7,599,661,400	379,983,070	89,695,000	290,288,070
2039	7,599,661,400	379,983,070	90,592,000	289,391,070
2040	7,599,661,400	379,983,070	91,498,000	288,485,070
2041	7,599,661,400	379,983,070	92,413,000	287,570,070
2042	7,599,661,400	379,983,070	93,337,000	286,646,070
2043	7,599,661,400	379,983,070	94,270,000	285,713,070

CITY OF APPLETON

Tax Incremental District # 13

Chart 3

Revenue Forecast

Base Value	53,353,400	Inflation Factor	0.50%
------------	------------	------------------	-------

Construction Year	Valuation Year	Revenue year	Inflation Increment	Value Added	Valuation Increment	Land Sales	Tax Rate	District Revenue	
	2022	2023	2024	0	0	0	22.2919	0	
1	2023	2024	2025	266,767	\$ 10,000,000	10,266,767	430,000	22.2919	238,452
2	2024	2025	2026	318,101	15,000,000	25,584,868		22.2919	570,335
3	2025	2026	2027	394,691	10,000,000	35,979,559	215,000	22.2919	806,846
4	2026	2027	2028	446,665	15,000,000	51,426,224		22.2919	1,146,388
5	2027	2028	2029	523,898	7,500,000	59,450,122		22.2919	1,325,256
6	2028	2029	2030	564,018	30,000,000	90,014,140		22.2919	2,006,586
7	2029	2030	2031	716,838		90,730,978		22.2919	2,022,566
8	2030	2031	2032	720,422		91,451,400		22.2919	2,038,625
9	2031	2032	2033	724,024		92,175,424		22.2919	2,054,765
10	2032	2033	2034	727,644		92,903,068		22.2919	2,070,986
11	2033	2034	2035	731,282		93,634,350		22.2919	2,087,288
12	2034	2035	2036	734,939		94,369,289		22.2919	2,103,671
13	2035	2036	2037	738,613		95,107,902		22.2919	2,120,136
14	2036	2037	2038	742,307		95,850,209		22.2919	2,136,683
15	2037	2038	2039	746,018		96,596,227		22.2919	2,153,313
16	2038	2039	2040	749,748		97,345,975		22.2919	2,170,027
17	2039	2040	2041	753,497		98,099,472		22.2919	2,186,824
18	2040	2041	2042	757,264		98,856,736		22.2919	2,203,704
19	2041	2042	2043	761,051		99,617,787		22.2919	2,220,670
20	2042	2043	2044	764,856		100,382,643		22.2919	2,237,720

Totals					87,500,000		645,000		35,900,840
---------------	--	--	--	--	-------------------	--	----------------	--	-------------------

Present Value at 5.00%									19,571,966
-------------------------------	--	--	--	--	--	--	--	--	-------------------

CITY OF APPLETON
Tax Incremental District # 13
Taxing Entity Breakdown

Year	Tax Incremental Dollars	City	Kimberly Schools	FVTC	Calumet County	Total Tax Increment
2024	0	0	0	0	0	0
2025	238,452	101,227	74,743	10,817	51,665	238,452
2026	570,335	242,117	178,772	25,871	123,575	570,335
2027	806,846	342,520	252,906	36,600	174,820	806,846
2028	1,146,388	486,661	359,336	52,002	248,389	1,146,388
2029	1,325,256	562,594	415,402	60,116	287,144	1,325,256
2030	2,006,586	851,831	628,965	91,022	434,768	2,006,586
2031	2,022,566	858,614	633,974	91,747	438,231	2,022,566
2032	2,038,625	865,432	639,007	92,476	441,710	2,038,625
2033	2,054,765	872,284	644,066	93,208	445,207	2,054,765
2034	2,070,986	879,169	649,151	93,944	448,722	2,070,986
2035	2,087,288	886,090	654,261	94,683	452,254	2,087,288
2036	2,103,671	893,045	659,396	95,426	455,804	2,103,671
2037	2,120,136	900,035	664,557	96,173	459,371	2,120,136
2038	2,136,683	907,059	669,744	96,924	462,956	2,136,683
2039	2,153,313	914,119	674,956	97,678	466,560	2,153,313
2040	2,170,027	921,214	680,195	98,436	470,181	2,170,026
2041	2,186,824	928,345	685,460	99,198	473,821	2,186,824
2042	2,203,704	935,511	690,751	99,964	477,478	2,203,704
2043	2,220,670	942,713	696,069	100,734	481,154	2,220,670
2044	2,237,720	949,951	701,414	101,507	484,848	2,237,720
	35,900,840					35,900,840
2022 Gross Tax Rate		9.4633	6.9874	1.0112	4.8300	22.2919

DESCRIPTION OF THE METHODS OF FINANCING AND THE TIME WHEN SUCH COSTS OR MONETARY OBLIGATIONS ARE TO BE INCURRED

The City of Appleton expects to finance City project costs primarily from the sale of general obligation notes issued under Wisconsin Statutes 67.12(12). City borrowing will be phased to coincide with need and may be refinanced as necessary to properly manage the District's affairs. It is anticipated the Developer will obtain their own financing; however, the City will make developer incentive payments up to 90% of the increment generated to a maximum value agreed upon. The contracted payments may include an allowable interest reimbursement up to 200 basis points above the all-inclusive interest cost on Appleton's general obligation notes. Chart 5 on the subsequent pages presents the detailed financial forecast for the District. Another option for financing is the use of developer-funded or "pay as you go" financing which minimizes the risk of non-performance of the TID to the City, while still assisting development that would not occur without assistance of a tax increment district. The type and method of financing for each project in this District shall be made on a project-by-project basis to support the success of the District.

Plan Implementation:

Projects identified will provide the necessary anticipated services to the area. A reasonable and orderly sequence is outlined in this Plan. However, it is anticipated the improvements will be made over a fifteen-year period based on the statutory guidelines for the tax increment district. Public debt and expenditures should be made at the point private development occurs to assure increment is sufficient to cover expenses.

Beyond the initial creation of improved industrial lots in the area between Coop Road and Eisenhower Drive, the order in which public improvements are made should be adjusted in accordance with development and the creation of increment within the District. The City of Appleton reserves the right to alter the implementation of this Plan to accomplish this objective.

If financing as outlined in this Plan proves unworkable, the City reserves the right to use alternative financing solutions for the projects as they are implemented.

Timing of the projected land sales and development increment are based upon a combination of a.) partially assessed development projects already constructed or underway that will be fully assessed in future years, b.) anticipated sales and development based on existing purchase contracts, and c.) additional future development based on market trends.

DRAFT

CITY OF APPLETON							
Tax Incremental District #13							
Financial Forecast							
							Chart 5
	2024	2025	2026	2027	2028	2029	2030
Revenues:							
Tax Increments	-	238,452	570,335	806,846	1,146,388	1,325,256	2,006,586
Investment Earnings	3,389	3,422	39	8	33	77	4,976
Sale of City Property	430,000	215,000	-	-	-	-	-
Proceeds of G.O. Debt	5,450,535	-	-	-	2,725,000	1,440,000	-
General Fund Advance	-	45,000	255,000	19,000	-	-	-
Total Revenues	5,883,924	501,874	825,374	825,854	3,871,421	2,765,333	2,011,562
Expenses:							
Development contractual payments	-	-	-	-	-	-	-
Administrative - Filing fees/Audit	2,650	1,750	1,750	1,900	1,900	10,000	2,000
Professional, Environmental, Promotion & Salaries	40,000	15,000	15,000	15,000	15,000	15,000	15,000
Construction Costs (Inc Partial Salaries)	5,450,535	-	35,000	60,000	3,128,951	1,607,700	145,000
2024 G.O. Note Interest	-	327,032	231,648	204,395	177,142	149,890	122,637
2024 G.O. Note Principal	-	545,054	545,054	545,054	545,054	545,054	545,054
2028 G.O. Note Interest	-	-	-	-	-	163,500	115,813
2028 G.O. Note Principal	-	-	-	-	-	272,500	272,500
2029 G.O. Note Interest	-	-	-	-	-	-	86,400
2029 G.O. Note Principal	-	-	-	-	-	-	144,000
2031 G.O. Note Interest	-	-	-	-	-	-	-
2031 G.O. Note Principal	-	-	-	-	-	-	-
General Fund Advance Interest at 5%	-	1,125	8,681	15,965	14,932	15,950	15,950
Allowance for Interest Expense	-	(1,125)	(8,681)	(15,965)	(14,932)	(15,950)	(15,950)
Total Expenses	5,493,185	888,836	828,452	826,349	3,868,047	2,763,644	1,448,404
Excess of Revenues over Expenditures	390,739	(386,962)	(3,078)	(495)	3,374	1,689	563,158
Beginning Fund Balance	-	390,739	3,777	699	204	3,578	5,267
Ending Fund Balance	390,739	3,777	699	204	3,578	5,267	568,425

CITY OF APPLETON
Tax Incremental District #13
Financial Forecast

Chart 5

2031	2032	2033	2034	2035	2036	2037
2,022,566	2,038,625	2,054,765	2,070,986	2,087,288	2,103,671	2,120,136
4,989	40	43	3,842	16,886	13,588	11,715
-	-	-	-	-	-	-
3,510,000	-	-	-	-	-	-
-	(175,000)	(120,000)	(24,000)	-	-	-
5,537,555	1,863,665	1,934,808	2,050,828	2,104,174	2,117,259	2,131,851
-	-	-	-	-	-	-
2,100	2,100	2,250	2,250	2,350	2,350	2,450
15,000	15,000	15,000	15,000	15,000	15,000	15,000
4,866,766	-	285,500	35,000	60,000	2,622,000	-
95,384	68,132	40,879	13,626	-	-	-
545,054	545,054	545,054	545,049	-	-	-
102,188	88,563	74,938	61,313	47,688	34,063	20,438
272,500	272,500	272,500	272,500	272,500	272,500	272,500
61,200	54,000	46,800	39,600	32,400	25,200	18,000
144,000	144,000	144,000	144,000	144,000	144,000	144,000
-	210,600	149,175	131,625	114,075	96,525	78,975
-	351,000	351,000	351,000	351,000	351,000	351,000
15,950	11,575	4,200	600	-	-	-
(15,950)	100,128	4,200	600	-	-	-
6,104,192	1,862,652	1,935,496	1,612,163	1,039,013	3,562,638	902,363
(566,637)	1,013	(688)	438,665	1,065,161	(1,445,379)	1,229,488
568,425	1,788	2,801	2,113	440,778	1,505,939	60,560
1,788	2,801	2,113	440,778	1,505,939	60,560	1,290,048

CITY OF APPLETON							
Tax Incremental District # 12							
Financial Forecast							
							Chart 5
2038	2039	2040	2041	2042	2043	Totals	
2,136,683	2,153,313	2,170,027	2,186,824	2,203,704	2,220,670	33,663,121	
33,712	59,379	89,891	122,828	159,937	201,051	729,845	
-	-	-	-	-	-	645,000	
-	-	-	-	-	-	13,125,535	
-	-	-	-	-	-	-	
2,170,395	2,212,692	2,259,918	2,309,652	2,363,641	2,421,721	48,163,501	
-	-	-	-	-	-	-	
2,450	2,600	2,600	2,700	2,700	12,800	63,650.00	
15,000	15,000	15,000	15,000	15,000	15,000	340,000.00	
-	-	-	-	-	-	18,296,452.00	
-	-	-	-	-	-	1,430,765.00	
-	-	-	-	-	-	5,450,535.00	
6,813	-	-	-	-	-	715,317.00	
272,500	-	-	-	-	-	2,725,000.00	
10,800	3,600	-	-	-	-	378,000.00	
144,000	144,000	-	-	-	-	1,440,000.00	
61,425	43,875	26,325	8,775	-	-	921,375.00	
351,000	351,000	351,000	351,000	-	-	3,510,000.00	
-	-	-	-	-	-	104,928.00	
-	-	-	-	-	-	16,375.00	
863,988	560,075	394,925	377,475	17,700	27,800	35,392,397	
1,306,407	1,652,617	1,864,993	1,932,177	2,345,941	2,393,921	12,771,104	
1,290,048	2,596,455	4,249,072	6,114,065	8,046,242	10,392,183	-	
2,596,455	4,249,072	6,114,065	8,046,242	10,392,183	12,786,104	12,771,104	

8

PROPOSED CHANGES IN ZONING ORDINANCES, MASTER PLAN, BUILDING CODES, MAPS AND CITY ORDINANCES

There are no immediate changes to zoning, building codes or other City ordinances proposed for the implementation of this Project Plan. A rezoning may be required in the future, at such time the wooded wetland/passive recreation area, trailhead, and/or powerline trail are being developed.

During the life of the District, the City's Comprehensive Plan, Trails Master Plan, and Comprehensive Outdoor Recreation Plan will likely be updated. Recommendations from these future plan updates may provide additional details for the anticipated improvement projects outlined in this TIF District 13 Project Plan.

DRAFT

9

ORDERLY DEVELOPMENT OF THE CITY OF APPLETON

The District contributes to the orderly development of the City by promoting industrial development. By promotion of industry, the City will ensure a healthy tax base, job growth/creation and a more vibrant economy.

The Project Plan is complementary to the adopted City of Appleton's *Comprehensive Plan 2010-2030* (Comprehensive Plan). The City's recommendations for this area include the following key strategies (below) as adopted on March 15, 2017 in the updated Comprehensive Plan. These key strategies, and the detailed policies to support these efforts, can be found in the Comprehensive Plan – Chapters 4: Issues and Opportunities, 9: Economic Development and 10: Land Use:

Chapter 4: Overall Community Goals

Goal 1 – 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 – 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.

Chapter 9: Economic Development

Objective 9.2 – Grow Appleton's business community through recruitment, expansion, and retention programs that ensure a diverse business mix and jobs that pay well.

Policy 9.5.1 – Ensure a continued adequate supply of industrial and commercial land to sustain new business development.

Policy 9.5.2 – Proactively acquire property targeted for redevelopment and develop a land bank to assist in property assembly with a focus on corridors, the downtown, and areas identified as business/industrial on the Future Land Use Map.

Chapter 10: Land Use

Objective 10.1 – Provide an adequate supply of suitable land meeting the demand for development of various land uses.

Objective 10.4 – 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 10.4.3 – Promote commercial and industrial development which is compatible with nearby residential areas.

10

ESTIMATE OF PROPERTY TO BE DEVOTED TO RETAIL USE

Pursuant to Section 66.1105(5)(b) of the Wisconsin State Statutes, the City does not anticipate any of the real property within the District will be devoted to retail business at the end of the District's maximum expenditure period*.

**Deed Restrictions applicable to all parcels in the Southpoint Commerce Park provide for:*

“Retail sales of products manufactured on site and clearly an accessory use to the primary use of the site and provided on-premises sales are limited in floor area to no more than 10 percent of the total gross floor area occupied by the permitted or special use.”

PROPOSED RELOCATION PLAN FOR DISPLACED PERSONS OR BUSINESSES

It is not anticipated at the time of the creation of the District there will be a need to relocate persons or businesses in conjunction with this Plan. In the event relocation becomes necessary at some time during the implementation period, the City will take the following steps and actions as required by Wisconsin Statutes Section 32:

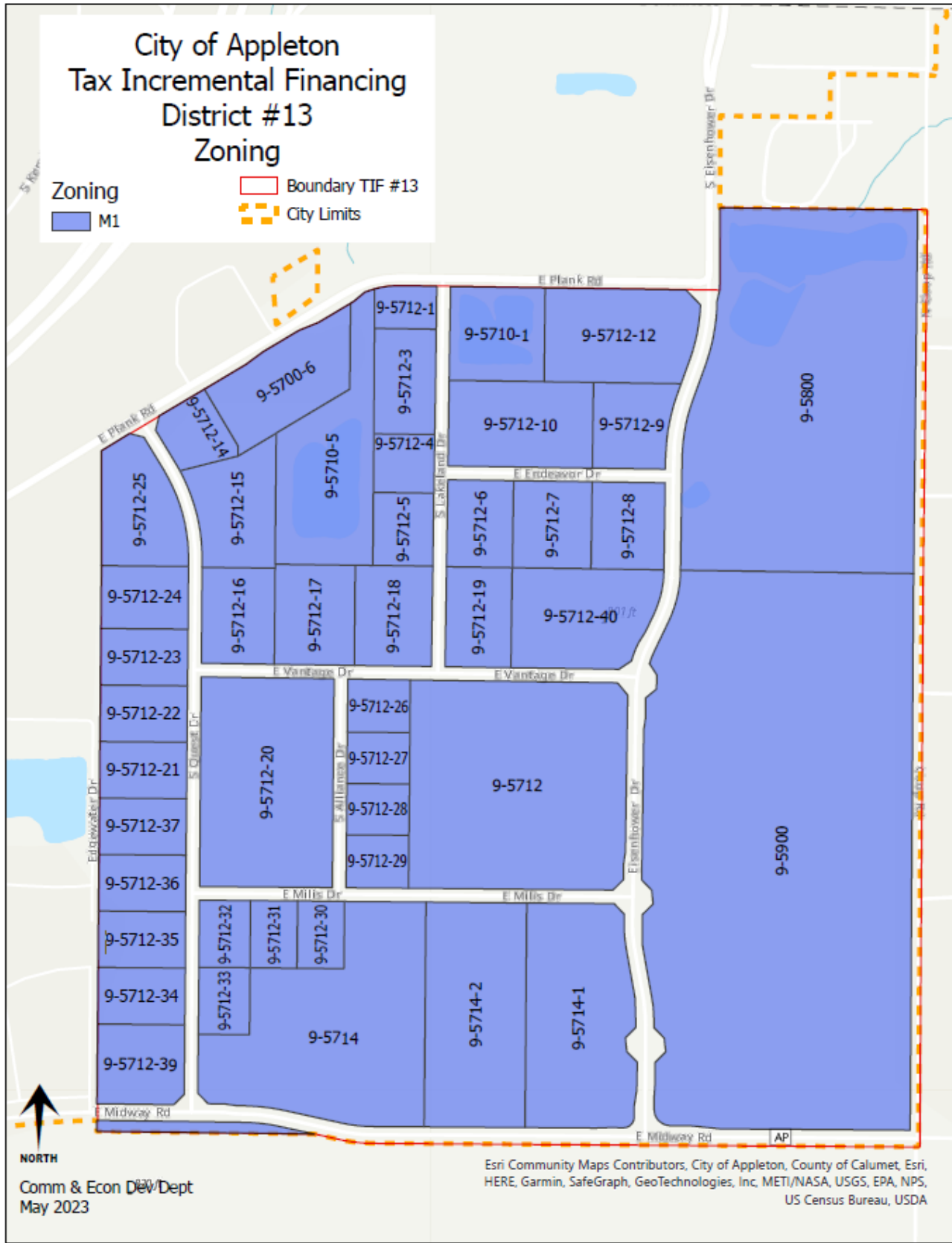
- A. Before negotiations begin for the acquisition of property or easements, all property owners will be provided with an informational pamphlet, “The Rights of Landowners” prepared by the Wisconsin Department of Administration, and if any person is to be displaced as a result of the acquisition, they will be given a pamphlet on “Relocation Rights” prepared by the Wisconsin Department of Administration.
- B. The City will provide each owner a full narrative appraisal, a map showing the owners of all property affected by the proposed project, and a list of all, or at least ten, neighboring landowners to whom offers are being made.
- C. The City will file a relocation plan with the Wisconsin Department of Administration and will keep all records as required in Wisconsin Statutes Section 32.

MAP OF TIF DISTRICT #13 BOUNDARIES AND TIF DISTRICT #13 BOUNDARIES WITH HALF MILE BUFFER ZONE



13

MAP OF EXISTING USES AND CONDITIONS



City of Appleton
 Tax Incremental Financing District #13
 Existing Uses and Conditions

- Existing Use**
- Crop Production
 - Vacant
 - Manufacturing
 - Warehousing
 - Wholesalers
 - Internet Service Providers
 - Professional, Scientific and Tech Services
 - Administrative Support and Personal Services
- Boundary TIF #13
- City Limits

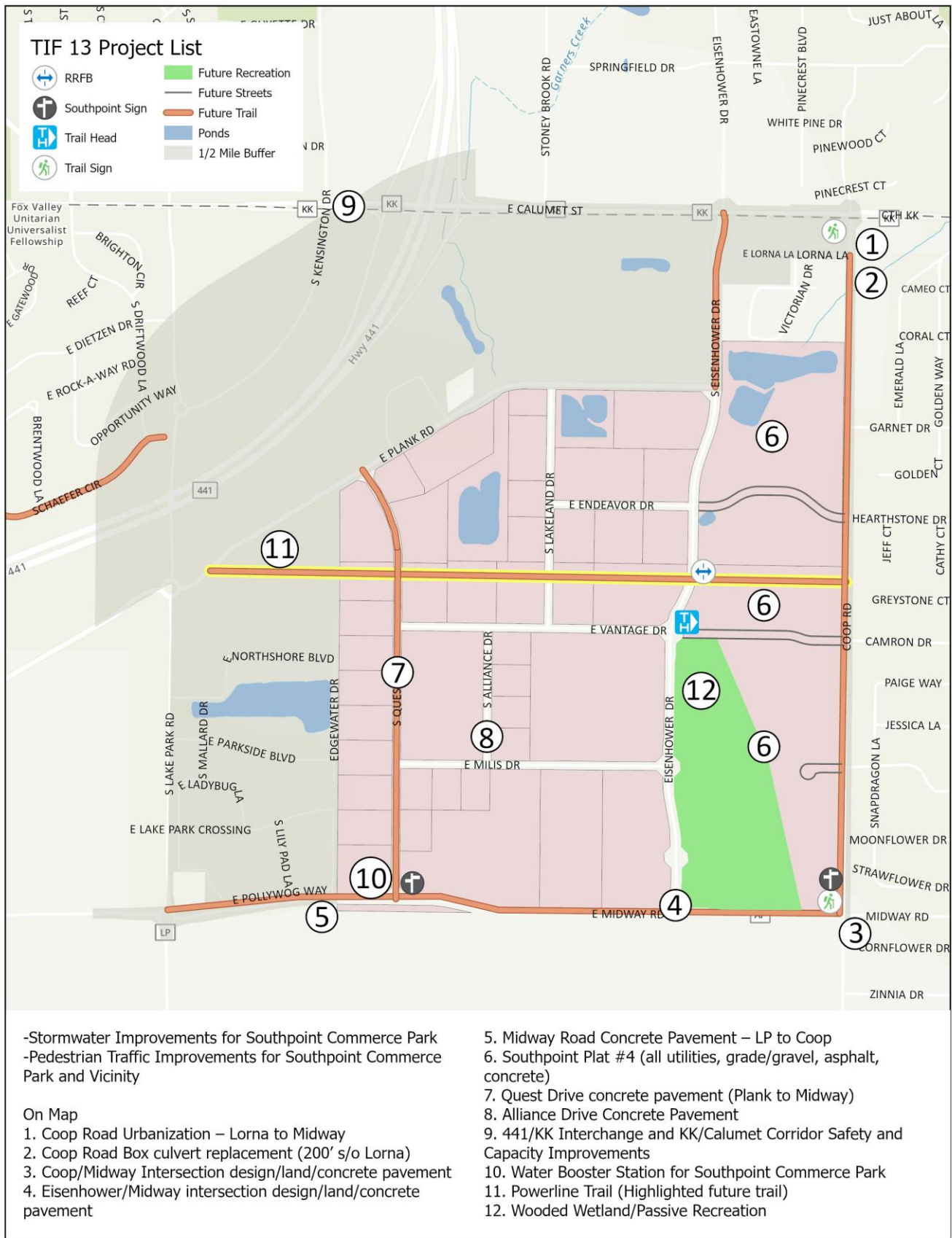


Comm & Econ Dev Dept
 May 2023

Esri Community Maps Contributors, City of Appleton, County of Calumet, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

The Southpoint Commerce Park is the only location with City-owned industrial use lots available for sale within the City of Appleton. The primary purpose of the TID is to install infrastructure between Coop Road and Eisenhower Drive, thereby creating more “ready to build” lots for the expansion of business and industry. Presently, most of this area is farmed, and a portion includes a large, wooded area with areas of identified wetlands. The area along Quest Drive and west of Eisenhower Drive includes a mix of farmed areas and existing industrial/manufacturing properties. This portion of the Industrial Park was largely built out with infrastructure over the past several years; however, improvements to streets and stormwater system maintenance will help induce further investment and new development. Additional projects within the ½ mile buffer as identified in the following map will help induce further investment.

DRAFT



Note: The above map highlights the key projects to promote industrial sites within this District.

PARCEL LIST & LEGAL DESCRIPTION

The boundaries for the District include only whole parcels or non-taxable property, and the District is contiguous. The following pages include a detailed list of parcels included in the District and the legal description.

Annexed Land:

Pursuant to Wisconsin State Statute s 66.1105(4)(gm)(1), the District may not include any annexed territory that was not within the boundaries of the City on January 1, 2004, unless at least 3 years have elapsed since the territory was annexed by the City, unless the City enters into a cooperative plan boundaries agreement with the town from which the territory was annexed, or unless the City and town enter into another kind of agreement relating to the annexation expect that notwithstanding these conditions, the City may include territory that was not within the boundaries of the City on January 1, 2004 if the City pledges to pay the town an amount equal to the property taxes levied on the territory by the town at the time of the annexation for each of the next 5 years. **The District does not include property annexed into the City of Appleton since January 1, 2004.**

Tax Key	Owner Name	Property Address	Prop City	Prop State	Prop Zip	Zoning	Area	Business with PP	PP Value	Land Value	Improvements	Total Value
319570006	PLANK INVESTORS LLC	3545 E PLANK RD	APPLETON	WI	54915	M1	254416.69			\$ 262,800.00	\$ 4,087,200.00	\$ 4,350,000.00
319570006	PLANK INVESTORS LLC	3545 E PLANK RD	APPLETON	WI	54915	M1		SPECTRUM MID-AMERICA LLC	\$ 44,900.00	\$ -	\$ -	\$ 44,900.00
319571001	CITY OF APPLETON	E PLANK RD	APPLETON	WI	54915	M1	203770.01			\$ -	\$ -	\$ -
319571005	CITY OF APPLETON	E PLANK RD	APPLETON	WI	54915	M1	406795.55			\$ -	\$ -	\$ -
319571200	CITY OF APPLETON	S EISENHOWER DR	APPLETON	WI	54915	M1	1027093.61			\$ -	\$ -	\$ -
319571201	FLAIR FLEXIBLE PACKAGI	S LAKELAND DR	APPLETON	WI	54915	M1	59907.73			\$ 61,700.00	\$ -	\$ 61,700.00
319571203	FLAIR FLEXIBLE PACKAGI	2605 S LAKELAND DR	APPLETON	WI	54915	M1	148216.40			\$ 136,000.00	\$ 1,961,500.00	\$ 2,097,500.00
319571204	JME PROPERTIES LLC	2625 S LAKELAND DR	APPLETON	WI	54915	M1	81481.48			\$ 74,800.00	\$ 742,000.00	\$ 816,800.00
319571204	JME PROPERTIES LLC	2625 S LAKELAND DR	APPLETON	WI	54915	M1		APPLETON HYDRAULIC COMPONENTS LLC	\$ 2,100.00	\$ -	\$ -	\$ 2,100.00
319571205	CITY OF APPLETON	3989 E ENDEAVOR DR	APPLETON	WI	54915	M1	101055.45			\$ -	\$ -	\$ -
319571206	CITY OF APPLETON	E ENDEAVOR DR	APPLETON	WI	54915	M1	131089.91			\$ -	\$ -	\$ -
319571207	MANDA PANDA PROPERTIES	3921 E ENDEAVOR DR	APPLETON	WI	54915	M1	155967.68			\$ 143,200.00	\$ 1,360,300.00	\$ 1,503,500.00
319571207	MANDA PANDA PROPERTIES	3921 E ENDEAVOR DR	APPLETON	WI	54915	M1		SECURITY LUEBKE ROOFING INC	\$ 28,200.00	\$ -	\$ -	\$ 28,200.00
319571208	V T CAPITAL LLC	3989 E ENDEAVOR DR	APPLETON	WI	54915	M1	145331.61			\$ 150,300.00	\$ 1,581,300.00	\$ 1,731,600.00
319571208	V T CAPITAL LLC	3989 E ENDEAVOR DR	APPLETON	WI	54915	M1		SD WHEEL CORP	\$ 15,300.00	\$ -	\$ -	\$ 15,300.00
319571209	BENSHAW PROPERTIES LLC	3984 E ENDEAVOR DR	APPLETON	WI	54915	M1	151531.20			\$ 156,600.00	\$ 1,677,800.00	\$ 1,834,400.00
319571210	FARRELL INVESTMENTS LL	3920 E ENDEAVOR DR	APPLETON	WI	54915	M1	283076.98			\$ 130,000.00	\$ 845,300.00	\$ 975,300.00
319571210	FARRELL INVESTMENTS LL	3920 E ENDEAVOR DR	APPLETON	WI	54915	M1		FARRELL EQUIPMENT & SUPPLY CO INC	\$ 15,900.00	\$ -	\$ -	\$ 15,900.00
319571212	ENCAPSYS SOUTHPOINT LL	2515 S EISENHOWER DR	APPLETON	WI	54915	M1	318665.58			\$ 329,400.00	\$ 13,670,600.00	\$ 14,000,000.00
319571212	ENCAPSYS SOUTHPOINT LL	2515 S EISENHOWER DR	APPLETON	WI	54915	M1		ENCAPSYS LLC	\$ 317,400.00	\$ -	\$ -	\$ 317,400.00
319571214	ROMENESKO DEVELOPMENTS	S QUEST DR	APPLETON	WI	54915	M1	94345.88			\$ -	\$ -	\$ -
319571215	CITY OF APPLETON	S QUEST DR	APPLETON	WI	54915	M1	210200.89			\$ -	\$ -	\$ -
319571216	CITY OF APPLETON	S QUEST DR	APPLETON	WI	54915	M1	160652.68			\$ -	\$ -	\$ -
319571217	NEW MORNING REAL ESTAT	3600 E VANTAGE DR	APPLETON	WI	54915	M1	183231.32			\$ 139,000.00	\$ 942,700.00	\$ 1,081,700.00
319571217	NEW MORNING REAL ESTAT	3600 E VANTAGE DR	APPLETON	WI	54915	M1		NEW MORNING COFFEE ROASTERS INC	\$ 80,800.00	\$ -	\$ -	\$ 80,800.00
319571218	CITY OF APPLETON	E VANTAGE DR	APPLETON	WI	54915	M1	177366.31			\$ -	\$ -	\$ -
319571219	CITY OF APPLETON	S LAKELAND DR	APPLETON	WI	54915	M1	150604.29			\$ -	\$ -	\$ -
319571220	3550 E VANTAGE DR WISC	3551 E VANTAGE DR	APPLETON	WI	54915	M1	635846.39			\$ 510,700.00	\$ 10,539,300.00	\$ 11,050,000.00
319571220	3550 E VANTAGE DR WISC	3551 E VANTAGE DR	APPLETON	WI	54915	M1		VERITV OPERATING COMPANY	\$ 657,300.00	\$ -	\$ -	\$ 657,300.00
319571221	CITY OF APPLETON	S QUEST DR	APPLETON	WI	54915	M1	112895.77			\$ -	\$ -	\$ -
319571222	CITY OF APPLETON	S QUEST DR	APPLETON	WI	54915	M1	112860.01			\$ -	\$ -	\$ -
319571223	CITY OF APPLETON	S QUEST DR	APPLETON	WI	54915	M1	112860.03			\$ -	\$ -	\$ -
319571224	CITY OF APPLETON	S QUEST DR	APPLETON	WI	54915	M1	125407.88			\$ -	\$ -	\$ -
319571225	CITY OF APPLETON	S QUEST DR	APPLETON	WI	54915	M1	212322.18			\$ -	\$ -	\$ -
319571226	CITY OF APPLETON	S ALLIANCE DR	APPLETON	WI	54915	M1	75745.60			\$ -	\$ -	\$ -
319571227	CITY OF APPLETON	S ALLIANCE DR	APPLETON	WI	54915	M1	73499.19			\$ -	\$ -	\$ -
319571228	CITY OF APPLETON	S ALLIANCE DR	APPLETON	WI	54915	M1	73499.57			\$ -	\$ -	\$ -
319571229	CITY OF APPLETON	S ALLIANCE DR	APPLETON	WI	54915	M1	76004.86			\$ -	\$ -	\$ -
319571230	F STREET APPLETON 3 LL	E MILIS DR	APPLETON	WI	54915	M1	71910.25			\$ 66,000.00	\$ -	\$ 66,000.00
319571231	F STREET APPLETON 3 LL	E MILIS DR	APPLETON	WI	54915	M1	72101.45			\$ 66,000.00	\$ -	\$ 66,000.00
319571232	F STREET APPLETON 3 LL	S QUEST DR	APPLETON	WI	54915	M1	78362.33			\$ 72,000.00	\$ -	\$ 72,000.00
319571233	F STREET APPLETON 3 LL	S QUEST DR	APPLETON	WI	54915	M1	78330.00			\$ 72,000.00	\$ -	\$ 72,000.00
319571234	CITY OF APPLETON	S QUEST DR	APPLETON	WI	54915	M1	112858.57			\$ -	\$ -	\$ -
319571235	CITY OF APPLETON	S QUEST DR	APPLETON	WI	54915	M1	112858.91			\$ -	\$ -	\$ -
319571236	CITY OF APPLETON	S QUEST DR	APPLETON	WI	54915	M1	112859.33			\$ -	\$ -	\$ -
319571237	CITY OF APPLETON	S QUEST DR	APPLETON	WI	54915	M1	112858.84			\$ -	\$ -	\$ -
319571239	CITY OF APPLETON	S QUEST DR	APPLETON	WI	54915	M1	158435.84			\$ -	\$ -	\$ -
319571240	OSHKOSH AAP LLC	S EISENHOWER DR	APPLETON	WI	54915	M1	314449.65			\$ -	\$ -	\$ -
319571300	CITY OF APPLETON	E MIDWAY RD	APPLETON	WI	54915	M1	46899.79			\$ -	\$ -	\$ -
319571400	F STREET APPLETON 3 LL	E MIDWAY RD	APPLETON	WI	54915	M1	813141.69			\$ 618,000.00	\$ -	\$ 618,000.00
319571401	F STREET APPLETON 1 LL	3351 S EISENHOWER DR	APPLETON	WI	54915	M1	539867.90			\$ 469,700.00	\$ 10,921,400.00	\$ 11,391,100.00
319571402	F STREET APPLETON 2 LL	3725 E MILIS DR	APPLETON	WI	54915	M1	517506.46			\$ 403,900.00	\$ -	\$ 403,900.00
319580000	CITY OF APPLETON	LAND LOCKED	APPLETON	WI	54915	M1	1798088.37			\$ -	\$ -	\$ -
319590000	CITY OF APPLETON	LAND LOCKED	APPLETON	WI	54915	M1	3314981.94			\$ -	\$ -	\$ -
TOTALS									\$ 1,161,900.00	\$ 3,862,100.00	\$ 48,329,400.00	\$ 53,353,400.00

DISTRICT 13

DESCRIPTION: A TRACT OF LAND BEING PART OF THE NE ¼ OF THE NE ¼, PART OF THE NW ¼ OF THE NE ¼, PART OF THE NE ¼ OF THE NW ¼, PART OF THE SE ¼ OF THE NW ¼, ALL OF THE SE ¼ OF THE NE ¼, ALL OF THE SW ¼ OF THE NE ¼, ALL OF THE NE ¼ OF THE SE ¼, ALL OF THE SE ¼ OF THE SE ¼, ALL OF THE SW ¼ OF THE SE ¼, ALL OF THE NW ¼ OF THE SE ¼, ALL OF THE NE ¼ OF THE SW ¼, AND ALL OF THE SE ¼ OF THE SW ¼, OF SECTION 4, PART OF THE NE ¼ OF THE NE ¼, PART OF THE NW ¼ OF THE NE ¼, PART OF THE NE ¼ OF THE NW ¼, OF SECTION 9, ALL IN TOWNSHIP 20 NORTH, RANGE 18 EAST, CITY OF APPLETON, CALUMET COUNTY, WISCONSIN BOUNDED AND DESCRIBED AS FOLLOWS:
COMMENCING THE E ¼ OF SAID SECTION 4 AND BEING THE POINT OF BEGINNING;
THENCE S00°14'16"W 2636.69 FEET, COINCIDENT WITH THE EAST LINE OF THE SE ¼ OF SAID SECTION 4 TO THE SOUTHEAST CORNER THEREOF;
THENCE S00°30'32"W 40.00 FEET TO THE EASTERLY EXTENSION OF THE SOUTH LINE OF MIDWAY ROAD;
THENCE N89°43'14"W 2619.90 FEET, PARALLEL TO AND 40 FEET DISTANT FROM THE SOUTH LINE OF THE SE ¼ OF SAID SECTION 4 AND BEING COINCIDENT WITH THE SOUTH LINE OF MIDWAY ROAD;
THENCE NORTHWESTERLY 159.45 FEET, ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 761.57 FEET AND THE CHORD OF WHICH BEARS N83°43'18"W 159.15 FEET, COINCIDENT WITH THE SOUTHERLY LINE OF MIDWAY ROAD;
THENCE N77°43'26"W 120.93 FEET, COINCIDENT WITH THE SOUTHWESTERLY LINE OF MIDWAY ROAD TO THE SOUTH LINE OF THE SW ¼ OF SAID SECTION 4;
THENCE N89°21'16"W 1043.36 FEET, COINCIDENT WITH THE SOUTH LINE OF THE SW ¼ OF SAID SECTION 4 TO THE MOST WESTERLY LINE OF LOT 3 OF CERTIFIED SURVEY MAP NO.2932;
THENCE N00°22'38"E 2658.96 FEET, COINCIDENT WITH THE WEST LINE OF SAID LOT 3 AND THEN THE WEST LINE OF SOUTHPPOINT COMMERCE PARK PLAT NO.3 AND THEN THE WEST LINE OF SOUTHPPOINT COMMERCE PARK PLAT NO.2;
THENCE N00°06'12"W 591.59 FEET, COINCIDENT WITH THE WEST LINE OF SAID SOUTHPPOINT COMMERCE PARK PLAT NO.2 TO THE SOUTHEASTERLY LINE OF PLANK ROAD;
THENCE NORTHEASTERLY AND EASTERLY COINCIDENT WITH THE SOUTHEASTERLY AND SOUTHERLY LINE OF PLANK ROAD AND ITS EASTERLY EXTENSION TO THE EAST LINE OF EISENHOWER DRIVE;
THENCE N00°07'53"E 394.12 FEET, COINCIDENT WITH THE EAST LINE OF EISENHOWER DRIVE TO THE NORTH LINE OF LOT 1 OF CERTIFIED SURVEY MAP NO.2932;
THENCE S89°28'07"E 987.58 FEET, COINCIDENT WITH THE NORTH LINE OF SAID LOT 1 TO THE EAST LINE OF THE NE ¼ OF SECTION 4, T20N, R18E;
THENCE S00°31'53"W 1798.73 FEET, COINCIDENT WITH THE EAST LINE OF THE NE ¼ OF SAID SECTION 4 TO THE EAST ¼ CORNER OF SAID SECTION 4 AND THE POINT OF BEGINNING.

**OPINION OF THE CITY ATTORNEY ON THE COMPLIANCE OF THE
PROJECT PLAN WITH WISCONSIN STATUTES**



LEGAL SERVICES DEPARTMENT

Office of the City Attorney
100 North Appleton Street
Appleton, WI 54911
Phone: 920/832-6423
Fax: 920/832-5962

July 19, 2023

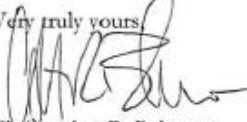
Mayor Jacob A. Woodford
City of Appleton
100 North Appleton Street
Appleton, WI 54911-4799

Re: Tax Increment Finance Program Plan, City of Appleton
Tax Incremental District #13
Our File No. A23-0873

Dear Mayor Woodford:

You have asked me for a legal opinion as to the legal sufficiency and statutory compliance of the proposed Tax Incremental Finance Plan for the City of Appleton Tax Incremental District #13. I have reviewed the Project Plan for said District as well as the appendices attached thereto, specifically as to their compliance with the provision of Section 66.1105, Wisconsin Statutes. It is my opinion that the Project Plan is in compliance with all of the provisions of Section 66.1105 of the Wisconsin Statutes dealing with the creation of Tax Incremental Financing Districts.

If you have any questions concerning this matter, please contact me at your earliest convenience.

Very truly yours,


Christopher R. Behrens
City Attorney

CRB:jljg

Christopher R. Behrens
City Attorney

Amanda K. Abshire
Deputy City Attorney

Darrin M. Glad
Assistant City Attorney

Zak Buruin
Assistant City Attorney

**RESOLUTION NO. 2023-01
COMMON COUNCIL**

**RESOLUTION CREATING, DESCRIBING, AND MAKING CERTAIN FINDINGS
AND APPROVING PROJECT PLAN FOR
TAX INCREMENTAL DISTRICT #13
CITY OF APPLETON, WISCONSIN**

WHEREAS, the overall development of the City of Appleton is recognized as a major need of the City; and

WHEREAS, the City of Appleton desires to create a tax incremental district, in accordance with the provisions of Section 66.1105 of the Wisconsin Statutes (the “Tax Increment Law”), in order to provide a viable method of financing the costs of needed improvements and public works projects within said district and creating more “ready to build” lots for the expansion of business and industry, thereby creating incentives and opportunities for appropriate private development, including new development and rehabilitation of existing development, which will contribute to the overall development of the City; and

WHEREAS, in accordance with the procedures specified in the Tax Increment Law, the City Plan Commission on June 28, 2023 held a public hearing concerning the proposed creation of a tax incremental district and proposed project plan thereof in the City of Appleton, wherein interested parties were afforded a reasonable opportunity to express their views; and

WHEREAS, prior to its publication, a copy of the notice of the public hearing was sent to the chief executive officers of Calumet County and the Fox Valley Technical College District (the other entities having the power to levy taxes on property located within the proposed District) and the Board of Education of the Kimberly Area School District (the school district which includes property located within the proposed district), in accordance with the procedures specified in the Tax Increment Law; and

WHEREAS, after said public hearing, the City Plan Commission designated the boundaries of the proposed tax incremental district and recommended to the Common Council that it create such tax incremental district within the area enclosed by said boundaries, as specified in the boundary description attached to this Resolution as Exhibit A and entitled “Legal Boundary Description of Tax Incremental District #13, City of Appleton, Wisconsin”; and

WHEREAS, the City of Appleton Plan Commission has prepared and adopted a Project Plan for Tax Incremental District #13, which includes:

1. Intent and purpose of Tax Increment Financing District #13;
2. A statement of the kind, number, and location of proposed public works and improvement projects within the district and the ½ mile buffer zone;
3. Qualification of the proposed TIF District based on City valuation;
4. A list of estimated project costs;
5. A statement on non-project costs;
6. An economic feasibility study;
7. A description of the methods of financing and the time when such costs or monetary obligations are to be incurred;

8. Proposed changes of zoning ordinances, master plan, map, building codes, maps, and City ordinances;
9. A statement indicating how the creation of the district promotes orderly development of the City;
10. Estimate of property to be devoted to retail use;
11. A statement of a proposed method for the relocation of any persons or businesses to be displaced;
12. A map showing the district boundaries and a map of the ½ mile buffer zone;
13. A map showing existing uses and conditions of real property in such district;
14. A map showing proposed improvements and public works projects;
15. A listing of the parcels and legal description of the district; and
16. An opinion of the City Attorney on the compliance of the Project Plan with Wisconsin Statutes, Section 66.1105(4); and

WHEREAS, the Plan Commission has submitted such Plan to the Common Council and recommended approval thereof; and

WHEREAS, the Common Council hereby approves such Project Plan and finds the Plan feasible and in conformity with the master plan;

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

1. Pursuant to the Tax Increment Law, there is hereby created in the City of Appleton, a tax incremental district to be known as “Tax Incremental District #13, City of Appleton, Wisconsin” the boundaries of which shall be those recommended to the Common Council by the Plan Commission, as specified in the attached Exhibit A.
2. The Common Council hereby finds and declares that:
 - a. Not less than 50 percent by area of real property within such district is suitable for industrial development within the meaning of Wisconsin Statute Section 66.1101 “Promotion of industry; industrial sites” and is being created as an “Industrial” TID; and
 - b. The real property within the District is zoned for manufacturing, industrial, warehousing, distribution, and other like uses and will remain zoned for industrial use for the life of the District; and
 - c. The improvement of such area is likely to enhance significantly the value of substantially all the other real property in the said tax incremental district by promoting industrial development; and
 - d. The project costs directly serve for the purchase, reservation and development of industrial sites by the City, along with the installation of utilities and roadways; and
 - e. The equalized value of taxable property of the district plus the value increment of all existing districts within the City does not exceed 12 percent of the total equalized value of the taxable property within the City of Appleton; and

- f. Finds, pursuant to Section 66.1105(5)(b) that under 35 percent of the real property within the district will be devoted to retail business at the end of the district's maximum expenditure period; and
- g. The boundaries for Tax Incremental District #13 does not include any annexed territory not within the boundaries of the City of Appleton on January 1, 2004; and
- h. The Project Plan is economically feasible and is in conformity with the City of Appleton Comprehensive Plan 2010-2030.

The District is hereby created as of January 1, 2023. The City Clerk is hereby authorized and directed to apply to the Wisconsin Department of Revenue in such form as may be prescribed, for a "Determination of Tax Incremental Base", as of January 1, 2023, pursuant to the provisions of Section 66.1105(5)(b) of the Wisconsin Statutes.

The City Assessor is hereby authorized and directed to identify upon the assessment roll returned and examined under Section 70.45 of the Wisconsin Statutes, those parcels of property that are within Tax Incremental District No. 13, specifying thereon the name of the said tax incremental district, and the City Clerk is hereby authorized and directed to make similar notations on the tax roll made under Section 70.65 of the Wisconsin Statutes, pursuant to Section 66.1105(5)(f) of the Wisconsin Statutes.

Adopted this 19th day of July, 2023.

Jacob A. Woodford, Mayor

Attest:

Kami L. Lynch, City Clerk

EXHIBIT A

LEGAL BOUNDARY DESCRIPTION OF TAX INCREMENTAL DISTRICT #13 CITY OF APPLETON, WISCONSIN

DESCRIPTION: A TRACT OF LAND BEING PART OF THE NE $\frac{1}{4}$ OF THE NE $\frac{1}{4}$, PART OF THE NW $\frac{1}{4}$ OF THE NE $\frac{1}{4}$, PART OF THE NE $\frac{1}{4}$ OF THE NW $\frac{1}{4}$, PART OF THE SE $\frac{1}{4}$ OF THE NW $\frac{1}{4}$, ALL OF THE SE $\frac{1}{4}$ OF THE NE $\frac{1}{4}$, ALL OF THE SW $\frac{1}{4}$ OF THE NE $\frac{1}{4}$, ALL OF THE NE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$, ALL OF THE SE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$, ALL OF THE SW $\frac{1}{4}$ OF THE SE $\frac{1}{4}$, ALL OF THE NW $\frac{1}{4}$ OF THE SE $\frac{1}{4}$, ALL OF THE NE $\frac{1}{4}$ OF THE SW $\frac{1}{4}$, AND ALL OF THE SE $\frac{1}{4}$ OF THE SW $\frac{1}{4}$, OF SECTION 4,

PART OF THE NE $\frac{1}{4}$ OF THE NE $\frac{1}{4}$, PART OF THE NW $\frac{1}{4}$ OF THE NE $\frac{1}{4}$, PART OF THE NE $\frac{1}{4}$ OF THE NW $\frac{1}{4}$, OF SECTION 9, ALL IN TOWNSHIP 20 NORTH, RANGE 18 EAST, CITY OF APPLETON, CALUMET COUNTY, WISCONSIN BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING THE E $\frac{1}{4}$ OF SAID SECTION 4 AND BEING THE POINT OF BEGINNING;

THENCE S00°14'16"W 2636.69 FEET, COINCIDENT WITH THE EAST LINE OF THE SE $\frac{1}{4}$ OF SAID SECTION 4 TO THE SOUTHEAST CORNER THEREOF;

THENCE S00°30'32"W 40.00 FEET TO THE EASTERLY EXTENSION OF THE SOUTH LINE OF MIDWAY ROAD;

THENCE N89°43'14"W 2619.90 FEET, PARALLEL TO AND 40 FEET DISTANT FROM THE SOUTH LINE OF THE SE $\frac{1}{4}$ OF SAID SECTION 4 AND BEING COINCIDENT WITH THE SOUTH LINE OF MIDWAY ROAD;

THENCE NORTHWESTERLY 159.45 FEET, ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 761.57 FEET AND THE CHORD OF WHICH BEARS N83°43'18"W 159.15 FEET, COINCIDENT WITH THE SOUTHERLY LINE OF MIDWAY ROAD;

THENCE N77°43'26"W 120.93 FEET, COINCIDENT WITH THE SOUTHWESTERLY LINE OF MIDWAY ROAD TO THE SOUTH LINE OF THE SW $\frac{1}{4}$ OF SAID SECTION 4;

THENCE N89°21'16"W 1043.36 FEET, COINCIDENT WITH THE SOUTH LINE OF THE SW $\frac{1}{4}$ OF SAID SECTION 4 TO THE MOST WESTERLY LINE OF LOT 3 OF CERTIFIED SURVEY MAP NO.2932;

THENCE N00°22'38"E 2658.96 FEET, COINCIDENT WITH THE WEST LINE OF SAID LOT 3 AND THEN THE WEST LINE OF SOUTHPOINT COMMERCE PARK PLAT NO.3 AND THEN THE WEST LINE OF SOUTHPOINT COMMERCE PARK PLAT NO.2;

THENCE N00°06'12"W 591.59 FEET, COINCIDENT WITH THE WEST LINE OF SAID SOUTHPOINT COMMERCE PARK PLAT NO.2 TO THE SOUTHEASTERLY LINE OF PLANK ROAD;

THENCE NORTHEASTERLY AND EASTERLY COINCIDENT WITH THE SOUTHEASTERLY AND SOUTHERLY LINE OF PLANK ROAD AND ITS EASTERLY EXTENSION TO THE EAST LINE OF EISENHOWER DRIVE;

THENCE N00°07'53"E 394.12 FEET, COINCIDENT WITH THE EAST LINE OF EISENHOWER DRIVE TO THE NORTH LINE OF LOT 1 OF CERTIFIED SURVEY MAP NO.2932;

THENCE S89°28'07"E 987.58 FEET, COINCIDENT WITH THE NORTH LINE OF SAID LOT 1 TO THE EAST LINE OF THE NE $\frac{1}{4}$ OF SECTION 4, T20N, R18E;

THENCE S00°31'53"W 1798.73 FEET, COINCIDENT WITH THE EAST LINE OF THE NE $\frac{1}{4}$ OF SAID SECTION 4 TO THE EAST $\frac{1}{4}$ CORNER OF SAID SECTION 4 AND THE POINT OF BEGINNING.



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: June 28, 2023

Common Council Meeting Date: July 19, 2023

Item: Dedication of Public Right-of-Way for North Providence Avenue and East Baldeagle Drive

Case Manager: Lindsey Kemnitz, Principal Planner

GENERAL INFORMATION

Owner/Applicant: City of Appleton c/o Tom Kromm, Department of Public Works.

Location: The subject sites are located adjacent to North Lightning Drive.

Petitioner's Request: The applicant is requesting to dedicate land for public right-of-way for North Providence Avenue and East Baldeagle Drive.

BACKGROUND

On May 3, 2023, the Common Council approved the Annexation Ordinance for this segment of North Providence Avenue and East Baldeagle Drive. The property was officially annexed into the City on May 9, 2023 at 12:01 a.m.

On June 21, 2023, the Common Council approved the Rezone Ordinance for this segment of North Providence Avenue and East Baldeagle Drive from temporary AG Agricultural District to P-I Public Institutional District pursuant to Rezoning #2-23.

Officially mapped North Providence Avenue from North Lightning Drive to East Edgewood Drive went into effect on May 3, 2012 via Ordinance No. 36-12. The proposed right-of-way dedication for East Baldeagle Drive is generally consistent with the City of Appleton Official Street Map.

STAFF ANALYSIS

Public Right-of-Way Dedication: The owner/applicant has submitted a Certified Survey Map (CSM) to dedicate 37,175 square feet of land for right-of-way, approximately 27,293 square feet for the extension of North Providence Avenue and 9,882 square feet for the extension of East Baldeagle Drive. The CSM, currently under review by staff, is subject to the acceptance of the public right-of-way dedication by Plan Commission and Common Council.

Street Classification and Width: Future North Providence Avenue and East Baldeagle Drive are classified as collector streets on the City's Arterial/Collector Plan. The right-of-way width for this portion of North Providence Avenue will be 66 feet wide, and the right-of-way width for this portion of East

Dedication of Public Right-of-Way – North Providence Avenue and East Baldeagle Drive

June 28, 2023

Page 2

Baldeagle Drive will be 70 feet wide, which complies with the Subdivision Ordinance Design Standards Section 17-25(d).

Surrounding Zoning Classification and Land Uses:

North: Town of Grand Chute. AGD – General Agricultural District. The adjacent land use to the north is currently agricultural land.

South: City of Appleton. P-I Public Institutional District and Town of Grand Chute. AGD – General Agricultural District. The adjacent land use to the south is currently agricultural land.

West: City of Appleton. P-I Public Institutional District and R-1B Single-family District. The adjacent land use to the west is currently public right-of-way.

East: City of Appleton. P-I Public Institutional District, AG Agricultural District and Town of Grand Chute. AGD – General Agricultural District. The adjacent land use to the east is currently agricultural land and public right-of-way.

Comprehensive Plan 2010-2030: The City of Appleton 2010-2030 Comprehensive Plan Map identifies the subject area as Officially Mapped North Providence Avenue and One/Two Family Residential. The proposed dedication is consistent with the following goals and objectives of the *Comprehensive Plan 2010-2030*.

Goal 4 – Transportation

Appleton will support a comprehensive transportation network that provides viable options for pedestrian, bicycle, highway, rail, and air transportation, both locally and within the region.

OBJECTIVE 6.1 Transportation:

Plan for the safe and efficient movement of vehicles on local and regional roads.

OBJECTIVE 6.8 Transportation:

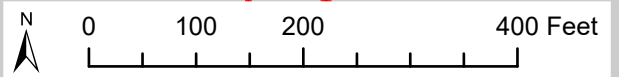
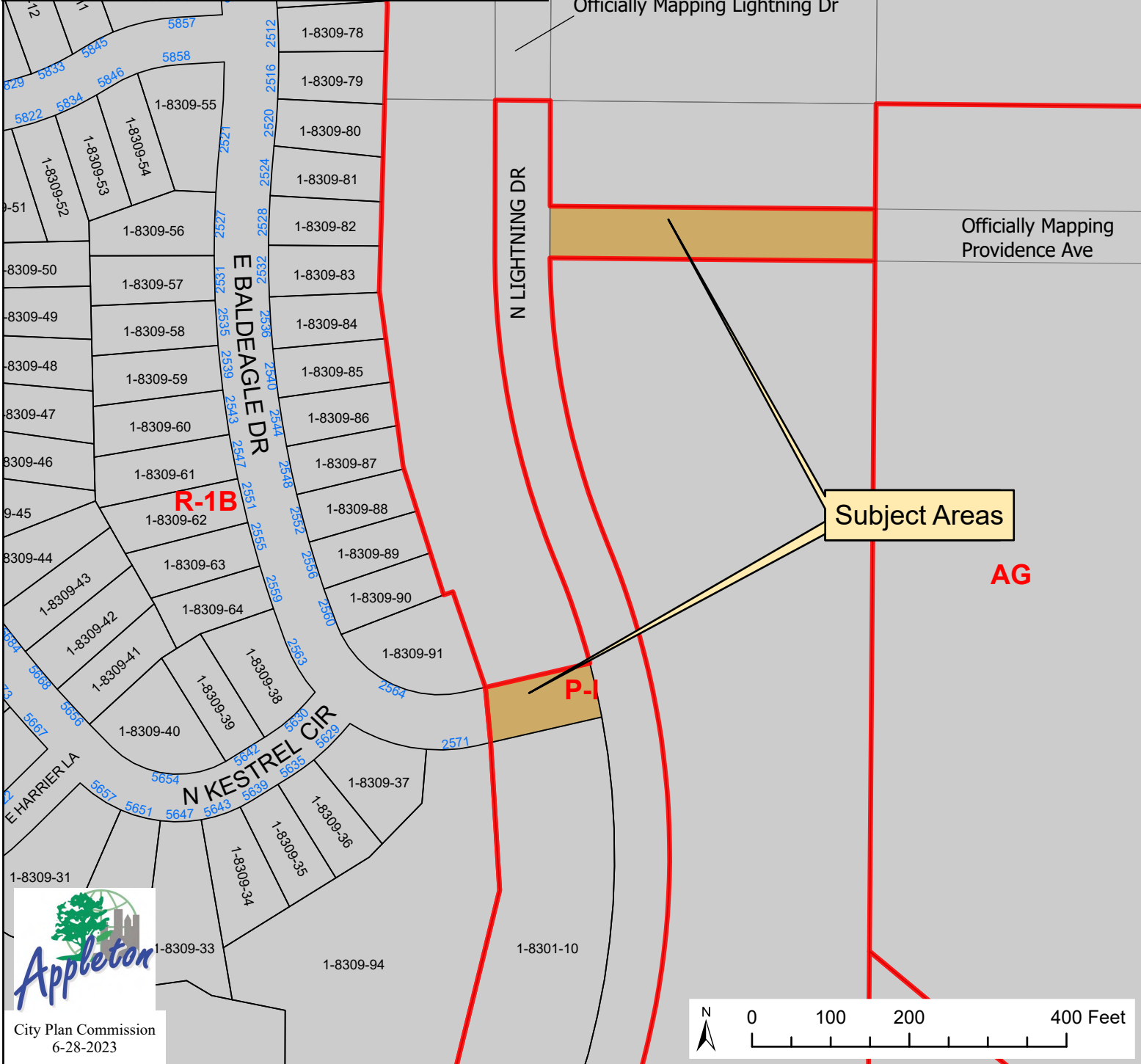
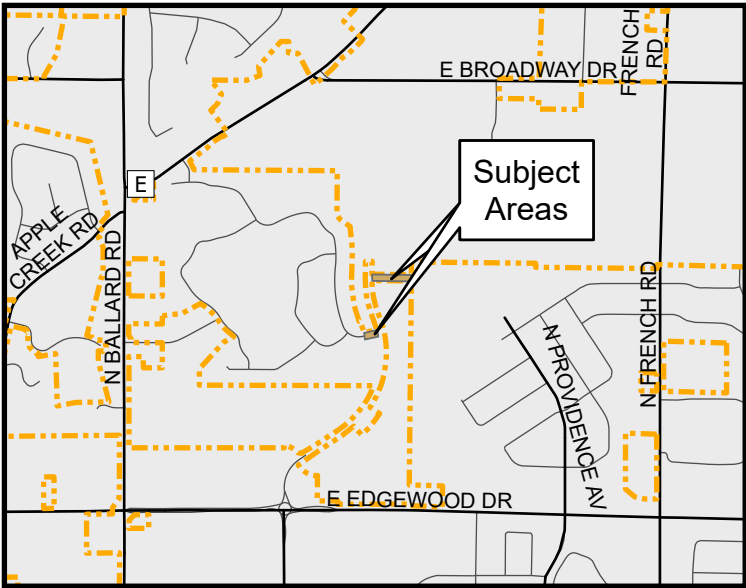
Implement transportation improvements which also support the City's desired land use, housing and neighborhood goals, objectives, and policies.

Technical Review Group (TRG) Report: This item appeared on the June 6, 2023 TRG Agenda. No negative comments were received from participating departments.

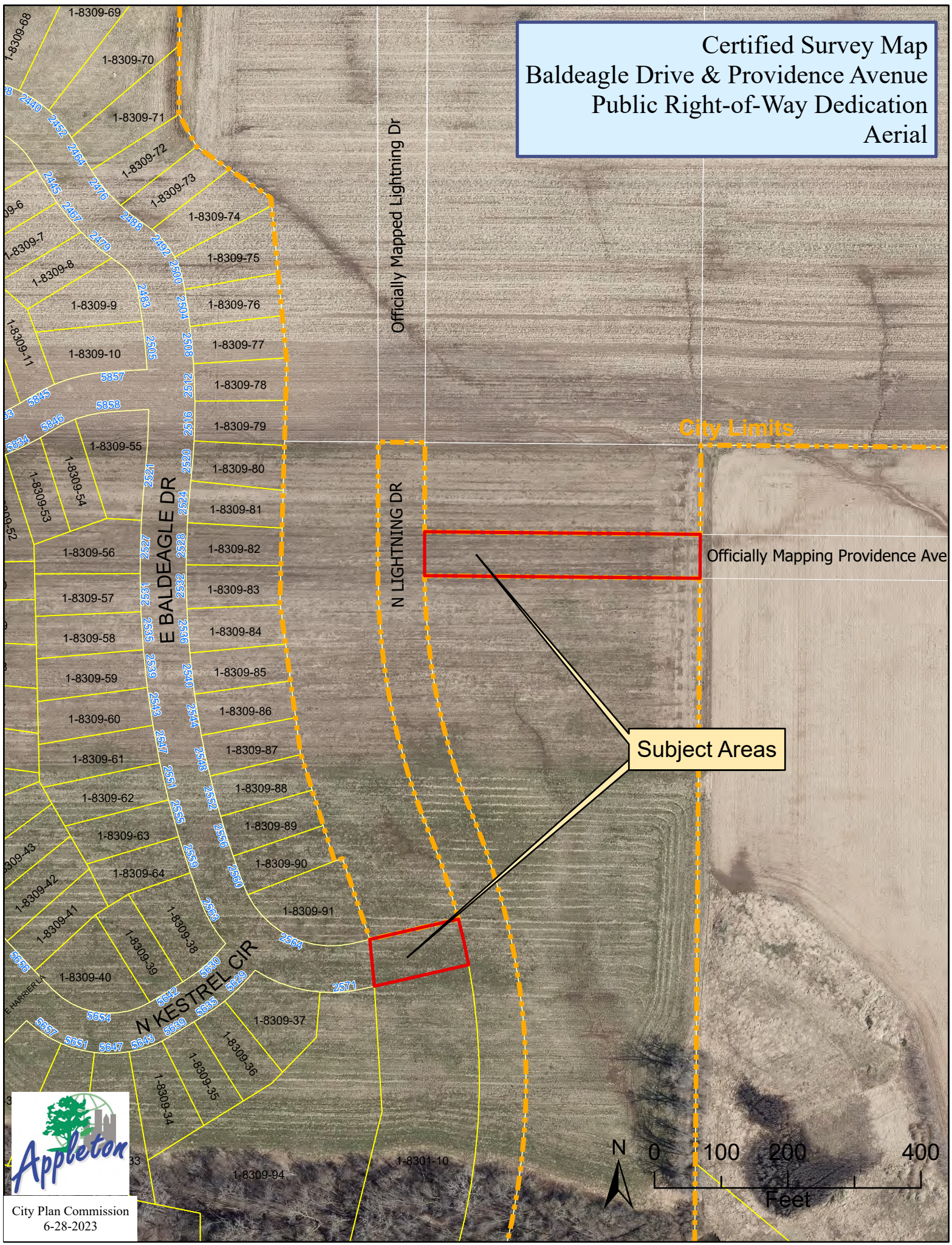
RECOMMENDATION

Staff recommends the dedication of land for public right-of-way for North Providence Avenue and East Baldeagle Drive, as shown on the attached map, **BE APPROVED**.

Certified Survey Map
 Baldeagle Drive & Providence Avenue
 Public Right-of-Way Dedication
 Vicinity Map



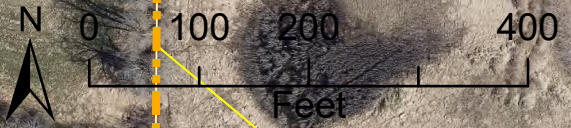
Certified Survey Map
Baldeagle Drive & Providence Avenue
Public Right-of-Way Dedication
Aerial



Subject Areas



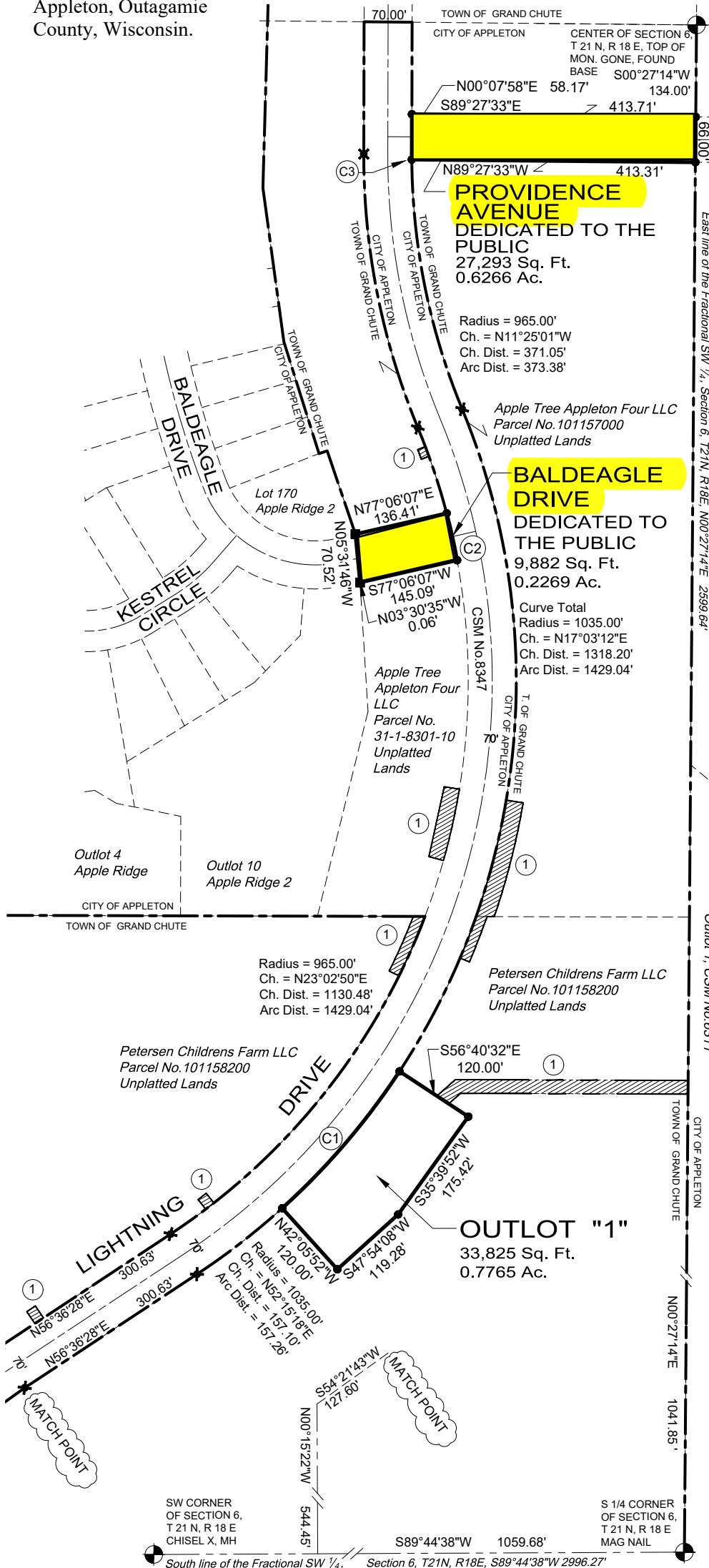
City Plan Commission
6-28-2023



CERTIFIED SURVEY MAP NO.

Part of the Southeast $\frac{1}{4}$ of the Fractional Southwest $\frac{1}{4}$ and the Northeast $\frac{1}{4}$ of the Fractional Southwest $\frac{1}{4}$ of Section 6, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin.

SHEET 1 OF 3



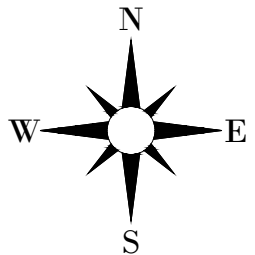
OFFICIALLY (66' r/w) MAPPED PROVIDENCE AVENUE

Emerald Valley Estates LLC
Parcel No. 31-1-7600-00
Unplatted Lands

CURVE DATA TABLE				
CURVE	RADIUS	LENGTH	LC	LCB
C1	1035.00'	263.34'	262.63'	N40°36'48"E
C2	965.00'	70.02'	70.00'	S12°35'31"E
C3	965.00'	7.83'	7.83'	N00°05'59"W

① = Easements by document #2286607 and #2284344

- LEGEND
- = $\frac{3}{4}$ " Iron Rebar, 24" long, Weighing 1.5 lbs./ft. Set
 - ▲ = 1.3" O.D. Iron Pipe Found
 - ✕ = $\frac{3}{4}$ " Iron Rebar Found
 - = 1 $\frac{1}{4}$ " Iron Rebar Found
 - ⊙ = Government Corner
 - () = Measurements of Record



BEARINGS ARE REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM, OUTAGAMIE COUNTY, SOUTH LINE OF THE FRACTIONAL SW $\frac{1}{4}$ SECTION 6, T.21N., R.18E.; WHICH BEARS N89°44'38"E
H:\Acad\CSM\2023\Baldeagle_Providence_Pond_03_2023

SCALE IN FEET

CITY OF APPLETON
DEPT. OF PUBLIC WORKS
ENGINEERING DIVISION
100 NORTH APPLETON STREET
APPLETON, WI 54911
920-832-6474
DRAFTED BY: T. KROMM

CERTIFIED SURVEY MAP NO. _____

Part of the Southeast 1/4 of the Fractional Southwest 1/4 and the Northeast 1/4 of the Fractional Southwest 1/4 of Section 6, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin.

SURVEYOR'S CERTIFICATE:

SHEET 2 OF 3

A part of the Northeast 1/4 of the Fractional Southwest 1/4 and the Southeast 1/4 of the Fractional Southwest 1/4 of Section 6, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin, containing 71,000 Square Feet (1.630 Acres) of land and being further described as follows:

Commencing at the South 1/4 corner of said Section 6;

Thence South 89°44'38" West 1059.68 feet along the South line of the Fractional SW 1/4 of said Section 6;

Thence North 00°15'22" West 544.45 feet to point number 185 of Transportation Project Plat No: 0000-0G-17-4.02 recorded as document number 2070341 of the Outagamie County Register of Deeds Office;

Thence North 54°21'43" East 127.60 feet; Thence North 56°36'28" East 300.63 feet;

Thence Northeasterly 157.26 feet along the arc of curve to the left having a radius of 1,035.00 feet and the chord of which bears North 52°15'18" East 157.10 feet to the point of beginning;

Thence continue Northeasterly 263.34 feet along the arc of a curve to the left having a radius of 1035.00 feet and the chord of which bears North 40°36'48" East 262.63 feet; Thence South 56°40'32" East 120.00 feet;

Thence South 35°39'52" West 175.42 feet; Thence South 47°54'08" West 119.28 feet;

Thence North 42°05'52" West 120.00 feet to the point of beginning.

And

Commencing at the South 1/4 corner of said Section 6;

Thence South 89°44'38" West 1059.68 feet along the South line of the Fractional SW 1/4 of said Section 6;

Thence North 00°15'22" West 544.45 feet to point number 185 of Transportation Project Plat No: 0000-0G-17-4.02 recorded as document number 2070341 of the Outagamie County Register of Deeds Office;

Thence North 33°23'32" West 80.00 feet; Thence North 58°51'13" East 127.60 feet;

Thence North 56°36'28" East 300.63 feet;

Thence Northeasterly 1130.48 feet along the arc of curve to the left having a radius of 965.00 feet and the chord of which bears North 23°02'50" East 1066.94 feet to the point of beginning;

Thence South 77°06'07" West 145.09 feet to the Southeast end of Baldeagle Drive according to Apple Ridge 2;

Thence North 03°30'35" West 0.06 feet coincident with the East line of Apple Ridge 2;

Thence North 05°31'46" West 70.52 feet coincident with the East line of Apple Ridge 2 to the Northeast end of Baldeagle Drive;

Thence North 77°06'07" East 136.41 feet;

Thence Southerly 70.02 feet along the arc of a curve to the right having a radius of 965.00 feet and the chord of which bears South 12°35'31" East 70.00 feet to the point of beginning.

And

Commencing at the South 1/4 corner of said Section 6;

Thence South 89°44'38" West 1059.68 feet along the South line of the Fractional SW 1/4 of said Section 6;

Thence North 00°15'22" West 544.45 feet to point number 185 of Transportation Project Plat No: 0000-0G-17-4.02 recorded as document number 2070341 of the Outagamie County Register of Deeds Office;

Thence North 54°21'43" East 127.60 feet; Thence North 56°36'28" East 300.63 feet;

Thence Northerly 1429.04 feet along the arc of a curve to the left having a radius of 1,035.00 feet and the chord of which bears North 17°03'12" East 1318.20 feet;

Thence Northerly 373.38 feet along the arc of a curve to the right having a radius of 965.00 feet and the chord of which bears North 11°25'01" West 371.05 feet to the point of beginning;

Thence continue Northerly 7.83 feet along the arc of a curve to the right having a radius of 965.00 feet and the chord of which bears North 00°05'59" West 7.83 feet; Thence North 00°07'58" East 58.17 feet;

Thence South 89°27'33" East 413.71 feet to the East line of the Fractional Southwest 1/4 of said Section 6;

Thence South 00°27'14" West 66.00 feet coincident with the East line of the Fractional Southwest 1/4 of said Section 6;

Thence North 89°27'33" West 413.31 feet to the point of beginning.

Said lands subject to all easements and restrictions of record.

That I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes and the City of Appleton subdivision ordinance in surveying, dividing and mapping the same. That this map is a correct representation of all exterior boundaries of the land surveyed and the division thereof.

Dated this _____ day of _____, 2023.

Wisconsin Professional Land Surveyor: Thomas M. Kromm

This Certified Survey Map is all of tax parcel: 31-1-8301-11 and also lands with no parcel number assigned due to the fact they are intended to be dedicated as right of way.

This Certified Survey Map is contained within the property described in the following recorded instrument:

Document No.2284343 and 2286607. The property owner of record is the City of Appleton.



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Date: July 12, 2023

Common Council Meeting Date: July 19, 2023

Item: Special Use Permit #9-23 for an automobile sales and display lot

Case Manager: Jessica Titel, Principal Planner

GENERAL INFORMATION

Owner: Unicorn Holdings, LLC c/o Scott DeWitt

Applicant: DLG Auto, LLC c/o Daniel Gueths

Address/Parcel Number: 1524 W. Civic Street (Tax Id #31-3-0124-00)

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

BACKGROUND

Special Use Permit #2-09 was approved by the Common Council on May 20, 2009 to allow for automobile sales at this location but did not allow an outdoor sales and display lot. Special Use Permit #2-09 stipulated that all vehicles would be stored indoors. At the time of approval, the Zoning Code required a Special Use Permit for all automobile sales, whether they were proposing an outdoor sales and display lot or not.

The Board of Zoning Appeals granted a variance on July 19, 2010 to the automobile sales and display lot landscaping and buffering standards in Section 23-66(h)(5). The applicant did not follow-through with applying for a new or amended Special Use Permit for the outdoor sales and display lot; therefore, a Special Use Permit is required.

STAFF ANALYSIS

Project Summary: The applicant proposes to establish an automobile sales and display lot on the south side of the subject site. As shown on the attached development plan, the applicant proposes to utilize approximately 6 existing parking spaces as the display area. Based on the information supplied, the total display area would be approximately 1,500 square feet in size. The applicant also indicates the interior building space will be used for an office and general vehicle maintenance.

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

Existing Site Conditions: The 1.09-acre site is currently developed with an existing single-story building, which is approximately 24,080 square feet in size. The site also includes off-street parking south and east of the building. Access is provided from W. Civic Street.

Special Use Permit #9-23

July 12, 2023

Page 2

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

Per Section 23-132(e) of the Municipal Code, an automobile sales and display lot requires a Special Use Permit in the M-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 in nature.

North: Railroad Right-of-Way. The adjacent land use to the north is currently railroad right-of-way.

South: M-2 General Industrial District. The adjacent land uses to the south are currently a mix of industrial uses.

East: M-2 General Industrial District. The adjacent land uses to the east are currently a mix of industrial uses.

West: M-2 General Industrial District. The adjacent land uses to the west are currently a mix of industrial uses.

Appleton Comprehensive Plan 2010-2030: Community and Economic Development staff has reviewed this proposal and determined it is compatible with the Industrial 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.

Technical Review Group (TRG) Report: This item appeared on the June 20, 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

Special Use Permit #9-23

July 12, 2023

Page 3

accept in support of a conclusion.” Any requirements and conditions listed for approval must be reasonable, and to the extent practicable, measurable.

As part of the special regulations for an automobile sales and display lot, perimeter landscaping is required pursuant to Section 23-66(h)(5) of the Municipal Code. For the subject site, the Board of Zoning Appeals granted a variance on July 19, 2010 to the automobile sales and display lot landscaping and buffering standards in Section 23-66(h)(5).

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

RECOMMENDATION

Staff recommends, based on the above analysis, that Special Use Permit #9-23 for an automobile sales and display lot located at 1524 W. Civic Street (Tax Id #31-3-0124-00), as shown on the attached maps and per attached plan of operation, along with the attached resolution, **BE APPROVED** to run with the land, subject to the following conditions:

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

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

2. The automobile sales and display lot use is limited to the parts of parcel #31-3-0124-00 shown on the attached development plan drawings and maps. Vehicles displayed for sale outdoors shall be kept within the identified areas. Any future expansions or deviations from the approved development plan may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.

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

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

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

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

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

Special Use Permit #9-23

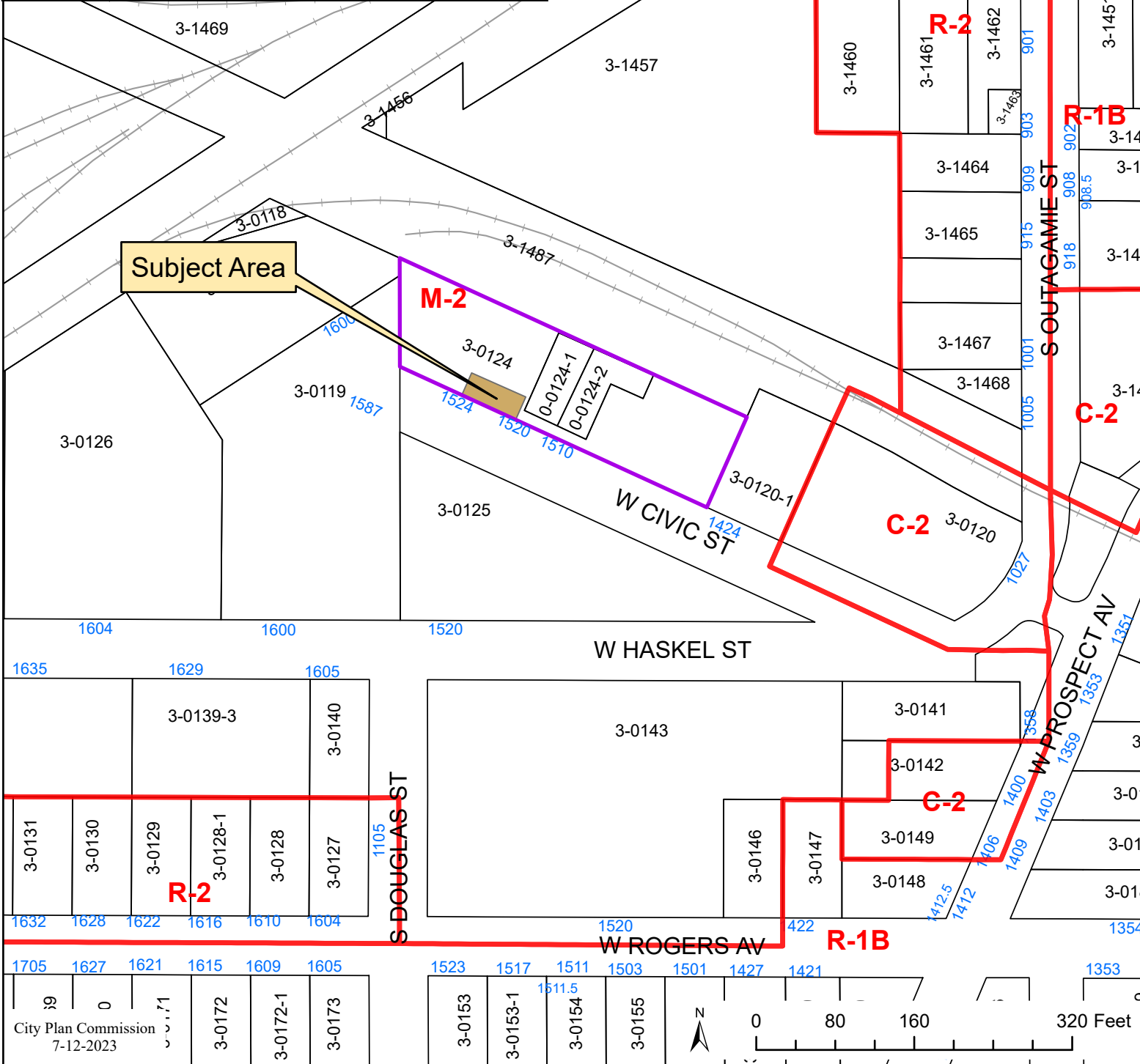
July 12, 2023

Page 4

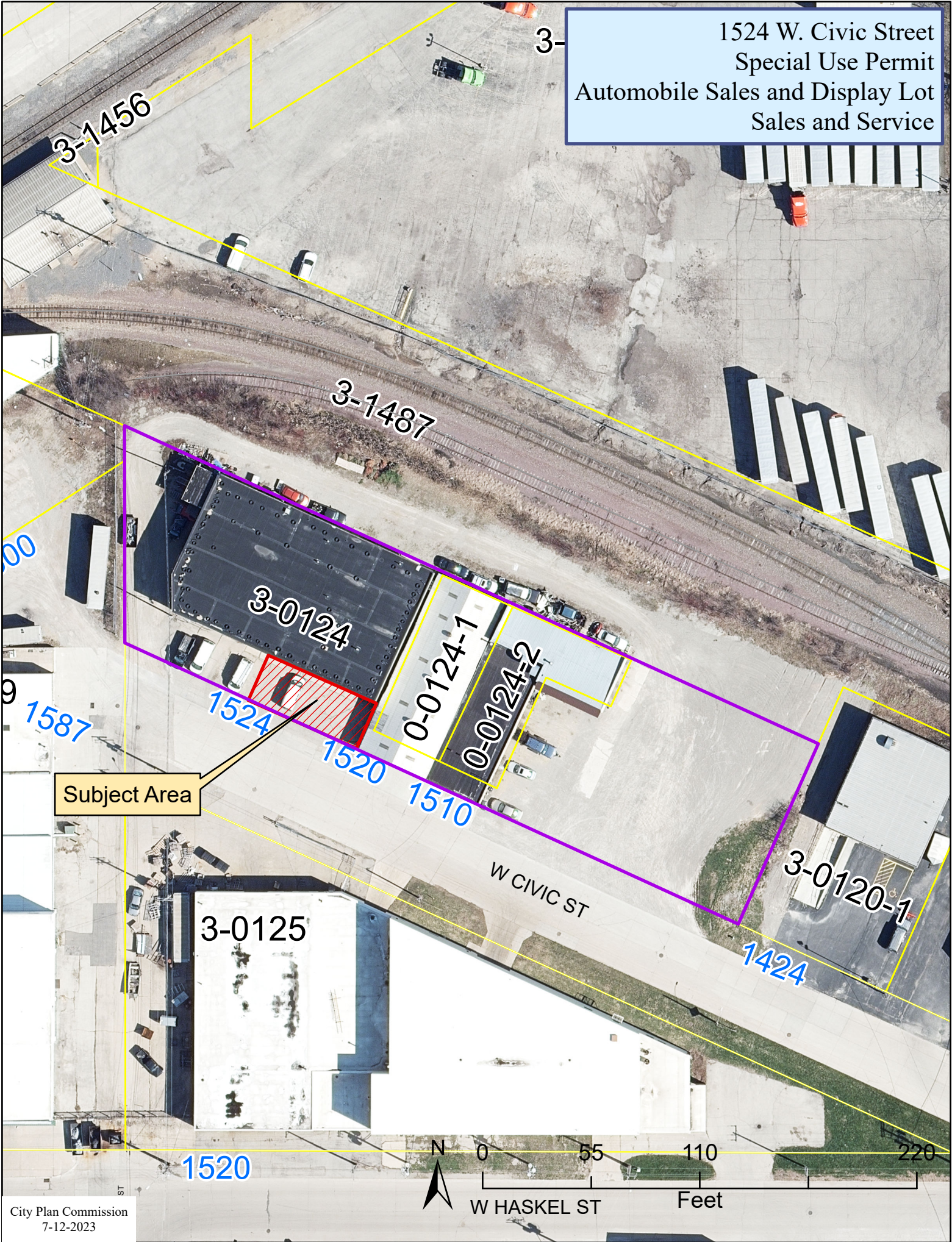
5. Prior to displaying vehicles for sale, the operator shall provide the Inspections Supervisor with a valid copy of their State of Wisconsin Motor Vehicle Dealer License, if required.

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

1524 W. Civic Street
Special Use Permit
Automobile Sales and Display Lot
Vicinity Map



1524 W. Civic Street
Special Use Permit
Automobile Sales and Display Lot
Sales and Service



Subject Area

3-1456

3-1487

3-0124

0-0124-1

0-0124-2

1587

1524

1520

1510

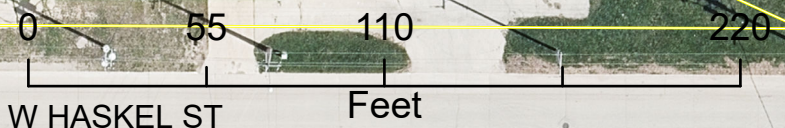
W CIVIC ST

3-0120-1

1424

3-0125

1520



**CITY OF APPLETON
RESOLUTION FOR SPECIAL USE PERMIT #9-23
AUTOMOBILE SALES AND DISPLAY LOT
1524 W. CIVIC STREET**

WHEREAS, DLG Auto, LLC has applied for a Special Use Permit for an automobile sales and display lot located at 1524 W. Civic Street, also identified as Parcel Number 31-3-0124-00; and

WHEREAS, the location for the proposed automobile sales and display lot is located in the M-2 General Industrial 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 July 12, 2023 on Special Use Permit #9-23, 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 #9-23 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 July 19, 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 #9-23 for an automobile sales and display lot located at 1524 W. Civic Street, also identified as Parcel Number 31-3-0124-00, 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 #9-23 for an automobile sales and display lot located at 1524 W. Civic Street, also identified as Parcel Number 31-3-0124-00, 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 #9-23

- A. All applicable codes, ordinances, and regulations, including but not limited to Fire, Building, and Health Codes and the Noise Ordinance, shall be complied with.
 - B. The automobile sales and display lot use is limited to the parts of parcel #31-3-0124-00 shown on the attached development plan drawings and maps. Vehicles displayed for sale outdoors shall be kept within the identified areas. Any future expansions or deviations from the approved development plan may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.
 - C. This Special Use Permit is needed for the automobile sales and display lot use. Compliance with the plan of operation is required at all times. Changes to the plan of operation, including any future changes to the agent/operator, shall be submitted to the Community and Economic Development Department for review and approval.
 - D. The minimum standards for an automobile sales and display lot found in Section 23-66(h)(5) of the Municipal Code shall be complied with, as applicable.
 - E. Prior to displaying vehicles for sale, the operator shall provide the Inspections Supervisor with a valid copy of their State of Wisconsin Motor Vehicle Dealer License, if required.
4. The City Clerk’s Office is hereby directed to give a copy of this resolution to the owner/applicant, Community and Economic Development Department, Inspections Division, and any other interested party.

Adopted this _____ day of _____, 2023.

Jacob A. Woodford, Mayor

ATTEST:

Kami Lynch, City Clerk

PLAN OF OPERATION AND LOCATIONAL INFORMATION

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

Trade Name: DLG Auto LLC (DLG Auto DBA)

Building Address: 1524 W. CIVIC ST

Years in Operation: NEW 2023

Type of proposed establishment (detailed explanation of business):

USED VEHICLE SALES/motorcycle

Dealer Type (check applicable boxes):

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

Indoor Building Uses (check applicable boxes):

OFFICE
15' x 30'
Display Area
25' x 60'

- Office Space. Please identify the area of this space: 450 square feet.
- Vehicle Display Area (Retail to general public). Please identify the area of this space: 1500 square feet.
- Service Department (check applicable services).
 - General Maintenance Repairs (exhaust system, transmission, brakes, tires repair/installation, electrical, engine repair/tune up)
 - Painting
 - Body Work

Please describe other services provided within Service Department space: NONE

Other. If other, please describe other indoor use activities: N/A

Building Capacity and Storage Areas:

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

Gross floor area of the existing building(s): 24,080

Gross floor area of the proposed building(s): _____

Employees:

Number of existing employees: 1 - SELF only

Number of proposed employees: 0

Number of employees scheduled to work on the largest shift: 0

Proposed Business Hours of Operation:

Day	From	To
Monday - Friday	10 - AM	2 PM
Saturday	10 - AM	2 PM
Sunday	CLOSED	CLOSED

Outdoor Uses (check applicable boxes):

2.5' X 60'

- Vehicle Sales and Display Lot is proposed. Please identify the area of this space 1,500 square feet.
- Vehicle Sales and Display Lot is not proposed.
- Other. If other, please describe other outdoor areas: _____

Outdoor Display Lot Screening/Landscaping:

Type and height of screening with plantings/fencing/gating: N/A. Variance received 7/19/10 for screening requirements.

Outdoor Music/Speakers:

Are there plans for outdoor music/speakers? Yes _____ No

If yes, describe type how will the noise be controlled: _____

Outdoor lighting:

Type: night lights already on building

Location: _____

Off-street parking:

Number of customer spaces existing: 3.

Number of customer spaces proposed: _____.

Number of employee spaces existing: _____.

Number of employee spaces proposed: _____.

Street Access:

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

adequate

Describe any potential noise emanating from the proposed use:

A. Describe the noise levels anticipated from all the proposed use: None

B. How will the noise be controlled? None

Identify location, number, capacity and flammable liquid materials stored on site:

None

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

None





REPORT TO CITY PLAN COMMISSION

Municipal Services Committee Meeting Date: July 10, 2023

Plan Commission Informal Public Hearing Date: July 12, 2023

Common Council Meeting Date – Initial Resolution: July 19, 2023

Common Council Meeting Date – Public Hearing (40-day waiting period): September 6, 2023

Item: Street discontinuance to vacate a portion of East Circle Street

Case Manager: Lindsey Kemnitz, Principal Planner

GENERAL INFORMATION

Owner/Applicant: City of Appleton / Tom Kromm, Department of Public Works

Location: Part of E. Circle Street, located west of N. Drew Street and east of N. Durkee Street

Owner/Applicant's Request: The applicant is requesting a street discontinuance to vacate a portion of E. Circle Street right-of-way.

BACKGROUND

As Appleton Area School District was preparing a Certified Survey Map (CSM) for an expansion at the Kaleidoscope Academy, it was determined E. Circle Street, located west of N. Drew Street and east of N. Durkee Street as a public right-of-way. According to the City's records, the street vacation was initiated in 1971 to allow for construction of an addition but was not completed. In 1997, the City re-initiated the street vacation to provide accurate public records but was not completed. The area being vacated has not been used for public street purposes for over 50 years. The City is initiating the street vacation to create accurate public records for the future expansion plans of the Kaleidoscope Academy.

STAFF ANALYSIS

Title to Vacated Street: When vacated, the land reverts to its original source, which in this case includes the parcels located adjacent to the proposed vacation area. Consequently, title to the street segments being vacated would belong to the adjoining property owner. All adjacent parcels are commonly owned by the Appleton Area School District. As shown on the attached map, the adjoining property owner would acquire the vacated E. Circle Street right-of-way of approximately 24,330 square feet. It is anticipated that the vacated area would be combined with the surrounding parcels, as described above.

Existing Public Utilities: The City will retain an easement for the existing sanitary sewer within the entire length and width of the vacated right-of-way. Currently, the sanitary sewer within the vacated right-of-way serves properties located on N. Durkee Street. The Public Works Department is intending to relay a portion of the sanitary sewer in N. Durkee Street in 2024, which will allow the City to release the sanitary sewer easement in the future.

Street Vacation – E. Circle Street

July 12, 2023

Page 2

Street Right-of-Way Width: This portion of E. Circle Street is approximately 60 feet wide.

Street Classification: The City’s Arterial/Collector Plan Map identifies E. Circle Street as a local street.

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

North: P-I Public Institutional District. The adjacent land to the north is occupied by Kaleidoscope Academy.

South: P-I Public Institutional District. The adjacent land to the south is occupied by Kaleidoscope Academy.

East: R-1B Single-Family District. The adjacent land use to the east is single family residential.

West: R-1B Single Family District. The adjacent land use to the west is single family residential.

Comprehensive Plan 2010-2030: The City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map identifies this area with a future Public/Institutional Use. The proposed street vacation is consistent with the following excerpts from the *Comprehensive Plan 2010-2030*.

OBJECTIVE 6.8 Transportation:

Implement transportation improvements which also support the City’s desired land use, housing and neighborhood goals, objectives, and policies.

OBJECTIVE 7.3 Education:

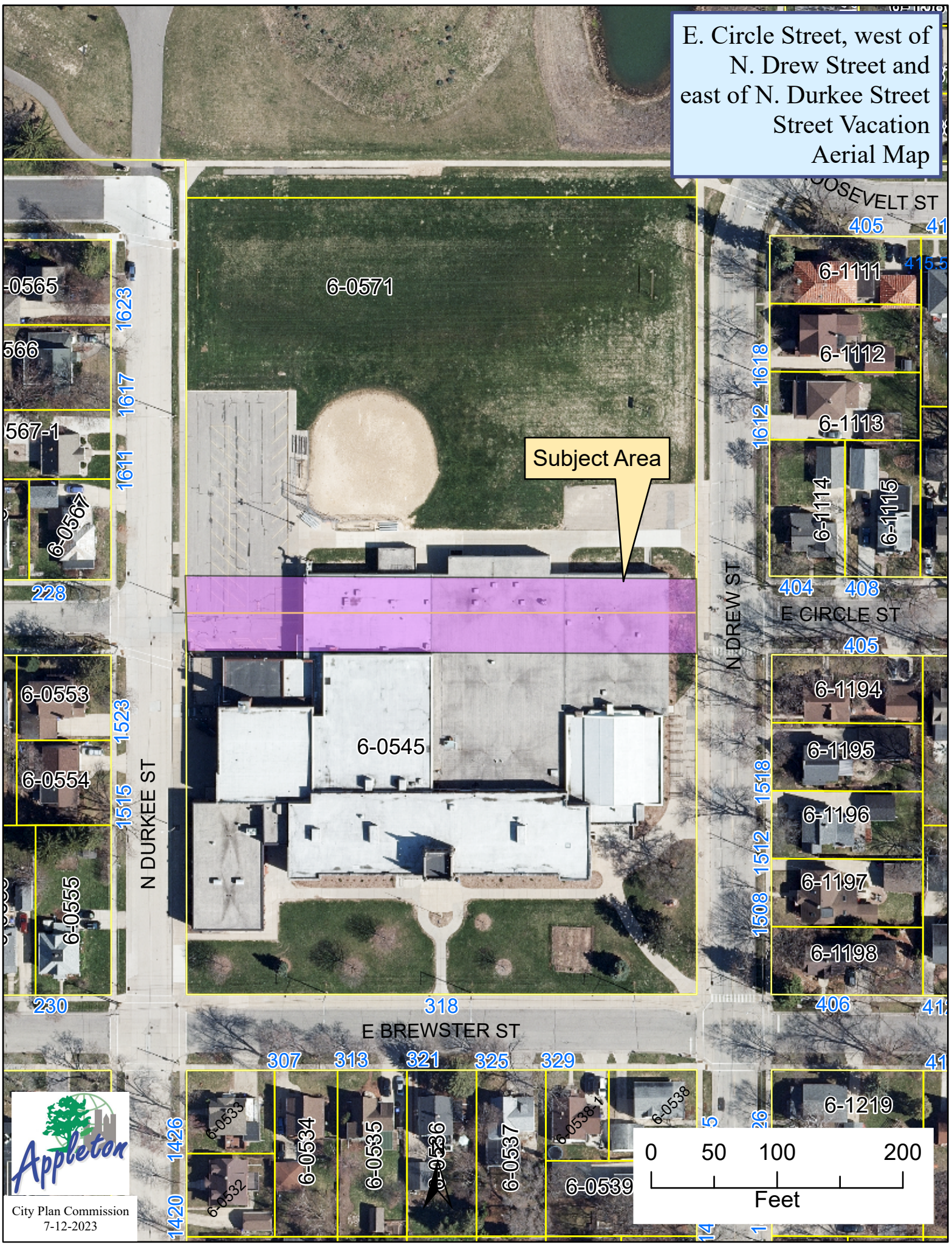
Work with Appleton Area School District to assist them, when appropriate to do so, in delivering services to Appleton residents.

Technical Review Group (TRG) Report: This item appeared on the June 20, 2023 TRG agenda. No negative comments were received from participating departments.

RECOMMENDATION

Staff recommends the discontinuance of a portion of E. Circle Street public right-of-way, as shown on the attached map and legal description, and the adoption of the Initial Resolution, **BE APPROVED**.

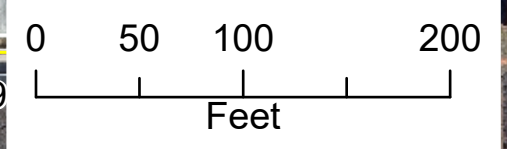
E. Circle Street, west of N. Drew Street and east of N. Durkee Street
Street Vacation
Aerial Map



Subject Area



City Plan Commission
7-12-2023



INITIAL RESOLUTION

WHEREAS, the public interest requires that a portion of East Circle Street, from North Durkee Street to North Drew Street, that has not previously been vacated, be vacated and discontinued,

BE IT RESOLVED, that the Common Council of the City of Appleton, Wisconsin, hereby determines that the public interest requires that a portion of East Circle Street, City of Appleton, Outagamie County, Wisconsin, as hereinafter described, is hereby vacated and discontinued pursuant to §66.1003 of the Wisconsin Statutes.

LEGAL DESCRIPTION

All of a strip of land 60 feet in width and 405.5 feet m/l in length and containing 24,330 square feet of land m/l and being further described by:

All of Circle Street lying between Block Seven (7) and Block Twelve (12), of Herman Erbs 6th Ward Addition, located in the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) of Section 23, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin.

See also attached Exhibit "A" for illustration.

EASEMENT

The City of Appleton their heirs, successors and or assigns (Grantee) hereby retain an easement for a sanitary sewer within the entire length and width of the above described right of way.

It is further agreed that this easement shall be a permanent easement.

It is further agreed that Grantee shall have the right to install, regrade, replace, relocate, operate, maintain, resize and repair the sanitary sewer and associated appurtenances. It is further agreed that after installing, regrading, replacing, relocating, operating, maintaining, resizing or repairing of this utility 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. This easement includes the right to operate any and all equipment deemed necessary by Grantee to perform said activities. Grantee agrees that it shall give timely notice to the Grantor of routine maintenance work.

COMMON DESCRIPTION:

Portion of East Circle Street from North Durkee Street to North Drew Street

FURTHER RESOLVED, that the City Clerk of the City of Appleton be authorized and directed to give notice required by §66.1003 of the Wisconsin Statutes.

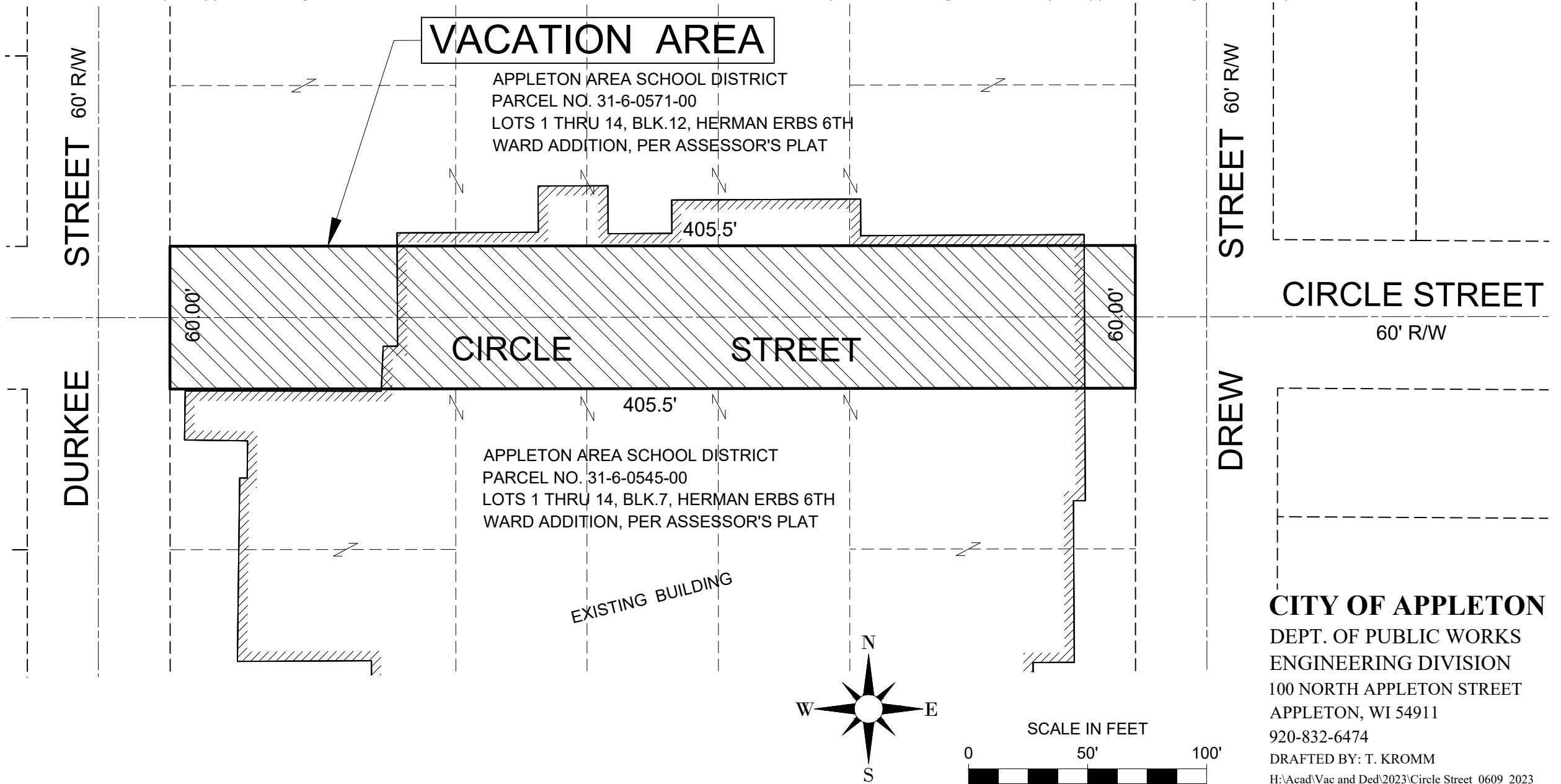
FURTHER RESOLVED, that according to §66.1005 of the Wisconsin Statutes, upon vacation and discontinuance of said part of East Circle Street, title to the above-described street shall belong to the adjoining property owner and shall acquire an ownership interest in the entire area being vacated as shown on the attached Exhibit Map.

By: _____

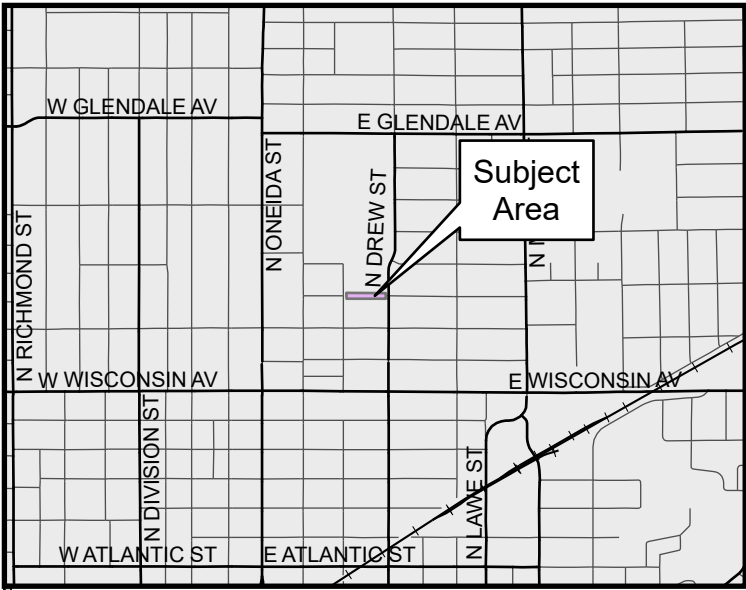
Date: _____
City Law A23-0898

EXHIBIT "A"

All of Circle Street, lying between Block Seven (7) and Block Twelve (12), of HERMAN ERBS 6TH WARD ADDITION, all according to the recorded Assessor's Map of the City of Appleton, being located in the Southwest ¼ of the Southeast ¼ of Section 23, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin.



E. Circle Street,
west of N. Drew Street and
east of N. Durkee Street
Street Vacation
Vicinity Map



P-I





MEMORANDUM

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

TO: Plan Commission

FROM: Jessica Titel, Principal Planner

DATE: July 12, 2023

RE: Location of the proposed Sexual Assault Survivors Monument in Ellen Kort Peace Park per Wis. State Statute 62.23(5)

Wis. State Statute 62.23(5) states that the location of any statue or other memorial shall be referred to the Plan Commission for its consideration and report before final action is taken by the Common Council.

Background:

The applicant has been working since late 2020 to secure funding for the design, engineering and construction of the monument and has now met her fundraising goal. The applicant has also worked closely with Parks, Recreation and Facilities Management regarding the location and design of the monument. The applicant is now requesting final approval of the monument and plans to begin construction this summer.

The final design and placement of the monument was recommended for approval by the Public Art Committee on June 20, 2023. Their recommendation and report will be presented at the July 10, 2023 Parks & Recreation Committee and then forwarded to the Common Council for final action on July 19, 2023, in conjunction with this action item.

Please see the attached memo, that was presented to the Public Art Committee on June 20, 2023, for full details and past action.

PLAN COMMISSION RECOMMENDED ACTION:

In accordance with Wis. State Statute 62.23(5), Staff recommends that the location for the Sexual Assault Survivors Monument within Ellen Kort Peace Park, as shown on the attached plans, **BE APPROVED**.



MEMORANDUM

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

TO: Appleton Public Arts Committee (APAC)

FROM: Jessica Titel, Principal Planner

DATE: June 20, 2023

RE: Final Design - Sexual Assault Survivors Monument

On September 10, 2020, the Appleton Public Arts Committee recommended approval of the conceptual design and placement within Ellen Kort Peace Park of the proposed Sexual Assault Survivors Monument. The Parks and Recreation Committee and the Common Council also approved the proposal on September 21, 2020 and October 7, 2020, respectively.

Since the monument was in its very early design phase and the applicant wanted assurance that the monument was supported prior to fundraising efforts, the monument was conceptually reviewed and approved. Upon securing adequate funding and the final design, the monument was to come back to Committee and Council for final approval. The initial staff report is attached for reference and the following conditions were attached to the conceptual approval:

1. Upon approval of the final design and location, an agreement between the applicant and the City will be prepared by the City’s Legal Services Department and shall be executed prior to installation. This agreement will memorialize the expectations of the parties including the location of the art, installation and insurance requirements, maintenance, liability, indemnification, and the like.

Status: The Public Art Agreement will be executed after approval and prior to construction of the monument. This condition will be included with the recommendation.

2. The final design, construction details and structural engineering shall be provided to Staff no later than December 31, 2021. The final design will be presented to the Public Art Committee, Parks and Recreation Committee and Common Council for final review and action before the monument installation. The monument shall not be considered “approved” until this step is complete.

Status: Final design, location and structural engineering documents have been provided to staff. Fundraising took longer than anticipated; however, the applicant has secured the

funding needed to complete the design and the installation. The action and review requested with this report will satisfy this condition.

3. Proof of funding (or significant progress towards funding) for the monument shall be provided to Staff by December 31, 2021.

***Status:** Fundraising took longer than anticipated; however, the applicant has secured the funding needed to complete the design and the installation. Final design, location and structural engineering documents have been provided to staff indicating the funding is adequate to complete the project.*

4. Approval of the monument will be contingent on both parties (City and Sexual Assault Survivors Monument Corporation) mutually agreeing on the final design.

***Status:** Parks, Recreation and Facilities Management have been working with the applicant on the final design and placement of the monument. The action and review requested with this report will satisfy this condition.*

5. Applicant shall create an endowment fund for ongoing maintenance of the monument.

***Status:** The applicant has committed to creating an endowment fund to cover ongoing maintenance of the monument. The details will be included in the Public Art Agreement. This condition is satisfied.*

The applicant has completed the fundraising, design and engineering of the monument. She has also worked closely with Parks, Recreation and Facilities Management regarding the location and design of the monument. The applicant is now requesting final approval of the monument and plans to begin construction this summer.

APPLETON PUBLIC ARTS COMMITTEE ACTION:

Based upon the guidelines outlined in the Art in Public Places Policy, staff recommends that the final design of the proposed Sexual Assault Survivors Monument to be located within Ellen Kort Peace Park, as shown on the attached plans, **BE APPROVED** subject to the following conditions:

1. Agreement between the applicant and the City will be prepared by the City's Legal Services Department and shall be executed prior to installation. This agreement will memorialize the expectations of the parties including the location of the art, installation and insurance requirements, maintenance, liability, indemnification, and the like.
2. Applicant shall create an endowment fund for ongoing maintenance of the monument. Details shall be included in the Public Art Agreement.
3. Upon completion of the installation, a structural/professional engineer shall provide certification that the artwork was installed according to specifications and meets required structural standards.

4. Applicant and/or contractor shall contact Digger's Hotline for underground utility locates prior to any site work commencing.
5. Per the Art in Public Places Policy, any artwork signage shall meet the parameters set forth in Zoning Code Section 23-531(e), which allows each artwork one plaque/sign not to exceed nine square feet in size.
6. Applicant and/or any contractors shall provide proof of minimum liability insurance to meet City requirements, prior to installation.

Monument SASM

Ellen Kort Peace Park - W Water Street, Appleton, WI 54911

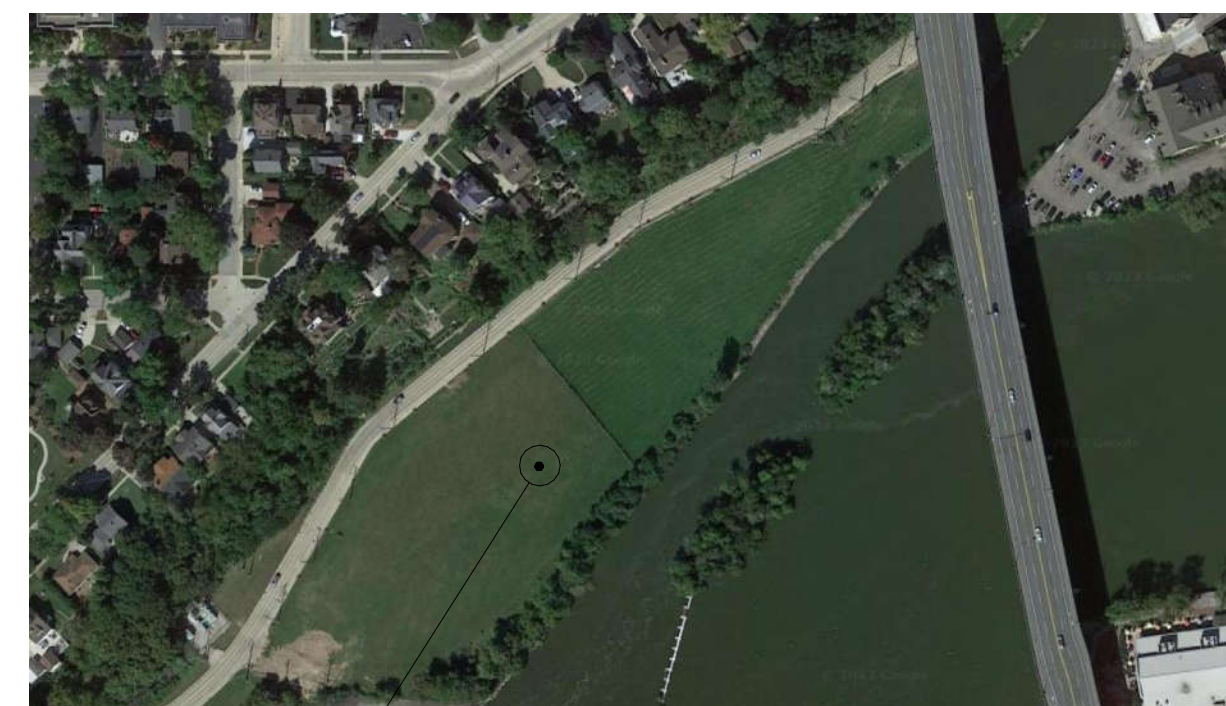


OWNER:

Sexual Assault Survivors Monument Corporation
W2162 Daisy Ln * Brillion, WI * 54110



SITE LOCATION
STATE LOCATION



SITE LOCATION
LOCATION MAP

DRAWING SYMBOLS LEGEND:

ROOM 100A	ROOM NAME AND NUMBER	(A100A) 1-HR	DOOR TAG - REFER TO DOOR SCHEDULE FIRE RATING
	INTERIOR ELEVATION		WINDOW TAG
	SHEET ON WHICH ELEVATION IS DRAWN	(A1A)	WALL TAG - INTERIOR
	SECTION OR DETAIL NUMBER	(E2EM)	WALL TAG - EXTERIOR
	SHEET ON WHICH SECTION OR DETAIL IS DRAWN	(TA-18)	TOILET ACCESSORY TAG
	PLAN OR DETAIL NUMBER		REVISION TAG - ADDENDUM/ CONSTRUCTION BULLETIN
	SHEET ON WHICH PLAN OR DETAIL IS DRAWN		SPOT ELEVATION
EL. 100'-0" FIRST FLOOR	EXISTING ELEVATION		WORK POINT
EL. 100'-0" FIRST FLOOR	NEW ELEVATION		SURVEY POINT
			DEMOLITION NOTE
			PLAN NOTE

GENERAL NOTES:

- ALL WORK OF ALL TRADES SHALL BE COMPLETED IN ACCORDANCE WITH ALL GOVERNING CODES AND ORDINANCES. IF ANY CONTRACTOR OBSERVES THAT ANY OF THE CONTRACT DOCUMENTS ARE AT VARIANCE WITH APPLICABLE LAWS, STATUTES, BUILDING CODES, OR ORDINANCES, THEY SHALL PROMPTLY NOTIFY HOFFMAN.
- EACH CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AT THE SITE; NEITHER THE OWNER NOR HOFFMAN ASSUMES RESPONSIBILITY FOR CONDITIONS OR DIMENSIONS SHOWN AS EXISTING.
- NOTIFY HOFFMAN IMMEDIATELY IF ANY HAZARDOUS MATERIALS ARE ENCOUNTERED DURING DEMOLITION, REMODELING, OR EXCAVATION, AND STOP WORK IN THE IMMEDIATE AREA UNTIL A COURSE OF ACTION IS DETERMINED. DO NOT ABATE.
- CONTRACTOR IS RESPONSIBLE FOR REVIEWING ALL CONTRACT DOCUMENTS FOR WORK PERTAINING TO THEIR SCOPE, INCLUDING CODE AND REFERENCE SHEETS. KEYNOTE LIST ON INDIVIDUAL SHEETS MAY NOT INCLUDE ALL KEYNOTES ON THAT SHEET.
- PLAN NOTES ARE GLOBAL; INDIVIDUAL PLAN NOTES MAY NOT BE PRESENT ON EVERY PLAN SHEET.
- NEITHER HOFFMAN NOR THE OWNER ARE RESPONSIBLE FOR ERRORS IN SCALING DUE TO PRINTING, REPRODUCTION, OR ELECTRONIC FILE CREATION. SCALE AT YOUR OWN RISK.

CONSULTANTS:

FABRICATOR:
URBAN EVOLUTIONS
2401 W COLLEVE AVENUE
APPLETON, WISCONSIN 54914
(920) 380-4149

FABRICATOR:
MATHFAB
101 W SNELL ROAD
OSHKOSH, WISCONSIN 54901
(920) 231-6060

FABRICATOR:
A&P FABRICATING SOLUTIONS
5007 N WREN DRIVE
APPLETON, WISCONSIN 54913
(920) 716-7531

CONTRACTOR:
MIRON CONSTRUCTION
1471 MCMAHON DRIVE
NEENAH, WISCONSIN 54956
(920) 969-7000

ELECTRICAL:
ABSTRACT ELECTRIC
116 N. 12TH STREET
HILBERT, WISCONSIN 54129
(920) 871-4014

STRUCTURAL:
LARSON ENGINEERING
2801 E. ENTERPRISE AVENUE SUITE 200
APPLETON, WISCONSIN 54913
(920) 734-9867

EQUIPMENT:
EAGLE PERFORMANCE PLASTICS
2929 W EVERGREEN DRIVE
APPLETON, WISCONSIN 54913
(920) 739-8841

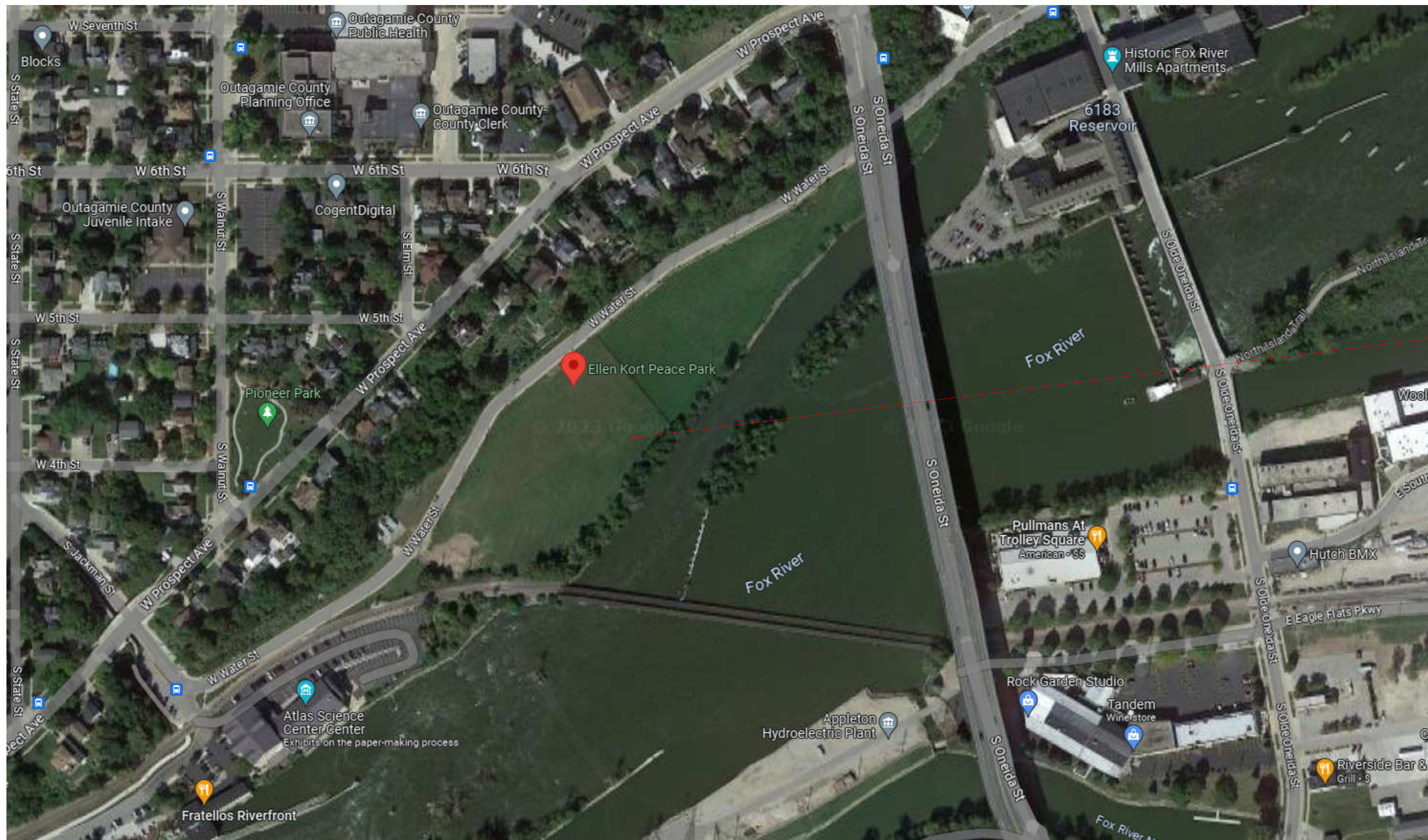
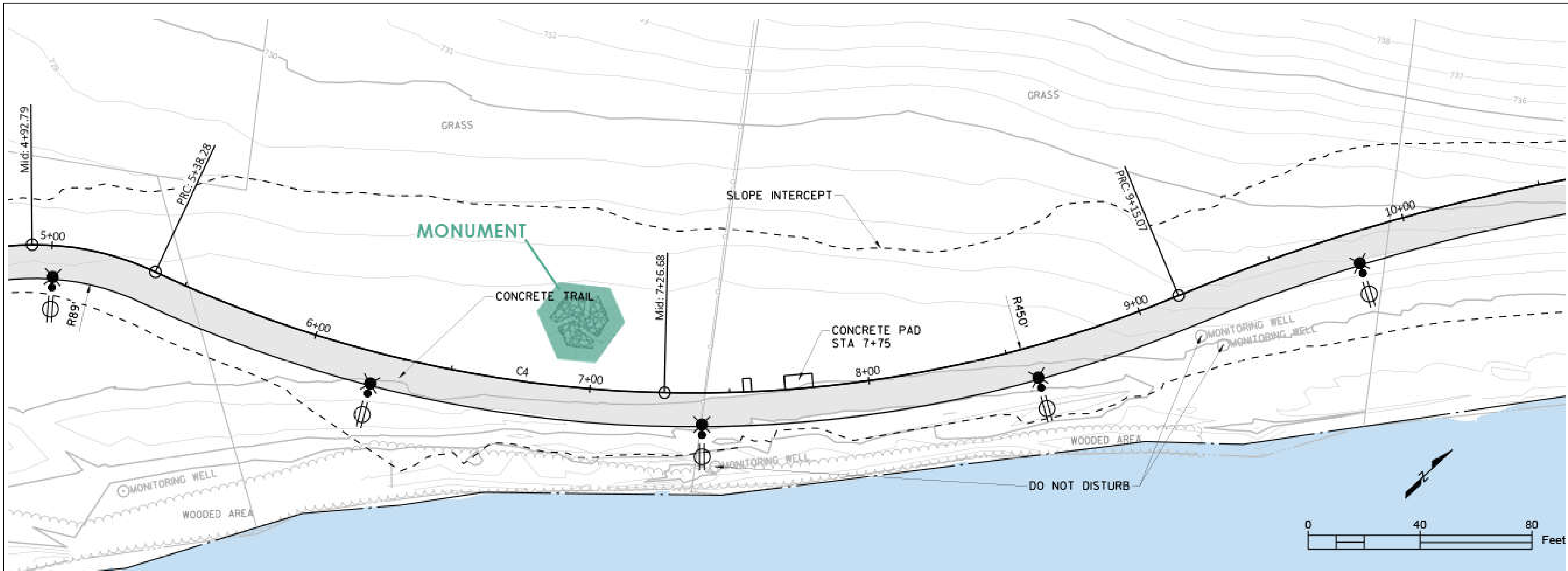
DRAWING INDEX:

GENERAL	ELECTRICAL
GI-000 COVER SHEET	
GI-101 CODE PLAN	
CIVIL	
STRUCTURAL	
ARCHITECTURAL	
AE-101 OVERALL/ENLARGED ROOF AND FLOOR PLANS	
AE-202 ENLARGED COLUMN ELEVATIONS	
AE-301 BUILDING SECTIONS	

DATE	MARK
ISSUED:	Issue Date
PROJECT NO:	
DRAWN BY:	Author
CHECKED BY:	Checker
COPYRIGHT © 2020: HOFFMAN PLANNING, DESIGN & CONSTRUCTION, INC.	

COVER SHEET

GI-000



APPROXIMATE
SITE LOCATION

CONSULTANT:

Monument
SASM
Ellen Kort Peace Park - W Water Street, Appleton, WI
54911

MARK	DATE
ISSUED:	Issue Date
PROJECT NO:	
DRAWN BY:	Author
CHECKED BY:	Checker

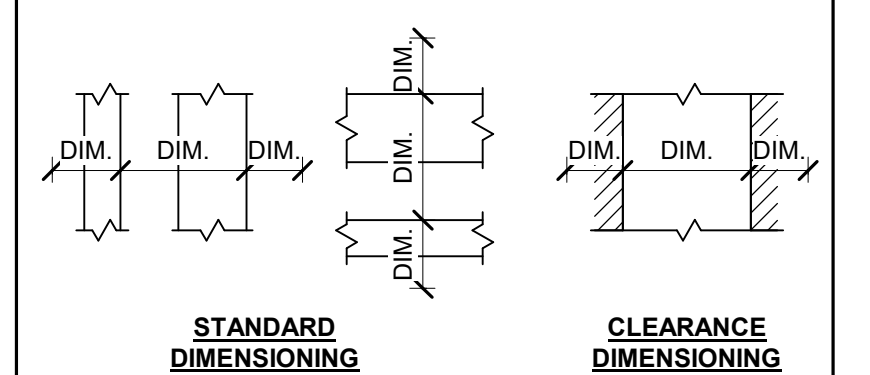
SITE PLAN

AE-001

PRELIMINARY
NOT FOR CONSTRUCTION

WALL DIMENSION KEY

NOTE:
ALL WALLS ARE DIMENSIONED TO FACE OF STUD OR FACE OF MASONRY. CLEARANCE DIMENSIONS ARE FROM FACE OF STUDS OR FACE OF MASONRY.



KEYNOTE LEGEND

KEY NO.	KEYNOTE TEXT
---------	--------------

PLAN NOTES KEY

NO.	DESCRIPTION
-----	-------------

CONSULTANT:

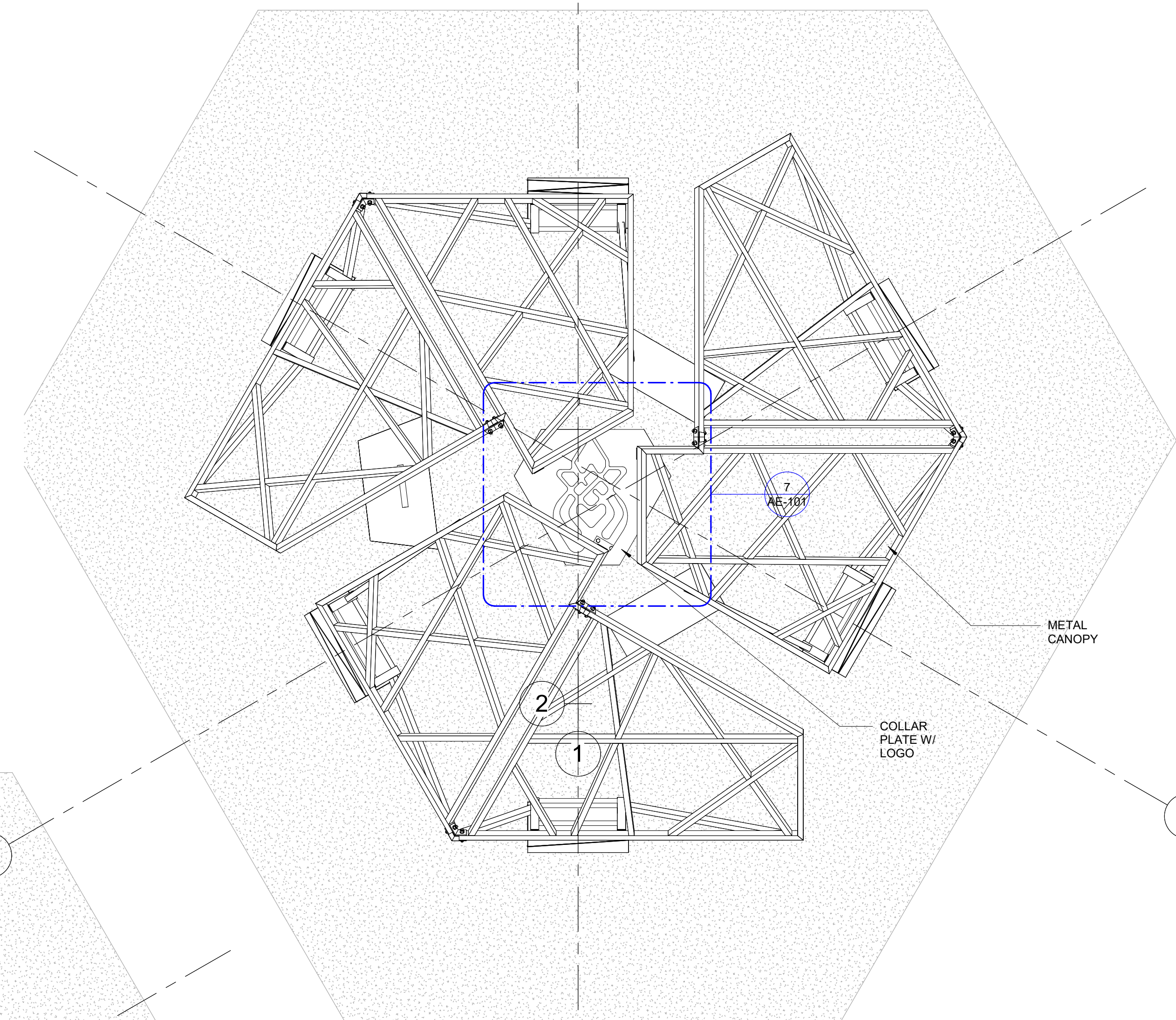
Monument
SASM
Ellen Kort Peace Park - W Water Street, Appleton, WI
54911

MARK	DATE
ISSUED:	Issue Date
PROJECT NO:	
DRAWN BY:	Author
CHECKED BY:	Checker

OVERALL/ENLARGED
ROOF AND
FLOOR PLANS

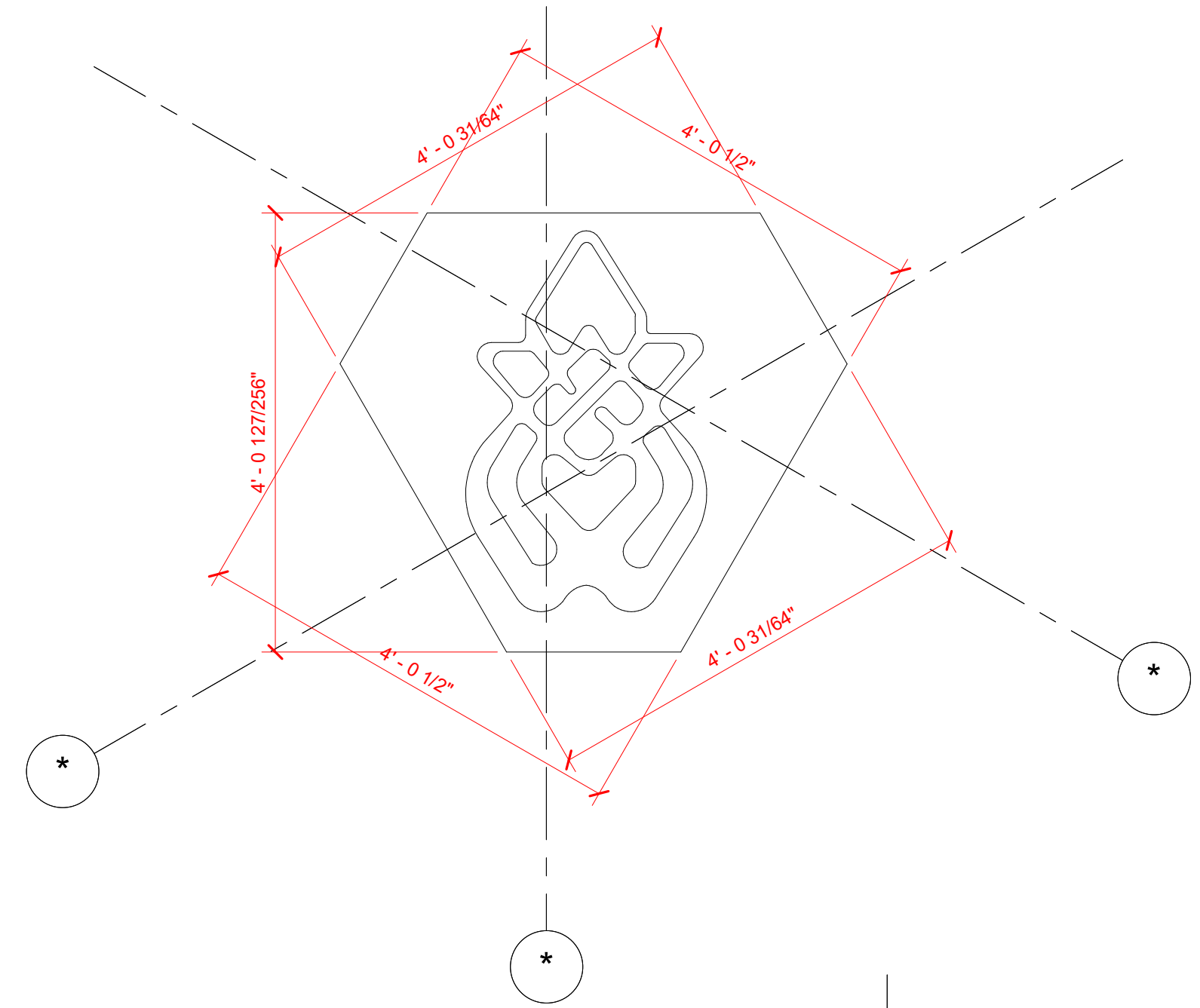
AE-101

**PRELIMINARY
NOT FOR CONSTRUCTION**



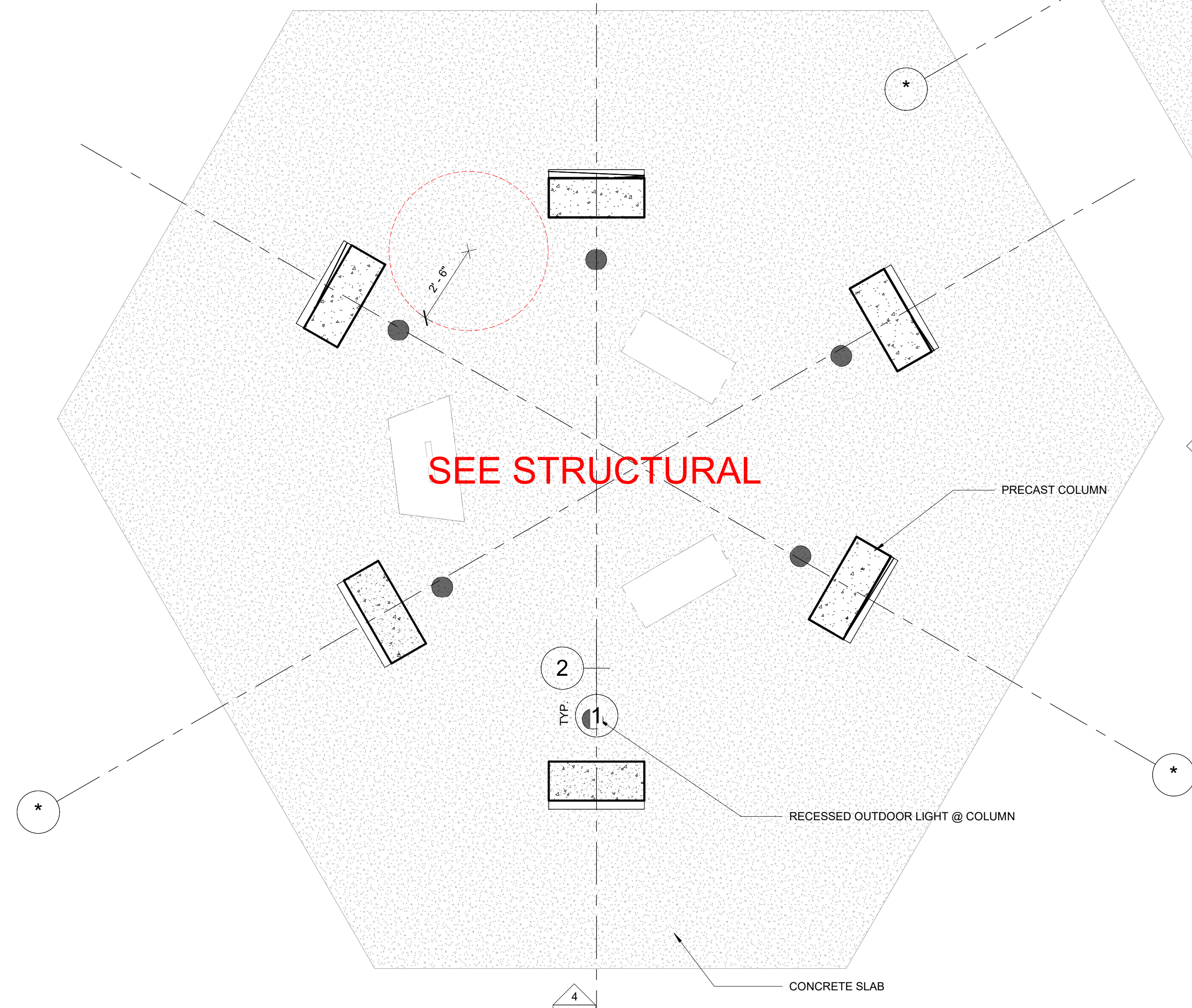
6 CANOPY PLAN

SCALE 3/8" = 1'-0"
AS REFERENCED BY: 1 / AE-201



7 COLLAR PLATE PLAN

SCALE 3/4" = 1'-0"
AS REFERENCED BY: 6 / AE-101



1 GROUND LEVEL PLAN

SCALE 3/8" = 1'-0"
AS REFERENCED BY: 1 / AE-201

CONSULTANT:

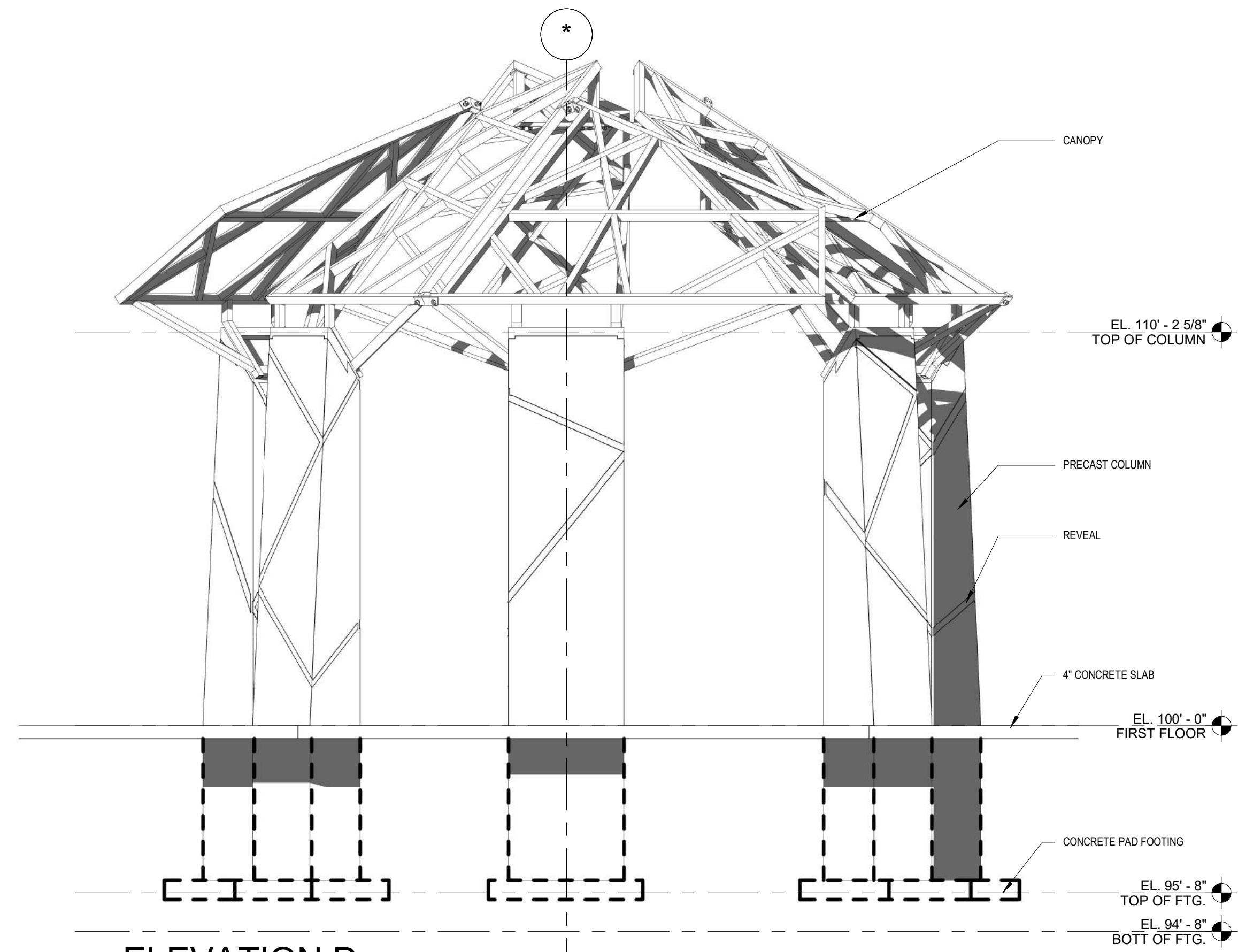
Monument
SASM
 Ellen Kort Peace Park - W Water Street, Appleton, WI
 54911

MARK	DATE
ISSUED:	Issue Date
PROJECT NO:	
DRAWN BY:	Author
CHECKED BY:	Checker
COPYRIGHT © 2020: HOFFMAN PLANNING, DESIGN & CONSTRUCTION, INC.	

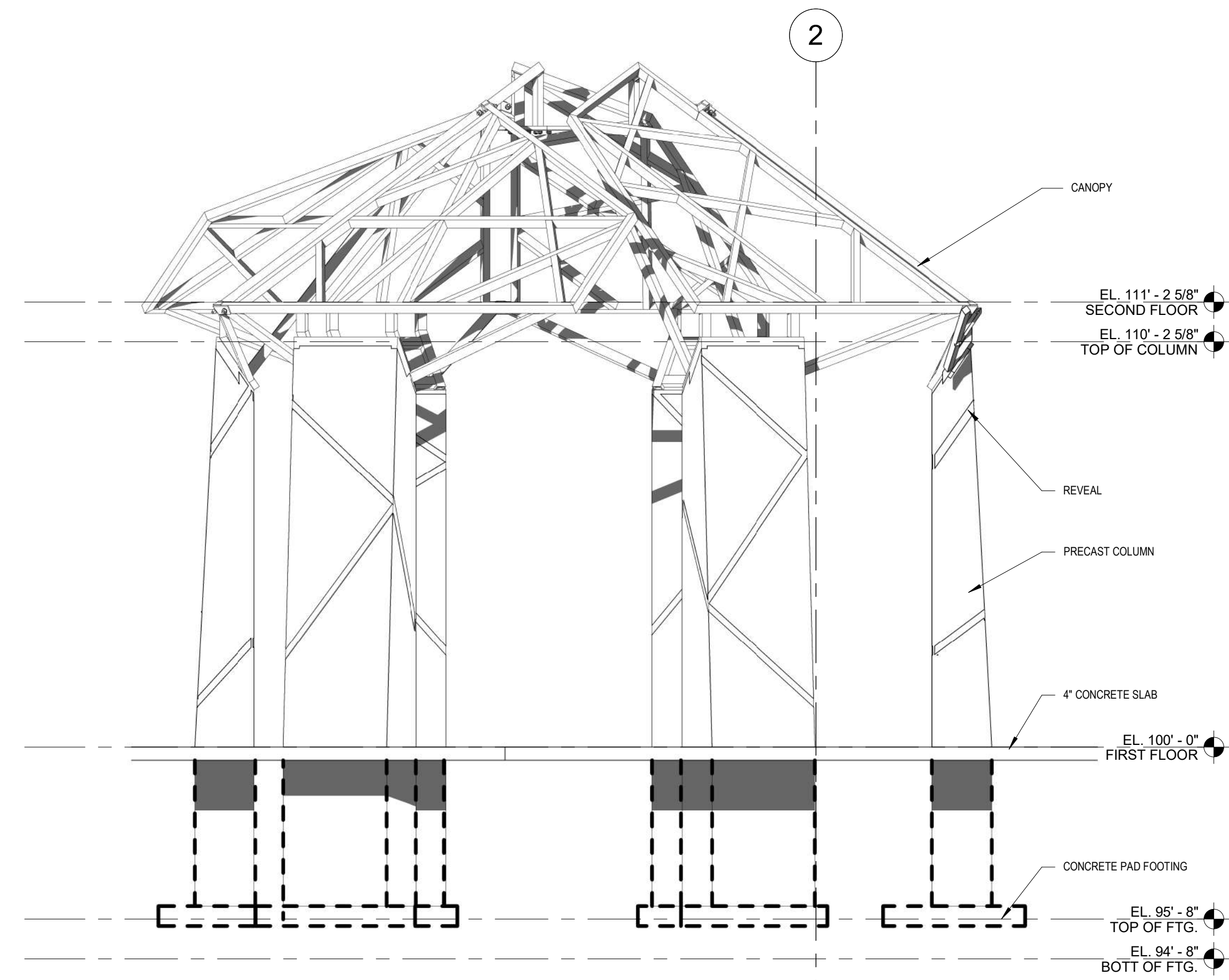
EXTERIOR
 ELEVATIONS

AE-201

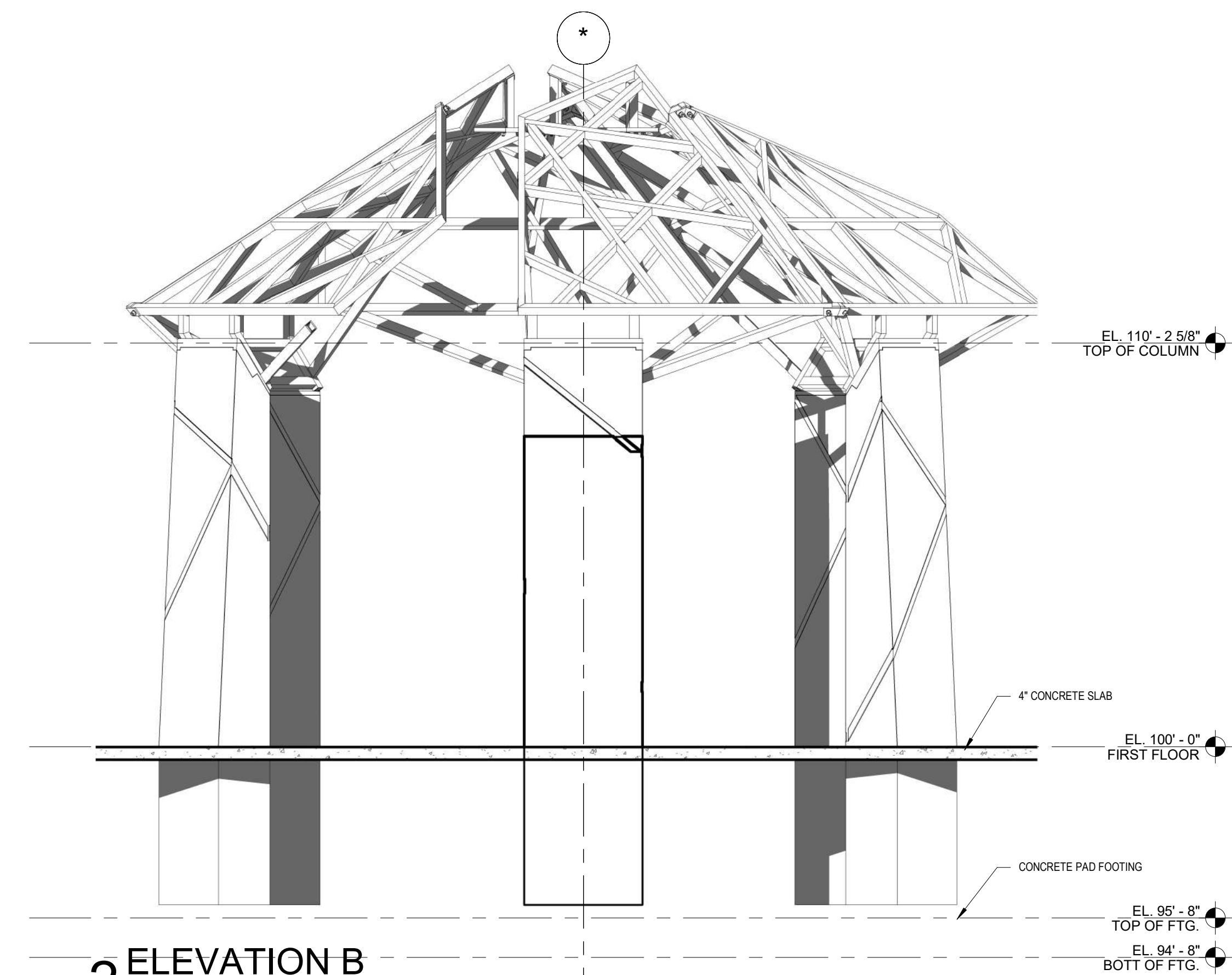
**PRELIMINARY
 NOT FOR CONSTRUCTION**



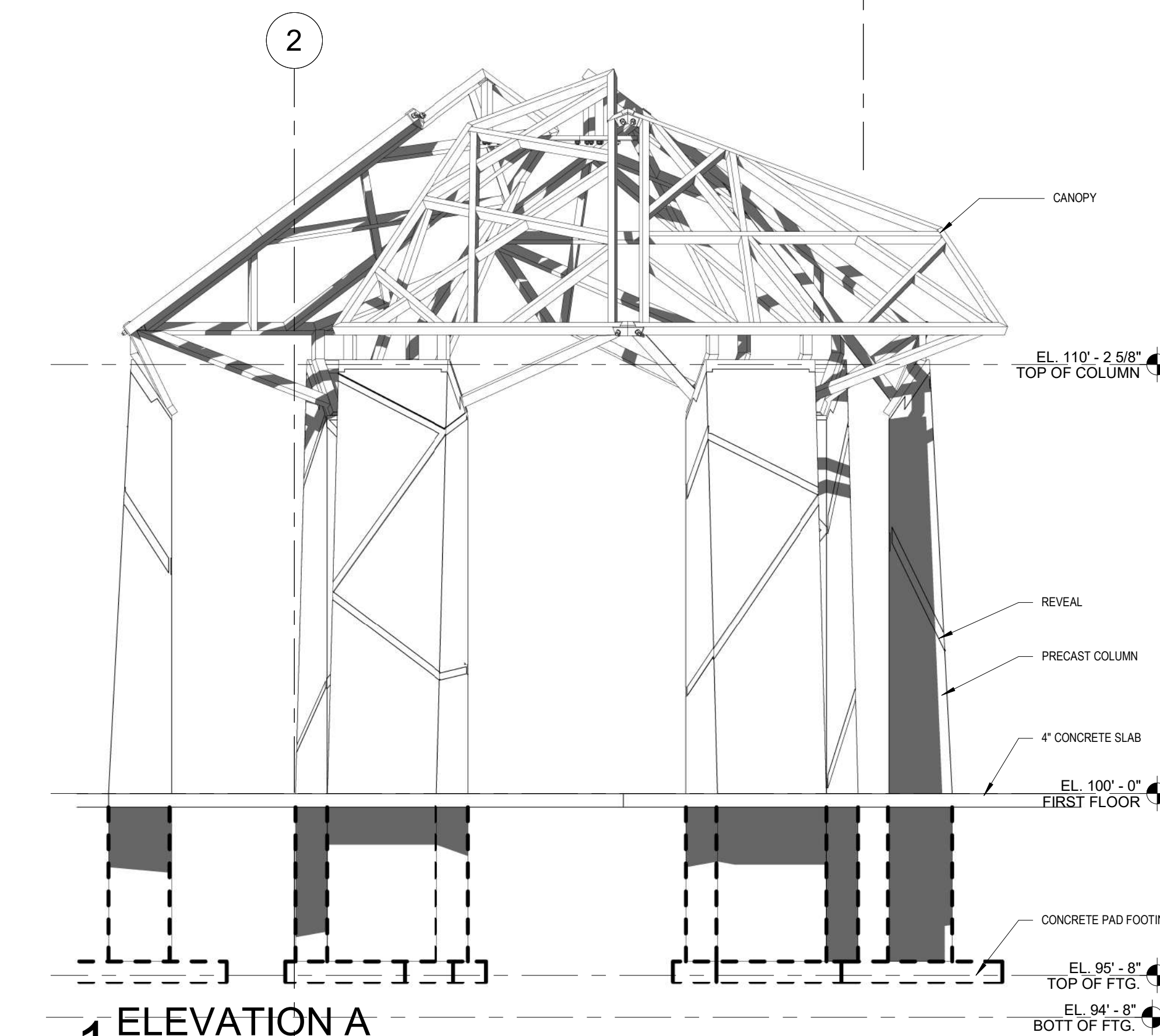
4 ELEVATION D
 SCALE 3/8" = 1'-0"
 AS REFERENCED BY:1 / AE-101



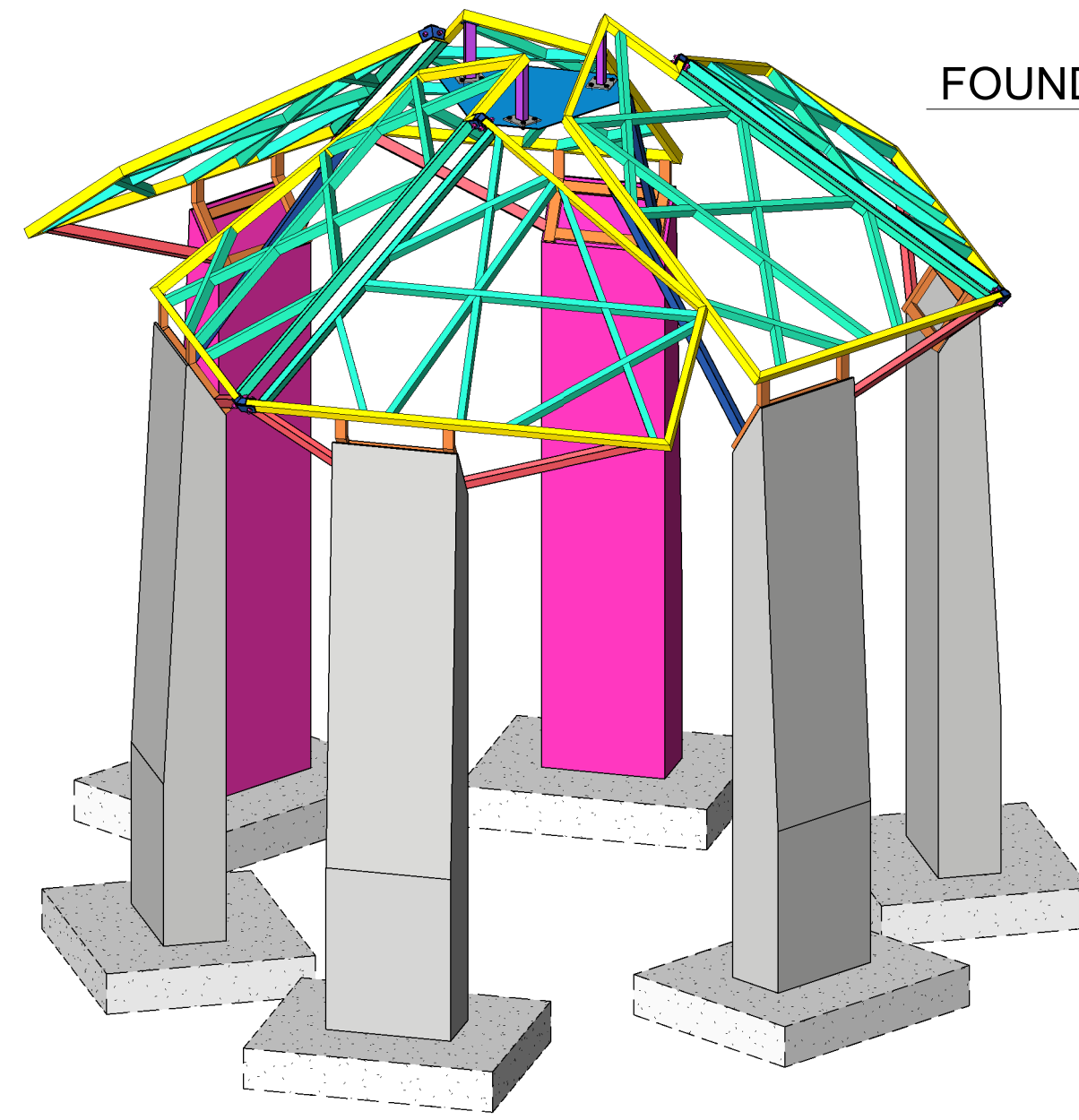
3 ELEVATION C
 SCALE 3/8" = 1'-0"
 AS REFERENCED BY:1 / AE-101



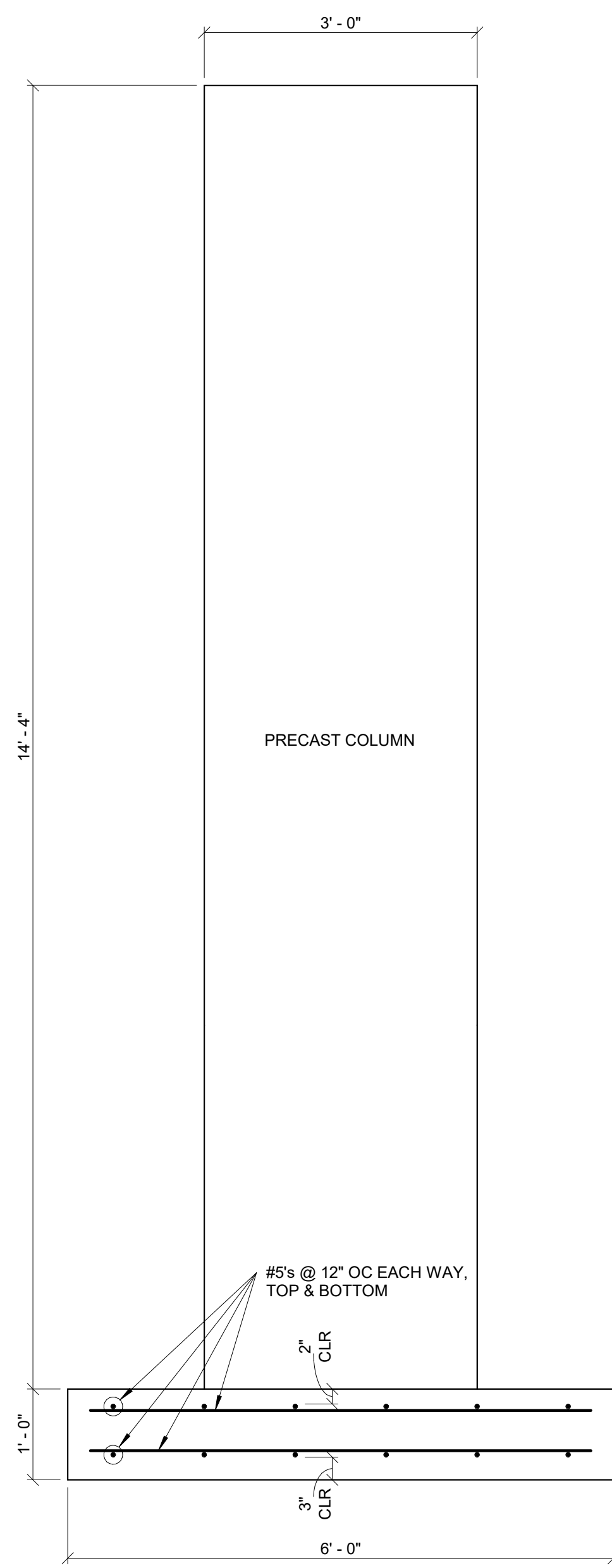
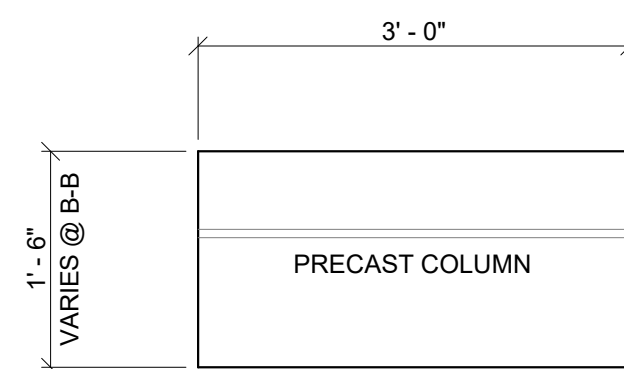
2 ELEVATION B
 SCALE 3/8" = 1'-0"
 AS REFERENCED BY:1 / AE-101



1 ELEVATION A
 SCALE 3/8" = 1'-0"
 AS REFERENCED BY:1 / AE-101

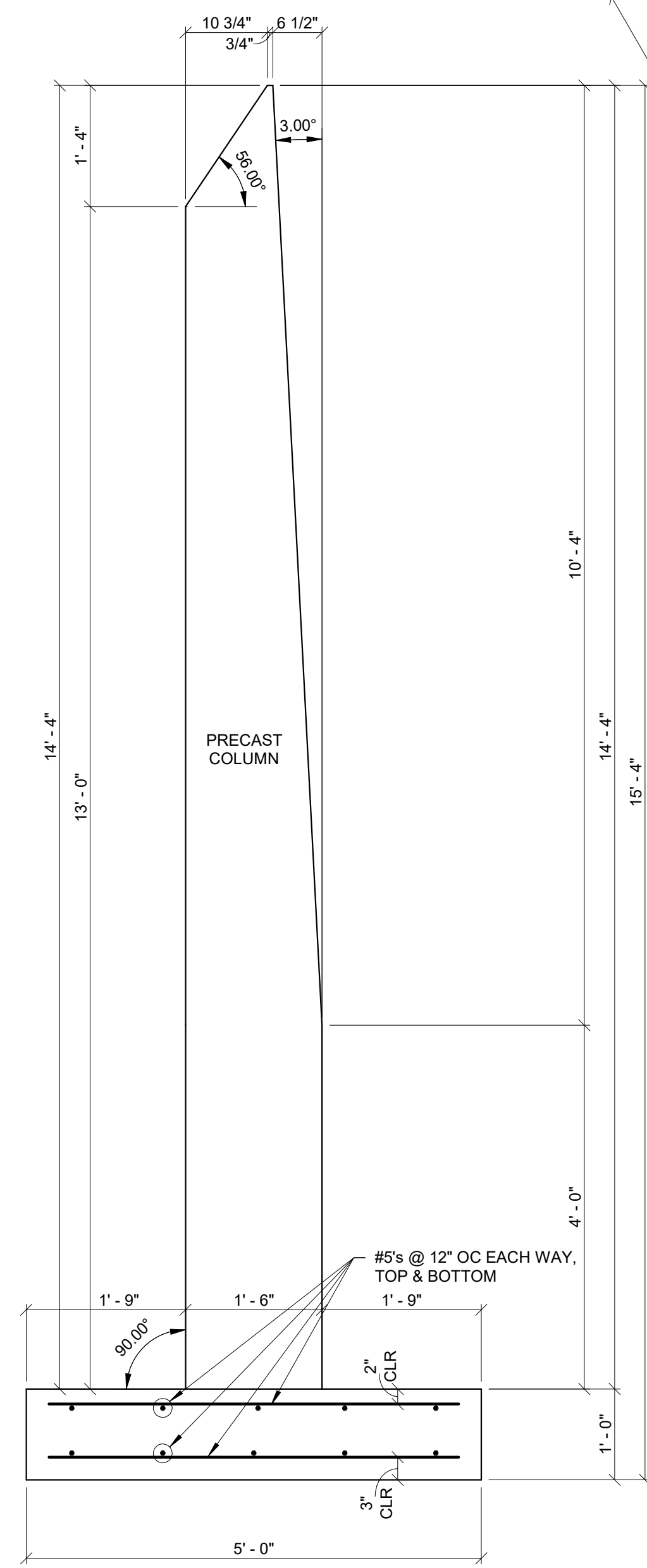


FOUNDATION & FRAMING ISOMETRIC



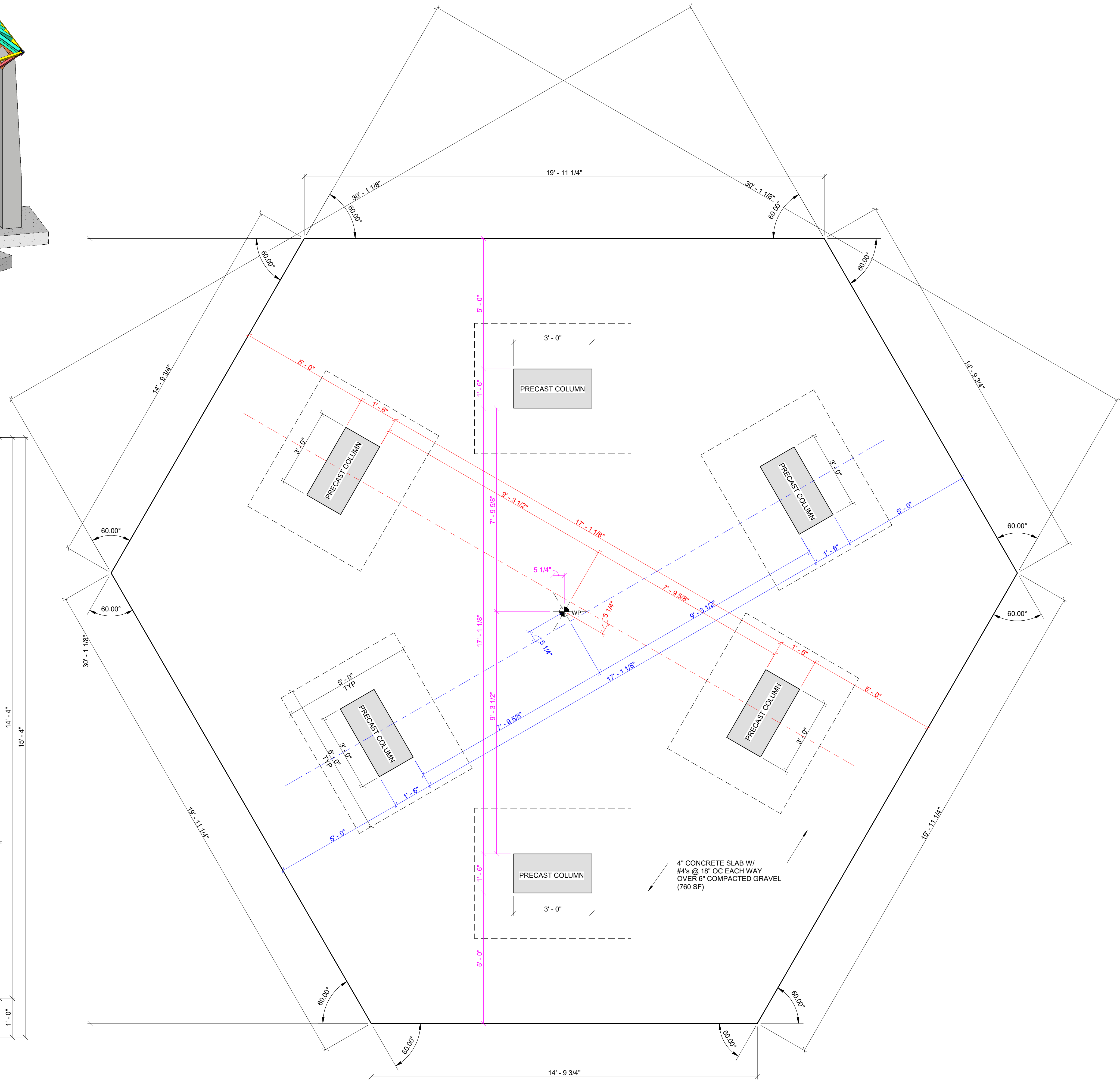
FOUNDATION DETAIL

3/4" = 1'-0"



FOUNDATION / LAYOUT PLAN

1/2" = 1'-0"



4" CONCRETE SLAB W/
#4's @ 18" OC EACH WAY
OVER 6" COMPACTED GRAVEL
(760 SF)

MARK	DATE
ISSUED:	06/09/23
PROJECT NO:	
DRAWN BY:	BJR
CHECKED BY:	CAR
COPYRIGHT © 2023 HOFFMAN PLANNING, DESIGN & CONSTRUCTION, INC.	



REPORT TO PUBLIC ARTS COMMITTEE

Appleton Public Arts Committee Meeting Date: September 10, 2020

Parks and Recreation Committee Date: September 21, 2020

Common Council Meeting Date: October 7, 2020

Item: Sexual Assault Survivors Monument – Conceptual Review

Case Manager: Jessica Titel

GENERAL INFORMATION

Applicant: Chelsea Bongert – Sexual Assault Survivors Monument Corporation

Address/Parcel: W. Water Street – Ellen Kort Peace Park

Applicant's Request: Applicant is requesting approval of the conceptual design and placement of the Sexual Assault Survivors Monument within the future development of Ellen Kort Peace Park.

PROJECT DETAILS

Brief Description of Project and Location: The monument will be located in the future development of Ellen Kort Peace Park. The design of the park is planned for 2022. This proposal will be reviewed in two steps. First, is this approval of the conceptual design of the monument and the placement within Ellen Kort Peace Park. The applicant will then know if the monument has support and if it will have a place in the park. Assuming it is approved, the applicant can move forward with fundraising, design details and structural engineering with assurance of a location within the park and the City can continue with the design of the park taking into consideration the final placement of the monument. Since the park planning and design will occur in 2022, the City will need to have the final monument design ahead of that so the monument can be incorporated into the park layout. Due to the complexities of the proposed design and significant cost of this project, the applicant requested some level of review and approval prior to embarking on major fundraising efforts.

The second step for this project will include presenting the final detailed design, specifications and structural engineering to the Public Art Committee, Parks and Recreation Committee and Common Council for final review and action. A more narrowed down location within the park would also be presented with the next submittal.

The applicant has provided a detailed project narrative that is attached to this report. The work would comprise of gazebo-like monument with a concrete base and six stone pillars. There will be two curved benches on either side of the monument and a curved wall in the back middle of the gazebo with a firerose design in the front. Renaissance School of the Arts students worked for a semester in a monument design class with designing this monument being their culminating project, so many of these design ideas and parts came from the Renaissance students. Please note, parts of the design are subject to change as the project moves into the detailed design phase.

Sexual Assault Survivors Monument

September 1, 2020

Page 2

Attached to this report are the following supporting documents:

- Detailed project proposal/summary
- Conceptual monument design prepared by Renaissance School of the Arts Students
- Revised 3D monument rendering eliminating the fountain feature (based upon City feedback)
- Conceptual Ellen Kort Peace Park layout

Reason for Choosing the Proposed Location: Ellen Kort Peace Park will be designed as a passive park and is intended for people to visit, reflect and enjoy nature. This monument could fit well with the intended use and vision for this future park.

Description of How the Work is Installed/Anchored/Attached: Final design and structural engineering details will come at a later date and will be presented to the Public Art Committee, Parks and Recreation Committee and Common Council for final review and action prior to park design in 2022.

Timeline and Duration of Installation: The park design is planned for 2022 with construction tentatively scheduled to begin in 2023, subject to final budget approval. The monument will be a permanent structure within the park.

Maintenance and Cost: Due to the early stage of this project maintenance costs are unknown. The applicant will be providing those with the final design. The Sexual Assault Survivors Monument Corporation Nonprofit (501.c3) will plan to set up an endowment fund to cover maintenance costs of the monument.

Associated Signage: There will be a sign in front of the monument as you enter with the mission statement, a brief history, reason for the monument, and the community involvement for the monument. Within the monument there will be plaques on each pillar that describe the meaning/symbolism of the pieces within the monument. The stones on the walkway will also have sponsors engraved on them as well.

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

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

Goal 7 – Agricultural, Natural, and Cultural Resources

Appleton will continue to protect and enhance its environmental quality and important natural resources, preserve historic sites, and support cultural opportunities for community residents.

Chapter 14 – Downtown Plan

- *Community Priorities: Ellen Kort Peace Park – This newly designated park is envisioned as a place which celebrates cultural diversity and various forms of public art.*
- *Strategy 1.4 Install sculpture, murals, and other art in public locations throughout the downtown*
- *Strategy 2.1 Maintain and strengthen the vitality of the arts and entertainment niche*
- *Strategy 2.6 Create more Fox River to Downtown tourism opportunities and connections*

Sexual Assault Survivors Monument

September 1, 2020

Page 3

- *Strategy 7.4 Plan, design, and construct improvements to Jones Park and Ellen Kort Peace Park: It is anticipated that Ellen Kort Peace Park will emphasize nature, art, and culture over active play areas or highly formal programming.*

RECOMMENDATION

Based upon the guidelines outlined in the Art in Public Places Policy, staff recommends that the conceptual design of the proposed Sexual Assault Survivors Monument be located within the future Ellen Kort Peace Park, as shown on the attached conceptual plans, **BE APPROVED** subject to the following conditions:

1. Upon approval of the final design and location, an agreement between the applicant and the City will be prepared by the City's Legal Services Department and shall be executed prior to installation. This agreement will memorialize the expectations of the parties including the location of the art, installation and insurance requirements, maintenance, liability, indemnification, and the like.
2. The final design, construction details and structural engineering shall be provided to Staff no later than December 31, 2021. The final design will be presented to the Public Art Committee, Parks and Recreation Committee and Common Council for final review and action before the monument installation. The monument shall not be considered "approved" until this step is complete.
3. Proof of funding (or significant progress towards funding) for the monument shall be provided to Staff by December 31, 2021.
4. Approval of the monument will be contingent on both parties (City and Sexual Assault Survivors Monument Corporation) mutually agreeing on the final design.
5. Applicant shall create an endowment fund for ongoing maintenance of the monument.

Ellen Kort Peace Park

City of Appleton, WI



Master Plan

- A - Crosswalk
- B - Jones Park Connector
- C - Park Gateway
- D - Poet's Garden
- E - Nature's Gazebo
- F - River's Edge Lawn
- G - Circle Gathering Lawns
- H - Sculptures
- I - Circular Hill
- J - Butterfly Garden
- K - Peace Ring
- L - Path at River's Edge
- M - Pile Supported Walk
- N - Birding Island
- O - Peace Pole
- P - Parking
- Q - Quilt Gardens
- R - Rain Gardens/Retention
- S - Pavilion/Restroom
- T - Future Trail Extension
- U - Steps to Pioneers Park
- V - Overlook

SCALE 0' 20' 40' 80'

LUNDE WILLIAMS



Sexual Assault Survivors Monument Corporation

Appleton Park Art Application

Submittal Requirements:

1. Brief description of the proposed artwork

The piece will be a gazebo-like monument that brings a voice to sexual assault awareness. It will have two baby trees on either side of the stone walkway up to the monument. The trees will be sponsored each year by area companies with a plaque that accompanies them stating the year, company, and Sexual Assault Survivors Monument and the following year the trees will be replanted at the companies (with the plaque) to symbolize the spreading growth and awareness as a community. The stone path will have rounded stones with sponsor names on them as you walk up to the monument. The monument itself will be ground level with a concrete base and 6 pillars. As planned now, the front two pillars will say "You Matter" and "Be A Voice". The other pillars will have plaques on them that explain the meaning/symbolism of each piece of the monument. Two curved benches will be on either side of the gazebo with colorful mosaic tiles, each coming from an event where area survivors can pick a tile to represent them, or someone they know, who has been affected by sexual assault; therefore involving the community and allowing the topic to hit home. Metal teal ribbon backs will be attached to the benches, as the teal ribbon is for sexual assault awareness. There will then be a curved wall in the back middle of the gazebo with a firerose design in the front and cubby holes on either side. Within each cubby will be a plastic bottle where survivors and community members can leave messages of hope and encouragement, their own story and healing, and words of comfort. Visitors to the monument can then read these, take a message to keep and refill the bottle with their own message, or just write a message to leave in a bottle. It will make the monument a "living" space. Please note, parts of this plan are subject to change and open to change as well, but this is the best description of the design we have today. Renaissance School of the Arts students actually worked for a semester in a monument design class with designing this monument being their culminating project, so many of these design ideas and parts came from the Renaissance students.

2. Photos/sketches of the proposed artwork (see attached images)

In the attached images, you will see a sketch I have done (keeping in mind that the fountain in my sketch has been discussed and changed to a curved wall in

the back, so no fountain will be planned). The other design is a 3D graphic rendering of the monument

3. Site plan/location map showing location of proposed work

Ellen Kort Peace Park - actual location within to be determined once park design is planned

4. Reason for choosing the proposed location

I cannot think of a better location for a monument like this; one that is built for reflection, healing, and hope. The Ellen Kort Peace Park is designed for just that purpose. I did not know Ellen Kort personally, but I do know she was a teacher, as I am also, with a passion to make a difference and be a voice with her work and writings. She actually taught at Renaissance School of the Arts years back, and now present students from Renaissance are the ones that designed this monument for the community. Both of those details of teaching and Renaissance really brings a part of her life back to the park. Ellen was an amazing woman, going beyond her classroom and into the community to bring hope and change. Her words were powerful, as was her mission and love. As many of you know, she took her workshops everywhere - into schools, to at-risk teens, grieving parents, domestic abuse survivors, and women in prison. She had a heart for those who knew pain in their lives and reached out to them. Her words were a beacon of hope, and that is what this monument would be as well. Therefore, it would be an honor to have the Sexual Assault Survivors Monument call Ellen Kort Peace Park its home. It fits the mission of the park and has details that reflect Ellen Kort's life.

5. Description of how the work is installed/anchored/attached

Our plan at the moment is the base of the monument will be concrete and the structure will be built on top of that and secured onto the concrete base. So, wedge anchors will be put in place to hold the gazebo frame in place and the legs can then be bolted directly into place. That is my understanding at the moment.

6. Installation specifications provided by a structural engineer

We have met and plan to work with Hoffman Planning, Design, and Construction and had an initial meeting with them. They would like to know we have a spot secured in the park before moving forward and charging us money without that guarantee. Once that is guaranteed we will be more than happy to share specifics about installation. The dimensions we have discussed are 10 ft

diameter, and about 12 to 14 feet tall. The columns will be made of either cement or fiberglass outside with a steel rod running down the center. Both would be easy to maintain. The roof is planned to be metal, with the top roof being colored teal metal roofing, and the windows around the top roof would be plexiglass. Again, the roofing material would be easy to maintain. The benches would be concrete with a metal teal ribbon as the backs, and the curved survivor wall would also be made of concrete with the firerose colored and stamped in.

7. Timeline and duration of installation

Again, our plan is to install it in Ellen Kort Peace Park after the park is done being built, or if possible, while it is in the final stages - that decision is up to the Board. The specific amount of time this would take is unknown to me at this time, but again I am more than willing to share that information with you the moment we have it.

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

We, as the Sexual Assault Survivors Monument Corporation Nonprofit (501.c3) plan to set up an endowment fund as we fundraise for this exact purpose and plan to cover maintenance costs of the monument.

9. Description of any associated signage

There will be a sign in front of the monument as you enter, giving our mission statement (see letter), a brief history, reason for the monument, and the community involvement put into the monument (such as Renaissance students for example). Within the monument there will be plaques on each pillar that describe the meaning/symbolism of pieces within the monument. The stones on the walkway will also have sponsors engraved on them as well.

***Please note that these are the plans and ideas as of right now and that they may be subject to change as we are in the early phases of this project. So please understand some of this may evolve over time.

Thank you for your time taken to read this application and for your dedicated consideration for this monument to be placed in Ellen Kort Peace Park. I look forward to working with each of you in the future as we move forward.

Chelsea Bongert - Founder, Speaker, Advocate, Teacher
Sexual Assault Survivors Monument Corporation





Sexual Assault Survivors Monument Corporation

W2162 Daisy Ln * Brillion, WI * 54110

Dear Appleton Park and Recreation Committee,

My name is Chelsea Bongert and I am a teacher in the Appleton Area School District, teaching 8th grade math. I am also a speaker, advocate, and survivor of sexual assault. This will be my 10th year speaking to schools in the Fox Cities area. I started speaking during my first year at Wilson Middle School. I remember asking my administration what was done for sexual assault awareness and if I could hold an all school assembly on the topic, and they said yes. I shared my personal story of multiple rapes and assaults - the pain, the emotions, the hope and healing that comes, and what actions we can take together to make a change in the community and our own thinking. Now, 9 years later, I am joined by a panel of experts from Catalpa Health, Sexual Assault Crisis Center, Reach Counseling, Harbor House, and Center for Suicide Awareness-Hopeline, and we hold annual assemblies at every middle school in Appleton, and other schools in the Fox Cities, speaking on sexual assault awareness. I have also spoken at the Appleton Voices of Men annual events, business events, lead staff developments, and spoke for 3 days in LaCrosse at middle schools and community events. Each year I have multiple students and staff come to me after events in tears - telling me their personal story of sexual assault. I have heard stories of indescribable pain come from area 8th grade students, and seen tears roll down the faces of veteran teachers saying "I have never told anyone in 30 years..." I have held survivors as they cried, finally knowing it is not their fault and they are not alone. Every year I continue to speak and spread awareness, but always ask myself, "What more can I do?" If only I could raise bigger community awareness, and also give hope to victims and survivors - letting them know they are not alone.

Because of these experiences in the last 10 years, I started the nonprofit Sexual Assault Survivors Monument Corporation. We are a recognized 501.c3 and I am happy to share that paperwork with you as well. Our nonprofit's mission is: **To be a beacon of hope and strength to victims and survivors - reminding them they matter - and educating the community so we can use our voices together to create change.**

As part of this mission to bring awareness, we would like to create a monument in Appleton. We have already started fundraising and collaborated with the students from Renaissance School of the Arts in Appleton to create a design. The teachers created a class this past semester solely focused on monument design and the final project was



Sexual Assault Survivors Monument Corporation

W2162 Daisy Ln * Brillion, WI * 54110

to design the Sexual Assault Survivors Monument. The students presented to our Board in groups and did a phenomenal job. We have now taken their ideas and designs and created a final monument, incorporating ideas from each student group. It is very important to us that the members of the community feel they own and take part in this monument. That was one of the reasons it was important to us to have the design done by the youth of Appleton. The final design has been very carefully thought out, with symbolism and community involvement, and we are proud of what it is.

As a survivor myself, and someone who has heard so many stories of pain and heartbreak from our own in Appleton, this project is very dear to my heart. I feel I owe it to victims still struggling and feeling alone, to my students, past and present, who have cried in my classroom after school as they shared their story of assault with me, to all the survivors in our community. This monument will be a stand as the message to survivors "You Matter" and to the community it will say "Be educated, be aware - then have determination to make a positive difference." It will be a symbol of our continued efforts to end sexual violence, and also create a safe place of reflection and conversation.

This is the point where I humbly come to you, as the Appleton Park and Recreation Committee, asking for authorization to move forward with, and raise money for, the Sexual Assault Survivors Monument, and if I do, then the City of Appleton would authorize the monument with the intent of it being placed in Ellen Kort Korte Peace Park. I cannot think of a better location for a monument like this; one that is built for reflection, healing, and hope. I did not know Ellen Kort personally, but I do know she was a teacher with a passion to make a difference and be a voice with her work and writings. She actually taught at Renaissance School of the Arts years back, and now present students from Renaissance are the ones that designed this monument for the community. Ellen was an amazing woman, going beyond her classroom and into the community to bring hope and change. Her words were powerful, as was her mission and love. As many of you know, she took her workshops everywhere - into schools, to at-risk teens, grieving parents, domestic abuse survivors, and women in prison. She had a heart for those who knew pain in their lives and reached out to them. She believed in her mission enough to carry around glow in the dark chalk just to write messages on the sidewalks. Her words were a beacon of hope, and that is what this monument would be as well. Therefore, it would be an honor to have the Sexual Assault Survivors Monument call Ellen Kort Korte Peace Park its home.



Sexual Assault Survivors Monument Corporation

W2162 Daisy Ln * Brillion, WI * 54110

My plan is to, with your authorization, spend the next couple years raising 100% of the funds for the Sexual Assault Survivors Monument, with the agreement that it would then stand in Ellen Kort Korte Peace Park in Appleton. I truly appreciate you taking the time to consider this and read my letter of request. Please know I, and my Board, am more than willing to sit with each of you and have a discussion and answer any questions you may have. Thank you again, and I look forward to talking with you in the near future.

Best regards,

Chelsea Bongert
President, Sexual Assault Survivors Monument Corp
(920) 915 - 7211
bongertchelsea@asds.k12.wi.us
chelseabongert@gmail.com



SEXUAL ASSAULT SURVIVORS MONUMENT

YOU MATTER

STRENGTH

SIGN EXPLAIN MONUMENT









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

**PARKS, RECREATION & FACILITIES
MANAGEMENT**

Dean R. Gazza, Director

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

TO: Parks and Recreation Committee

FROM: Dean R. Gazza

DATE: July 10, 2023

RE: Action: Adopt the Proposed Revised Reid Golf Course and Appleton Memorial Park Stormwater Utility Agreements for Stormwater Ponds

The Stormwater Utility provides payment for stormwater ponds located at Reid Golf Course and Appleton Memorial Park. The Utility is responsible for the operations that oversee the collection, distribution, treatment, and dissipation of stormwater that accumulates within the City of Appleton.

There are currently two ponds within Appleton Memorial Park and one pond at Reid Golf Course. The Appleton Memorial Park agreement was developed in 2010 with an annual payment of \$40,000 and the Reid Golf Course agreement was developed in 2014 with an annual payment of \$15,210.

Land market values and rates of return have been reviewed by city staff and are recommending the following increases to the stormwater pond agreements.

Appleton Memorial Park	\$41,769
Reid Golf Course	\$21,060

Approval of the revised stormwater utility agreements is contingent upon approval by both the Parks and Recreation Committee and the Utilities Committee.

Our department requests approval of the revised Reid Golf Course and Appleton Memorial Park stormwater utility agreements for stormwater.

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

AGREEMENT FOR STORMWATER PONDS AT MEMORIAL PARK

I. PARTIES

- 1.1 **City of Appleton’s Parks, Recreation, and Facilities Management Department**, with its principal place of business at 100 N. Appleton Street, Appleton WI 54911 (hereinafter “City”).
- 1.2 The **Stormwater Utility**, with its principal place of business at 100 N. Appleton Street, Appleton WI 54911 (hereinafter the “the Utility”).
- 1.3 Together, the City and the Utility may be referred to as “the parties”.

II. RECITALS

WHEREAS,

- 2.1 The Utility is responsible for the operations that oversee the collection, distribution, treatment, and dissipation of stormwater that accumulates within the City of Appleton; and
- 2.2 The Utility has previously erected two stormwater ponds at Memorial Park; and
- 2.3 The Parties desire to continue to work together to allow the operation of stormwater ponds within Memorial Park; and
- 2.4 The Parties desire to have the Common Council’s approval of an arrangement whereby the Utility reimburses PRFM for continued use of said stormwater ponds.

III. THE AGREEMENT

NOW, THEREFORE, in consideration of the fulfillment of the obligations of the parties hereinafter set forth and for other good and valuable consideration, the receipt of which is hereby acknowledged, IT IS MUTUALLY AGREED AND PROMISED, by and between the City and the Utility, as follows:

- 3.1 The Utility will provide payment to the City for the annual use of the Appleton Memorial Park North Pond in the amount of \$21,294.
- 3.2 The Utility will provide payment to the City for the annual use of the Appleton Memorial Park South Pond in the amount of \$20,475.

- 3.3 The Parties agree that market values and rates of return will be reviewed prior to June 1st to determine the applicable rent. This value (herein “annual rent”) shall be documented via an addendum to this Agreement and approved by Common Council.
- 3.4 The annual rent shall be paid by the Stormwater Utility by October 1st of each year.
- 3.5 This Agreement shall remain in effect until Common Council modifies the Agreement. Any amendments or addendums shall be memorialized in writing.
- 3.6 This Agreement became effective on _____, the date of approval by the Common Council, as set forth within the attached meeting minutes.

CityLaw A22-0821aka

REID GOLF COURSE AND STORMWATER UTILITY AGREEMENT FOR STORMWATER POND

I. PARTIES

- 1.1 **Reid Golf Course**, a City of Appleton municipal golf course with its principal place of business at 1100 E Fremont Street, Appleton, WI 54915 (hereinafter “Reid”).
- 1.2 The **Stormwater Utility**, a Wisconsin municipal utility with its principal place of business at 100 N. Appleton Street, Appleton WI 54911 (hereinafter the “the Utility”).
- 1.3 Together, Reid and the Utility may be referred to as “the parties”.

II. RECITALS

WHEREAS,

- 2.1 The Utility is responsible for the operations that oversee the collection, distribution, treatment, and dissipation of stormwater that accumulates within the City of Appleton; and
- 2.2 The Utility has previously erected a stormwater pond at Reid; and
- 2.3 The Parties desire to continue to work together to allow the operation of a stormwater pond within Reid; and
- 2.4 The Parties desire to have the Common Council’s approval of an arrangement whereby the Utility annually reimburses Reid Golf Course for continued use of the stormwater pond.

III. THE AGREEMENT

NOW, THEREFORE, in consideration of the fulfillment of the obligations of the parties hereinafter set forth and for other good and valuable consideration, the receipt of which is hereby acknowledged, IT IS MUTUALLY AGREED AND PROMISED, by and between Reid and the Utility, as follows:

- 3.1 The Utility will provide payment to Reid for the annual use of the stormwater pond in the amount of \$21,060.

- 3.2 The Parties agree that market values and rates of return will be reviewed prior to June 1st to determine the applicable rent. This value (herein “annual rent”) shall be documented via an addendum to this Agreement and approved by Common Council.
- 3.3 The annual rent shall be paid by the Stormwater Utility by October 1st of each year.
- 3.4 This Agreement shall remain in effect until Common Council modifies the Agreement. Any amendments or addendums shall be memorialized in writing.
- 3.5 This Agreement became effective on _____, the date of approval by the Common Council, as set forth within the attached meeting minutes.

CityLaw A22-0820aka



MEMORANDUM

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

TO: Dean Gazza, Director of Parks, Rec, Facilities and Grounds

FROM: Jessica Titel, Principal Planner

DATE: June 20, 2023

RE: Final Design – Sexual Assault Survivors Monument – Placed Within Ellen Kort Peace Park

The Appleton Public Arts Committee met on June 20, 2023 and recommended approval of the final design of the proposed Sexual Assault Survivors Monument to be located within Ellen Kort Peace Park **as shown on the attached plans and subject to the following conditions.**

1. Agreement between the applicant and the City will be prepared by the City’s Legal Services Department and shall be executed prior to installation. This agreement will memorialize the expectations of the parties including the location of the art, installation and insurance requirements, maintenance, liability, indemnification, and the like.
2. Applicant shall create an endowment fund for ongoing maintenance of the monument. Details shall be included in the Public Art Agreement.
3. Upon completion of the installation, a structural/professional engineer shall provide certification that the artwork was installed according to specifications and meets required structural standards.
4. Applicant and/or contractor shall contact Digger’s Hotline for underground utility locates prior to any site work commencing.
5. Per the Art in Public Places Policy, any artwork signage shall meet the parameters set forth in Zoning Code Section 23-531(e), which allows each artwork one plaque/sign not to exceed nine square feet in size.
6. Applicant and/or any contractors shall provide proof of minimum liability insurance to meet City requirements, prior to installation.

Per the Art in Public Places Policy, the recommendation from the Appleton Public Arts Committee is forwarded to the committee of jurisdiction, in this case, the Parks and Recreation Committee. Please place this item on the next agenda of the Parks and Rec Committee. Their recommendation would then be forwarded to the Common Council for final consideration on July 19, 2023.

The memo prepared for the Public Arts Committee, as well as the previous staff report pertaining to the conceptual design that was approved in 2020 by the Parks and Recreation Committee and Common Council, is attached as reference.



MEMORANDUM

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

TO: Appleton Public Arts Committee (APAC)

FROM: Jessica Titel, Principal Planner

DATE: June 20, 2023

RE: Final Design - Sexual Assault Survivors Monument

On September 10, 2020, the Appleton Public Arts Committee recommended approval of the conceptual design and placement within Ellen Kort Peace Park of the proposed Sexual Assault Survivors Monument. The Parks and Recreation Committee and the Common Council also approved the proposal on September 21, 2020 and October 7, 2020, respectively.

Since the monument was in its very early design phase and the applicant wanted assurance that the monument was supported prior to fundraising efforts, the monument was conceptually reviewed and approved. Upon securing adequate funding and the final design, the monument was to come back to Committee and Council for final approval. The initial staff report is attached for reference and the following conditions were attached to the conceptual approval:

1. Upon approval of the final design and location, an agreement between the applicant and the City will be prepared by the City’s Legal Services Department and shall be executed prior to installation. This agreement will memorialize the expectations of the parties including the location of the art, installation and insurance requirements, maintenance, liability, indemnification, and the like.

Status: The Public Art Agreement will be executed after approval and prior to construction of the monument. This condition will be included with the recommendation.

2. The final design, construction details and structural engineering shall be provided to Staff no later than December 31, 2021. The final design will be presented to the Public Art Committee, Parks and Recreation Committee and Common Council for final review and action before the monument installation. The monument shall not be considered “approved” until this step is complete.

Status: Final design, location and structural engineering documents have been provided to staff. Fundraising took longer than anticipated; however, the applicant has secured the

funding needed to complete the design and the installation. The action and review requested with this report will satisfy this condition.

3. Proof of funding (or significant progress towards funding) for the monument shall be provided to Staff by December 31, 2021.

***Status:** Fundraising took longer than anticipated; however, the applicant has secured the funding needed to complete the design and the installation. Final design, location and structural engineering documents have been provided to staff indicating the funding is adequate to complete the project.*

4. Approval of the monument will be contingent on both parties (City and Sexual Assault Survivors Monument Corporation) mutually agreeing on the final design.

***Status:** Parks, Recreation and Facilities Management have been working with the applicant on the final design and placement of the monument. The action and review requested with this report will satisfy this condition.*

5. Applicant shall create an endowment fund for ongoing maintenance of the monument.

***Status:** The applicant has committed to creating an endowment fund to cover ongoing maintenance of the monument. The details will be included in the Public Art Agreement. This condition is satisfied.*

The applicant has completed the fundraising, design and engineering of the monument. She has also worked closely with Parks, Recreation and Facilities Management regarding the location and design of the monument. The applicant is now requesting final approval of the monument and plans to begin construction this summer.

APPLETON PUBLIC ARTS COMMITTEE ACTION:

Based upon the guidelines outlined in the Art in Public Places Policy, staff recommends that the final design of the proposed Sexual Assault Survivors Monument to be located within Ellen Kort Peace Park, as shown on the attached plans, **BE APPROVED** subject to the following conditions:

1. Agreement between the applicant and the City will be prepared by the City's Legal Services Department and shall be executed prior to installation. This agreement will memorialize the expectations of the parties including the location of the art, installation and insurance requirements, maintenance, liability, indemnification, and the like.
2. Applicant shall create an endowment fund for ongoing maintenance of the monument. Details shall be included in the Public Art Agreement.
3. Upon completion of the installation, a structural/professional engineer shall provide certification that the artwork was installed according to specifications and meets required structural standards.

4. Applicant and/or contractor shall contact Digger's Hotline for underground utility locates prior to any site work commencing.
5. Per the Art in Public Places Policy, any artwork signage shall meet the parameters set forth in Zoning Code Section 23-531(e), which allows each artwork one plaque/sign not to exceed nine square feet in size.
6. Applicant and/or any contractors shall provide proof of minimum liability insurance to meet City requirements, prior to installation.

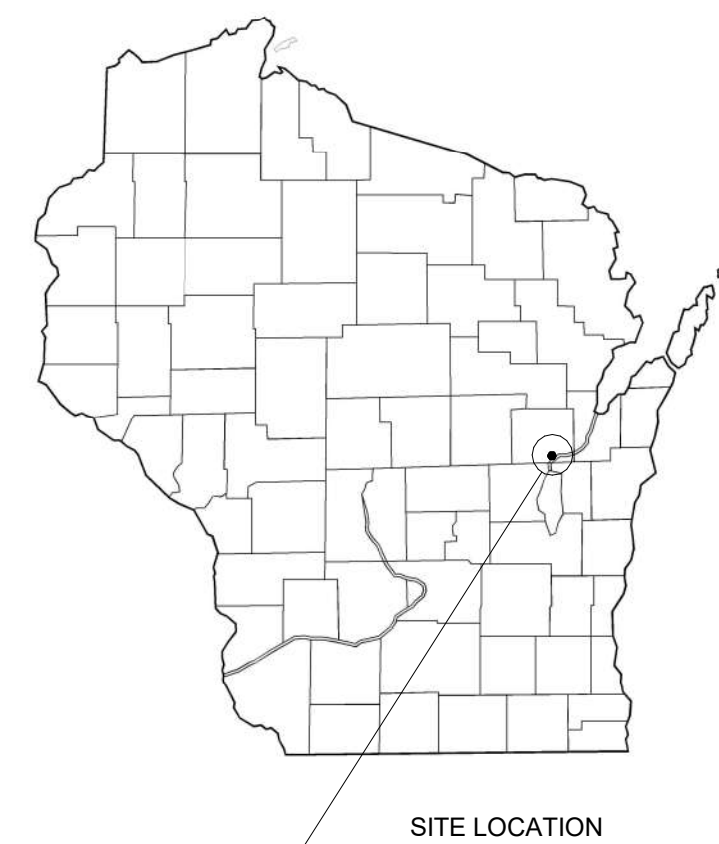
Monument SASM

Ellen Kort Peace Park - W Water Street, Appleton, WI 54911

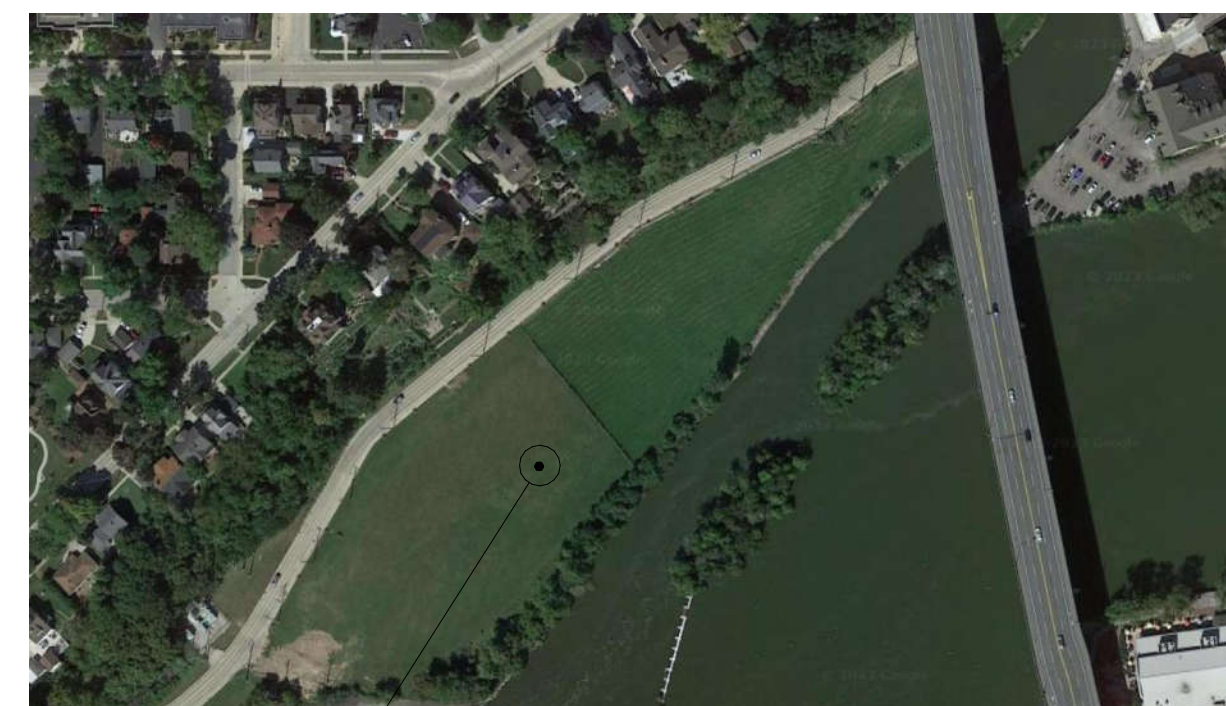


OWNER:

Sexual Assault Survivors Monument Corporation
W2162 Daisy Ln * Brillion, WI * 54110



SITE LOCATION
STATE LOCATION



SITE LOCATION
LOCATION MAP

DRAWING SYMBOLS LEGEND:

ROOM 100A	ROOM NAME AND NUMBER	(A100A) 1-HR	DOOR TAG - REFER TO DOOR SCHEDULE FIRE RATING
	INTERIOR ELEVATION		WINDOW TAG
	SHEET ON WHICH ELEVATION IS DRAWN		WALL TAG - INTERIOR
	SECTION OR DETAIL NUMBER		WALL TAG - EXTERIOR
	SHEET ON WHICH SECTION OR DETAIL IS DRAWN		TOILET ACCESSORY TAG
	PLAN OR DETAIL NUMBER		REVISION TAG - ADDENDUM/ CONSTRUCTION BULLETIN
	SHEET ON WHICH PLAN OR DETAIL IS DRAWN		SPOT ELEVATION
	EXISTING ELEVATION		WORK POINT
	NEW ELEVATION		SURVEY POINT
			DEMOLITION NOTE
			PLAN NOTE

GENERAL NOTES:

- ALL WORK OF ALL TRADES SHALL BE COMPLETED IN ACCORDANCE WITH ALL GOVERNING CODES AND ORDINANCES. IF ANY CONTRACTOR OBSERVES THAT ANY OF THE CONTRACT DOCUMENTS ARE AT VARIANCE WITH APPLICABLE LAWS, STATUTES, BUILDING CODES, OR ORDINANCES, THEY SHALL PROMPTLY NOTIFY HOFFMAN.
- EACH CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AT THE SITE; NEITHER THE OWNER NOR HOFFMAN ASSUMES RESPONSIBILITY FOR CONDITIONS OR DIMENSIONS SHOWN AS EXISTING.
- NOTIFY HOFFMAN IMMEDIATELY IF ANY HAZARDOUS MATERIALS ARE ENCOUNTERED DURING DEMOLITION, REMODELING, OR EXCAVATION, AND STOP WORK IN THE IMMEDIATE AREA UNTIL A COURSE OF ACTION IS DETERMINED. DO NOT ABATE.
- CONTRACTOR IS RESPONSIBLE FOR REVIEWING ALL CONTRACT DOCUMENTS FOR WORK PERTAINING TO THEIR SCOPE, INCLUDING CODE AND REFERENCE SHEETS. KEYNOTE LIST ON INDIVIDUAL SHEETS MAY NOT INCLUDE ALL KEYNOTES ON THAT SHEET.
- PLAN NOTES ARE GLOBAL; INDIVIDUAL PLAN NOTES MAY NOT BE PRESENT ON EVERY PLAN SHEET.
- NEITHER HOFFMAN NOR THE OWNER ARE RESPONSIBLE FOR ERRORS IN SCALING DUE TO PRINTING, REPRODUCTION, OR ELECTRONIC FILE CREATION. SCALE AT YOUR OWN RISK.

CONSULTANTS:

FABRICATOR:
URBAN EVOLUTIONS
2401 W COLLEVE AVENUE
APPLETON, WISCONSIN 54914
(920) 380-4149

FABRICATOR:
MATHFAB
101 W SNELL ROAD
OSHKOSH, WISCONSIN 54901
(920) 231-6060

FABRICATOR:
A&P FABRICATING SOLUTIONS
5007 N WREN DRIVE
APPLETON, WISCONSIN 54913
(920) 716-7531

CONTRACTOR:
MIRON CONSTRUCTION
1471 MCMAHON DRIVE
NEENAH, WISCONSIN 54956
(920) 969-7000

ELECTRICAL:
ABSTRACT ELECTRIC
116 N. 12TH STREET
HILBERT, WISCONSIN 54129
(920) 871-4014

STRUCTURAL:
LARSON ENGINEERING
2801 E. ENTERPRISE AVENUE SUITE 200
APPLETON, WISCONSIN 54913
(920) 734-9867

EQUIPMENT:
EAGLE PERFORMANCE PLASTICS
2929 W EVERGREEN DRIVE
APPLETON, WISCONSIN 54913
(920) 739-8841

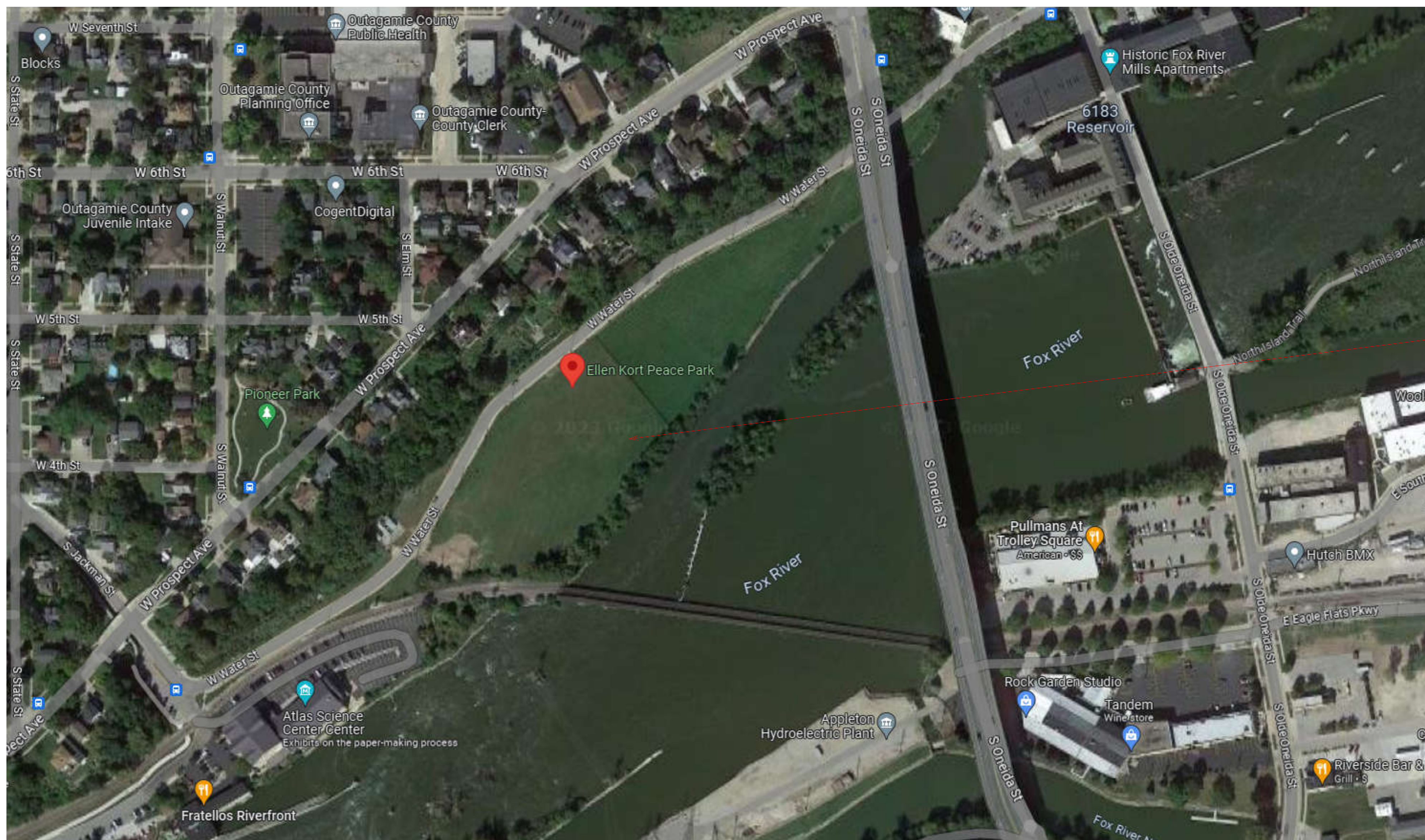
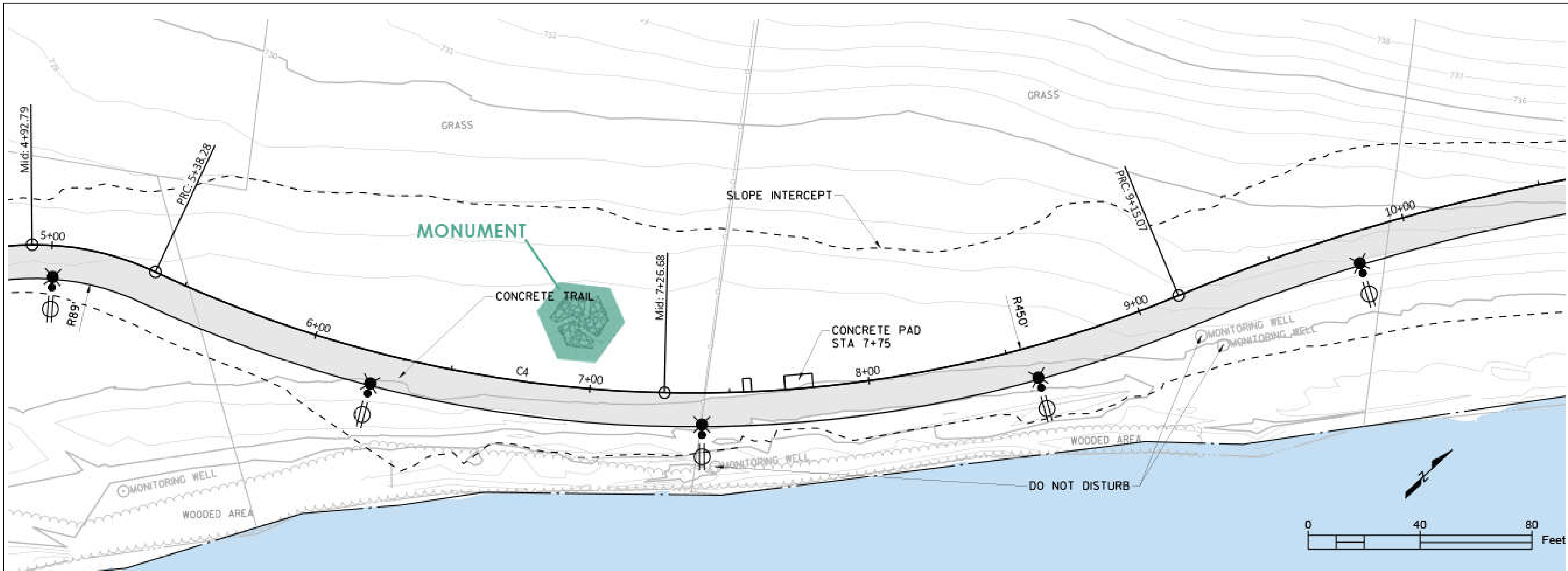
DRAWING INDEX:

GENERAL	ELECTRICAL
GI-000 COVER SHEET	
GI-101 CODE PLAN	
CIVIL	
STRUCTURAL	
ARCHITECTURAL	
AE-101 OVERALL/ENLARGED ROOF AND FLOOR PLANS	
AE-202 ENLARGED COLUMN ELEVATIONS	
AE-301 BUILDING SECTIONS	

DATE	MARK
ISSUED:	Issue Date
PROJECT NO:	
DRAWN BY:	Author
CHECKED BY:	Checker
COPYRIGHT © 2020: HOFFMAN PLANNING, DESIGN & CONSTRUCTION, INC.	

COVER SHEET

GI-000



APPROXIMATE
SITE LOCATION

CONSULTANT:

Monument
SASM
Ellen Kort Peace Park - W Water Street, Appleton, WI
54911

MARK	DATE
ISSUED:	Issue Date
PROJECT NO:	
DRAWN BY:	Author
CHECKED BY:	Checker

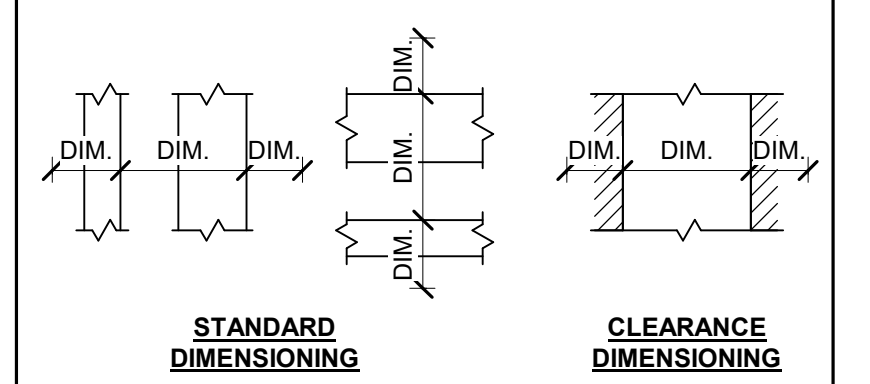
SITE PLAN

AE-001

PRELIMINARY
NOT FOR CONSTRUCTION

WALL DIMENSION KEY

NOTE:
ALL WALLS ARE DIMENSIONED TO FACE OF STUD OR FACE OF MASONRY. CLEARANCE DIMENSIONS ARE FROM FACE OF STUDS OR FACE OF MASONRY.



KEYNOTE LEGEND

KEY NO.	KEYNOTE TEXT
---------	--------------

PLAN NOTES KEY

NO.	DESCRIPTION
-----	-------------

CONSULTANT:

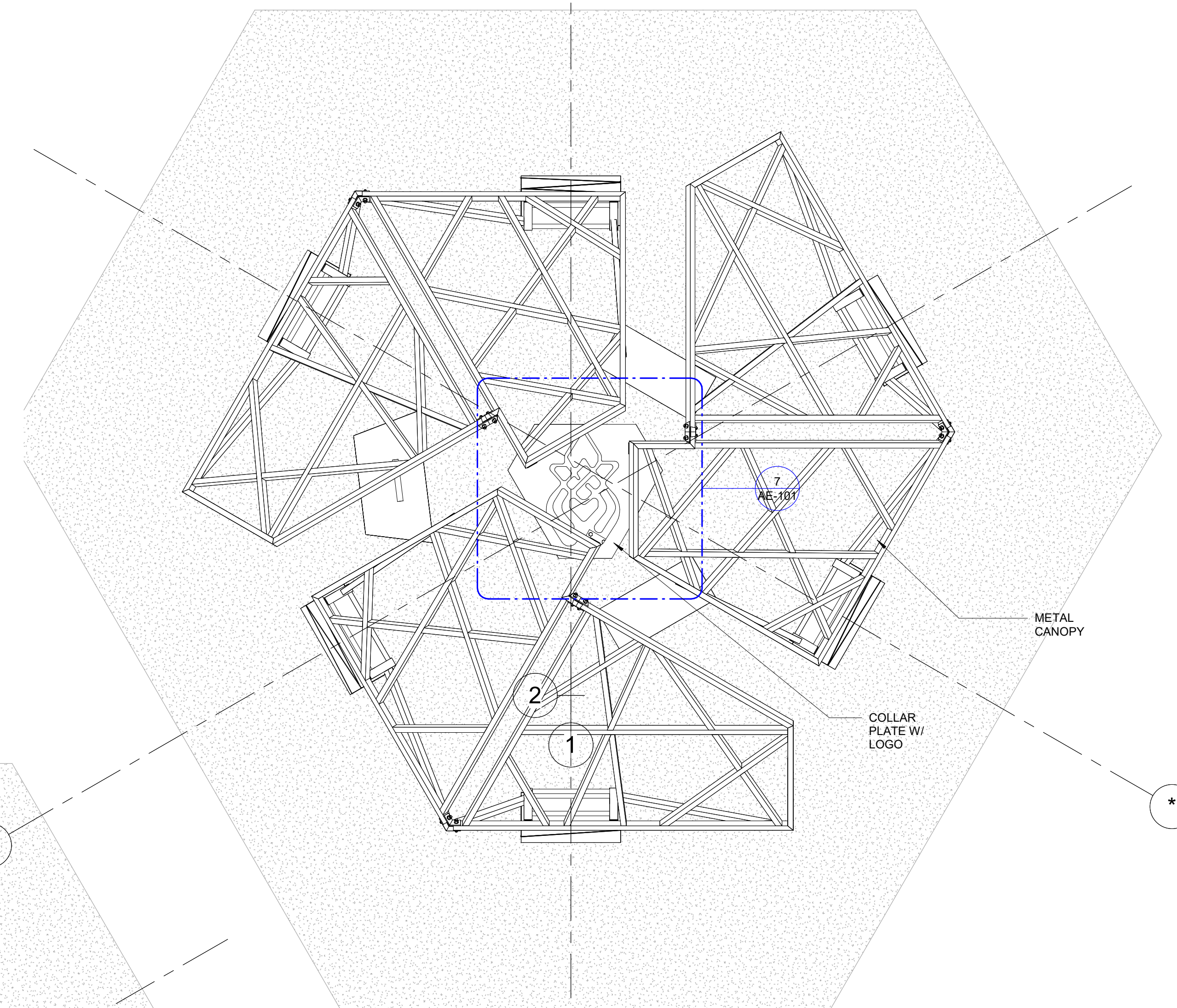
Monument
SASM
Ellen Kort Peace Park - W Water Street, Appleton, WI
54911

MARK	DATE
ISSUED:	Issue Date
PROJECT NO:	
DRAWN BY:	Author
CHECKED BY:	Checker

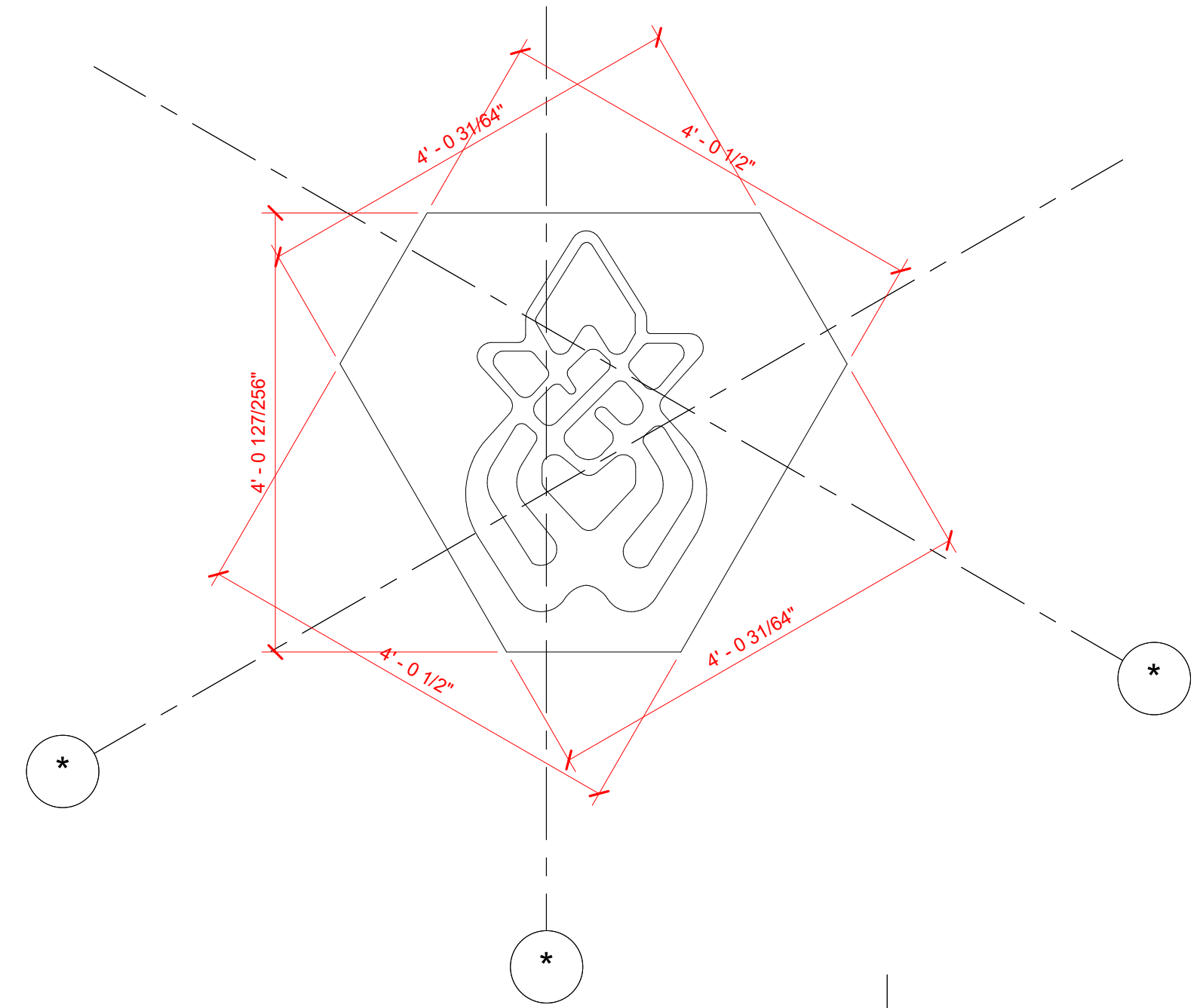
OVERALL/ENLARGED
ROOF AND
FLOOR PLANS

AE-101

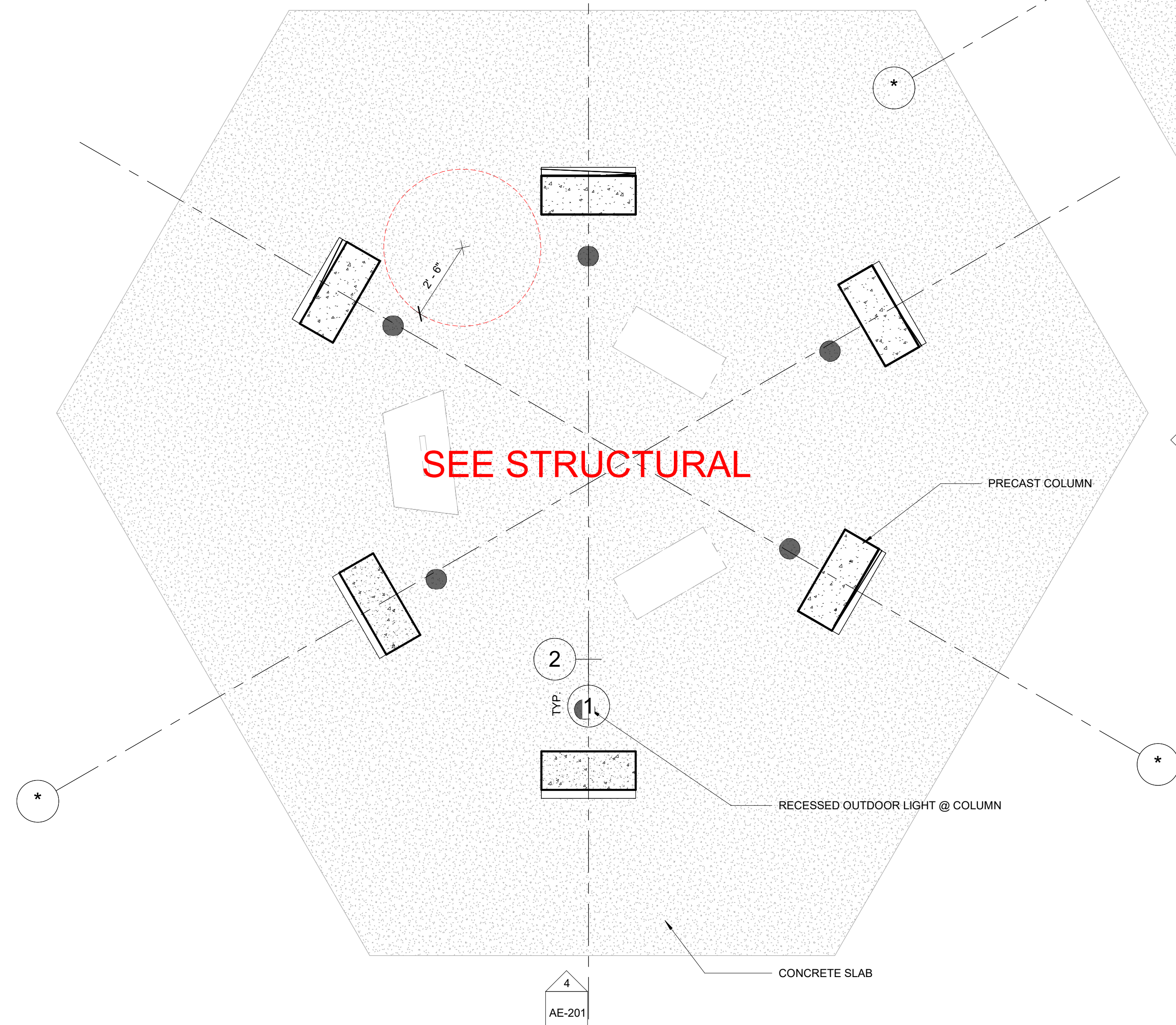
**PRELIMINARY
NOT FOR CONSTRUCTION**



6 CANOPY PLAN
SCALE 3/8" = 1'-0"
AS REFERENCED BY: 1 / AE-201



7 COLLAR PLATE PLAN
SCALE 3/4" = 1'-0"
AS REFERENCED BY: 6 / AE-101



1 GROUND LEVEL PLAN
SCALE 3/8" = 1'-0"
AS REFERENCED BY: 1 / AE-201

SEE STRUCTURAL

CONSULTANT:

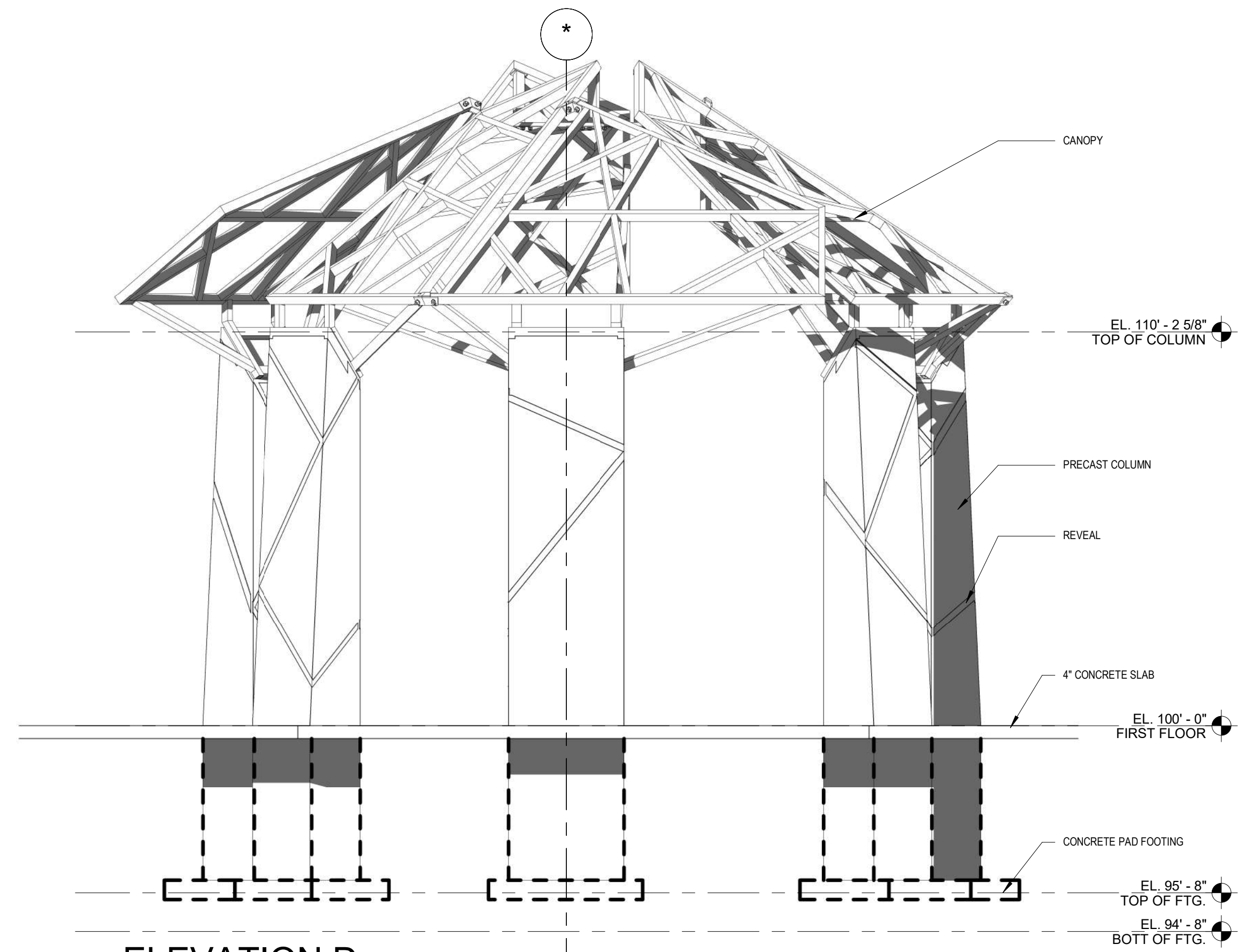
Monument
SASM
 Ellen Kort Peace Park - W Water Street, Appleton, WI
 54911

MARK	DATE
ISSUED:	Issue Date
PROJECT NO:	
DRAWN BY:	Author
CHECKED BY:	Checker
COPYRIGHT © 2020: HOFFMAN PLANNING, DESIGN & CONSTRUCTION, INC.	

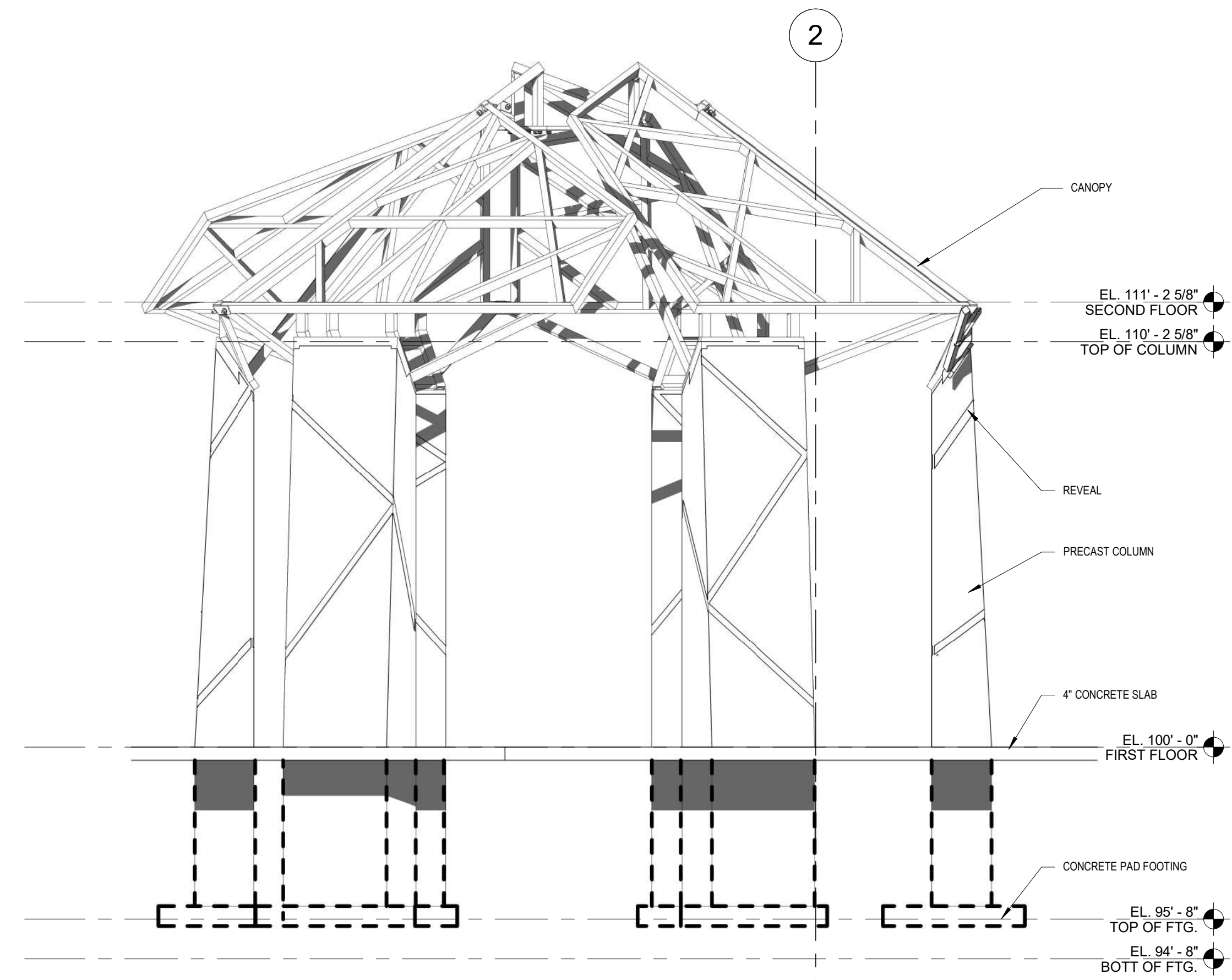
EXTERIOR
 ELEVATIONS

AE-201

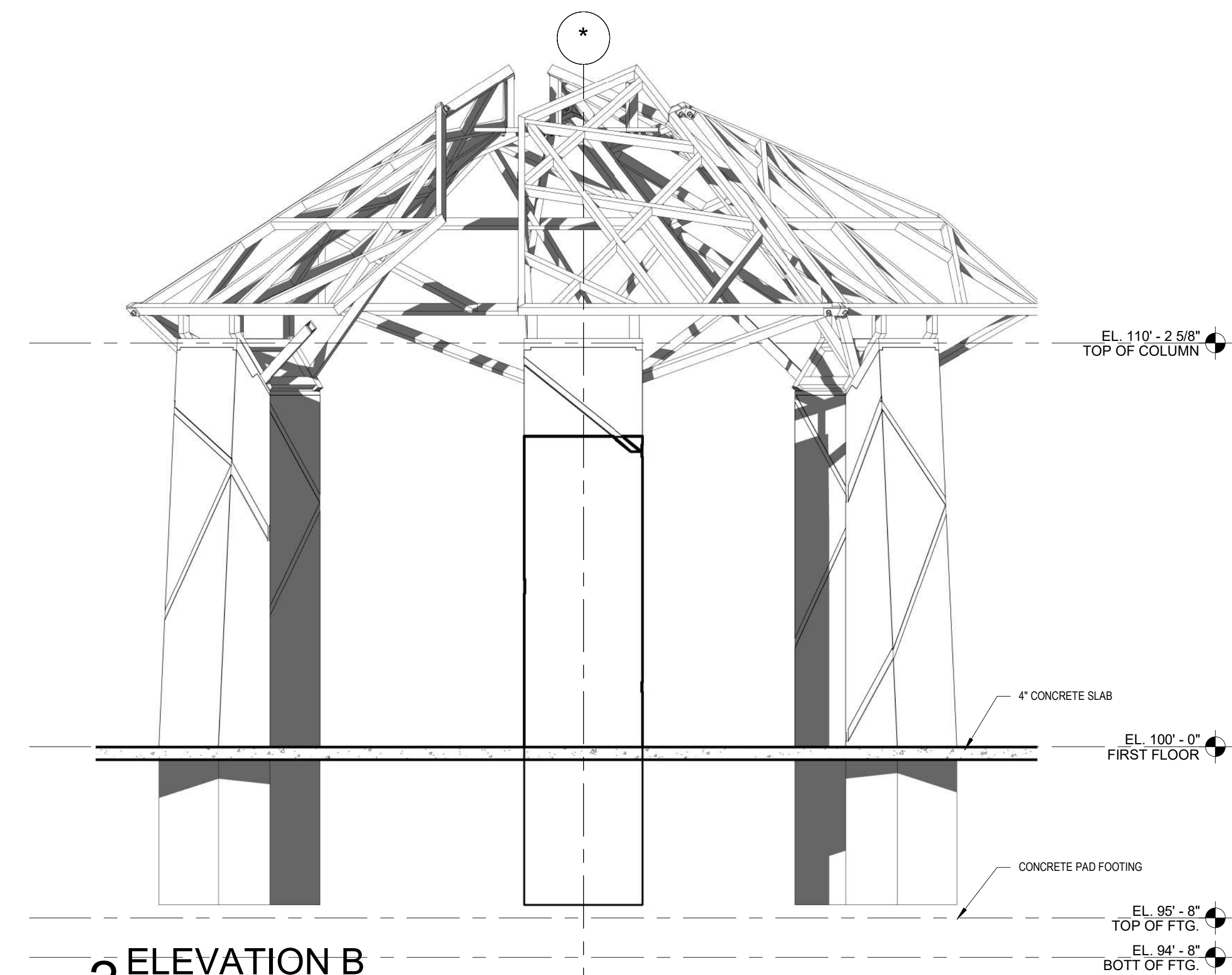
**PRELIMINARY
 NOT FOR CONSTRUCTION**



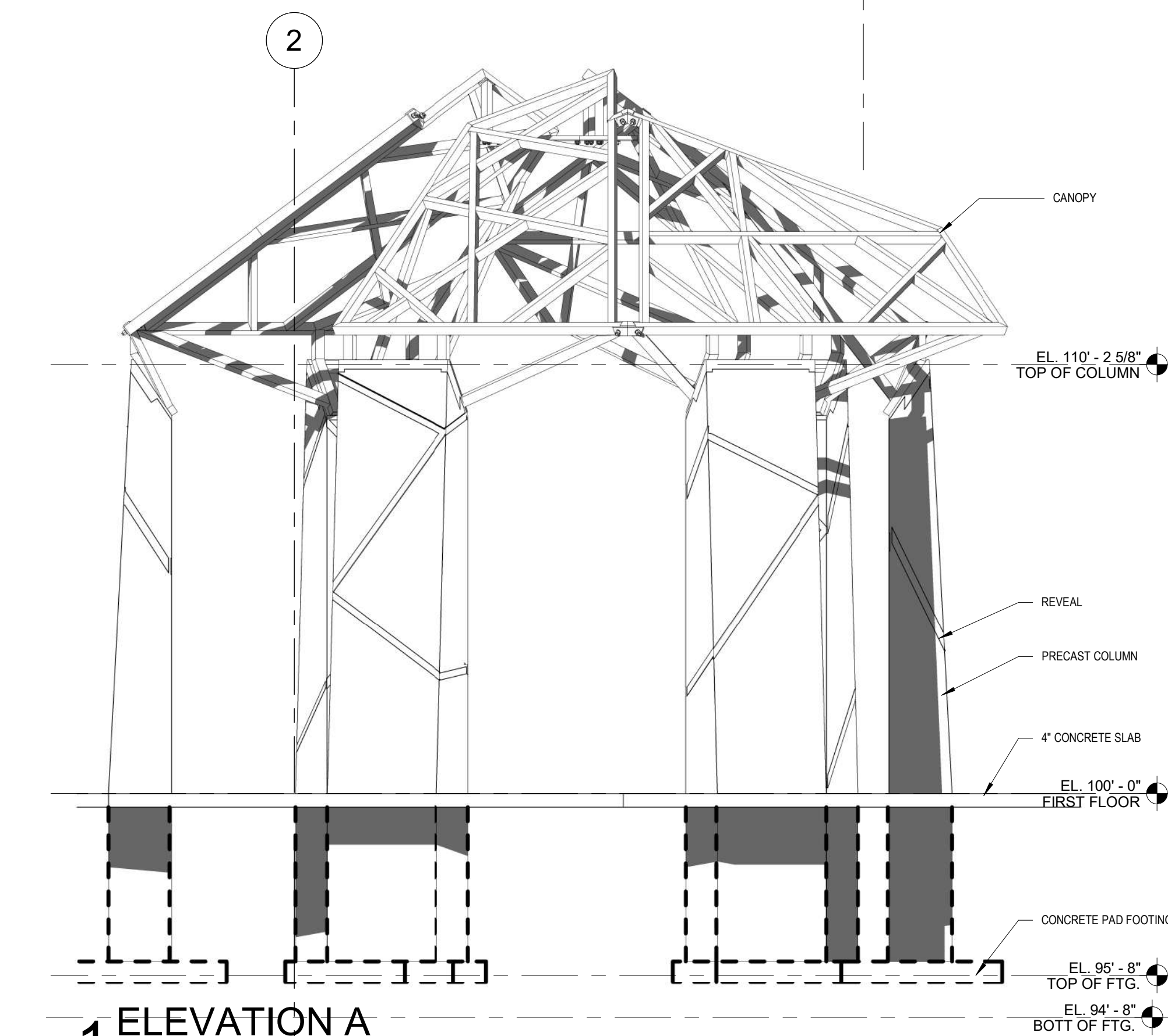
4 ELEVATION D
 SCALE 3/8" = 1'-0"
 AS REFERENCED BY:1 / AE-101



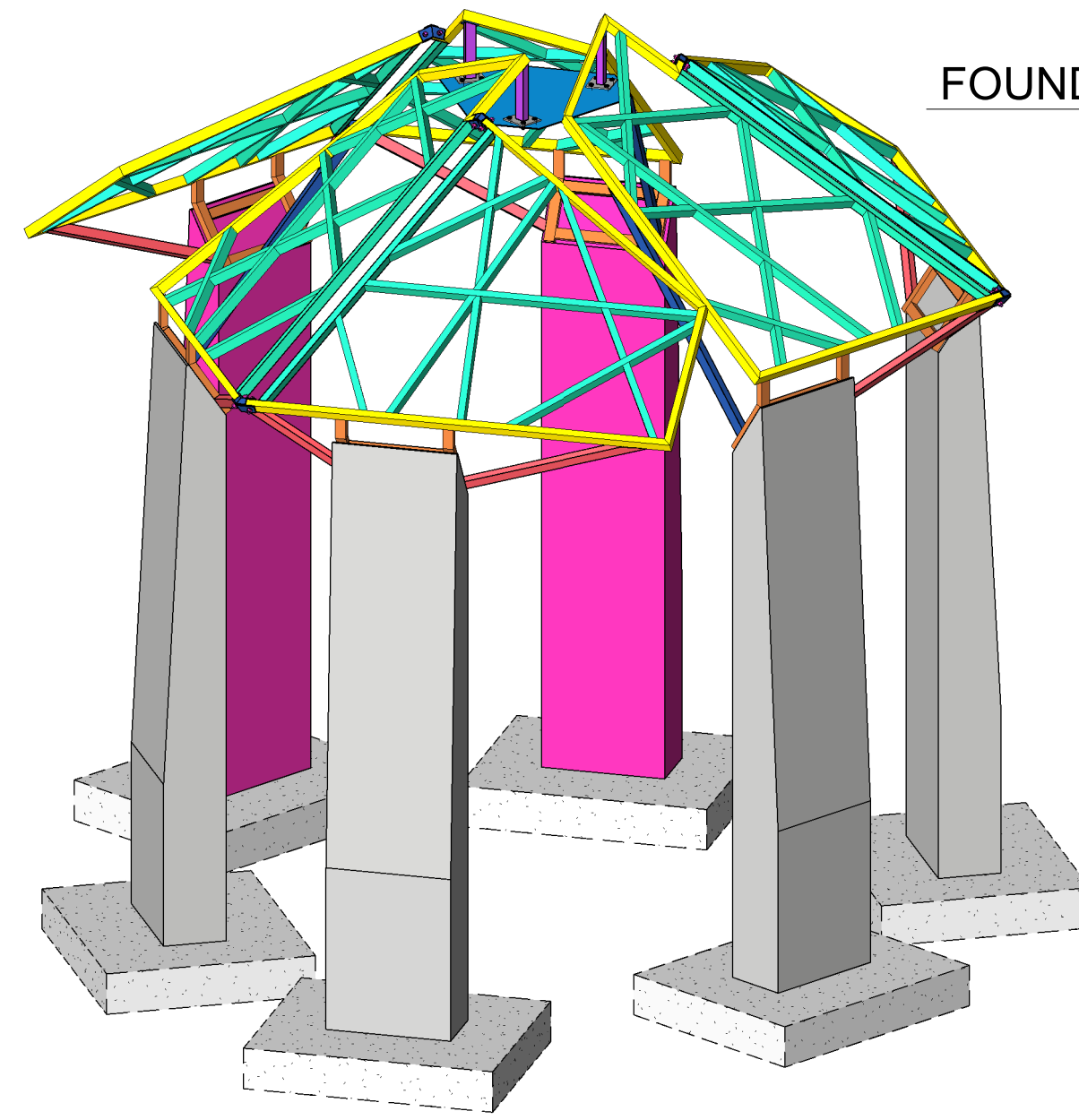
3 ELEVATION C
 SCALE 3/8" = 1'-0"
 AS REFERENCED BY:1 / AE-101



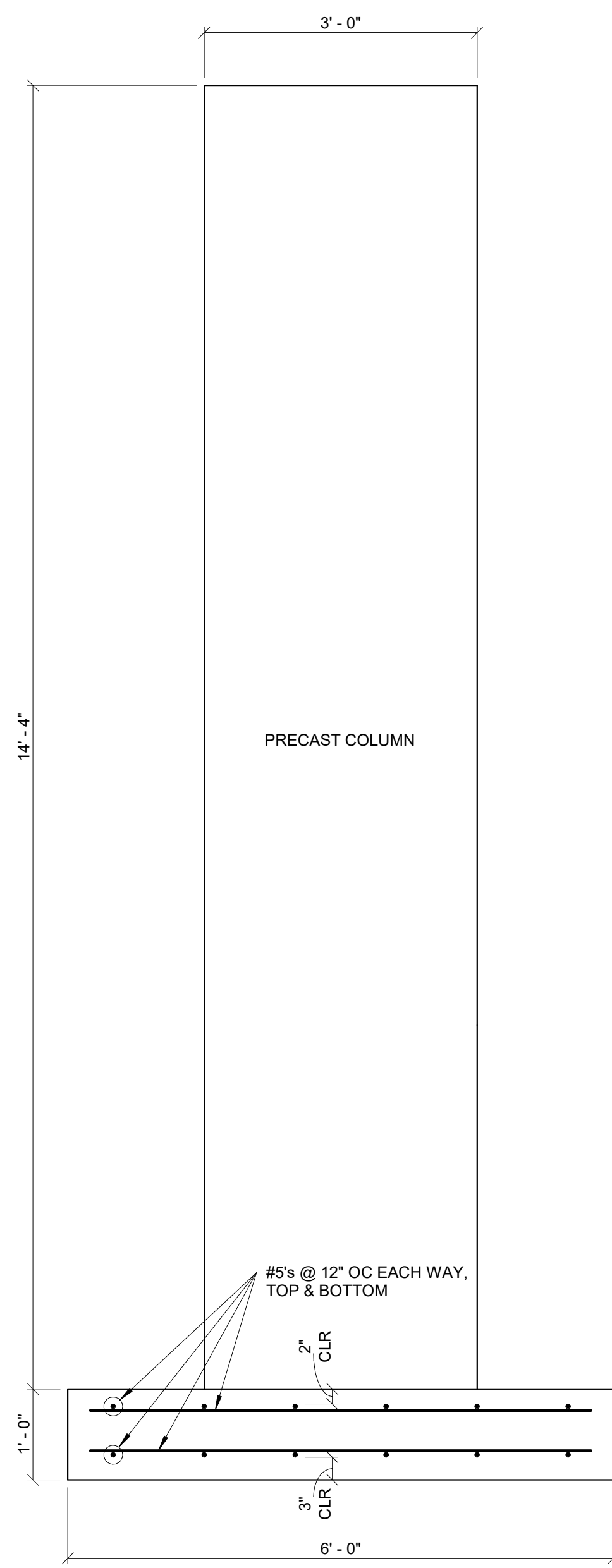
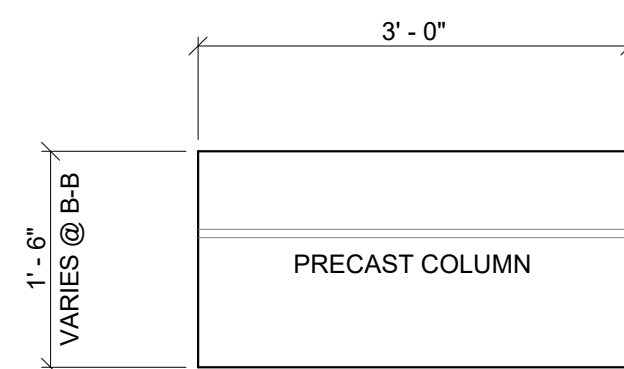
2 ELEVATION B
 SCALE 3/8" = 1'-0"
 AS REFERENCED BY:1 / AE-101



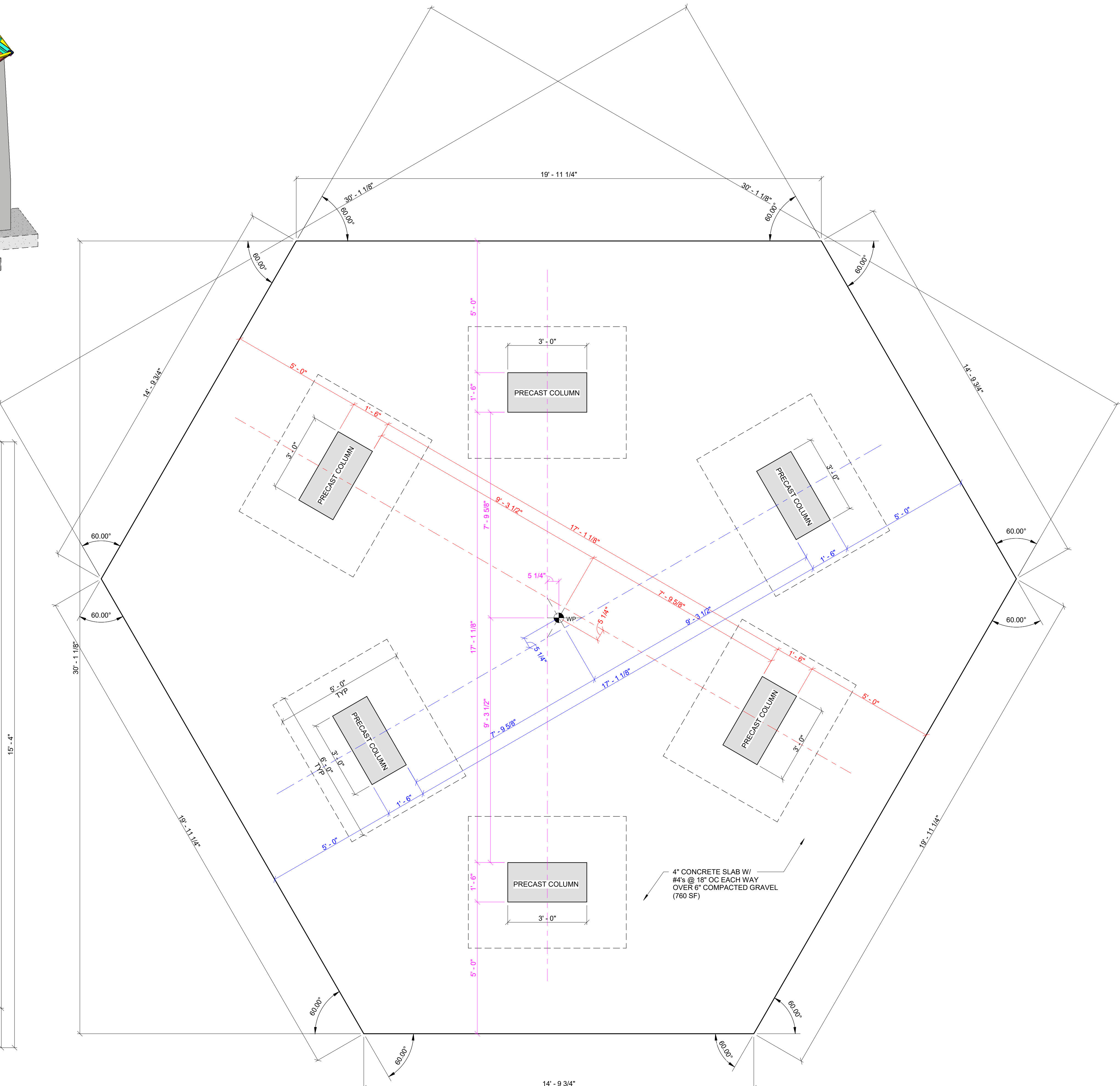
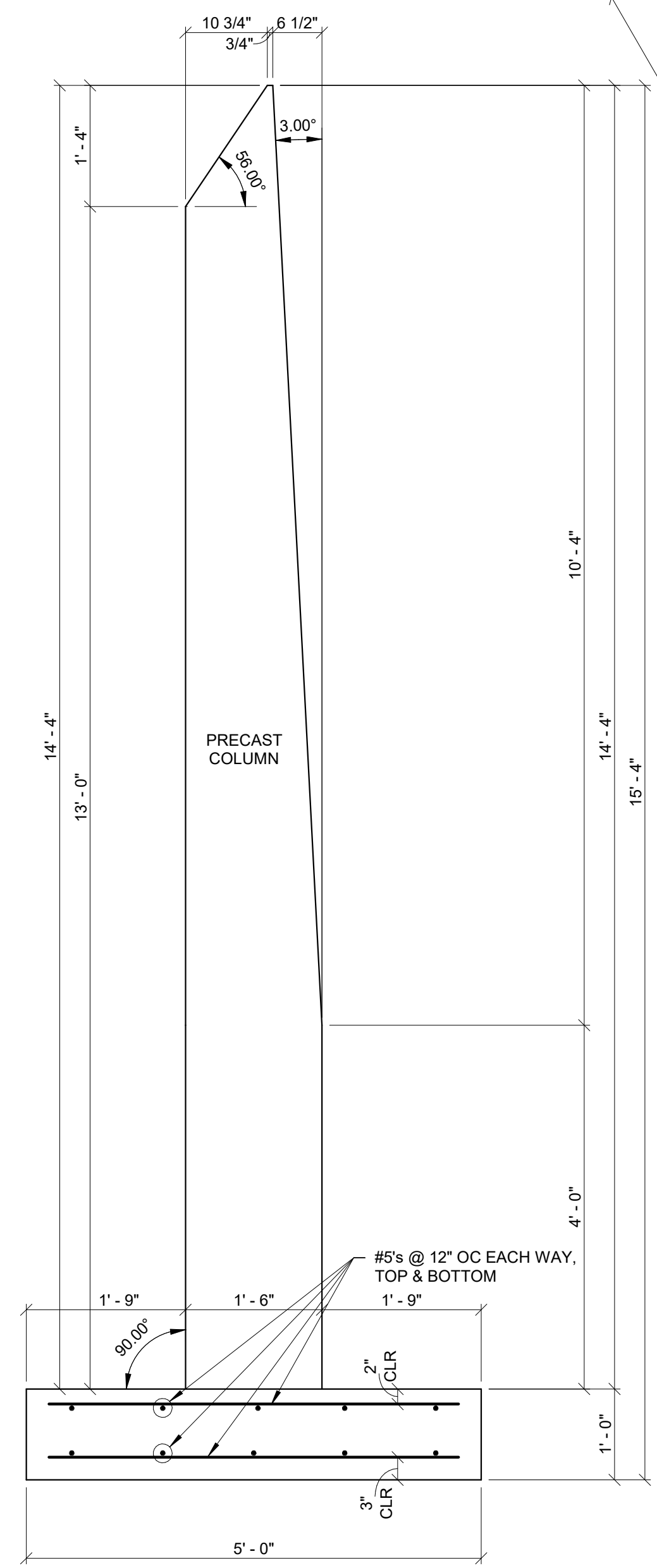
1 ELEVATION A
 SCALE 3/8" = 1'-0"
 AS REFERENCED BY:1 / AE-101



FOUNDATION & FRAMING ISOMETRIC



FOUNDATION DETAIL
3/4" = 1'-0"



FOUNDATION / LAYOUT PLAN
1/2" = 1'-0"

MARK	DATE
ISSUED:	06/09/23
PROJECT NO:	-
DRAWN BY:	BJR
CHECKED BY:	CAR

FOUNDATION & PRECAST COLUMN PLAN



REPORT TO PUBLIC ARTS COMMITTEE

Appleton Public Arts Committee Meeting Date: September 10, 2020

Parks and Recreation Committee Date: September 21, 2020

Common Council Meeting Date: October 7, 2020

Item: Sexual Assault Survivors Monument – Conceptual Review

Case Manager: Jessica Titel

GENERAL INFORMATION

Applicant: Chelsea Bongert – Sexual Assault Survivors Monument Corporation

Address/Parcel: W. Water Street – Ellen Kort Peace Park

Applicant's Request: Applicant is requesting approval of the conceptual design and placement of the Sexual Assault Survivors Monument within the future development of Ellen Kort Peace Park.

PROJECT DETAILS

Brief Description of Project and Location: The monument will be located in the future development of Ellen Kort Peace Park. The design of the park is planned for 2022. This proposal will be reviewed in two steps. First, is this approval of the conceptual design of the monument and the placement within Ellen Kort Peace Park. The applicant will then know if the monument has support and if it will have a place in the park. Assuming it is approved, the applicant can move forward with fundraising, design details and structural engineering with assurance of a location within the park and the City can continue with the design of the park taking into consideration the final placement of the monument. Since the park planning and design will occur in 2022, the City will need to have the final monument design ahead of that so the monument can be incorporated into the park layout. Due to the complexities of the proposed design and significant cost of this project, the applicant requested some level of review and approval prior to embarking on major fundraising efforts.

The second step for this project will include presenting the final detailed design, specifications and structural engineering to the Public Art Committee, Parks and Recreation Committee and Common Council for final review and action. A more narrowed down location within the park would also be presented with the next submittal.

The applicant has provided a detailed project narrative that is attached to this report. The work would comprise of gazebo-like monument with a concrete base and six stone pillars. There will be two curved benches on either side of the monument and a curved wall in the back middle of the gazebo with a firerose design in the front. Renaissance School of the Arts students worked for a semester in a monument design class with designing this monument being their culminating project, so many of these design ideas and parts came from the Renaissance students. Please note, parts of the design are subject to change as the project moves into the detailed design phase.

Sexual Assault Survivors Monument

September 1, 2020

Page 2

Attached to this report are the following supporting documents:

- Detailed project proposal/summary
- Conceptual monument design prepared by Renaissance School of the Arts Students
- Revised 3D monument rendering eliminating the fountain feature (based upon City feedback)
- Conceptual Ellen Kort Peace Park layout

Reason for Choosing the Proposed Location: Ellen Kort Peace Park will be designed as a passive park and is intended for people to visit, reflect and enjoy nature. This monument could fit well with the intended use and vision for this future park.

Description of How the Work is Installed/Anchored/Attached: Final design and structural engineering details will come at a later date and will be presented to the Public Art Committee, Parks and Recreation Committee and Common Council for final review and action prior to park design in 2022.

Timeline and Duration of Installation: The park design is planned for 2022 with construction tentatively scheduled to begin in 2023, subject to final budget approval. The monument will be a permanent structure within the park.

Maintenance and Cost: Due to the early stage of this project maintenance costs are unknown. The applicant will be providing those with the final design. The Sexual Assault Survivors Monument Corporation Nonprofit (501.c3) will plan to set up an endowment fund to cover maintenance costs of the monument.

Associated Signage: There will be a sign in front of the monument as you enter with the mission statement, a brief history, reason for the monument, and the community involvement for the monument. Within the monument there will be plaques on each pillar that describe the meaning/symbolism of the pieces within the monument. The stones on the walkway will also have sponsors engraved on them as well.

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

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

Goal 7 – Agricultural, Natural, and Cultural Resources

Appleton will continue to protect and enhance its environmental quality and important natural resources, preserve historic sites, and support cultural opportunities for community residents.

Chapter 14 – Downtown Plan

- *Community Priorities: Ellen Kort Peace Park – This newly designated park is envisioned as a place which celebrates cultural diversity and various forms of public art.*
- *Strategy 1.4 Install sculpture, murals, and other art in public locations throughout the downtown*
- *Strategy 2.1 Maintain and strengthen the vitality of the arts and entertainment niche*
- *Strategy 2.6 Create more Fox River to Downtown tourism opportunities and connections*

Sexual Assault Survivors Monument

September 1, 2020

Page 3

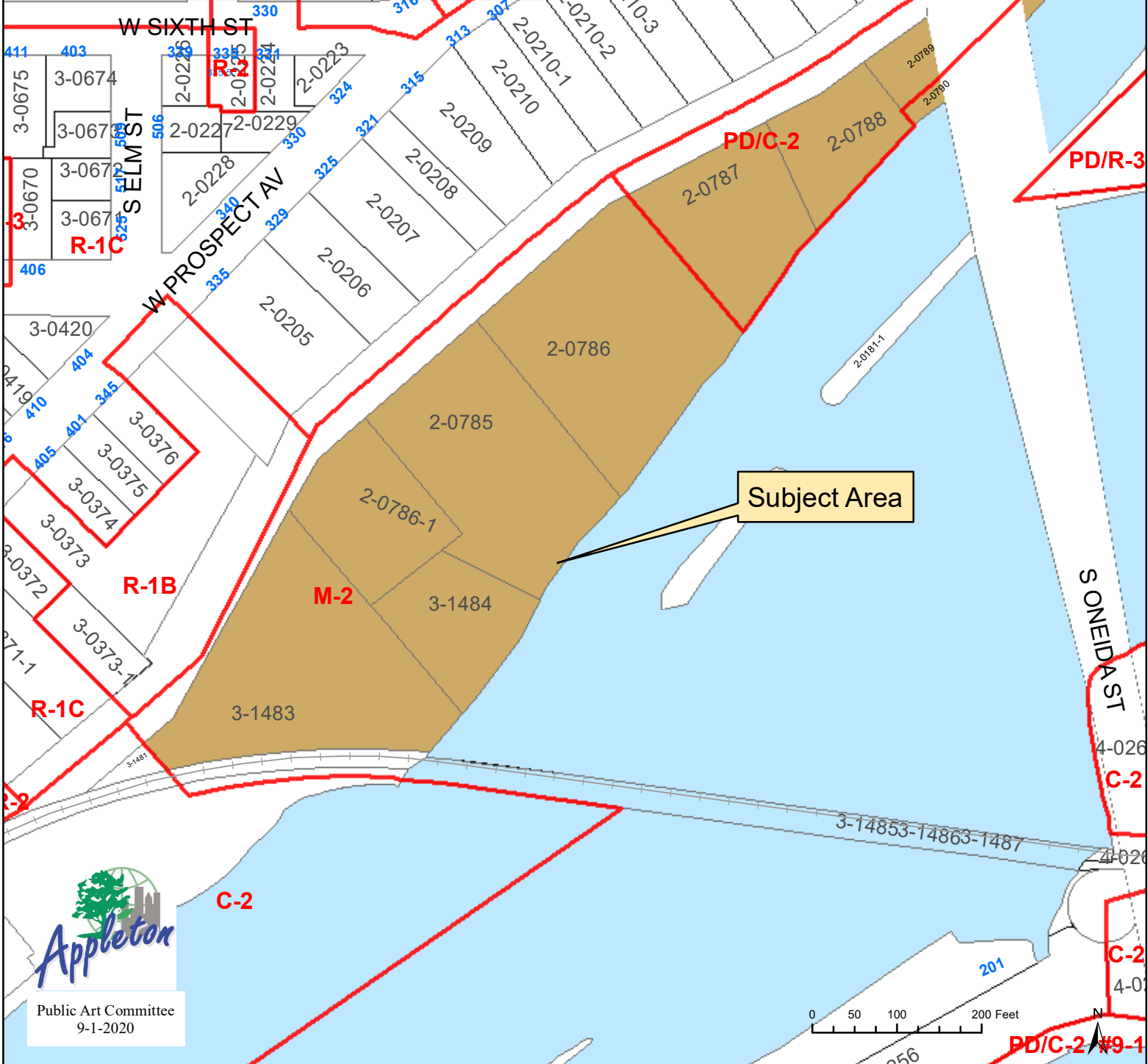
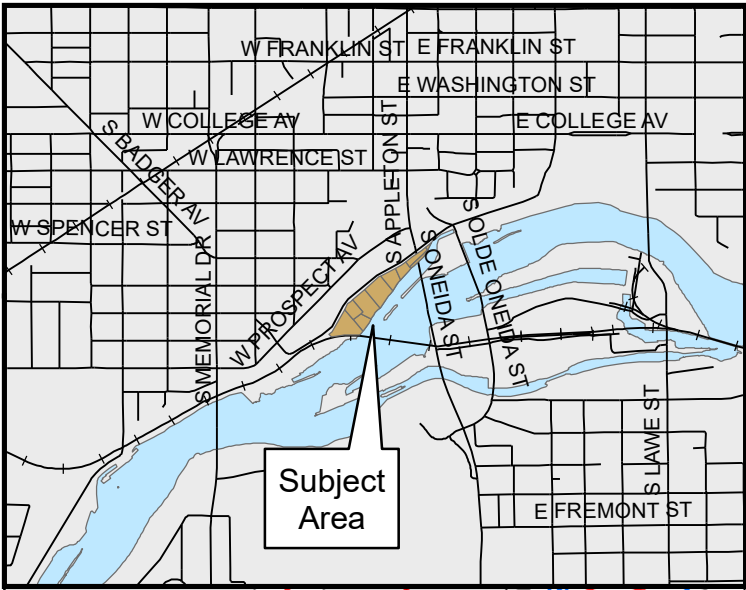
- *Strategy 7.4 Plan, design, and construct improvements to Jones Park and Ellen Kort Peace Park: It is anticipated that Ellen Kort Peace Park will emphasize nature, art, and culture over active play areas or highly formal programming.*

RECOMMENDATION

Based upon the guidelines outlined in the Art in Public Places Policy, staff recommends that the conceptual design of the proposed Sexual Assault Survivors Monument be located within the future Ellen Kort Peace Park, as shown on the attached conceptual plans, **BE APPROVED** subject to the following conditions:

1. Upon approval of the final design and location, an agreement between the applicant and the City will be prepared by the City's Legal Services Department and shall be executed prior to installation. This agreement will memorialize the expectations of the parties including the location of the art, installation and insurance requirements, maintenance, liability, indemnification, and the like.
2. The final design, construction details and structural engineering shall be provided to Staff no later than December 31, 2021. The final design will be presented to the Public Art Committee, Parks and Recreation Committee and Common Council for final review and action before the monument installation. The monument shall not be considered "approved" until this step is complete.
3. Proof of funding (or significant progress towards funding) for the monument shall be provided to Staff by December 31, 2021.
4. Approval of the monument will be contingent on both parties (City and Sexual Assault Survivors Monument Corporation) mutually agreeing on the final design.
5. Applicant shall create an endowment fund for ongoing maintenance of the monument.

Public Art Committee Sexual Assault Survivors Monument Ellen Kort Peace Park Zoning Map



Ellen Kort Peace Park

City of Appleton, WI



Master Plan

- A - Crosswalk
- B - Jones Park Connector
- C - Park Gateway
- D - Poet's Garden
- E - Nature's Gazebo
- F - River's Edge Lawn
- G - Circle Gathering Lawns
- H - Sculptures
- I - Circular Hill
- J - Butterfly Garden
- K - Peace Ring
- L - Path at River's Edge
- M - Pile Supported Walk
- N - Birding Island
- O - Peace Pole
- P - Parking
- Q - Quilt Gardens
- R - Rain Gardens/Detention
- S - Pavilion/Restroom
- T - Future Trail Extension
- U - Steps to Pioneers Park
- V - Overlook

SCALE 0' 20' 40' 80'

N

LUNDE-WILLIAMS



Sexual Assault Survivors Monument Corporation

Appleton Park Art Application

Submittal Requirements:

1. Brief description of the proposed artwork

The piece will be a gazebo-like monument that brings a voice to sexual assault awareness. It will have two baby trees on either side of the stone walkway up to the monument. The trees will be sponsored each year by area companies with a plaque that accompanies them stating the year, company, and Sexual Assault Survivors Monument and the following year the trees will be replanted at the companies (with the plaque) to symbolize the spreading growth and awareness as a community. The stone path will have rounded stones with sponsor names on them as you walk up to the monument. The monument itself will be ground level with a concrete base and 6 pillars. As planned now, the front two pillars will say "You Matter" and "Be A Voice". The other pillars will have plaques on them that explain the meaning/symbolism of each piece of the monument. Two curved benches will be on either side of the gazebo with colorful mosaic tiles, each coming from an event where area survivors can pick a tile to represent them, or someone they know, who has been affected by sexual assault; therefore involving the community and allowing the topic to hit home. Metal teal ribbon backs will be attached to the benches, as the teal ribbon is for sexual assault awareness. There will then be a curved wall in the back middle of the gazebo with a firerose design in the front and cubby holes on either side. Within each cubby will be a plastic bottle where survivors and community members can leave messages of hope and encouragement, their own story and healing, and words of comfort. Visitors to the monument can then read these, take a message to keep and refill the bottle with their own message, or just write a message to leave in a bottle. It will make the monument a "living" space. Please note, parts of this plan are subject to change and open to change as well, but this is the best description of the design we have today. Renaissance School of the Arts students actually worked for a semester in a monument design class with designing this monument being their culminating project, so many of these design ideas and parts came from the Renaissance students.

2. Photos/sketches of the proposed artwork (see attached images)

In the attached images, you will see a sketch I have done (keeping in mind that the fountain in my sketch has been discussed and changed to a curved wall in

the back, so no fountain will be planned). The other design is a 3D graphic rendering of the monument

3. Site plan/location map showing location of proposed work

Ellen Kort Peace Park - actual location within to be determined once park design is planned

4. Reason for choosing the proposed location

I cannot think of a better location for a monument like this; one that is built for reflection, healing, and hope. The Ellen Kort Peace Park is designed for just that purpose. I did not know Ellen Kort personally, but I do know she was a teacher, as I am also, with a passion to make a difference and be a voice with her work and writings. She actually taught at Renaissance School of the Arts years back, and now present students from Renaissance are the ones that designed this monument for the community. Both of those details of teaching and Renaissance really brings a part of her life back to the park. Ellen was an amazing woman, going beyond her classroom and into the community to bring hope and change. Her words were powerful, as was her mission and love. As many of you know, she took her workshops everywhere - into schools, to at-risk teens, grieving parents, domestic abuse survivors, and women in prison. She had a heart for those who knew pain in their lives and reached out to them. Her words were a beacon of hope, and that is what this monument would be as well. Therefore, it would be an honor to have the Sexual Assault Survivors Monument call Ellen Kort Peace Park its home. It fits the mission of the park and has details that reflect Ellen Kort's life.

5. Description of how the work is installed/anchored/attached

Our plan at the moment is the base of the monument will be concrete and the structure will be built on top of that and secured onto the concrete base. So, wedge anchors will be put in place to hold the gazebo frame in place and the legs can then be bolted directly into place. That is my understanding at the moment.

6. Installation specifications provided by a structural engineer

We have met and plan to work with Hoffman Planning, Design, and Construction and had an initial meeting with them. They would like to know we have a spot secured in the park before moving forward and charging us money without that guarantee. Once that is guaranteed we will be more than happy to share specifics about installation. The dimensions we have discussed are 10 ft

diameter, and about 12 to 14 feet tall. The columns will be made of either cement or fiberglass outside with a steel rod running down the center. Both would be easy to maintain. The roof is planned to be metal, with the top roof being colored teal metal roofing, and the windows around the top roof would be plexiglass. Again, the roofing material would be easy to maintain. The benches would be concrete with a metal teal ribbon as the backs, and the curved survivor wall would also be made of concrete with the firerose colored and stamped in.

7. Timeline and duration of installation

Again, our plan is to install it in Ellen Kort Peace Park after the park is done being built, or if possible, while it is in the final stages - that decision is up to the Board. The specific amount of time this would take is unknown to me at this time, but again I am more than willing to share that information with you the moment we have it.

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

We, as the Sexual Assault Survivors Monument Corporation Nonprofit (501.c3) plan to set up an endowment fund as we fundraise for this exact purpose and plan to cover maintenance costs of the monument.

9. Description of any associated signage

There will be a sign in front of the monument as you enter, giving our mission statement (see letter), a brief history, reason for the monument, and the community involvement put into the monument (such as Renaissance students for example). Within the monument there will be plaques on each pillar that describe the meaning/symbolism of pieces within the monument. The stones on the walkway will also have sponsors engraved on them as well.

***Please note that these are the plans and ideas as of right now and that they may be subject to change as we are in the early phases of this project. So please understand some of this may evolve over time.

Thank you for your time taken to read this application and for your dedicated consideration for this monument to be placed in Ellen Kort Peace Park. I look forward to working with each of you in the future as we move forward.

Chelsea Bongert - Founder, Speaker, Advocate, Teacher
Sexual Assault Survivors Monument Corporation





Sexual Assault Survivors Monument Corporation

W2162 Daisy Ln * Brillion, WI * 54110

Dear Appleton Park and Recreation Committee,

My name is Chelsea Bongert and I am a teacher in the Appleton Area School District, teaching 8th grade math. I am also a speaker, advocate, and survivor of sexual assault. This will be my 10th year speaking to schools in the Fox Cities area. I started speaking during my first year at Wilson Middle School. I remember asking my administration what was done for sexual assault awareness and if I could hold an all school assembly on the topic, and they said yes. I shared my personal story of multiple rapes and assaults - the pain, the emotions, the hope and healing that comes, and what actions we can take together to make a change in the community and our own thinking. Now, 9 years later, I am joined by a panel of experts from Catalpa Health, Sexual Assault Crisis Center, Reach Counseling, Harbor House, and Center for Suicide Awareness-Hopeline, and we hold annual assemblies at every middle school in Appleton, and other schools in the Fox Cities, speaking on sexual assault awareness. I have also spoken at the Appleton Voices of Men annual events, business events, lead staff developments, and spoke for 3 days in LaCrosse at middle schools and community events. Each year I have multiple students and staff come to me after events in tears - telling me their personal story of sexual assault. I have heard stories of indescribable pain come from area 8th grade students, and seen tears roll down the faces of veteran teachers saying "I have never told anyone in 30 years..." I have held survivors as they cried, finally knowing it is not their fault and they are not alone. Every year I continue to speak and spread awareness, but always ask myself, "What more can I do?" If only I could raise bigger community awareness, and also give hope to victims and survivors - letting them know they are not alone.

Because of these experiences in the last 10 years, I started the nonprofit Sexual Assault Survivors Monument Corporation. We are a recognized 501.c3 and I am happy to share that paperwork with you as well. Our nonprofit's mission is: **To be a beacon of hope and strength to victims and survivors - reminding them they matter - and educating the community so we can use our voices together to create change.**

As part of this mission to bring awareness, we would like to create a monument in Appleton. We have already started fundraising and collaborated with the students from Renaissance School of the Arts in Appleton to create a design. The teachers created a class this past semester solely focused on monument design and the final project was



Sexual Assault Survivors Monument Corporation

W2162 Daisy Ln * Brillion, WI * 54110

to design the Sexual Assault Survivors Monument. The students presented to our Board in groups and did a phenomenal job. We have now taken their ideas and designs and created a final monument, incorporating ideas from each student group. It is very important to us that the members of the community feel they own and take part in this monument. That was one of the reasons it was important to us to have the design done by the youth of Appleton. The final design has been very carefully thought out, with symbolism and community involvement, and we are proud of what it is.

As a survivor myself, and someone who has heard so many stories of pain and heartbreak from our own in Appleton, this project is very dear to my heart. I feel I owe it to victims still struggling and feeling alone, to my students, past and present, who have cried in my classroom after school as they shared their story of assault with me, to all the survivors in our community. This monument will be a stand as the message to survivors "You Matter" and to the community it will say "Be educated, be aware - then have determination to make a positive difference." It will be a symbol of our continued efforts to end sexual violence, and also create a safe place of reflection and conversation.

This is the point where I humbly come to you, as the Appleton Park and Recreation Committee, asking for authorization to move forward with, and raise money for, the Sexual Assault Survivors Monument, and if I do, then the City of Appleton would authorize the monument with the intent of it being placed in Ellen Kort Korte Peace Park. I cannot think of a better location for a monument like this; one that is built for reflection, healing, and hope. I did not know Ellen Kort personally, but I do know she was a teacher with a passion to make a difference and be a voice with her work and writings. She actually taught at Renaissance School of the Arts years back, and now present students from Renaissance are the ones that designed this monument for the community. Ellen was an amazing woman, going beyond her classroom and into the community to bring hope and change. Her words were powerful, as was her mission and love. As many of you know, she took her workshops everywhere - into schools, to at-risk teens, grieving parents, domestic abuse survivors, and women in prison. She had a heart for those who knew pain in their lives and reached out to them. She believed in her mission enough to carry around glow in the dark chalk just to write messages on the sidewalks. Her words were a beacon of hope, and that is what this monument would be as well. Therefore, it would be an honor to have the Sexual Assault Survivors Monument call Ellen Kort Korte Peace Park its home.



Sexual Assault Survivors Monument Corporation

W2162 Daisy Ln * Brillion, WI * 54110

My plan is to, with your authorization, spend the next couple years raising 100% of the funds for the Sexual Assault Survivors Monument, with the agreement that it would then stand in Ellen Kort Korte Peace Park in Appleton. I truly appreciate you taking the time to consider this and read my letter of request. Please know I, and my Board, am more than willing to sit with each of you and have a discussion and answer any questions you may have. Thank you again, and I look forward to talking with you in the near future.

Best regards,

Chelsea Bongert
President, Sexual Assault Survivors Monument Corp
(920) 915 - 7211
bongertchelsea@asds.k12.wi.us
chelseabongert@gmail.com



SEXUAL ASSAULT SURVIVORS MONUMENT

YOU MATTER

STRENGTH

SIGN EXPLAIN MONUMENT









City of Appleton

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

Meeting Minutes - Final CEA Review Committee

Monday, June 12, 2023

4:00 PM

Council Chambers, 6th Floor

1. Call meeting to order

2. Pledge of Allegiance

3. Roll call of membership

Present: 4 - Ohman, Public Works Director Block, Van Zeeland and Doran

4. Approval of minutes from previous meeting

[23-0615](#)

Minutes from March 20, 2023

Attachments: [03-20-23 Meeting Minutes.pdf](#)

Doran moved, seconded by Public Works Director Block, that the Minutes be recommended for approval. Roll Call. Motion carried by the following vote:

Aye: 4 - Ohman, Public Works Director Block, Van Zeeland and Doran

5. **Public Hearing/Appearances**

6. **Action Items**

[23-0614](#)

Request to purchase Fire Truck via Sole Source and order prior to July 15, 2023.

Attachments: [05-16-23 Appleton Estimate 3055 for engine.pdf](#)
[05-25-23 Sole Source Engine.pdf](#)

Doran moved, seconded by Finance Director Ohman, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:

Aye: 4 - Ohman, Public Works Director Block, Van Zeeland and Doran

[23-0649](#)

Request to provide Fabick Cat with a Letter of Intent to order the asphalt paver in June

Attachments: [5-30-23 Paver Letter of Intent.pdf](#)

Doran moved, seconded by Public Works Director Block, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:

Aye: 4 - Ohman, Public Works Director Block, Van Zeeland and Doran

7. Information Items

8. Adjournment

Doran moved, seconded by Finance Director Ohman, that the meeting be adjourned. Roll Call. Motion carried by the following vote:

Aye: 4 - Ohman, Public Works Director Block, Van Zeeland and Doran



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

DEPARTMENT OF PUBLIC WORKS
Engineering Division
100 North Appleton Street
Appleton, WI 54911
TEL (920) 832-6474

To: Finance Committee
From: Danielle Block, Director of Public Works
Jeri Ohman, Director of Finance
Date: June 26, 2023
Re: **Request to apply for a Safe Drinking Water Loan and to approve a Resolution declaring official intent to reimburse expenditures for loan disbursement payments**

The Wisconsin Department of Natural Resources Safe Drinking Water Loan Program (SDWLP) has made funding available for state fiscal year 2024 to municipalities to assist property owners with costs associated with the replacement of private lead service lines (LSL's). This funding will be made available to municipalities in the form of a loan, with a percentage of the loans issued qualifying for principal forgiveness (PF).

The SDWLP Priority Evaluation Ranking Formula (PERF) is used to determine projects that are eligible for PF funding and standard loan funding. The PERF is based on several factors including census tract data. The City of Appleton currently has some census tracts within the city limits, that may qualify for the PF program. The Department of Public Works requests to apply for this program to secure funding to replace LSL's in designated census track areas, and will only accept funding if PF loans are awarded.

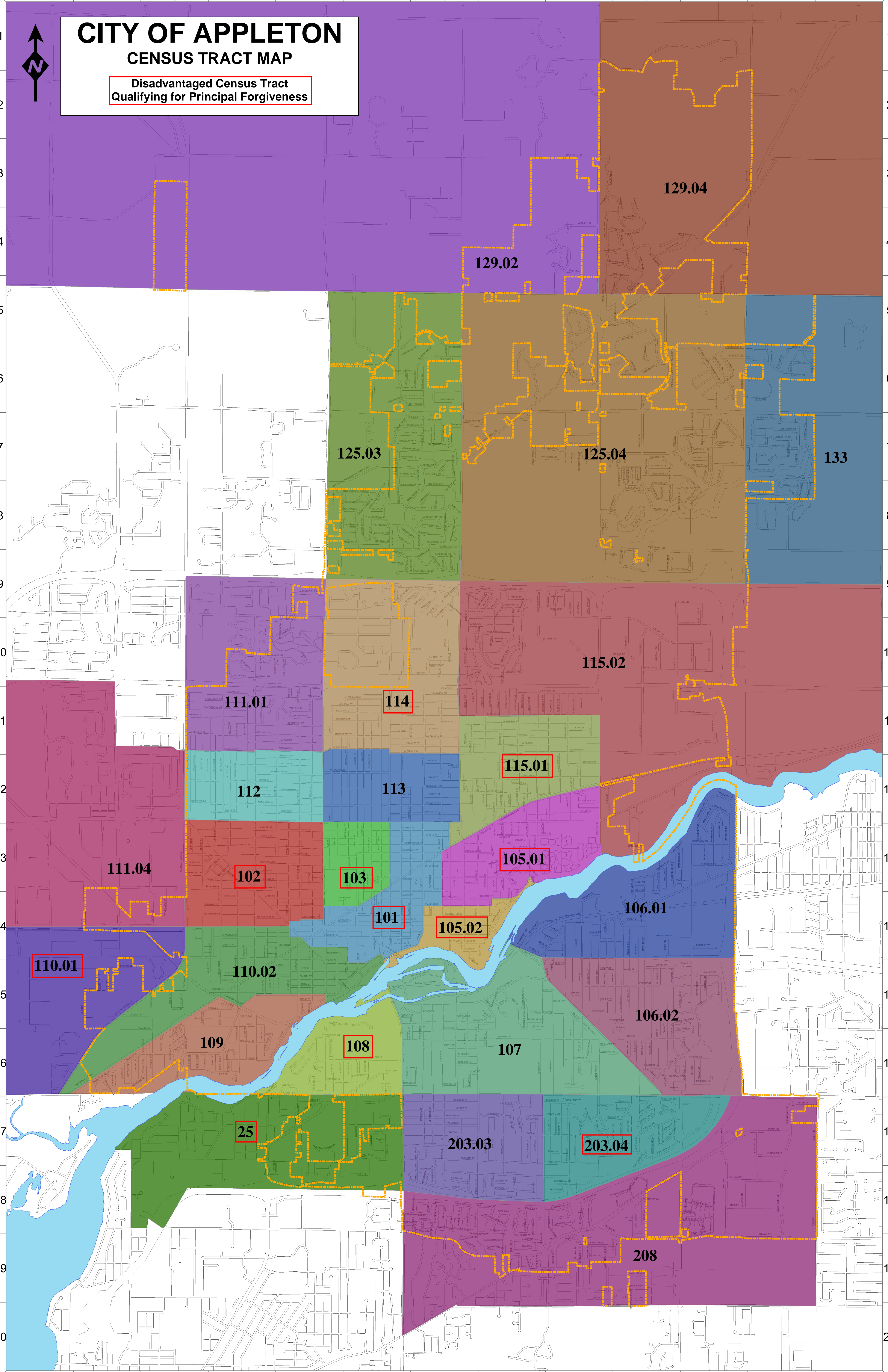
As a condition of the SDWLP loan application, a resolution must be passed that ensures the monies received from the SDWLP loan will be used to reimburse the costs of the project.

Therefore, staff recommend approval to apply for a Safe Drinking Water Loan and approval of the Resolution Declaring Official Intent to Reimburse Expenditures from Loan Disbursement Payments.

CITY OF APPLETON

CENSUS TRACT MAP

Disadvantaged Census Tract
Qualifying for Principal Forgiveness



129.04

129.02

125.03

125.04

133

115.02

111.01

114

115.01

112

113

111.04

102

103

105.01

101

105.02

106.01

110.01

110.02

106.02

109

108

107

25

203.03

203.04

208

RESOLUTION NO. #
COMMON COUNCIL
OF THE
CITY OF APPLETON, WISCONSIN

July 19, 2023

RESOLUTION DECLARING OFFICIAL INTENT TO
REIMBURSE EXPENDITURES FROM LOAN
DISBURSEMENT PAYMENTS

WHEREAS, the City of Appleton (the "Municipality") plans to undertake a project to replace private lead service water lines servicing City of Appleton customers (the "Project");

WHEREAS, the Municipality has applied to the Safe Drinking Water Loan Program (the "SDWLP") for financial assistance in the form of a loan made by the SDWLP to the Municipality (the "Loan") of which all the principal will be forgiven at the time Loan disbursements are made to the Municipality;

WHEREAS, the Municipality expects to finance the Project in part using the funds made available through the SDWLP;

WHEREAS, because the Loan funds will not be disbursed prior to completion of work, the Municipality must provide interim financing to cover the costs of the Project incurred prior to receipt of the disbursements of the Loan; and

WHEREAS, it is necessary, desirable, and in the best interests of the Municipality to advance moneys from its funds on hand on an interim basis to pay the costs of the Project until the Loan funds are issued.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the Municipality, that:

Section 1. Expenditure of Funds. The Municipality shall make expenditures as needed from its funds on hand to pay the costs of the Project until Loan disbursements become available.

Section 2. Declaration of Official Intent. The Municipality hereby officially declares its intent to reimburse said expenditures with disbursements of the Loan, the principal amount of which is not expected to exceed \$600,000.

Section 3. Unavailability of Long-Term Funds. No funds sufficient for payment of the Project from sources other than the Loan are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside by the Municipality pursuant to its budget or financial policies.

Section 4. Application of Resolution. Before the date that is 60 days prior to the date of this resolution, no payments have been made by the Municipality for the expenditures to be reimbursed relating to the Project, other than for preliminary expenditures that are incurred prior to commencement of construction, rehabilitation, or acquisition of the Project, and these preliminary expenditures do not exceed 20% of the aggregate issue price of that portion of the borrowing or borrowings that finance or are reasonably expected to finance the Project. The term "**preliminary expenditures**" means architectural, engineering, surveying, soil testing, bond issuance, and similar costs that are incurred prior to commencement of acquisition, construction, or rehabilitation of a project, other than land acquisition, site preparation, and similar costs incident to commencement of construction.

Section 5. Expiration of Resolution. The borrowing from which an expenditure for the Project is to be reimbursed will be issued within 18 months following the later of (i) the date of the expenditure, or (ii) the date on which the Project is placed in service, but no later than 3 years after the date of the expenditure.

Section 6. Public Availability of Official Intent Resolution. This Resolution shall be made available for public inspection at City Hall within 30 days of its approval in compliance with applicable State law governing the availability of records of official acts and shall remain available for public inspection until the Loan is disbursed.

Section 7. Effective Date. This Resolution shall be effective upon its adoption and approval.

Adopted: July 19, 2023

Approved: July __, 2023

Signed: _____
Jake Woodford, Mayor

Kami Lynch, City Clerk