



City of Appleton

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

Meeting Agenda - Final Common Council

Wednesday, September 20, 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

[23-1095](#) Common Council Meeting Minutes of September 6, 2023

Attachments: [CC Minutes 9-6-23.pdf](#)

- G. BUSINESS PRESENTED BY THE MAYOR

[23-1115](#) Board Reappointments

Attachments: [Sept 20 CAB BZA ReAppt Memo.pdf](#)

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

[23-1087](#) Request from The Boldt Company for a permanent street occupancy permit for the Fox Commons City Center Plaza construction site perimeter fencing and staging on Oneida Street south of Washington Street (from E Washington Street to N. Appleton Street) for a period ending on December 31, 2023.

Attachments: [Boldt City Center Perm Road Closure Permit.pdf](#)

Legislative History

9/11/23	Municipal Services Committee	recommended for approval
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2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[23-1086](#) 2024 City Clerk's Office License Fee Changes

Attachments: [2024 City Clerk Fee Schedule Updates.pdf](#)

[Alcohol + Amusement Fee Data for 2024 Updates.pdf](#)

Legislative History

9/13/23	Safety and Licensing Committee	recommended for approval
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[23-1085](#) Appleton Municipal Code, Chapter 6 Revisions for the Fire Department
 -09-07-23_Ch_6_Ordinance_Memo
 -09-07-23_Ch_6_Fire_2023_Revisions
 -09-07-23_AFD_Fee_Schedule

Attachments: [09-07-23_AFD_Fee_Schedule.pdf](#)

[09-07-23_Ch_6_Fire_2023_Revisions.pdf](#)

[09-07-23_Ch_6_Ordinance_Memo.pdf](#)

Legislative History

9/13/23	Safety and Licensing Committee	recommended for approval
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9/13/23	Safety and Licensing Committee	amended
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Remove the increase on the open/outdoor burning fee. Keep it at \$30 annually

[23-1065](#) Class "B" Beer and "Class C" Wine License application for Off The Vine Woodfire Pizza Co LLC d/b/a Broken Tree Pizza, Keith Schreiner, Agent, located at 201 S Riverheath Way Suite 1100, contingent upon approval from the Police department.

Attachments: [Broken Tree Pizza 2023-2024.pdf](#)

Legislative History

9/13/23	Safety and Licensing Committee	recommended for approval
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[23-1082](#)

Class "B" Beer and "Class C" Wine License application for A&V Custom Creations LLC d/b/a Board & Brush Creative Studio Appleton, Vanessa Schoen, Agent, located at 109 N Durkee St, contingent upon approval from Community Development, Health and Police departments.

Attachments: [Board and Brush Creative Studio Appleton.pdf](#)

Legislative History

9/13/23 Safety and Licensing recommended for approval
Committee

[23-1068](#)

Class "B" Beer and "Class B" Liquor License Permanent Premise Amendment for Two Bucks Only II LLC d/b/a Maritime Bar, Daniel Burton, Agent, located at 336 W Wisconsin Ave, contingent upon approval from all departments.

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

Legislative History

9/13/23 Safety and Licensing recommended for approval
Committee

3. MINUTES OF THE CITY PLAN COMMISSION[23-0934](#)

Request to approve Rezoning #5-23 to rezone the vacant land generally located along the extension of E. Sweetwater Way, south of E. Spartan Drive and east of N. Haymeadow Avenue, for the Fourth Addition to Clearwater Creek (Tax Id #31-6-6201-00 and part of #31-6-6200-00), as shown on the attached maps, from AG Agricultural District to R-1B Single-Family District

Attachments: [StaffReport 4th Addn Clearwater Creek Rezoning For8-9-23.pdf](#)

[Scott Berg Email.pdf](#)

[Gregg Mader Email.pdf](#)

[Email to Ald Hayden with Responses 8-25-23.pdf](#)

[Resident Handout-Clearwater Creek 9-6-23.pdf](#)

[Resident Opposition Handout- Clearwater Creek 9-6-23.pdf](#)

[Jill Hendricks Response 9-12-23.pdf](#)

Legislative History

8/9/23 City Plan Commission recommended for approval
Proceeds to Council on September 6, 2023.

Staff received written feedback from two residents via email. The emails were distributed to the Plan Commission members at the meeting and are attached.

9/6/23 Common Council referred to the City Plan Commission
This item was referred back by Alderperson Hayden.

9/13/23 City Plan Commission recommended for approval
Staff received an email from Jill Hendricks of Clearwater Creek Development LLC dated September 12, 2023. The email was distributed to the Plan Commission members at the meeting and is attached.

[23-0935](#)

Request to approve the Fourth Addition to Clearwater Creek Preliminary Plat as shown on the attached maps and subject to the conditions in the attached staff report

Attachments: [StaffReport_4th Addn Clearwater Creek PreliminaryPlat_For8-9-23.pdf](#)
[Email to Ald Hayden with Responses 8-25-23.pdf](#)
[Resident Handout-Clearwater Creek 9-6-23.pdf](#)
[Resident Opposition Handout- Clearwater Creek 9-6-23.pdf](#)
[Jill Hendricks Response 9-12-23.pdf](#)

Legislative History

8/9/23	City Plan Commission	recommended for approval <i>Proceeds to Council on September 6, 2023.</i>
9/6/23	Common Council	referred to the City Plan Commission <i>This item was referred back by Alderperson Hayden.</i>
9/13/23	City Plan Commission	recommended for approval <i>Staff received an email from Jill Hendricks of Clearwater Creek Development LLC dated September 12, 2023. The email was distributed to the Plan Commission members at the meeting and is attached.</i>

[23-0994](#)

****CRITICAL TIMING**** Annual review and request to approve the Downtown Appleton Business Improvement District (BID) 2024 Operating Plan

Attachments: [StaffReport_2024BIDOperatingPlan_For09-13-23.pdf](#)
[2024 BID Operational Plan.pdf](#)
[2022 BID Annual Report.pdf](#)
[2022 BID Audit - Financial Statements.pdf](#)

Legislative History

9/13/23	City Plan Commission	recommended for approval
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[23-1047](#)

Request to approve Special Use Permit #10-23 for a restaurant with alcohol sales and consumption use located at 1619 W. College Avenue, Suite A (Tax Id #31-3-0049-00), 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_1619WCollegeAv_SUP_For9-13-23.pdf](#)

Legislative History

9/13/23	City Plan Commission	recommended for approval
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4. MINUTES OF THE PARKS AND RECREATION COMMITTEE**5. MINUTES OF THE FINANCE COMMITTEE**

[23-1013](#) Resolution #10-R-23 Allocation of State Shared Revenue Aid

Attachments: [#10-R-23 Allocation of State Shared Revenue Aid.pdf](#)

Legislative History

9/11/23 Finance Committee recommended for denial
*Amend second whereas from \$2M to \$1,926,000. 4-1 amendment passes.
 Amend second last paragraph replacing "entire amount of additional new state aid" to \$1,926,000. 4-1 amendment passes.*

[23-1092](#) Request to approve Change Order #3 to contract 72-22 for Unit H-21 Redundant Raw Water Line to increase for unanticipated site conditions in the amount of \$200,000 resulting in a decrease to contingency from \$444,549.71 to \$244,549.71. No change to overall contract amount.

Attachments: [H-21 Change Order 3 memo.pdf](#)

[Unit H-21 Change Order No 3.pdf](#)

Legislative History

9/11/23 Finance Committee recommended for approval

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE[23-0664](#) Resolution #6-R-23, Addition of Bird Safe Glass requirements to Appleton Municipal Code

Attachments: [#6-R-23 Bird Safe Glass Resolution-Final.pdf](#)

[Resolution 6-R-23 Bird Friendly Glass Response.pdf](#)

[Email re Stop the Fallout Campaign-Resolution 6-R-23 Bird Safe Glass.pdf](#)

[#6-R-23 AMENDED Bird Safe Glass Resolution.pdf](#)

Legislative History

8/9/23 Community & Economic Development Committee held

9/13/23 Community & Economic Development Committee recommended for approval

9/13/23 Community & Economic Development Committee amended
The amended Resolution #6-R-23 language is attached.

7. MINUTES OF THE UTILITIES COMMITTEE

[23-1084](#) Amend 2021D Stormwater Consulting Services Contract for Lightning Drive Extension Final Design with raSmith by an increase of \$27,500 for a total contract amount not to exceed \$159,500.

Attachments: [2021D Lightning Drive raSmith Amend Memo 09-12-23 Util Cmte FINAL r1.pdf](#)

Legislative History

9/12/23 Utilities Committee recommended for approval

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

[23-1072](#) Authorization to Purchase Office Furniture

Attachments: [Whitman Office Furniture Purchase.pdf](#)

Legislative History

9/12/23 Fox Cities Transit Commission recommended for approval

10. MINUTES OF THE BOARD OF HEALTH

[23-1012](#) Resolution #9-R-23 Mental Health Awareness & Services

Attachments: [#9-R-23 mental health awareness.pdf](#)

Legislative History

9/13/23 Board of Health recommended for approval
Presented by Alder Nate Wolff

[23-1042](#) Policy AHD001_Creation and Maintenance of Policies

Attachments: [AHD001_Creation and Maintenance of Policies_09.06.2023.pdf](#)

Legislative History

9/13/23 Board of Health recommended for approval
Health Officer, Charles Sepers was called to speak.

[23-1043](#) Proposed City Ordinance Update: Chapter 11, Manufactured and Mobile Homes and Mobile Home Communities

Attachments: [0884 - BoH Memo.pdf](#)

[Chapter 11 Manufactured Homes Ordinance Update.pdf](#)

Legislative History

9/13/23 Board of Health recommended for approval
Health Officer, Charles Sepers was called to speak. Steve Kihl was called to speak.

[23-1044](#) Proposed City Ordinance Update: Chapter 9, Article XVIII. Tattoo and Body Piercing Establishments

Attachments: [Article XVIII Tattoo and Body Piercing Establishments Memo.pdf](#)

[Article XVIII Tattoo and Body Piercing Establishments Ordinance Change Prop](#)

Legislative History

9/13/23 Board of Health recommended for approval
Health Officer, Charles Sepers was called to speak. Steve Kihl was called to speak.

[23-1054](#) Noise Variance: Madison Middle School Construction

Attachments: [2023-2024_Conditional Noise Variance Request_Boldt.pdf](#)

Legislative History

9/13/23 Board of Health recommended for approval
Zachary Whitney from Boldt Construction was called to speak.

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

[23-1094](#) Ordinances #86-23 and #89-23

Attachments: [Ordinances to Council 9-20-23.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.



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Meeting Minutes - Final Common Council

Wednesday, September 6, 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 Hartzheim.

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

Present: 14 - 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 Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Chad Doran and Mayor Jake Woodford

Excused: 1 - Alderperson Christopher Croatt

Absent: 1 - Alderperson Kristin Alfheim

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

All Departments were represented.

F. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[23-1025](#)

Common Council Meeting Minutes of August 16, 2023

Attachments: [CC Minutes 8-16-23.pdf](#)

Alderperson Hartzheim moved, seconded by Alderperson Firkus, that the Minutes 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 Nate Wolff, Alderperson Sheri Hartzheim and Alderperson Chad Doran

Excused: 1 - Alderperson Christopher Croatt

Absent: 1 - Alderperson Kristin Alfheim

Abstained: 1 - Mayor Jake Woodford

G. BUSINESS PRESENTED BY THE MAYOR

[23-1057](#)

Proclamations

- Day of Peace
- Constitution Week
- Diaper Need Awareness
- Rail Safety Week
- Childhood Cancer Awareness Month
- Hispanic Heritage Month
- Recovery Month
- Senior Center Month

Attachments: [Day of Peace Proclamation.pdf](#)
[Constitution Week Proclamation.pdf](#)
[Senior Center Month Proclamation.pdf](#)
[Diaper Need Awareness Week Proclamation.pdf](#)
[Rail Safety Week Proclamation.pdf](#)
[Childhood Cancer Awareness Month Proclamation.pdf](#)
[Hispanic Heritage Month Proclamation.pdf](#)
[Recovery Month Proclamation.pdf](#)

[23-1058](#)

Budget Development Process Update

Mayor Woodford gave an overview and update regarding the 2024 budget process.

[23-1059](#)

Appleton Public Art Committee Appointment

Attachments: [Sept 6 Public Art Appt Memo.pdf](#)

Alderperson Hartzheim moved, seconded by Alderperson Fenton, that the Appointment 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 Nate Wolff, Alderperson Sheri Hartzheim and Alderperson Chad Doran

Excused: 1 - Alderperson Christopher Croatt

Absent: 1 - Alderperson Kristin Alfheim

Abstained: 1 - Mayor Jake Woodford

H. PUBLIC PARTICIPATION

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

I. PUBLIC HEARINGS

[23-0833](#)

Public Hearing for the Street Vacation of E. Circle Street from N. Durkee Street to N. Drew Street

Attachments: [Public Hearing - SV CircleDurkeeDrew.pdf](#)

No one spoke during the public hearing.

[23-0985](#)

Public Hearing for Rezoning #5-23 4th Addition to Clearwater Creek from AG Agricultural District to R-1B Single Family District

Attachments: [RZ #5-23 Notice of Public Hearing.pdf](#)

The following individuals spoke during the public hearing:

Patrick Dedoyard, 5667 N Summerland Dr

Michelle Mader, 275 E Spartan Dr

Kate Alberts, 249 E Spartan Dr

Sonu Pareek, 5655 N Summerland Dr

Ara Rumao, 5500 N Summerland Dr

Elaine Morgan, 5667 N Summerland Dr

Charlotte Morse, 5633 N Summerland Dr

J. SPECIAL RESOLUTIONS

[23-1026](#)

Final Resolution for the Circle St. Street Vacation

Attachments: [Circle Street - Final Resolution.pdf](#)

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

Aye: 13 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Israel Del Toro, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Patrick Hayden, Aldersperson Joss Thyssen, Aldersperson Alex Schultz, Aldersperson Vaya Jones, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim and Aldersperson Chad Doran

Excused: 1 - Aldersperson Christopher Croatt

Absent: 1 - Aldersperson Kristin Alfheim

Abstained: 1 - Mayor Jake Woodford

K. ESTABLISH ORDER OF THE DAY

[23-0934](#)

Request to approve Rezoning #5-23 to rezone the vacant land generally located along the extension of E. Sweetwater Way, south of E. Spartan Drive and east of N. Haymeadow Avenue, for the Fourth Addition to Clearwater Creek (Tax Id #31-6-6201-00 and part of #31-6-6200-00), as shown on the attached maps, from AG Agricultural District to R-1B Single-Family District

- Attachments:** [StaffReport_4th Addn Clearwater Creek Rezoning_For8-9-23.pdf](#)
[Scott Berg Email.pdf](#)
[Gregg Mader Email.pdf](#)
[Resident Handout-Clearwater Creek 9-6-23.pdf](#)
[Resident Opposition Handout- Clearwater Creek 9-6-23.pdf](#)

This item was referred back by Alderperson Hayden.

This Report Action Item was referred to the City Plan Commission

[23-0935](#)

Request to approve the Fourth Addition to Clearwater Creek Preliminary Plat as shown on the attached maps and subject to the conditions in the attached staff report

- Attachments:** [StaffReport_4th Addn Clearwater Creek PreliminaryPlat_For8-9-23.pdf](#)
[Resident Handout-Clearwater Creek 9-6-23.pdf](#)
[Resident Opposition Handout- Clearwater Creek 9-6-23.pdf](#)

This item was referred back by Alderperson Hayden.

This Report Action Item was referred to the City Plan Commission

[23-1015](#)

Approve new streetlight installation at 1617/1625 W. Weiland Lane in the amount of \$4,673.49.

- Attachments:** [1600 W Weiland Ln \(Add Streetlight\).pdf](#)

Alderperson Hartzheim moved, seconded by Alderperson Fenton, that the streetlight installation 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 Nate Wolff, Alderperson Sheri Hartzheim and Alderperson Chad Doran

Excused: 1 - Alderperson Christopher Croatt

Absent: 1 - Alderperson Kristin Alfheim

Abstained: 1 - Mayor Jake Woodford

[23-1022](#)

Request to approve a sole source contract to Gulf Coast Green Energy in the amount of \$406,000 for two (2) Electratherm PowerModule PM75 Organic Rankin Cycle Generators.

Attachments: [Appleton Waste Heat to Power ORC Generators Purchase \(Sole Source\).pdf](#)
[Sole Source Request - Gulf Coast Green Energy.pdf](#)

Aldersperson Fenton moved, seconded by Aldersperson Hartzheim, that the Report Action Item be approved. Roll Call. Motion carried by the following vote:

Aye: 13 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Israel Del Toro, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Patrick Hayden, Aldersperson Joss Thyssen, Aldersperson Alex Schultz, Aldersperson Vaya Jones, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim and Aldersperson Chad Doran

Absent: 3 - Aldersperson Kristin Alfheim, Aldersperson Christopher Croatt and Mayor Jake Woodford

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

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

Aye: 13 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Israel Del Toro, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Patrick Hayden, Aldersperson Joss Thyssen, Aldersperson Alex Schultz, Aldersperson Vaya Jones, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim and Aldersperson Chad Doran

Excused: 1 - Aldersperson Christopher Croatt

Absent: 1 - Aldersperson Kristin Alfheim

Abstained: 1 - Mayor Jake Woodford

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[23-1014](#)

Approve Appleton Police Department request for Community Service Van Parking Only in the 200 block of S. Elm Street.

Attachments: [Municipal Services memo for CSO van parking in 200blk of S. Elm.pdf](#)

This Report Action Item was approved

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[23-0999](#)

Fire Department Request for Approval to Purchase Radio Equipment

Attachments: [08-23-23_Request_Approval_to_Purchase_Radio_Equipment.docx](#)

This Report Action Item was approved.

[23-1028](#)

Reserve "Class B" Liquor License application for Dairyland Brewing Co LLC d/b/a Dairyland Brew Pub, Dorri Schmidt, Agent, located at 1216 E Wisconsin Ave, contingent upon approval from the Inspections department.

Attachments: [Dairyland Brew Pub-Reserve.pdf](#)

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION

[23-0991](#)

Request to approve the Prospera Credit Union Annexation consisting of approximately 0.98 acre located at 4704 N. Ballard Road, currently in the Town of Grand Chute, as shown on the attached maps, subject to the stipulation in the attached staff report

Attachments: [StaffReport ProsperaCreditUnion Annexation For08-23-23.pdf](#)

This Report Action Item was approved.

[23-0992](#)

Request to approve Certified Survey Map #10-23, which crosses a plat boundary, for land bounded by E. Vantage Drive, S. Eisenhower Drive, E. Milis Drive, and S. Alliance Drive (Tax Id #31-9-5712-26, 31-9-5712-27, 31-9-5712-28, 31-9-5712-29 and 31-9-5712-00) to re-configure/combine the 5 existing parcels into 2 parcels, proposed Lots 1 and 2 as shown on the attached map, and subject to the conditions in the attached staff report

Attachments: [StaffReport F Street 5 CrossingPlatBoundary For08-23-23.pdf](#)

This Report Action Item was approved.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

[23-1010](#)

Resolution R-2023-03 Request Permission to Apply for DOT Grant

Attachments: [Resolution for WisDOT Grant Application.docx](#)

This Report Action Item was approved.

5. MINUTES OF THE FINANCE COMMITTEE

[23-0907](#)

St. Joseph's Cemetery reimbursement request for maintenance of Veteran graves

Attachments: [St. Joesph Cemetery Reimbursement.pdf](#)

The denial recommendation was approved.

[23-1003](#)

Request to award AWWTP Grit System & Raw Sludge Pump Replacement Project Base Bid to August Winter and Sons Inc., in the amount of \$573,355 with a 10% contingency of \$57,336 for a project total not to exceed \$630,691, along with the following budget amendment (2/3 vote of Council required):

AWWTP Sludge Storage Building Addn Project	- \$405,668
AWWTP Grit System & Raw Sludge Pump Project	+ \$405,668

Attachments: [Grit Drive and RSP Project Bid Award_AWS.pdf](#)

This Report Action Item was approved.

[23-1004](#)

Request to award the 2023 Memorial Park Miracle League Field Resurfacing Project contract to Kiefer U.S.A. in the amount of \$279,000 with a 5% contingency of \$13,950 for a project not to exceed \$292,950

Attachments: [2023 Miracle League Field Resurfacing Project Finance Memo .pdf](#)

This Report Action Item was approved.

[23-1018](#)

Request to accept 2022 Public Service Commission Energy Innovation Grant for AWWTP Waste Heat to Power Project in the amount of \$498,000, along with the following budget amendment:

Grant Revenue	+ \$498,000
AWWTP Waste Heat to Power Project	+ \$498,000

To record expenses related to grant revenue (2/3 vote of Council required)

Attachments: [2023 PSC EIG Grant Award.pdf](#)

This Report Action Item was approved.

[23-1023](#)

Request to award the City of Appleton’s 2023 Appleton Memorial Park ADA Upgrades Project contract to Northeast Asphalt, Inc., in the amount of \$66,875 with a 15% contingency in the amount of \$10,125, for a project total not to exceed \$77,000, along with the following budget amendment:

2023 Parks Hardscapes - Telulah Project	- \$52,000
2023 Parks ADA Improvements Project	+ \$52,000

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

Attachments: [2023 AMP Trail Project.pdf](#)

This Report Action Item was approved.

[23-1019](#)

Request to accept Focus on Energy Custom Incentive grant for AWWTP Waste Heat to Power Project in the amount of \$57,736, along with the following budget amendment:

Grant Revenue	+ \$57,736
AWWTP Waste to Heat to Power Project	+ \$57,736

To record expenses related to grant revenue (2/3 vote of Council required)

Attachments: [2023 PSC EIG Grant Award.pdf](#)

This Report Action Item was approved.

[23-1020](#)

Request to approve balance transfer of \$350,000 from the AWWTP Electrical Distribution Project to the AWWTP Waste to Heat Project (2/3 vote of Council required)

AWWTP Electrical Distribution Project	- \$350,000
AWWTP Waste to Heat to Power Project	+\$350,000

Attachments: [2023 PSC EIG Grant Award.pdf](#)

This Report Action Item was approved.

[23-1021](#)

Request to approve the AWWTP Waste Heat to Power Project Engineering Services Amendment #1, Increasing Donohue and Associates total contract by \$94,185 from \$22,950 to \$117,135

Attachments: [Appleton Waste Heat to Power Professional Services - contract amendment 1.pdf](#)

This Report Action Item was approved.

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

7. MINUTES OF THE UTILITIES COMMITTEE

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

10. MINUTES OF THE BOARD OF HEALTH

M. CONSOLIDATED ACTION ITEMS

[23-1011](#)

Request to approve Wisconsin Department of Transportation Signals and ITS Standalone Program Grant Application in the amount of \$220,750

Attachments: [SISP Grant Application Request.pdf](#)

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

Aye: 13 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Israel Del Toro, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Patrick Hayden, Aldersperson Joss Thyssen, Aldersperson Alex Schultz, Aldersperson Vaya Jones, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim and Aldersperson Chad Doran

Excused: 1 - Aldersperson Christopher Croatt

Absent: 1 - Aldersperson Kristin Alfheim

Abstained: 1 - Mayor Jake Woodford

N. ITEMS HELD

O. ORDINANCES

[23-1027](#)

Ordinances #86-23, #87-23 (4704 N. Ballard Road Annexation), and #88-23

Attachments: [Ordinances to Council 9-6-23.pdf](#)

Aldersperson Meltzer moved, seconded by Aldersperson Van Zeeland, that the Ordinances, with the exception of #86-23 (Rezoning #5-23 that was referred back) be approved. Roll Call. Motion carried by the following vote:

Aye: 13 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Israel Del Toro, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Patrick Hayden, Aldersperson Joss Thyssen, Aldersperson Alex Schultz, Aldersperson Vaya Jones, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim and Aldersperson Chad Doran

Excused: 1 - Aldersperson Christopher Croatt

Absent: 1 - Aldersperson Kristin Alfheim

Abstained: 1 - Mayor Jake Woodford

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

R. OTHER COUNCIL BUSINESS

S. ADJOURN

Aldersperson Hartzheim moved, seconded by Aldersperson Van Zeeland, that the meeting be adjourned at 8:03 p.m. Roll Call. Motion carried by the following vote:

Aye: 13 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Israel Del Toro, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Patrick Hayden, Aldersperson Joss Thyssen, Aldersperson Alex Schultz, Aldersperson Vaya Jones, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim and Aldersperson Chad Doran

Excused: 1 - Aldersperson Christopher Croatt

Absent: 1 - Aldersperson Kristin Alfheim


Abstained: 1 - Mayor Jake Woodford

Kami Lynch, City Clerk



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

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

TO: Members of the Common Council
FROM: Mayor Jacob A. Woodford 
DATE: September 15, 2023
RE: Confirmation of Reappointments

It is with pleasure that I present the following recommendations for your confirmation at the September 20, 2023, Common Council meeting.

POLICE CHIEF'S COMMUNITY ADVISORY BOARD– Reappointments

Jennifer Anderson	Term Ends September 2026
William Bieritz	Term Ends September 2026
Lissette Cruz-Jimenez	Term Ends September 2026
E-Ben Grisby	Term Ends September 2026
Amy Loritz	Term Ends September 2026
Laura Schmidt	Term Ends September 2026
Benjamin Stern	Term Ends September 2026

BOARD OF ZONING APPEALS– Reappointment

Michael Babbitts	Term Ends October 2026
------------------	------------------------

**Request for Permanent
Street Occupancy Permit**

September 5, 2023

City of Appleton
Danielle Block
100 N Appleton St 5th Floor
Appleton, WI 54911

RE: Street Occupancy Permit

To whom it may concern,

As the General Contractor of Fox Commons City Center Plaza, 100 W College Ave. Appleton, WI 54911 we would like the City of Appleton to consider The Boldt Company's request to close Oneida Street south of Washington street (from E Washington St. to N Appleton St.) during construction activities on Fox Commons (City Center) building. Closure is subject to a special agreement regarding road opening monthly for bill payment.

This closure would be in effect from 10/06/2023 to 12/31/2023

- A copy of the certificate of Insurance or release form is attached.
- The \$40.00 permit fee is attached/has been paid.

Any additional information may be obtained by contacting Brad Hechimovich at (920) 639-9991

Sincerely,



Brad Hechimovich – Sr Project Manager, The Boldt Company



PERMIT TO OCCUPY THE PUBLIC RIGHT-OF-WAY

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

Rev. 04-10-15

Applicant Information section with fields for Name, Address, Company, Telephone, FAX, e-mail, Signature, and Date.

Occupancy Information section with fields for General Description, Street Address, Tax Key No., and Multiple Streets.

Occupancy Type, Sub-Type, and Location selection table with checkboxes for various options like Permanent, Temporary, Sandwich Board, etc.

Additional Requirements section with checkboxes for Plan/Sketch, Certificate of Insurance, Bond, and Other.

Traffic Control Requirements section with checkboxes for N/A, Contact Traffic Division, and fields for Type of Street and Proposed Traffic Control.

- This permit approval is subject to the following conditions: 1. Permittee is responsible to obtain any further permits... 2. Permittee shall adhere to any plan(s)...

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

APPROVED BY: (Department of Public Works) and DATE: fields.

Additional Dates to open the Oneida Street/City Center Street alley are listed on the permanent occ. application.



**CITY OF APPLETON
OFFICE OF THE MAYOR**

FOR IMMEDIATE RELEASE

August 17th, 2023

City of Appleton Announces Construction Project Impacting City Center Access

APPLETON, Wis., August 17th, 2023 - The City of Appleton announces updates on the Fox Commons construction project that is expected to commence on or around August 22. However, this project will have temporary impacts on access to certain areas. The project is part of the city's continuous efforts for the vitality of downtown Appleton and create a better experience for the residents and visitors.

Starting on or around August 22, the demolition phase of the project will commence, followed by subsequent renovations. Key Information:

- **Start Date of Demolition:** The construction staging and demolition activities are estimated to begin on or around August 22. During this phase, certain access points will be temporarily closed for safety reasons.
- **Impact to Oneida St / Alley to Finance Customer Service window:** During the demolition phase, the alley will be closed at least through October, with the exception of days surrounding utility due dates. The alley will be open: September 18th-20th, October 19th-20th, and October 30th-November 1st.
- **Impact on Interior Access:** The City Center Plaza (CCP) will be closed to public traffic, as all fire doors leading into CCP will be closed. This closure will prohibit any access to or through CCP, including the interior access from the Yellow Ramp to City Center West (CCW), which includes City Hall. We apologize for any inconvenience caused and assure you that this measure is essential to maintain a safe and secure construction zone.
- **Walkway Accessibility:** Pedestrian access through City Center West (CCW) will remain available throughout the construction period. We anticipate that there will be no impacts to the CCW entrances adjacent to Appleton Street and College Avenue sidewalks.

The city is committed to minimizing disruptions and completing the construction project efficiently. As the project progresses, more updates would be shared.

###

MEDIA CONTACT:

Andy Anaam
Communications & Public Engagement Manager
920-832-6400
anindita.anaam@appleton.org
<https://www.appleton.org/>

**STREET VIEW OF
ROADWAY OPEN
TO TRAFFIC FOR
DRIVE-THRU**

**BOLDT TO ADD SIGNS ON FENCE
DIRECTING PEDESTRIANS TO USE
APPLETON STREET FOR CITY
CENTER BUILDING ACCESS**

**8' RETRO-REFLECTIVE
BARRICADE RAILS AND ROAD
CLOSED SIGN
TO BE ATTACHED TO
FENCE**

Owner	CITY OF APPLETON		
Project Name	City Center Plaza	Project Number	N/A
Prime Contractor	Boldt Companies	Traffic Control Contractor	Warning Lites of Appleton, Inc.
Phone	920-725-0757	Sheet Number	1
Prepared By	Lance G Mauel	Date	08/06/2023



START DATE & TIME

DURATION:

GENERAL NOTES:

THIS TRAFFIC CONTROL PLAN IS FOR INFORMATIONAL PURPOSES ONLY. TRAFFIC CONTROL PLAN IS NOT TO SCALE. WARNING LITES OF APPLETON, INC. ASSUMES NO LIABILITY FOR LAYOUT & SETUP OF ACCEPTED TRAFFIC CONTROL PLAN. THE CITY OF APPLETON DECIDES FINAL APPROVAL OF TRAFFIC CONTROL PLAN. ADVANCED WARNING SIGNS WILL BE MOUNTED ON PORTABLE SUPPORTS. THE EXACT NUMBER, LOCATION, AND SPACING OF ALL SIGNS AND DEVICES. SHALL BE ADJUSTED TO FIT FIELD CONDITIONS AS APPROVED BY THE ENGINEER.

LEGEND	
	SIGN SYMBOL
	CHANNELIZER DRUM
	TYPE III BARRICADE
	DIRECTION OF TRAFFIC
	42" DELINEATOR CONE

**STREET VIEW OF FENCE
OPEN TO ALLOW ACCESS
TO DRIVE-THRU**

**WHEN ROAD IS OPEN, PROVIDE
SIGN INDICATING "ROAD OPEN TO
DRIVE UP WINDOW". VERIFY
MESSAGE WITH CITY FINANCE
DEPARTMENT**

**BOLDT TO ADD SIGNS ON FENCE
DIRECTING PEDESTRIANS TO USE
APPLETON STREET FOR CITY
CENTER BUILDING ACCESS**



Owner **CITY OF APPLETON**

Project Name City Center Plaza Project Number N/A

Prime Contractor Boldt Companies Traffic Control Contractor Warning Lites of Appleton, Inc.

Phone 920-725-0757 Sheet Number 2 Date 08/06/2023

Prepared By Lance G Mauel

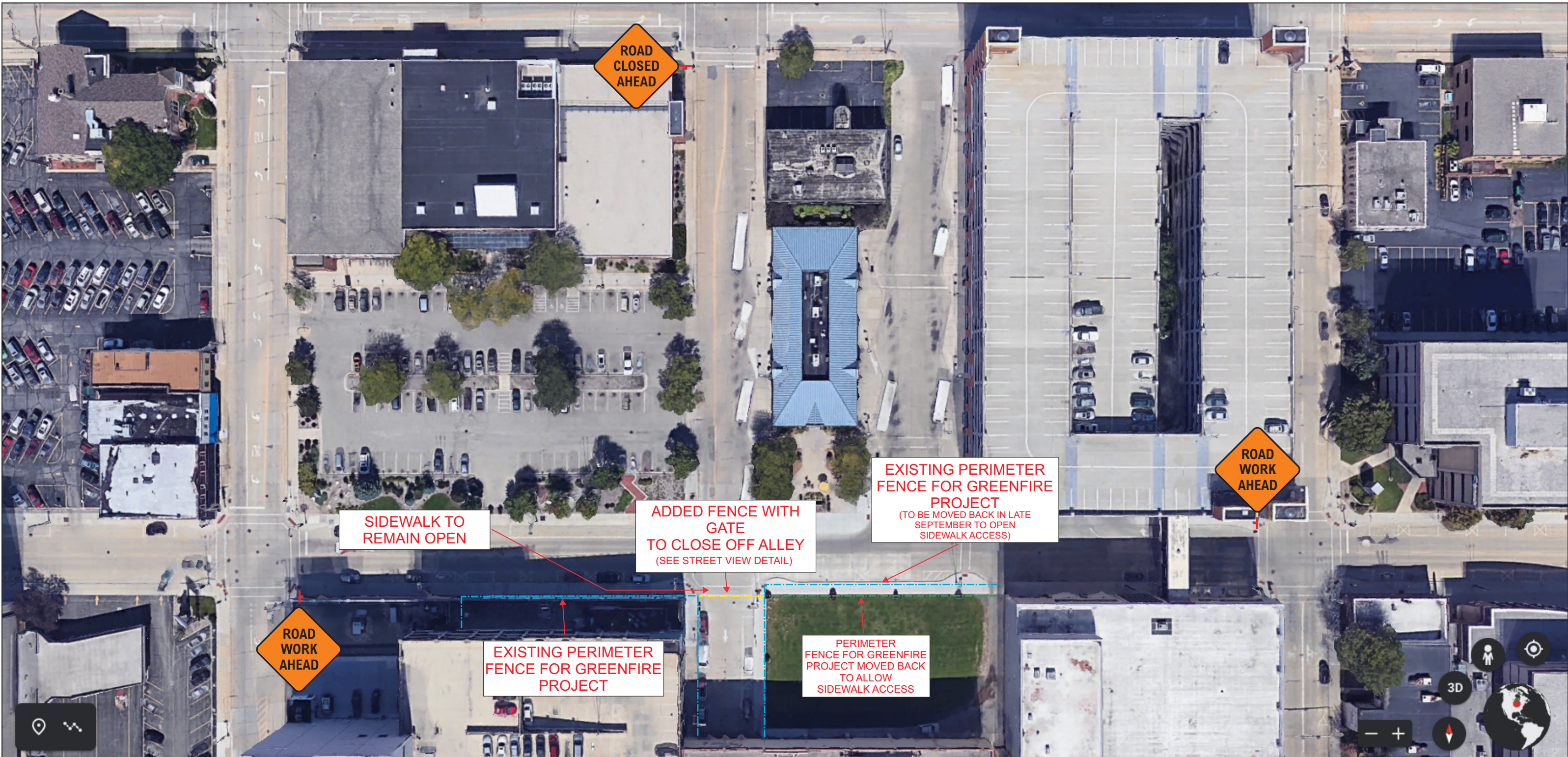


START DATE & TIME

DURATION:

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- LEGEND**
- SIGN SYMBOL
 - 42" DELINEATOR CONE
 - CHANNELIZER DRUM
 - TYPE III BARRICADE
 - DIRECTION OF TRAFFIC



START DATE & TIME

DURATION:

GENERAL NOTES:
 THIS TRAFFIC CONTROL PLAN IS FOR INFORMATIONAL PURPOSES ONLY. TRAFFIC CONTROL PLAN IS NOT TO SCALE. WARNING LITES OF APPLETON, INC. ASSUMES NO LIABILITY FOR LAYOUT & SETUP OF ACCEPTED TRAFFIC CONTROL PLAN. THE CITY OF APPLETON DECIDES FINAL APPROVAL OF TRAFFIC CONTROL PLAN. ADVANCED WARNING SIGNS WILL BE MOUNTED ON PORTABLE SUPPORTS. THE EXACT NUMBER, LOCATION, AND SPACING OF ALL SIGNS AND DEVICES. SHALL BE ADJUSTED TO FIT FIELD CONDITIONS AS APPROVED BY THE ENGINEER.

LEGEND

- 🚧 SIGN SYMBOL
- 🟡 CHANNELIZER DRUM
- 🚧 TYPE III BARRICADE
- ➡ DIRECTION OF TRAFFIC
- 🟠 42" DELINEATOR CONE

Owner		CITY OF APPLETON	
Project Name	City Center Plaza	Project Number	N/A
Prime Contractor	Boldt Companies	Traffic Control Contractor	Warning Lites of Appleton, Inc.
Phone	920-725-0757	Sheet Number	3
Prepared By	Lance G Mauel	Date	08/06/2023

DEPARTMENT OF PUBLIC WORKS

METER BAG APPLICATION

Fee is \$9.00 per day plus tax or any part thereof. **THIS FEE WILL BE CHARGED FOR EVERY DAY THE METER BAG IS RESERVED** (excluding Sundays and Holidays).

NOTE: Meter bags shall not be used on red meters. If a red meter is found bagged, the bag will be removed and the vehicle will be ticketed.

Company Name

Agent.....

Company Address.....

Phone Number

Reason

Location

Meter
Zone & Space#.....

Date(s).....

(Department use only)

PAID - 5580-0001

Amount Due.....
(\$9.00 per bag per day plus tax)

Approved by 

Department of Public Works Representative

Today's Date.....

TOTAL BAG DAYS = **444** Rate = \$9.00/day + tax \$ **4,449.99**

DATE	Oneida Street (WEST side s/o Washington Street)				Oneida Street (EAST side s/o Washington Street)		
	ONN205	ONN206	ONN207	ONN208	ONN104	ONN106	ONN102
8/29/23	Y	Y	Y	Y	These meters are occupied by Greenfire through 11/17/2023		
8/30/23	Y	Y	Y	Y			
8/31/23	Y	Y	Y	Y			
9/1/23	Y	Y	Y	Y			
9/2/23	-	-	-	-			
9/3/23	Y	Y	Y	Y			
9/4/23	SUNDAY HOLIDAY						
9/5/23	Y	Y	Y	Y			
9/6/23	Y	Y	Y	Y			
9/7/23	Y	Y	Y	Y			
9/8/23	-	-	-	-			
9/9/23	Y	Y	Y	Y			
9/10/23	SUNDAY						
9/11/23	Y	Y	Y	Y			
9/12/23	Y	Y	Y	Y			
9/13/23	Y	Y	Y	Y			
9/14/23	Y	Y	Y	Y			
9/15/23	-	-	-	-			
9/16/23	Y	Y	Y	Y			
9/17/23	SUNDAY						
9/18/23	Y	Y	Y	Y			
9/19/23	Y	Y	Y	Y			
9/20/23	Y	Y	Y	Y			
9/21/23	Y	Y	Y	Y			
9/22/23	-	-	-	-			
9/23/23	Y	Y	Y	Y			
9/24/23	SUNDAY						
9/25/23	Y	Y	Y	Y			
9/26/23	-	-	-	-			
9/27/23	-	-	-	-			
9/28/23	Y	Y	Y	Y			
9/29/23	-	-	-	-			
9/30/23	Y	Y	Y	Y			
10/1/23	SUNDAY						
10/2/23	Y	Y	Y	Y			
10/3/23	Y	Y	Y	Y			
10/4/23	Y	Y	Y	Y			
10/5/23	Y	Y	Y	Y			
10/6/23	-	-	-	-			
10/7/23	Y	Y	Y	Y			
10/8/23	SUNDAY						
10/9/23	Y	Y	Y	Y			
10/10/23	Y	Y	Y	Y			
10/11/23	Y	Y	Y	Y			
10/12/23	-	-	-	-			
10/13/23	-	-	-	-			
10/14/23	Y	Y	Y	Y			
10/15/23	SUNDAY						
10/16/23	Y	Y	Y	Y			
10/17/23	Y	Y	Y	Y			
10/18/23	Y	Y	Y	Y			
10/19/23	Y	Y	Y	Y			
10/20/23	-	-	-	-			
10/21/23	Y	Y	Y	Y			
10/22/23	SUNDAY						
10/23/23	Y	Y	Y	Y			
10/24/23	-	-	-	-			
10/25/23	-	-	-	-			
10/26/23	Y	Y	Y	Y			
10/27/23	-	-	-	-			
10/28/23	Y	Y	Y	Y			
10/29/23	SUNDAY						
10/30/23	Y	Y	Y	Y			
10/31/23	Y	Y	Y	Y			
11/1/23	-	-	-	-			
11/2/23	Y	Y	Y	Y	Y	Y	Y
11/3/23	-	-	-	-	-	-	-
11/4/23	Y	Y	Y	Y	Y	Y	Y
11/5/23	SUNDAY						
11/6/23	Y	Y	Y	Y	Y	Y	Y
11/7/23	Y	Y	Y	Y	Y	Y	Y
11/8/23	Y	Y	Y	Y	Y	Y	Y
11/9/23	Y	Y	Y	Y	Y	Y	Y
11/10/23	-	-	-	-	-	-	-
11/11/23	Y	Y	Y	Y	Y	Y	Y
11/12/23	SUNDAY						
11/13/23	Y	Y	Y	Y	Y	Y	Y
11/14/23	Y	Y	Y	Y	Y	Y	Y
11/15/23	Y	Y	Y	Y	Y	Y	Y
11/16/23	-	-	-	-	-	-	-
11/17/23	-	-	-	-	-	-	-
11/18/23	Y	Y	Y	Y	Y	Y	Y
11/19/23	SUNDAY						
11/20/23	Y	Y	Y	Y	Y	Y	Y
11/21/23	Y	Y	Y	Y	Y	Y	Y
11/22/23	Y	Y	Y	Y	Y	Y	Y
11/23/23	HOLIDAY						
11/24/23	-	-	-	-	-	-	-
11/25/23	Y	Y	Y	Y	Y	Y	Y
11/26/23	SUNDAY						
11/27/23	Y	Y	Y	Y	Y	Y	Y
11/28/23	Y	Y	Y	Y	Y	Y	Y
11/29/23	Y	Y	Y	Y	Y	Y	Y
11/30/23	Y	Y	Y	Y	Y	Y	Y
12/1/23	-	-	-	-	-	-	-
12/2/23	Y	Y	Y	Y	Y	Y	Y
12/3/23	SUNDAY						
12/4/23	Y	Y	Y	Y	Y	Y	Y
12/5/23	Y	Y	Y	Y	Y	Y	Y
12/6/23	Y	Y	Y	Y	Y	Y	Y
12/7/23	Y	Y	Y	Y	Y	Y	Y
12/8/23	-	-	-	-	-	-	-
12/9/23	Y	Y	Y	Y	Y	Y	Y
12/10/23	SUNDAY						
12/11/23	Y	Y	Y	Y	Y	Y	Y
12/12/23	Y	Y	Y	Y	Y	Y	Y
12/13/23	Y	Y	Y	Y	Y	Y	Y
12/14/23	Y	Y	Y	Y	Y	Y	Y
12/15/23	-	-	-	-	-	-	-
12/16/23	Y	Y	Y	Y	Y	Y	Y
12/17/23	SUNDAY						
12/18/23	Y	Y	Y	Y	Y	Y	Y
12/19/23	Y	Y	Y	Y	Y	Y	Y
12/20/23	Y	Y	Y	Y	Y	Y	Y
12/21/23	Y	Y	Y	Y	Y	Y	Y
12/22/23	-	-	-	-	-	-	-
12/23/23	Y	Y	Y	Y	Y	Y	Y
12/24/23	SUNDAY HOLIDAY						
12/25/23	HOLIDAY						
12/26/23	Y	Y	Y	Y	Y	Y	Y
12/27/23	Y	Y	Y	Y	Y	Y	Y
12/28/23	Y	Y	Y	Y	Y	Y	Y
12/29/23	-	-	-	-	-	-	-
12/30/23	Y	Y	Y	Y	Y	Y	Y
12/31/23	SUNDAY						
	81	81	81	81	40	40	40



LEGAL & ADMINISTRATIVE
SERVICES DEPARTMENT

Office of the City Clerk

Kami Lynch, Clerk

100 North Appleton Street

Appleton, WI 54911

Phone: 920/832-6443

September 6, 2023

To: **Safety & Licensing Committee – Chris Croatt, Chair**
Common Council

From: **Kami Lynch, City Clerk** *KL*

Re: **City Clerk's Office Fee Proposals effective 2024**

In conjunction with the 2024 budget process, a review of various license fees was conducted to ensure our fees are in line with comparable communities (both in size and geography), and to more accurately reflect the administrative costs incurred by the City in processing license applications. While the City will not be able to entirely recoup the administrative costs in processing license applications, this recommendation strikes an appropriate balance between cost recovery and being compatible with comparable communities.

License Type	Current Fee	Proposed Fee
Class "A" Beer	\$ 200.00	\$ 250.00
"Class A" Liquor	\$ 300.00	\$ 450.00
Operator	\$ 60.00	\$ 65.00
Amusement Device	\$ 15.00	\$ 25.00
Secondhand Article Dealer	\$ 90.00	\$ 100.00
Fireworks Sales	\$ 80.00	\$ 100.00
Mobile Home Park	\$ 100.00	\$ 125.00
Special Event	Varies	10% Overall

Details prompting the fee increases include:

- 1) Class "A" Beer, "Class A" Liquor, and Operator license fees are proposed based on the average of neighboring municipality fees and municipalities that are of a comparable size to Appleton. New Operator License software and related equipment has higher costs for ink and this fee increase will help to somewhat offset this.
- 2) Amusement Device license fees increase to get us closer to the average of the comparable communities while also accounting for additional time and procedures necessary in the application review process.
- 3) Secondhand Article license fees increase for the initial/new license to account for administrative processes related to the tracking/review of secondhand materials. The renewal fee of \$75 for this license will remain unchanged.

- 4) Licenses to sell fireworks will see a small fee increase, but there will also be forthcoming changes to the municipal code regarding what the fee covers in terms of duration and the number of employees included in the license. The proposed municipal code changes are to include two employees under the license instead of one employee. Therefore, the fee change is primarily to streamline the licensing procedure.
- 5) The Mobile Home Park license fee was compared with similar municipalities who set the license fee based upon the number of spaces in the park. Most charge \$100 for a park with 50 spaces. The Mobile Home Park in the City of Appleton has 79 spaces, hence the proposed fee of \$125.00.
- 6) The process surrounding administration and fees of Special Event Licenses is currently under evaluation and undergoing modifications. Substantial changes to the licensing process and fees are on the horizon for 2025. The last time special event fees were adjusted was in 2017. The 10% fee increase seeks to recover a minimal amount of the costs that the City devotes to services/planning related to special events in 2024, with anticipation that the entire fee structure will be modified for 2025.

Please do not hesitate to direct any questions concerning these proposals to me at 920-832-6443 or kami.lynch@appleton.org

Municipality	A-Beer	Proposed	A-Liquor	Proposed	Amusement Devices	Proposed
Appleton	\$200	\$250	\$300	\$450	\$15 each	25 each
Oshkosh	\$100		\$350-renewal / \$500 - new		\$20 each **\$10 per bowling lane	
Neenah	\$200		\$400		\$40 each	
Menasha	\$225		\$350		\$10 each	
Green Bay	\$400		\$400		No data	
LaCrosse	\$100		\$500		*don't charge	
Eau Claire	\$272		\$500		\$51 each	
Kenosha	\$500		\$500		\$60 each*	
Racine	\$100		\$500		\$40 each	
Janesville	\$240		\$500		\$33 each* / \$660 max	
Waukesha	\$300		\$450		\$40 each	
Grand Chute	\$250		\$500		*don't charge	
<i>Average</i>	\$253		\$450			\$34

Class "A" Beer Maximum: No Maximum

"Class A" Liquor Maximum: \$500

Appleton Fire Department Fee Schedule

Plan Review Fees		
Area (Square Feet)	Fire Alarm System Plans	Fire Suppression System Plans
Less than 2,500	\$35 150	\$35 150
2,501-5,000	\$55 190	\$55 190
5,001-10,000	\$70 225	\$70 225
10,001-20,000	\$90 255	\$90 255
20,001-30,000	\$105 290	\$105 290
30,001-40,000	\$140 335	\$140 335
40,001-50,000	\$175 375	\$175 375
50,001-75,000	\$210 420	\$210 420
75,001-100,000	\$245 475	\$245 475
100,001-200,000	\$350 600	\$350 600
200,001-300,000	\$420 700	\$420 700
300,001-400,000	\$490 800	\$490 800
400,001-500,000	\$560 900	\$560 900
Over 500,000	\$700 1000	\$700 1000
Miscellaneous fee (see Chapter 6, 6-7168) \$50 250		
Multiple identical buildings fee (see Chapter 6, 6-71) 25% of first building. Contact Fire Department Fire Prevention Division for approval and fee.		
Shell buildings fees (see Chapter 6, 6-71) 50 % of normal fee for the gross area of the building. Contact Fire Department Fire Prevention Division for approval and fee. Remainder of fees due at build out.		
Fire doors/shutters fees (see Chapter 6, 6-7168) \$25 100 for first door and \$10 25 each additional door; minimum of \$100 25		
Re-submission fee (see Chapter 6, 6-7168) \$50 250		
Re-inspection fee (see Chapter 6, 6-7168) 25% of the original plan review fee; minimum of \$50 250.		
Fee for work without a permit (see Chapter 6, 6-7168) double-triple the applicable plan review fee. Contact Fire Department Fire Prevention Division for approval and fee.		
Permit Fees (see Chapter 6, 6-43, 6-44, 6-46, and 6-48)		
Permit	Fees	
Floor finishing	\$25 100, per event	
Lumber yards	\$25 100, 1 st event or significant change	
Vehicle tire rebuilding	\$100 25, 1 st event or significant change	
Magnesium	\$100 25, 1 st event or significant change	
Cryogenic liquids	\$100 25, 1 st event or significant change	
Combustible fibers	\$100 25, 1 st event or significant change	
Dust explosion hazard	\$100 25, 1 st event or significant change	
Fumigation/thermal/insecticidal fogging	\$100 25, per event	
Flammable/combustible bulk storage	\$200 40, 1 st event or significant change	
Bonfires/brush/wildland burns	\$25 200, per event	
Open burning/outdoor fireplace/cooking fires (for recreational purposes)	Daily \$15 30 Annual \$40 30	
Tents/air supported structures/canopies	\$100 25 (Up to two tents at the same site.) \$50 250 (3 or more at same site)	

Commented [DJH1]: These increases cover the increased cost to provide plan reviews and inspections for fire protection systems.

Commented [DJH2]: This increase covers the requirement submit a burn plan for review, which increases the staff time necessary to approve this permit.

Appleton Fire Department Fee Schedule

Fireworks/pyrotechnic displays	\$100-1000 (Outdoor public displays) \$100-1000 (Indoor theatrical display setup) \$25 (per identical consecutive shows)
Blasting and explosives	\$250
Cellulose nitrate plastics	\$100 25, 1 st event or significant change
Recyclables storage	\$100 25, 1 st event or significant change
Combustible/flammable liquid storage tanks (installation or removal)	\$60
Combustible/flammable liquid storage tanks (upgrade or repair)	\$60
Failure to obtain a required permit	Triple the permit fee
Permit re-inspection fee	\$50 100
Temporary special permits	\$250 100
Storage Tanks	
• Removal	\$60
• Installation	\$60
• Plan Review	\$100
Other Inspection fees	
Routine and special re-inspection fees; Missed inspection appointments	\$50 250
Smoke Detectors	
FD smoke detector installation	Time and materials*
False Alarm Fees	
First to fourth false alarm occurrence	\$50 200
Fifth to seventh false alarm occurrence	\$100 300
Eight to eleventh false alarm occurrence	\$200 500
Twelfth and subsequent false alarm occurrence	\$300 800
Fire Extinguisher Training	
Classroom and practical training	\$100 per class (minimum charge) or \$10 per student, whichever is highest plus the cost of materials. Maximum class size of 25.
Classroom only	\$50, Maximum class size of 25.
Hazardous Materials Incidents	
	Time and materials*
Extrication Incidents	
Fee is charged when registered vehicle owner is not a City of Appleton resident.	\$500
Vehicle Fires	
Fee is charged when registered vehicle owner is not a City of Appleton resident.	\$500

Commented [DJH3]: This increase covers the review of the permit and the staff time provided to inspect the display. Typically AFD provides two shift inspectors at each display to ensure safe practices are followed. I also removed the identical consecutive shows as each show requires an independent review and inspection.

Commented [DJH4]: Storage tanks are permitted and inspected by the State of Wisconsin.

Commented [DJH5]: These increases cover the increased cost of responding to false alarms. They also provide increased incentive for correcting a deficiency with a fire protection system.

* Vehicle rates are based on current Federal Emergency Management Agency (FEMA) rates which can be found at <http://www.fema.gov/government/grant/pa/eqrates.shtm>.

Reviewed: 04.19.2022

FIRE PREVENTION AND PROTECTION

2023 REVISIONS

Please use the Word 'Track Changes' Feature
Chapter 6

Fire Prevention and Protection

ARTICLE I. IN GENERAL

Intent of chapter 6-1
Fire equipment 6-2
Enforcement by Fire Chief 6-3
Police assistance 6-4
Right of entry 6-5
Removal of fire hazards 6-6
Vacation of buildings 6-7
Investigation of fires 6-8
Inspections generally 6-9
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Editor's Note: Chapter 6, Fire Prevention and Protection, was repealed and recreated by Ord 23-09, adopted by the Common Council on January 7, 2009 and becoming effective January 13, 2009.

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Editor's Note: Chapter 6, Fire Prevention and Protection, was repealed and recreated by Ord 25-18, adopted by the Common Council on February 21, 2018 and becoming effective February 27, 2018.
State law reference(s)--Fires and fire protection, W.S.A. §§101.09, 101.14 et seq.

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ARTICLE I. IN GENERAL

Sec. 6-1. Intent of chapter.

It is the intent of this chapter to prescribe regulations consistent with the nationally recognized standard practice for the safeguarding, to a reasonable degree, of life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices, from conditions hazardous to life and property in the use or occupancy of buildings or premises, and the adequacy of exit systems. (Code 1965, §19.01; Ord 1-91, §1(19.01), 1-9-91; Ord 23-09, §1, 1-13-09, Ord 25-18, §1, 2-27-18)

Sec. 6-2. Fire equipment.

(a) No person shall molest, tamper with, damage or otherwise disturb any apparatus, equipment or appurtenance belonging to or under the supervision and control of the Fire Department without authority from the Chief or his/her authorized representative.

(b) No person shall remove, tamper with or otherwise disturb any fire hydrant or fire appliance required to be installed or maintained under the provisions of this code, except for the purpose of extinguishing fires, training purposes, recharging or making necessary repairs or when permitted by the Fire Department. Whenever a fire appliance is removed as permitted herein, it shall be replaced or reinstalled as soon as the purpose for which it was removed has been accomplished. No person shall use or operate any hydrant or other valves installed on any water system intended for use by the Fire Chief for fire suppression purpose, and which is accessible to any public highway, alley or private way open to or generally used by the public, unless such person first secures permission from the Fire Department. This section does not apply to the use of a hydrant or other valves by a person employed by and authorized to make such use by the Water Department which supplies water to such hydrants or other valves.

(c) No person shall place or keep any post, fence, vehicle, growth, trash, storage or other material near any fire hydrant, Fire Department connection or fire protection system control valve that would prevent such equipment or hydrant from being immediately discernible or in any other manner deter or hinder the Fire Department from gaining immediate access to the equipment or hydrant. A minimum three- (3-) foot clear space shall be maintained around the circumference of the fire hydrants except as otherwise required or approved by the Fire Chief.

(d) Where on-site fire hydrants are required on private property, the City shall annually inspect, flush

and, if necessary, paint said hydrants for the fee per hydrant on file with the City Clerk's Office. The owner shall be notified of any repairs or maintenance necessary, and it shall be the owner's responsibility to see that any repair or maintenance is performed in accordance with the National Fire Protection Association Standard 25, the City Water Utility's standard operating procedures and the American Water Works Standards for fire hydrant maintenance. The property owner or agent must call between April 1 and October 1 of each year to schedule the annual flush and inspection.

(e) The property owner or agent shall keep and maintain records indicating when the hydrants are flushed, painted and maintained. These records shall be made available to the City upon request.

(Code 1965, §19.14; Ord 1-91, §1(19-14), 1-9-91; Ord 59-91, §1, 6-20-91, Ord 65-99, §1, 9-19-99; Ord 23-09, §1, 1-13-09; Ord 34-11, §1, 2-8-11, Ord 25-18, §1, 2-27-18)

Sec. 6-3. Enforcement by Fire Chief.

The Fire Chief shall be responsible for fire protection. This chapter shall be enforced by the Fire Chief, designated by the City and the State as the "authority having jurisdiction", in all matters concerning this chapter and related fire prevention activities. The Fire Chief may appoint a Fire Marshal or other designee who will act on the Chief's behalf in matters concerning fire prevention. (Code 1965, §19.03(1); Ord 1-91, §1(19.03), 1-9-91; Ord 23-09, §1, 1-13-09, Ord 25-18, §1, 2-27-18)

Sec. 6-4. Police assistance.

Whenever requested to do so by the Fire Chief or his/her designee, the Chief of Police shall assign such available police officers as in his/her discretion may be necessary to assist the Fire Department in enforcing the provisions of this chapter.

(Code 1965, §19.03(5); Ord 1-91, § 1(19.03(5)), 1-9-91; Ord 23-09, §1, 1-13-09, Ord 25-18, §1, 2-27-18)

Sec. 6-5. Right of entry.

(a) For purposes of this section, the authorized representative shall include all members of the Fire Prevention Program and all officers of the Fire Department.

(b) Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the Fire Chief or his/her authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition which makes such building or premises unsafe, the Fire Chief or his/her authorized representative may enter such building or premises at all reasonable times to inspect the building or premises or to perform any duty imposed upon the Fire

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Chief by this chapter.

(c) If such building or premises is occupied, the Fire Chief or authorized representative shall first present proper credentials and demand entry. If such building or premises is unoccupied, he/she shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the Fire Chief or his/her authorized representative, shall have recourse to every remedy provided by law to secure entry.

(d) If the owner or occupant denies entry, the Fire Chief or his/her authorized representative shall obtain a proper inspection warrant or other remedy provided by law to secure entry. No owner or occupant or any other persons having charge, care or control of any building or premises, shall fail or neglect, after proper request is made as provided herein, to promptly permit entry therein by the Fire Chief or his/her authorized representative for the purpose of inspection and examination pursuant to this chapter.
(Code 1965, §19.03(5); Ord 1-91, §1(19.03(5)), 1-9-91; Ord 23-09, §1, 1-13-09, Ord 25-18, §1, 2-27-18)

Sec. 6-6. Removal of fire hazards.

(a) Whenever an inspection by the Fire Chief reveals a fire hazard, the Fire Chief may provide a notice, in writing, upon the owner or occupant of the property giving the owner or occupant sufficient time in which to remove the hazard. If the fire hazard is not removed within the time prescribed, it shall be deemed a nuisance and the Fire Chief shall have the hazard removed by the City and the cost of removal reported to the Director of Finance and spread on the tax roll as a special charge against the property, as prescribed in §12-32 et seq.

(b) Within ninety (90) days after the removal of any flammable/combustible liquids tank, all barreled sludge or liquids must be removed from the property.
(Code 1965, §19.03(2); Ord 1-91, §1(19.03(2)), 1-9-91; Ord 4-93, §1, 1-6-93; Ord 6-95, §1, 2-1-95; Ord 23-09, §1, 1-13-09; Ord 25-18, §1, 2-27-18)

Sec. 6-7. Vacation of buildings.

(a) The Fire Chief is hereby empowered to close any building or structure, and order it vacated wherein violations of any regulations of this chapter are found and not abated within a reasonable time stipulated by him.

(b) Where the public is exposed to immediate danger, the Fire Chief is hereby empowered and directed to order the immediate closing and vacating of the building or structure.
(Code 1965, §19.03(4); Ord 1-91, §1(19.03(4)), 1-9-91; Ord 23-09, §1, 1-13-09, Ord 25-18, §1, 2-27-18)

Cross reference(s)--Unsafe buildings, §4-181 et seq.

Sec. 6-8. Investigation of fires.

The Fire Department shall promptly investigate the origin, cause, and circumstances of all fires occurring in the jurisdiction of the City. If it appears that the cause of the fire may be the result of a criminal act, the Fire Department shall inform the Police Department and seek their assistance in determining the origin and cause of the fire.
(Code 1965, §19.03(6); Ord 1-91, §1(19.03(6)), 1-9-91; Ord 23-09, §1, 1-13-09; Ord 25-18, §1, 2-27-18)

Sec. 6-9. Inspections generally.

The Fire Chief or his/her designee shall provide for the inspection of every public building and place of employment in accordance with W.S.A. §101.14 and shall comply with the provisions thereof. The Fire Chief shall, on a time schedule to be determined by the Common Council, report information regarding these inspections. Violations identified during inspections shall be recorded and kept on file in accordance with W.S.A. §101.14. Owners or occupants who do not show for a scheduled inspection appointment may be charged a fee. Repeated inspections or re-inspections resulting from continued non-compliance may subject an occupancy or property to a re-inspection fee and/or remedies as outlined in §6-75 "Repeat violation rule".
(Code 1965, §19.03(3); Ord 1-91, §1(19.03(3)), 1-9-91; Ord 23-09, §1, 1-13-09, Ord 25-18, §1, 2-27-18)

Sec. 6-10. Fire inspection required before occupancy.

No person shall occupy or change the occupancy of a building or structure covered under Wisconsin Administrative Code, SPS Chapters 350-365 the Wisconsin Commercial Building Code, or the locally adopted International Fire Code used by or for public assembly, industrial, institutional, multifamily, office, or mercantile purposes until such building or structure has been inspected by the Fire Department.
(Ord 25-18, §1, 2-27-18)

Sec. 6-11. Burning trash, rubbish, garbage, yard waste, etc.

(a) No person shall build, maintain or allow to be operated or maintained on a premises controlled by him/her, any waste burner, refuse burner, trash burner or other similar appliance unless such device is permitted with the approval of the Inspections Supervisor and the Fire Chief, or his/her designee.

(b) No person shall operate an outside incinerator, burn garbage, or leaves within the City.
(Code 1965, §19.04; Ord 1-91, §1(19.04), 1-9-91; Ord 23-09, §1, 1-13-09; Ord 25-12, §1, 3-7-12, Ord 25-18, §1, 2-

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Sec. 6-12. Open outdoor fires, outdoor fireplaces, cooking fires and barbecue grills, kettles and outdoor hibachis.

(a) No open outdoor fires, including fires confined within outdoor fireplaces and outdoor cooking fires, with the exception of fires fueled by natural gas, propane or charcoal in commercially manufactured appliances or a non-commercially manufactured appliance approved by the Fire Chief or his/her designee, shall be started by any person unless a permit is first obtained from the Fire Department. No permit shall be granted for open burning for multifamily occupancies without separate private yards for each tenant, nor without the property owner's permission, in a public right-of-way, alley or other public thoroughfare.

- (1) Daily permits are available for bonfires, brush burns, wildland management burns, outdoor fireplaces and cooking fires.
- (2) Annual permits are available for recreational fires in outdoor fireplace appliances. (January 1 through December 31).
- (3) Annual and single day permits are valid 6:00 a.m. to 10:00 p.m. Sunday through Thursday, 6:00 a.m. to 12:00 a.m. Friday, Saturday, and any day/evening preceding a federal holiday.
- (4) No permit will be issued for any fire within ten (10) feet of any building, structure, fence, combustible material or property line.
- (5) Only those fuels and appliances approved by the Fire Chief or his/her designee shall be used.
- (6) Burning is to be attended at all times by a person at least eighteen (18) years of age, with an approved means of extinguishing the fire available for use at the location of the fire.

(b) Barbecue grills, kettles, outdoor hibachis.

- (1) Charcoal burners and other open-flame devices shall not be operated on combustible balconies or within ten (10) feet of combustible construction in all dwellings. Exceptions:

- a. ~~Single One~~ and ~~Two~~ family dwellings.
- b. Permanently piped natural gas fired

barbecue grills, where dwellings, balconies, and decks are protected by automatic sprinkler system.

- (2) Cylinders having water capacities greater than 2½ lb. (1 kg) [nominal 1 lb. (0.5 kg) LP-Gas capacity] shall not be located on balconies above the first floor that are attached to a multiple family dwelling of three (3) or more living units.

(c) No person shall install, use or maintain a woodfire furnace, stove or boiler that is not located within a building intended for habitation by humans within the City limits. This prohibition shall apply to furnaces, stoves or boilers installed after the effective date of this ordinance.

(d) The Fire Chief or his/her designee shall have the authority to prohibit any and all open burning when atmospheric conditions or local circumstances make such fire hazardous. No burning will be allowed if wind conditions will cause smoke, embers or other burning materials to be carried towards any building or other combustible material, nor anytime the wind is in excess of nine miles per hour (9 m.p.h.) as measured by the Outagamie County Emergency Communication Center. (Code 1965, §19.05(2); Ord 1-91, §1(19.05(2)), 1-9-91, Ord 136-01, §1, 8-20-01; Ord 135-05, §1, 11-22-05; Ord 23-09, §1, 1-13-09; Ord 55-16, §1, 8-9-16, Ord 25-18, §1, 2-27-18)

Sec. 6-13. Careless smoking prohibited.

(a) It is unlawful for any person, by reason of careless, willful or wanton conduct in smoking or in the use of lighters or matches in smoking to set fire to any bedding, carpet, curtains, draperies, furniture, household equipment or other goods or chattels or to any building.

(b) A plainly printed notice of the provisions of this section shall be posted in a conspicuous place in every sleeping room of every place renting rooms for the accommodations of the public. Such printed notices shall also be posted in any place of public assembly where smoking is permitted.

(Code 1965, §19.06(1), (2); Ord 1-91, §1(19.06(1), (2)), 1-9-91; Ord 23-09, §1, 1-13-09; Ord 25-18, §1, 2-27-18)

~~Sec. 6-14. Lock box.~~

~~(a) Every newly constructed building, except one and two unit family dwellings or additions to an existing building previously without a lock box, shall be equipped with a lock box consistent with the specifications set forth in (c) within this section.~~

~~(b) When access to or within a structure or an area is unduly difficult because of secured openings or where~~

Commented [DJH2]: Covered in section 506 of the IFC

Commented [DJH1]: This change brings consistency with the adopted IFC

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~~immediate access is necessary for life saving or firefighting purposes, the Fire Chief or his/her designee may require a lock box to be installed consistent with the specifications set forth in (c) within this section.~~

~~— (c) The lock box shall be a type approved by the Fire Department and shall contain keys to gain necessary access as required by the Fire Department. The lock box shall be installed by the property owner at a location approved by the Fire Department. The lock box shall be installed within an appropriate time, as determined by the Fire Chief or his/her designee.~~

~~(Ord 1-91, §1(19.21), 1-9-91; Ord 23-09, §1, 1-13-09; Ord 25-18, §1, 2-27-18)~~

Sec. 6-15. Fire Department signs.

It shall be illegal for anyone to remove, mutilate or destroy any legally required sign posted by the Fire Department or required sign to be posted by the owner, manager or operator of any occupancy open to the public. (Ord 1-91, §1(19.22), 1-9-91; Ord 23-09, §1, 1-13-09; Ord 25-18, §1, 2-27-18)

Sec. 6-16. Fire alarms.

(a) Every public building, dwelling or place of employment containing either a manual, sprinkler activated or fire detector activated alarm system shall comply with this section.

(b) New or upgraded fire alarm systems at large buildings or buildings with multiple occupancies shall provide outside strobe lights indicating the occupancy or area of fire alarm activation and if applicable, the location of the Fire Department connection. The location of these strobe lights is to be determined by the Fire Chief or designee.

(c) The Fire Department will be contacted immediately upon activation of an alarm by on-site personnel or a monitoring agency so not to cause a delay in alarm. Any monitoring agency shall be licensed or approved by either Factory Mutual (FM) or Underwriters Laboratories (U.L.). All systems shall be maintained in operable condition as specified in the International Fire Code. If the alarm or fire sprinkler system becomes inoperative for any reason, the Fire Department shall be notified and the provisions of the International Fire Code, Section 901.7 and subsequent revisions shall apply.

(d) False alarms and fees.

(1) Words and phrases defined in §12-121 are used in the same sense in this section unless a different definition is specifically provided.

(2) If the Fire Department responds to a false alarm, the party responsible for the false alarm shall pay the city a fee according to the schedule of fees kept on file with the City Clerk's Office.

(3) If the Fire Department is cancelled by the emergency communications center while responding to an alarm, the party responsible for causing the alarm may still be assessed the false alarm fee.

(4) Any fees payable to the City which are delinquent may be assessed against the property involved as a special charge for current service, without notice, pursuant to Wisconsin Statutes Annotated §66.0627.

(5) The party responsible or the alarm user may appeal the assessment of a false alarm fee by submitting written documentation to the Fire Chief or designee within ten (10) business days after notification of the assessment of a fee. The Chief or designee must inform the alarm user of the decision in writing. If the alarm user further contests the Chief or designee's decision, within ten (10) days of receiving the Chief or designee's decision, the alarm user may seek review by the Safety and Licensing Committee by submitting a written notification to the City Clerk's Office.

(Ord 1-91, §1(19.25), 1-9-91; Ord 7-95, §1, 2-1-95, Ord 65-99, §1, 9-19-99; Ord 117-06, §1, 1-1-07; Ord 23-09, §1, 1-13-09; Ord 25-18, §1, 2-27-18)

Sec. 6-17. Malls.

The mall manager or designee shall notify the Fire Department prior to any use of a mall common space for any intended use other than exiting. Examples of other uses would be trade shows, exhibitions, or public assemblies.

(Ord 1-91, §1(19.27), 1-9-91; Ord 23-09, §1, 1-13-09; Ord 25-18, §1, 2-27-18)

Sec. 6-18. Violations.

It is unlawful for any person to violate any provision of this chapter or to fail to obey any rule, regulation or order of the Fire Chief or his/her designees.

(Ord 1-91, §1(19.28), 1-9-91; Ord 23-09, §1, 1-13-09, Ord 25-18, §1, 2-27-18)

Cross reference(s)--Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.

Secs. 6-19 – 6-30. Reserved.

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ARTICLE II. FIRE DEPARTMENT

Sec. 6-31. Generally.

The Fire Department shall be a paid department, consisting of such officers and members as the Common Council may establish from time to time. The Department shall be charged with providing response to fires, hazardous material spills, medical emergencies, rescue of people in distress and other dangerous conditions. The Department shall also provide for fire investigation, prevention, inspection, code compliance, and other services designed to maintain fire and life safety within the community.

(Code 1965, §4.08; Ord 23-09, §1, 1-13-09)

Sec. 6-32. Duties of Fire Chief.

It shall be the duty of the Fire Chief to:

- (1) Direct the operation of the Fire Department subject to the rules and regulations which may be adopted by the Common Council or the Police and Fire Commission;
- (2) Issue and enforce such orders as in his/her judgment may be best for the protection of property and the extinguishing of fires;
- (3) Enforce all ordinances, rules and regulations of the Common Council governing the Fire Department;
- (4) Report the condition of the Fire Department at the end of each year and make further reports when ordered to do so by the Common Council or the Police and Fire Commission;
- (5) Report promptly to the Police and Fire Commission any member of the Fire Department who may have disobeyed his/her order or violated any of the laws or rules governing the Department;
- (6) Keep a record and report to the Police and Fire Commission the absence of any member of the Fire Department from fires, together with any dereliction of duty or violation of any of the rules and regulations of the Department.

In the absence or disability of the Fire Chief, the Deputy Chief shall perform his/her duties.

(Code 1965, §4.09, Ord 65-99, §1, 9-19-99; Ord 23-09, §1, 1-13-09; Ord 25-18, §1, 2-27-18)

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Sec. 6-33. Wearing of name tag and badge.

The members of the Fire Department of the City, when on duty, shall wear the badge or insignia and name tag of the office on the outside of the outermost garment, conspicuously displaying the badge and name tag so the entire surface thereof may be seen, except when caution may dictate that the badge and name tag should not be exposed.

(Code 1965, §4.04; Ord 23-09, §1, 1-13-09; Ord 25-18, §1, 2-27-18)

Secs. 6-34 – 6-42. Reserved.

ARTICLE III. PERMITS

Sec. 6-43. Required.

(a) It shall be unlawful for any person to use a building or premises or engage in any activities for which a permit is required by this code, without first having obtained such permit.

(b) Permits are required for the following:

- (1) **Floor finishing** (required for floor finishing or surfacing operations exceeding three hundred fifty (350) square feet using Class I or Class II liquids).
- (2) **Lumber yards** (where more than one hundred thousand (100,000) board feet of lumber is to be stored or used inside of the facility);
- (3) **Vehicle tire rebuilding plants** (for any tire recapping or rebuilding operation);
- (4) **Magnesium use** (for the melting, casting, heat treating machining or grinding of more than ten (10) pounds of magnesium per working day);
- (5) **Cryogenic liquids** (for the production, storage or sale of cryogenic liquids);
- (6) **Combustible fibers** (for the storage and handling of combustible fibers in quantities in excess of one hundred (100) cubic feet);
- (7) **Dust explosion hazard** (for the operation of any grain elevator or bleacher, flour, starch or feed mill, malt house, wood flour manufacturing plant, or plant pulverizing aluminum, coal, cocoa magnesium, spices, sugar or other material producing dust which, if mixed with air in the proper portions becomes explosive and may be ignited by flame or spark);
- (8) **Fumigation and thermal insecticidal fogging** (this process is not to start without a permit);
- (9) **Flammable and combustible bulk storage** (storage in excess of fifty-five (55) gallons on permanent basis above or below ground);
- (10) **Open burning** (where permits are required by the State or this code, §6-12);
- (11) **Tents, membrane structure, canopies** (to operate or erect a tent or membrane structure or canopy in excess of two hundred (200)

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square feet unless it is used exclusively for camping or on the premises of a one- (1-) or two- (2-) family dwelling which is not covered under this Code);

(12) **Fireworks/pyrotechnic displays** (for the discharge of any fireworks as defined by W.S.A. §167.10. Such discharge shall conform to any state law or this code and any regulations);

(13) **Explosives**

- a. Any person conducting blasting operations in the City shall notify the Fire Department of the time and location of the blast. Notification shall be made on proper forms provided by the State. A permit shall be obtained after notification and prior to blasting;
- b. Any person storing explosive materials, as defined in Wisconsin Administrative Code, International Fire Code, Section 3302.1, in the city shall obtain a permit. Such explosives shall be stored in an approved manner;

(14) **Cellulose nitrate plastics:**

- a. All retailers, jobbers and wholesalers storing or handling more than twenty-five (25) pounds of cellulose nitrate plastics shall obtain a permit from the Fire Chief;
- b. A permit shall be obtained from the Fire Chief for the manufacture of articles of cellulose nitrate plastics, including the use of cellulose nitrate plastics in the manufacture or assembling of other articles;
- c. Cellulose nitrate motion picture film (a person may not store, handle, or keep on hand more than twenty-five (25) pounds without obtaining a permit. A person may not sell, lease or otherwise dispose of any cellulose nitrate film to any person not having a permit issued by the Fire Chief or his/her designee to handle, use or display the film);

(15) **Recyclables storage** (any outside storage area, or warehouse used for the bulk storage of paper for sale or recycling);

(16) **Storage tanks**

- a. Removal of underground storage tanks (UST) or above ground storage tanks (AST) in either commercial or residential properties as required by Wisconsin Administrative Code, SPS 310;
- b. Upgrades of underground storage tanks (UST) or above ground storage tanks (AST) flammable/combustible liquid storage systems;

(17) Installation, storage or use of liquid petroleum gases systems with a cumulative total of one hundred twenty-five (125) gallons or larger water capacity.

(Ord 17-90, 2-21-90; Ord 1-91, §1(19.26), 1-9-91; Ord 8-95, §1, 2-1-95; Ord 9-95, §§1, 2, 2-1-95, Ord 65-99, §1, 9-19-99, Ord 137-01, §1, 8-20-01; Ord 23-09, §1, 1-13-09; Ord 25-12, §1, 3-7-12; Ord 25-18, §1, 2-27-18)

Sec. 6-44. Temporary special permits.

When a temporary hazardous situation is anticipated for conditions not otherwise regulated by this code, the Fire Chief is authorized, based on applicable data, to issue a temporary special permit for the duration of the hazard.

(Ord 1-91, §1(19.26(2)), 1-9-91; Ord 23-09, §1, 1-13-09; Ord 25-18, §1, 2-27-18)

Sec. 6-45. Application.

Applications for permits shall be made to the Fire Chief and shall include the applicant's answers in full to inquiries set forth on such forms. Applications for permits shall be accompanied by such data as required by the Fire Chief and fees as may be required by his/her jurisdiction.

(Ord 1-91, §1(19.26(3)), 1-9-91; Ord 23-09, §1, 1-13-09; Ord 25-18, §1, 2-27-18)

Sec. 6-46. Fees.

Fees shall be established for the permits, certificates, approvals and other functions performed under this code and shall be payable to the City. Such fees shall accompany each application for such permit, approval, certificate or other fee-related code provision. The fee amount for the required permits, certificates, approvals and other functions performed under this Code shall be maintained on a schedule filed with the City Clerk.

(Ord 1-91, §1(19.26(6)), 1-9-91; Ord 108-92, §1, 10-7-92; Ord 10-95, §1, 2-1-95, Ord 65-99, §1, 9-19-99, Ord 138-01, §1, 8-20-01; Ord 23-09, §1, 1-13-09; Ord 25-18, §1, 2-27-18)

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Sec. 6-47. Issuance and posting.

(a) The Fire Chief or his/her designee shall review all applications submitted and determine compliance with applicable provisions of this code and issue or revoke permits based on his/her findings as required.

(b) A copy of the permit shall be posted or otherwise readily accessible at each place of operation or carried by the permit holder as specified by the Fire Department. (Ord 1-91, §1(19.26(4), (5)), 1-9-91; Ord 23-09, §1, 1-13-09; Ord 25-18, §1, 2-27-18)

to appeal the assessment of charges for an emergency service response. Any person or property owner appealing the assessment of charges shall file a written objection with the Fire Chief within thirty (30) days of receiving the bill. Upon receipt of the written objection, the matter shall be placed on the Agenda for the Safety and Licensing Committee at its next regularly scheduled meeting. The Safety and Licensing Committee shall make a recommendation to the Common Council, which shall grant or deny the request. (Ord 142-11, §1, 6-7-11; Ord 25-18, §1, 2-27-18)

Secs. 6-51 – 6-55. Reserved.

Sec. 6-48. Fee for failure to obtain permit.

The fee for failure to obtain a permit required under §6-43 of this Code is triple the permit fee described in that section when a permit is obtained. Payment of any fee shall not relieve any person of the penalties that may be imposed for violation of this chapter. (Ord 11-95, §1, 2-1-95; Ord 23-09, §1, 1-13-09; Ord 25-18, §1, 2-27-18)

Sec. 6-49. Non-resident fees for Fire Department services.

When the Fire Department is called upon to extinguish a vehicle fire or extricate a person, and where the subject vehicle is registered to an owner with a permanent address located outside of the Appleton city limits, the registered owner shall pay a service fee to the City, the amount of which shall be on file with the City Clerk. (Ord 17-06, §1, 2-21-06; Ord 23-09, §1, 1-13-09; Ord 25-18, §1, 2-27-18)

Sec. 6-50. Recovery of costs associated with technical rescue responses.

(a) *Technical rescue reimbursement for costs of emergency services response.* A technical rescue response includes, but is not limited to, structural collapse, confined space, trench rescue, water rescue, ice rescue, or rope rescue. Emergency service response includes, but is not limited to, fire service, emergency medical service and law enforcement. Any person or property owner who necessitates a technical rescue response may be responsible for reimbursement to the responding agencies for the actual and necessary expenses incurred in carrying out their duties under this article. Actual and necessary expenses may include, but not be limited to, replacement of equipment, maintenance of the equipment specific to the incident, costs incurred in the procurement and use of specialized equipment specific to the incident, and charges associated with personnel and equipment necessary for the technical rescue response.

(b) *Appeal.* A person or property owner has the right

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ARTICLE IV. STANDARDS AND REQUIREMENTS

Sec. 6-56. Adoption of codes and standards.

(a) The state codes listed in this section are hereby adopted by reference and made a part of the City Fire Prevention Code. For the purposes of this section, these provisions are adopted to enable the Fire Department to note any violations of such codes and to report those violations to the appropriate community service inspectors. The Fire Inspectors shall have the authority to cite such violations on fire inspections.

- (1) General Hazard on Fire Prevention, Wisconsin Administrative Code, SPS chapter 314;
(2) General Orders on Existing Buildings, Wisconsin Administrative Code, SPS chapters 375 to 379;
(3) Wisconsin Administrative Code, Wisconsin State Electrical Code, SPS Chapter 316;
(4) Wisconsin Administrative Code, Wisconsin Commercial Building Code, SPS Chapters 361 - 366;
(5) Elevator Code, Wisconsin Administrative Code, SPS chapter 318;
(6) Existing Building Code, Wisconsin Administrative Code, SPS chapter 370;
(7) Flammable and Combustible Liquids Code, Wisconsin Administrative Code, SPS 310.

Overall enforcement responsibility is equally shared by the Building Inspection Division and the Fire Department. Primary responsibility for particular sections of the above provisions shall be as indicated in the Wisconsin Administrative Code.

(b) The International Fire Code 2018-2021 Edition, hereinafter "IFC" is hereby adopted as though fully set forth herein, with the following exceptions:

- (1) Chapter 1 and Chapter 57 are not included in the adoption of the 2018-2021 edition of the IFC.
(2) Appendices A, J, K, L, and M are not included as part of the adoption of the 2018-2021 IFC.

Delete this section (e) The following editions of the National Fire Protection Codes and

Standards are hereby adopted by reference and made part of the City Fire Prevention Code with the same force and effect as though set forth herein in full:

- NFPA 11, Low Expansion Foam, 2002 Edition;
NFPA 12, Carbon Dioxide Extinguishing Systems, 2000 Edition;
NFPA 12A, Halon 1301 Fire Extinguishing Systems, 2004 Edition;
NFPA 13, Installation of Sprinkler Systems, 2007 Edition;
NFPA 13D, Sprinkler Systems in One and Two Family Dwellings and Manufactured Homes, 2007 Edition;
NFPA 13R, Sprinkler Systems in Residential Occupancies up to and including Four Stories in Height, 2007 Edition;
NFPA 14, Standpipe Private Hydrant and Hose Systems, 2007 Edition;
NFPA 15, Water Spray Fixed Systems, 2007 Edition;
NFPA 16, Deluge Foam Water Sprinkler Systems and Foam Water Spray Systems, 2003 Edition;
NFPA 17, Dry Chemical Extinguishing Systems, 2002 Edition;
NFPA 17A, Wet Chemical Extinguishing Systems, 2002 Edition;
NFPA 20, Installation of Stationary Pumps, 2007 Edition;
NFPA 24, Private Fire Service Mains, 2007 Edition;
NFPA 25, Water Based Fire Protection Systems, 2002 Edition;
NFPA 30, Flammable and Combustible Liquids Code, 2003 Edition;
NFPA 30A, Motor Fuel Dispensing Facilities, 2003 Edition;
NFPA 30B, Aerosol Products, Manufacture and Storage, 2007 Edition;
NFPA 31, Installation of Oil Burning Equipment, 2006 Edition;
NFPA 33, Spray Application Using Flammable or Combustible Materials, 2007 Edition;
NFPA 34, Dipping and Coating Processes Using Flammable or Combustible Liquids, 2007 Edition;

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Commented [DJH3]: This section is outdated and redundant. The building code sets the edition of many of these standards, and others come from the IFC. So we either need to delete this section or update the editions to coincide with the adopted building or fire codes. If needed, we could also add language to (b) above stating "the International Fire Code 2021 edition is hereby adopted as though fully set forth herein including the referenced standards, with the following exceptions:"

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~~NFPA 50, Bulk Oxygen Systems at Consumer Sites, 2001 Edition;~~

~~NFPA 50A, Gaseous Hydrogen Systems at Consumer Sites, 1999 Edition;~~

~~NFPA 50B, Liquefied Hydrogen Systems at Consumer Sites, 1999 Edition;~~

~~NFPA 51B, Welding, Cutting, Other Hot Work, 2003 Edition;~~

~~NFPA 54, National Fuel Gas Code, 2006 Edition;~~

~~NFPA 55, Compressed and Liquefied Gases in Portable Cylinders, 2003 Edition;~~

~~NFPA 69, Explosion Prevention Systems, 2002 Edition;~~

~~NFPA 72, National Fire Alarm Code, 2002 Edition;~~

~~NFPA 80, Fire Doors and Fire Windows, 2007 Edition;~~

~~NFPA 92A, Smoke Control Systems, 2006 Edition;~~

~~NFPA 96, Ventilation Control and Fire Protection of Commercial Cooking Operations, 2001 Edition;~~

~~NFPA 105, Standard for the Installation of Smoke-Control Door Assemblies, 2007 Edition;~~

~~NFPA 204, Smoke and Heat Venting, 2002 Edition;~~

~~NFPA 385, Tank Vehicles for Flammable and Combustible Liquids, 2000 Edition;~~

~~NFPA 430, Liquid and Solid Oxidizers, 2000 Edition;~~

~~NFPA 490, Storage of Ammonium Nitrate, 2002 Edition;~~

~~NFPA 654, Prevention of Fire and Dust Explosions from Manufacturing Combustible Particulate Solids, 2006 Edition;~~

~~NFPA 1123, Fireworks Display, 2006 Edition;~~

~~NFPA 1124, Fireworks and Pyrotechnic Articles, 2006 Edition;~~

~~NFPA 1126, Use of Pyrotechnics before a Proximate Audience, 2006 Edition;~~

~~NFPA 1221, Communications, Emergency Services, 2007 Edition;~~

~~NFPA 1961, Fire Hose, 2002 Edition;~~

~~NFPA 1962, Standard for the Inspection, Care, and Use of Fire Hose, Couplings and Nozzles; and the Service Testing of Fire Hose, 2003 Edition;~~

~~NFPA 1963, Fire Hose Connections, 2003 Edition;~~

~~NFPA 2001, Clean Agent Fire Extinguishing Systems, 2004 Edition;~~

(c) Any fire prevention issue not herein addressed by code or adopted standards will be addressed on the basis of current accepted National Fire Protection Association Standards.

(Ord 1-91, §1(19.02), 1-9-91; Ord 12-95, §1, 2-1-95, Ord 65-99, §1, 9-19-99, Ord 181-01, §1, 10-22-01, Ord 96-02, §1, 6-25-02; Ord 23-09, §1, 1-13-09; Ord 124-11, §1, 4-26-11; Ord 25-12, §1, 3-7-12; Ord 25-18, §1, 2-27-18; Ord 70-18, §1, 8-7-18; Ord 12-21, §1, 4-21-21)

Cross reference(s) – Buildings and building regulations, Chapter 4.

Sec. 6-57. Automatic sprinkler systems.

(a) **Intent of section.** The intent of this section is to provide a means for the automatic extinguishment of fires in buildings or parts of buildings which because of their size, construction or occupancy or lack of suitable protection equipment, constitute a special fire hazard to life or property and an excessive burden upon the fire extinguishing facilities of the Fire Department.

(b) **Definitions.** For the purpose of this section, the following definitions shall be applicable:

Approved shall mean that the material, workmanship and installation of the sprinkler system complies with the regulations as set down in the National Fire Protection Association standards for the installation of automatic sprinkler systems in effect at the date of installation and approved by Fire Chief.

Area shall mean the gross ground floor area of a building or when a building is divided by approved firewalls, each section so divided shall be considered an area.

Authority having jurisdiction shall be the Fire Chief or whomever the Chief designates to enforce this chapter, the laws of the state pertaining to the prevention of fires and public safety and approving equipment, installation or procedure as outlined in National Fire Protection Association Codes and Standards.

Automatic sprinkler equipment shall mean a system of water supply pipes and orifices to apply water to a fire when activated by an automatic, manual or remote control device.

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Fire-resistive construction shall mean a building is of fire resistive construction if all the walls, partitions, piers, columns, floors, ceilings, roof and stairs are built of noncombustible materials as specified in Wisconsin Commercial Building Code.

Housing for the elderly shall mean a residential occupancy building where the occupancy is limited to primarily elderly people meeting specific age criteria as specified by the financing or owning agency.

Institutional buildings shall mean and include convents, monasteries, children's homes, homes for the aged, nursing homes, convalescent homes, asylums, mental hospitals and jails.

(c) **Buildings and areas where required.** Every building constructed or structurally altered shall have an approved automatic sprinkler system installed and maintained when occupied in whole or part for the following purposes:

- (1) Multifamily dwellings of three (3) units or more exceeding four thousand eight hundred (4,800) square feet per floor and dormitories, except housing for the elderly, shall include the protection of all areas within the building by an automatic fire sprinkler system complying with Standard 13 of the National Fire Protection Association and equipped with residential type sprinkler heads in the living units.
- (2) Educational Group E occupancies:
 - a. In basements, kitchens, shops and other spaces where combustibles are stored or handled.
 - b. In other than fire resistive buildings.
 1. Ten thousand (10,000) square feet or over.
 2. Two (2) stories and up exceeding six thousand (6,000) square feet in area.
 3. Three (3) stories and up in height.

(d) **Application to existing buildings.** Where the Fire Chief finds that by reason of construction or highly combustible occupancy, existing buildings constitute a severe fire hazard to its occupants or to adjoining property, the provisions of this section will apply.

(e) **System types and approval of plans.** Approved automatic sprinkler equipment shall be installed,

connected to an adequate water supply with sprinkler heads, valves and auxiliary equipment of standard types suitable for the individual building to be protected as determined by adopted Standard 13, of the National Fire Prevention Association. Automatic sprinkler systems shall be designed with a minimum five (5) psi water supply safety factor. No automatic sprinkler equipment shall be installed or altered in a building until plans have been submitted to fire prevention and reviewed. ~~Four (4) copies of plans shall be submitted approved plans stamped "Conditionally Approved" and three (3) copies shall be returned to owner and the other kept on file at the Fire Department.~~ Electronic plans, including specification sheets and calculations as necessary, shall be submitted in an approved format to the Fire Department for review. Once reviewed and conditionally approved, plans shall be electronically signed and returned to the requesting party.

(f) **Alternative materials and methods.**

- (1) The Fire Chief, on notice to the Inspections Supervisor, may approve any alternate material or method, provided he/she finds that the proposed design, use or operation satisfactorily complies with the intent of this code and that the material, method of work performance or operation is, for the purpose intended at least the equivalent of that prescribed in this section in quality, strength, effectiveness, fire resistance, durability and safety, provided, however, that any approval under the authority herein contained shall be subject to the approval of the building official whenever the alternate material or method involves matters regulated by the Wisconsin Administrative Code.
- (2) The Fire Chief may require tests as proof of compliance with the intent of this section, such tests to be made by an approved agency at the expense of the person requesting approval of the alternate material or method of construction.
- (3) If technical expertise is unavailable within the Department because of new technology, process, products, facilities, materials and uses attending the design, operation or use of a building or premises subject to the inspection of the Department, the Fire Chief may require the owner or the person in possession or control of the building or premises to provide without charge to the Department, a technical opinion and report. The opinion and report shall be prepared by a qualified engineer, specialist, laboratory or fire-safety organization acceptable to the Fire Chief and the owner and shall analyze the fire

Commented [DJH4]: This change coincides with our change to electronic plan review. We no longer accept 4 copies of paper plans and instead use electronic plan review software. This provides efficiency to the process and we have not had any negative feedback from the new process. This process took effect January 5, 2022.

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safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, and prescribe the necessary recommended changes.

(g) **Inspection.** Every automatic sprinkler system required under this section shall be tested and inspected upon installation, according to the National Fire Protection Association Standards in effect at time of installation.

(h) **Maintenance.**

(1) The owner or occupant of a building containing the required automatic sprinkler system shall maintain the system in an operative condition at all times. The occupant of the building shall notify the Fire Department prior to interrupting this system for any reason or at the time it is withdrawn or its service interrupted or curtailed. Testing and maintenance of such systems shall be performed according to Standard 25, of the National Fire Protection Association. Copies of all tests results shall be furnished to the Fire Chief of the Fire Department.

(i) **Water.** Where an automatic sprinkler system is required, the supply shall be from the city water supply. Testing of the water supply shall be conducted by using the two (2) hydrants closest to the property being sprinkled. Tests over two (2) years old will not be accepted unless approved by the Fire Chief after taking into consideration growth, size and changes in the general area. The sprinkler contractor will take all readings with the Director of Public Works approval and assistance in hydrant use. The Fire Chief will be informed of all testing twenty-four (24) hours in advance and be given an opportunity to observe testing.

(Code 1965, §19.10; Ord 1-91, §1(19.10), 1-9-91; Ord 176-93, §1, 10-19-93; Ord 13-95, §1, 2-1-95; Ord 14-95, §1, 2-1-95; Ord 120-96, §1, 12-18-96, Ord 65-99, §1, 9-19-99; Ord 23-09, §1, 1-13-09; Ord 25-18, §1, 2-27-18)

~~Sec. 6-58. Welding and cutting operations.~~

~~— In addition to the International Fire Code, all welding and cutting operations shall also comply with this code.~~

~~— (a) Before welding or cutting operations have begun in areas not designed or approved for that purpose, specific authorization shall be obtained from the owner of the premises or his duly authorized agent.~~

~~— (b) When welding or cutting operations are performed above or within thirty five (35) feet of construction or material exposed to the operation or~~

~~within thirty five (35) feet of floor, ceiling or wall openings so exposed:~~

~~— (1) Such construction or combustible material shall be protected by noncombustible shields or covers from possible sparks, hot metal or oxide;~~

~~— (2) Such floor, ceiling or wall shall be protected by noncombustible shields or covers.~~

~~— (c) A firewatcher shall be provided to watch the fire, make use of portable fire extinguishers or fire hose and perform similar fire prevention and protection duties. The firewatcher shall remain on the job at least thirty (30) minutes after the welding or cutting operation has been completed to insure that no fire exists. A signed inspection report attesting to that fact shall be filed and available for inspection by the Fire Marshal.~~

~~— (d) One (1) or more portable fire extinguishers of approved type and size shall be kept at the location where welding or cutting is to be done.~~

~~— (e) Welding or cutting shall not be done in or near rooms or locations where flammable gases, liquids or vapors, lint, dust or loose combustible stocks are present when sparks or hot metal from the welding operation may cause ignition or explosion of such material.~~

~~— (f) Except as otherwise provided in this section, welding or cutting shall not be performed on containers and equipment which contain or have contained flammable liquids, gases or solids until these containers and equipment have been thoroughly cleaned or made inert or purged.~~

~~— (g) Hot tapping may be permitted on tanks or pipelines by the owner operator thereof.~~

~~— (h) Sprinkler protection shall not be shut off while welding or cutting work is being performed. When welding or cutting is being done close to automatic heads, sheet asbestos or damp cloth guards may be used to shield the individual heads but shall be removed when the work is completed.~~

~~(Code 1965, §19.08; Ord 1-91, §1(19.08), 1-9-91; Ord 23-09, §1, 1-13-09; Ord 25-18, §1, 2-27-18)~~

~~Sec. 6-59. Outside storage of recyclables and building material.~~

~~— Scrap or old lumber and old building material shall not be stored or kept in a residential area. Storage of scrap lumber or other materials in other than residential areas shall be handled to conform to recognized safe practices for lumber yard storage of IFC. Recyclables stored outside~~

Commented [DJH5]: Welding and other hot work is covered in Chapter 35 of the International Fire Code, almost verbatim. That makes this section redundant and unnecessary.

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shall conform to IFC.
(Code 1965, §19.09; Ord 1-91, §1(19.09), 1-9-91; Ord 23-09, §1, 1-13-09; Ord 25-18, §1, 2-27-18)

Sec. 6-60. Smoke alarms.

(a) **Definitions.** For purposes of this section, the following definitions shall apply:

Dwelling shall mean a structure or part of a structure providing complete, independent living facilities for one (1) or more persons, including permanent provisions for sleeping, eating, cooking and sanitation.

Sleeping area shall mean the area of the unit in which the bedrooms or sleeping rooms are located. Bedrooms or sleeping rooms separated by another use area such as a kitchen or living room are separate sleeping areas, but bedrooms or sleeping rooms separated by a bathroom are not separate sleeping areas.

Smoke alarm shall mean a device which detects particles or products of combustion other than heat.

(b) **Location and installation of smoke alarms.**

(1) Each dwelling unit shall be provided with a minimum of one (1) approved smoke alarm installed in a manner and location consistent with its listing. The Fire Department Fire Prevention Division can be contacted for recommendations when an owner is concerned about the installation and number of smoke alarms.

(2) All existing dwelling units must meet the requirement of the State of Wisconsin Uniform Dwelling Code, Wisconsin Administrative Code, SPS 321.09 and 328.01 Smoke Detectors. Each dwelling unit shall be provided with a minimum of one (1) approved, listed and labeled smoke alarm sensing visible or invisible particles of combustion, installed in a manner and location consistent with its listing.

(c) **Approval.** A smoke alarm or heat detector required under this section shall be approved by Underwriter's Laboratories, Factory Mutual or any other comparable testing firm.

(d) **Department inspection and order.** Inspection of new construction will be carried out by the Division of Inspections at its final inspection.

(e) **Conveyance of property.** No person shall convey any real property which includes a dwelling unit to another unless there are installed in the dwelling unit

approved smoke alarms in accordance with (d) above. Any purchaser of real property found not to be in compliance with this subsection may bring an action in circuit court for damages. A violation of the provisions of this subsection shall not affect the conveyance of title or possession to the affected property.

(Code 1965, §19.12; Ord 1-91, §1(19.12), 1-9-91; Ord 176-93, §1, 10-19-93; Ord 120-96, §1, 12-18-96, Ord 65-99, §1, 9-19-99; Ord 23-09, §1, 1-13-09; Ord 25-12, §1, 3-7-12; Ord 25-18, §1, 2-27-18)

Sec. 6-61. Discharge of hazardous materials.

(a) **Prohibited discharges.** No person shall discharge or cause to be discharged, leaked, leached or spilled upon any public or private street, alley, public or private property, or onto the ground, surface waters, subsurface waters, or aquifers, or within the city, except those areas specifically licensed for waste disposal or landfill activities and to receive such material, any explosive, flammable or combustible solid, liquid or gas, any radioactive material at or above Nuclear Regulatory Restriction levels, etiologic agents, or any solid, liquid or gas creating a hazard, potential hazard, or public nuisance or any solid, liquid or gas having a deleterious effect on the environment.

(b) **Spill notification.** Immediately upon discovery of a discharge involving any explosive, flammable or combustible solid, liquid or gas, any radioactive material at or above Nuclear Regulatory Restriction levels, etiologic agents, or any solid, liquid or gas creating a hazard, potential hazard, or public nuisance or any solid, liquid or gas having a deleterious effect on the environment the property owner, equipment operator, or discovering person shall notify the Appleton Fire Department of the discharge of a hazardous material.

(c) **Responsibility for containment, cleanup and restoration.** Any person in violation of (a) above shall, upon direction of any Fire Department officer, begin immediate actions to contain, cleanup and remove to an approved repository the offending material(s) and restore the site to its original condition, with the offending person being responsible for all expenses incurred. If any person fails to engage the necessary men and equipment to comply or to complete the requirements of this section, the office of the Fire Chief may order the required actions to be taken by public or private sources and allow the recovery of any and all costs incurred by the City as required by (d) below.

(d) **Reimbursement for costs of emergency services response.** Emergency service response includes, but is not limited to, fire service, emergency medical service and law enforcement. A person who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall be responsible for reimbursement to the responding agencies for the actual and necessary expenses incurred in carrying out their duties

Commented [DJH6]: Sec 6-59 is also covered in the International Fire Code in Chapter 3. This section is redundant and unnecessary.

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under this article. Actual and necessary expenses may include, but not be limited to, replacement of equipment damaged by the hazardous material, cleaning, decontamination and maintenance of the equipment specific to the incident, costs incurred in the procurement and use of specialized equipment specific to the incident, specific laboratory expenses incurred in the recognition and identification of hazardous substances in the evaluation of response, decontamination, cleanup and medical surveillance, and incurred costs in future medical surveillance of response personnel as required by the responding agency's medical advisor.

(e) **Site access.** Access to any site, public or private, where a prohibited discharge is indicated or suspected will be provided to Fire Department officers and staff and to Police Department personnel for the purpose of evaluating the threat to the public and monitoring containment, cleanup and restoration activities.

(f) **Public protection.** If any prohibited discharge occurs that threatens the life, safety or health of the public at, near or around the site of a prohibited discharge, and the situation is so critical that immediate steps must be taken to protect life and limb, the Fire Chief, his/her assistant or the senior police official on the scene of the emergency may order an evacuation of the area or take other appropriate steps for a period of time until the Common Council can take appropriate action.

(g) **Enforcement.** The Fire Chief, as well as the police officers, shall have authority to issue citations or complaints under this section.

(h) **Civil liability.** Any person in violation of this section shall be liable to the City for any expenses incurred by the City or loss or damage sustained by the City by reason of such violations.
(Code 1965, §19.13; Ord 1-91, §1(19.13), 1-9-91; Ord 34-92, §1, 3-18-92, Ord 65-99, §1, 9-19-99; Ord 23-09, §1, 1-13-09; Ord 25-18, §1, 2-27-18)

Cross reference(s)--Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.

~~Sec. 6-62. Miscellaneous standards.~~

~~—(a) Interior finishes, decorative materials and furnishings shall comply with International Fire Code, Chapter 8.~~

~~—(b) Flame retardant solutions, processes and applicators must be approved by the Fire Chief.
(Ord 1-91, §1(Appendix), 1-9-91; Ord 16-95, §1, 2-1-95; Ord 65-99, §1, 9-19-99; Ord 23-09, §1, 1-13-09)~~

Sec. 6-63. Fireworks and pyrotechnic devices.

(a) Definition: For the purpose of this section the following definition shall be applicable:

“Fireworks shall include all items under W.S.A. sec. 167.10(1) (intro), (e), (f), (i), (j), (k), (l), (m) and (n).”

(b) The provisions in this section shall apply to places where fireworks are stored or handled. Such premises shall be adequately equipped with fire extinguisher approved by the Fire Chief. Smoking is prohibited where fireworks are stored or handled.

(c) Every wholesaler, dealer or jobber keeping, storing, or handling fireworks of any description within the City shall notify the Fire Chief immediately upon receipt of such fireworks for the removal thereof from one (1) location to another and shall indicate the location where such fireworks are stored. No such fireworks shall be stored in any building used for dwelling purposes or in any building situated within fifty (50) feet of any building used for dwelling purposes, or in any place of public assemblage, or within fifty (50) feet of any gasoline pump, gasoline filling station, or gasoline bulk station, or in any building in which gasoline or flammable liquid is sold in quantities in excess of one (1) gallon. The storage buildings for fireworks shall conform to Standard 1124 of the National Fire Protection Association Standards and Codes.

(d) This section shall prohibit the use of any pyrotechnic device indoors of an occupancy without a permit from the Fire Chief. Such permits ~~will~~ shall not be issued for any event in an unsprinkled occupancy. Permit applications will be made in writing seven (7) days in advance of the date of the display.

(e) The use of the pyrotechnic device shall be handled by a competent adult operator and shall be of such composition, character and be located, discharged or fired as in the opinion of the Fire Chief shall not be hazardous to property or endanger any persons.

(f) The display, storage and discharge of fireworks shall be regulated by and comply with all IFC, NFPA, state and local codes and nationally recognized standards.

(g) The outdoor use of pyrotechnic devices shall be regulated by §10-5 of this Code and W.S.A. §167.10.
(Ord 1-91, §1(19.18), 1-9-91; Ord 34-92, §2, 3-18-92; Ord 17-95, §1, 2-1-95, Ord 65-99, §1, 9-19-99; Ord 23-09, §1, 1-13-09; Ord 25-18, §1, 2-27-18)

Sec. 6-64. Posted occupant load.

(a) Every room or space that is an assembly occupancy shall comply with International Fire Code.

(b) The number of persons in any building or portion thereof shall not exceed the amount determined as

Commented [DJH7]: Chapter 8 of the IFC is adopted and makes this section redundant.

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specified in the State building code, as surveyed by the Supervisor of Inspections, the Fire Chief, or his/her designee.

(c) No person shall permit overcrowding or admittance of any person beyond the approved capacity of any place of public assemblage as specified above. The Fire Chief, upon finding any overcrowding conditions or obstruction in aisles, passageways or other means of egress or upon finding any condition which constitutes a serious menace to life, shall cause the performance, presentation, spectacle or entertainment to be stopped with the assistance of the Police Department until such condition or obstruction is corrected. The manager or person in charge of the premises shall be responsible for preventing overcrowding.

(Ord 1-91, §1(19.19), 1-9-91; Ord 174-93, §1, 10-19-93; Ord 120-96, §1, 12-18-96, Ord 65-99, §1, 9-19-99; Ord 23-09, §1, 1-13-09; Ord 25-18, §1, 2-27-18)

~~Sec. 6-65. Fire apparatus access roads.~~

~~(a) Definitions. For the purpose of this section, the following definitions shall be applicable:~~

~~Fire apparatus access road means a hard surface designated and maintained to support the imposed loads of fire apparatus and shall be maintained so as to provide all weather driving capabilities and have a minimum of thirteen (13) feet six (6) inches in vertical clearance.~~

~~Street means any legally established public thoroughfare or all weather hard surface area thirty (30) feet or more in width unless otherwise approved by the Fire Department, whether designated or not by name such as avenue, boulevard, circle, court, drive, lane, place, road or way within fifty (50) feet of the building and maintained so as to provide all weather driving capabilities and have a minimum of thirteen (13) feet six (6) inches in vertical clearance.~~

~~(b) Fire apparatus access roads shall be provided according to the International Fire Code and this ordinance.~~

~~(c) Multi family residential projects having more than fifty (50) dwelling units shall be provided with a minimum two (2) separate and approved streets or approved Fire Department access roads.~~

~~(d) When conditions prevent the installation of an approved fire apparatus access road, the Fire Chief may permit the installation of a fire protection system in lieu of a road, provided the system or systems are not otherwise required by this or any other code.~~

~~(Ord 1-91, §1(19.20), 1-9-91, Ord 65-99, §1, 9-19-99; Ord 23-09, §1, 1-13-09; Ord 25-18, §1, 2-27-18)~~

~~Sec. 6-66. Atrium furnishings.~~

~~(a) Atriums are defined as a floor opening two (2) or more stories that are covered at the top of the series of openings and is used for purposes other than an enclosed stairway, elevator hoist way or utility shaft used for plumbing, electrical, air conditioning or communication facilities.~~

~~(b) All decorative materials in atriums shall be noncombustible or shall be flame retardant treated and be so maintained. Devices generating an open flame shall be approved by the Fire Chief prior to use.~~

~~(Ord 1-91, §1(19.23), 1-9-91; Ord 23-09, §1, 1-13-09; Ord 25-18, §1, 2-27-18)~~

Sec. 6-67. Working plans of suppression/detection and control systems.

(a) Working plans of all fire suppression, detection and control systems shall be submitted to the Fire Department Prevention Division in duplicate, before an approved electronic format for review prior to any installation of new equipment or modification to existing equipment any equipment is installed or remodeled. Deviation from approved plans shall will require permission of the authority having jurisdiction.

(b) Fire protection system plans shall be drawn to an indicated scale of not less than 1/8" on sheets of uniform size with a plan of each floor or section. Plans must be easily duplicated and shall show all pertinent information as required by NFPA standards for plan submittals. (Ord 1-91, §1(19.24), 1-9-91; Ord 126-01, §1, 7-18-01; Ord 23-09, §1, 1-13-09; Ord 25-18, §1, 2-27-18)

Sec. 6-68. Plan review fee structure and requirements.

A schedule of plan review fees shall be maintained in the City Clerk's Office. This schedule specifies the fees for plan examination and approval for projects located within the city of Appleton.

Note: If the property is subject to state plan review, the additional fee required under Wisconsin Administrative Code, SPS Table 302.31-3 will be added to the appropriate municipal fee.

~~(1) (1) Miscellaneous fee.~~

~~The miscellaneous fee shall be assessed for submission of plans for non-water based fire extinguishing systems, spray booth fire suppression systems and standpipe and hose systems. The miscellaneous fee will apply to such systems that are submitted separately from the automatic fire sprinkler system and/or fire alarm system. Where the plans for the automatic fire sprinkler systems and/or~~

Commented [DJH9]: Covered in the adopted building and fire codes, this is redundant. Chapter 3 and 8 of the IFC and Chapter 4 of the IBC.

Commented [DJH8]: Chapter 5 and Appendix D, both adopted above, cover this topic in much greater detail. This section is redundant.

Commented [DJH10]: This change provides agreement with 6-57(e) above.

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FIRE PREVENTION AND PROTECTION

~~fire alarm systems are submitted with, for example, the kitchen exhaust hood fire suppression system plans, the fees will be based on the square footage of the project and no miscellaneous fee will be charged for review of plans of non-water based extinguishing systems. The miscellaneous fee shall apply to any fire protection system that is not a fire sprinkler system as defined in section 903 of the International Fire Code or a fire alarm system as defined in section 907 of the International Fire Code. For standpipe systems as defined in section 905 of the International Fire Code, the miscellaneous fee shall not apply if the standpipe plans were submitted as part of a fire sprinkler system. The miscellaneous fee shall also apply to the following.~~

- ~~a. Fire protection systems that include a fire pump.~~
- ~~b. Fire protection systems for buildings that exceed five (5) stories in height, with an additional miscellaneous fee for every five (5) stories thereafter.~~

~~(2) Multiple identical buildings. In order to qualify for the multiple identical building fee, all buildings included in the project must be identical, and plans for such buildings must be submitted at the same time. The fee for submittal of plans for the first building shall be determined in accordance with the fee schedule on file with the City Clerk's Office. The fee for each remaining identical building shall be twenty-five percent (25%) of the appropriate fee.~~

~~(3) Shell buildings. When an application is submitted for a property where only the shell of the property has been completed, the fee will be calculated at fifty percent (50%) of the appropriate fee set forth in the fee schedule on file with the City Clerk's Office on the basis of the total gross area of the building. When an application is submitted for the construction of the interior of a building where the shell has been previously granted a permit, the fee for the interior construction shall be calculated at fifty percent (50%) of the total gross area as set forth in the fee schedule on file with the City Clerk's Office. Should the interior be completed in sections, the fee shall be calculated at the percentage of the area being completed, cumulative interior fee not to exceed fifty percent (50%) of the total gross~~

~~area as set forth in the fee schedule on file with the City Clerk's Office.~~

~~(4) Fire doors/shutters. Fire door/shutter plan review and inspection shall be assessed an initial minimum fee as indicated on the fee schedule for the first fire door/shutter and as indicated on the fee schedule for each additional door/shutter. This fee does not apply to fire doors/shutters already reviewed as part of an ongoing project.~~

~~(5) Re-submission fee. A fee shall be assessed for review of plans submitted following denial of plan approval.~~

~~(6) Re-inspection fee. The inspection of work performed under an approved plan is included in the fee for plan reviews. This fee does not include any re-inspections required because the inspected work failed to pass inspection. A re-inspection fee equaling twenty-five percent (25%) of the original plan review fee, ~~fifty-two-hundred and fifty dollars (\$5250.00)~~ minimum, shall be assessed due to system failure during the initial inspection.~~

~~(7) Fee for initiation without a permit. Penalty for failure to obtain a permit before starting work shall automatically ~~double~~ triple the applicable fees, and all work shall cease until the proper permits have been attained. (Ord 126-01, §1, 7-18-01; Ord 23-09, §1, 1-13-09; Ord 25-12, §1, 3-7-12; Ord 25-18, §1, 2-27-18)~~

Sec. 6-69. Maintenance, approval and registration of installed fire protection systems.

(a) **Maintenance.** All sprinkler systems, fire hydrant systems, standpipe systems, fire alarm systems, portable fire extinguishers, smoke and heat ventilators, smoke-removal systems and other fire protection or extinguishing systems or appliances shall be maintained in an operative condition at all times and shall be replaced or repaired where defective. Fire-protection or extinguishing systems coverage, spacing and specifications shall be maintained in accordance with recognized standards at all times. Such systems shall be extended, altered or augmented as necessary to maintain and continue protection whenever any building so equipped is altered, remodeled, added to or changes occupancy hazard. All additional, repairs, alterations and servicing shall be in accordance with recognized standards and copies of such work sent to Fire Prevention of the Fire Department.

(b) **Approvals.** All ~~fire extinguishing systems~~ fire protection systems, including automatic sprinkler systems, classes I, II, III combined stand pipes, Halon systems, and

Commented [DJH11]: This change reflects the complexity of alternative automatic extinguishing systems. Lumping them into sprinkler systems is not appropriate as these systems now warrant their own review independent of the sprinkler or fire alarm systems. The exception to this is standpipes that are often connected to sprinkler systems and can be easily reviewed together. I also included fire pumps as a miscellaneous fee. This covers the additional inspections and complexity these systems pose to the plan review and inspection process.

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Commented [DJH14]: This increase covers the additional cost to the city for an inspector to make a return trip to a site for a re-inspection. It also provides more of an incentive for contractors to pre-test their work and ensure compliance on the first test/inspection.

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Commented [DJH12]: Buildings are never truly identical. There are always nuances that differentiate buildings from one another. Water supply to the buildings is the biggest difference, even in buildings that are directly adjacent and otherwise identical. A full review is still necessary, so there should not be a discount.

Commented [DJH15]: This provides agreement with 6-48 above. I may be misreading this though, if the penalty is double the permit amount, plus the permit amount, the total fee would be triple. Maybe we can clean up this wording a little if that is the intent?

Commented [DJH13]: Plan reviews for shell buildings can be complex based on the unknown of what is to be stored. When the building is occupied, a full review is still required. This section provides unnecessary discounts when full reviews are required on both submittals.

APPLETON CODE

~~other special automatic extinguishing systems and basement pipe inlets, shall be tested and approved in accordance with §6-71 their respective National Fire Protection Association standards and shall be subject to periodic tests as may be required. A copy of all test results of the above systems must be provided to the Fire Chief or his/her designee upon completion of the testing. The location and size of all Fire Department hose connections shall be approved by the Fire Chief or his/her designee.~~

(c) (1) ~~Registration. All installers of fire protection components, including, but not limited to, agencies monitoring alarm integrity, shall register with the Fire Department pertinent contact information including, but not limited to, address, phone number and name of responsible person. Registry information shall be updated with AFD within ten (10) days of any change to information previously provided.~~

(2) A fee may be assessed to any registered installer and/or monitoring agent deemed responsible for causing a false alarm. Said fee will be billed to the responsible party, if not the alarm user, and will be that amount indicated in the false alarm fee schedule. Failure to pay fees could result in failure to obtain permit(s) for future work. An appeal of a false alarm assessment can be made by writing the Fire Chief or his/her designee within ten (10) business days after notification of the fee. Contesting the Chief's decision involves a review by the Safety and Licensing Committee by submitting a written notification to the City Clerk's Office.

(Ord 65-99, §1, 9-19-99, Ord 126-01, §1, 7-18-01; Ord 23-09, §1, 1-13-09; Ord 25-18, §1, 2-27-18)

Sec. 6-70. Notification of special public assembly events.

(a) For the purpose of this section, public assembly is defined as an event which exceeds one hundred (100) people.

(b) Except as provided in (d), notification must be provided to the Department within five (5) business days prior to the holding of special public assembly events which involves the use of buildings or spaces not approved for public assembly in accordance with the Wisconsin State Building Code and the IFC.

(c) Except as provided in (d), notification must be provided to the Department within five (5) business days prior to the holding of special public assembly events

which involves the placement of temporary seating in an area not otherwise approved for such seating.

(d) Notification is not required if a plan indicating occupancy capacity, seating arrangements, location and width of exit ways and aisles is submitted to the Fire Department and pre-approved by the Fire Chief or his/her designee.

Note: Building owners may pre-approve a building or space within the building for special events by submitting an approved plan. This exception allows for multiple special events.

(Ord 65-99, §1, 9-19-99, Ord 126-01, §1, 7-18-01; Ord 23-09, §1, 1-13-09; Ord 25-18, §1, 2-27-18)

Sec. 6-71. Fire division walls and occupancy separation wall identification.

~~Building owners shall identify fire division walls and occupancy separation walls in accordance with the Wisconsin Commercial Building Code.~~

(Ord 65-99, §1, 9-19-99, Ord 126-01, §1, 7-18-01; Ord 23-09, §1, 1-13-09; Ord 25-18, §1, 2-27-18)

Sec. 6-72. Repeat violation rule.

Whenever the Fire Chief or his/her designee shall find in any building, upon inspections or re-inspections, a repeat violation involving a fire detection, life safety component, or suppression system which is defective, inoperative, improperly maintained or operated the Fire Chief or designee may order the following remedies and/or a re-inspection fee.

(a) If the system includes one (1) or more exit light(s) which have not been illuminated during inspections, it may be ordered that any or all of the exit lights in such premises be equipped with self-illuminating lights or light equipped with light emitting diodes (LEDs).

(b) If the system includes one (1) or more self-closing fire door(s), any of which have been found to have been held open with non-approved hold open devices during inspections, it may be ordered that any or all of the fire doors in such premises be equipped with an automatic closing device.

(c) If the system includes one (1) or more battery operated smoke detector(s) which have been found to be inoperative during inspections, it may be ordered that the premises be equipped with long life (5 – 10 year battery life) smoke detectors.

(1) If the same occupancy is subsequently found to have inoperative smoke detector(s) it may be ordered that the smoke detectors be hardwired into the electrical service of the

Commented [DJH16]: I am not sure what section this is referencing. I added tested and NFPA standards to clarify what the expectation is for approval of systems. I also removed the 'including' section and changed the wording to 'all fire protection systems' as it includes everything in chapter 9 of the IFC.

Commented [DJH18]: This is required in the state building code, and is redundant here.

Commented [DJH17]: We aren't maintaining a registry at this point, and haven't in a long time from what I can find. We are collecting this information when they submit for plan review.

FIRE PREVENTION AND PROTECTION

premises.

- (2) If the premise is found to have no operable smoke detectors, the Fire Department may install smoke detectors and may charge the owner for the actual cost of the detectors and installation.

(d) If the system includes emergency exit doors which, during hours of occupancy, have been found to be secured or locked with bolts, bars, chains, padlocks, or locking devices other than the primary locks, it may be ordered that such bolts, bars, chains, padlocks, or additional locking devices be immediately removed; and it may be further ordered that all emergency exit doors within the premises be equipped with panic door release hardware.

(e) This subsection shall not be construed as a limitation upon the powers of the Chief or his designee to issue orders for corrections of violations nor shall this subsection be construed as a limitation upon any of the powers of the Chief under any applicable provision of the City of Appleton Municipal Code, Wisconsin Administrative Code or the Wisconsin Statutes.
(Ord 23-09, §1, 1-13-09; Ord 25-18, §1, 2-27-18)

(The next page is 491.)

CITY OF APPLETON

FIRE DEPARTMENT



700 N. Drew Street
Appleton, WI 54911



(920) 832-5810



(920) 832-5830



jeremy.hansen@appleton.org

MEMORANDUM

September 7, 2023

To: Safety and Licensing Committee & Common Council

From: Jeremy Hansen, Fire Chief

Cc: Ryan Weyers, Deputy Fire Chief
Derek Henson, Battalion Chief of Fire Prevention and Public Education

Re: Appleton Municipal Code, Chapter 6 Revision

Chapter 6 of the Appleton Municipal Code is due for revision. This revision is necessary to keep current with emerging technologies, practices. These changes include adopting the 2021 edition of the International Fire Code, the revision or deletion of several sections, and a fee structure increase. There are also several sections that underwent minor revisions to better align them with industry best practices or other areas of the ordinances. The recommended effective date of these changes is January 1, 2024.

2021 International Fire Code

The fire service has the daunting task of maintaining fire and life safety across every industry. This is eased by adopting recent code editions that address these changes in operations and technology. The Appleton Fire Department is recommending adoption of the 2021 edition of the International Fire Code (IFC)

One of the fastest evolving segments of society is energy storage systems. These systems take power created from wind or photovoltaic systems and store it in battery style systems. This allows green energy systems that may produce peak power for only a few hours per day to distribute that power over the course of an entire day. These systems also include battery backup systems for buildings and battery-operated machines such as industrial lift trucks.

Energy storage systems are a topic that was introduced in the 2018 edition of the IFC in a limited fashion. The 2021 edition of the IFC provides a far wider scope for the safe operations of energy storage systems. These systems range from small portable systems to large building sized permanent systems. The concern from a fire perspective is that many of these systems feature an electrolyte that is highly flammable when vented from the system.

While the City of Appleton does not currently have a significant amount of these systems, the trend is that these systems are increasing in popularity. As energy costs continue to increase, these systems will continue to increase in demand. Staying ahead of these systems ensures that industry best practices are followed, ensuring fire and life safety.

Other changes from the new edition of the code include regulations for new indoor play structures in existing buildings and requirements for the distilling of spirits. Both sections provide similar requirements to what is currently being required. The major difference is in the old code, inferences must be made, and several code sections needed to be

used to establish the requirements. In the new edition of the code these requirements are codified in a singular location and specific to the respective situation.

There are also some requirements for existing buildings, but these are already addressed through the state fire prevention and building codes. An example of this is the new requirement for high-rise buildings to retroactively install fire sprinkler systems in the 2021 IFC. The State of Wisconsin already has a requirement for certain high-rise buildings to retrofit fire sprinklers. This requirement would not impact any buildings in Appleton. All new construction would continue to be under the purview of the Wisconsin Commercial Building Code.

A full listing of the changes between the 2018 and 2021 IFC editions can be found in the book *Significant Changes to the International Fire Code, 2021 Edition*. A copy of this book can be provided for review upon request.

Changes to Chapter 6

Several changes are proposed for Chapter 6, outside of the new edition of the International Fire Code (IFC). First, sections 6-14, 6-58, 6-62, 6-65, 6-66, and 6-71 are all being recommended for deletion based on being redundant with the adopted IFC, state fire prevention code, or Wisconsin Commercial Building Code. A potential conflict is eliminated by removing these sections and relying on the other adopted documents.

The second change proposed is in 6-12 (b) (1) (a). This section currently references single family dwelling as an exception for grills. The proposed change replaces the word single with 'one and two'. This change would provide agreement with both the adopted IFC and state fire prevention code.

The third proposed change is to section 6-56 (c). The recommendation is to delete this section as it is outdated and redundant. The adopted IFC and Wisconsin Commercial Building Code both provide codes and standards that are adopted by reference. Having them doubly listed in the ordinance provides conflict when there is not agreement between the listed editions. For example, in the ordinance, NFPA 13 is listed as the 2007 edition; however, the Wisconsin Commercial Building Code requires the use of the 2013 edition for NFPA 13.

The fourth change proposed is to sections 6-57 (e) and 6-67 (a). This proposed change modifies the requirement for plan submittal from paper plans to electronic plans for fire protection systems. Requiring electronic plans reduces the time it takes to process and review a plan. This change also provides for an approved format. Currently the Fire Department can accept a wide variety of formats, and not listing the specific format provides options to the contractor for how they submit their plans. Not requiring a specific format by ordinance also ensures that any future formats can easily be approved as they become available. The Fire Department has been using this method for the past 18 months as a trial and there have been zero complaints from contractors. This is the same process used by the Wisconsin Department of Safety and Professional Services plan review division.

The fifth proposed change is to section 6-68 (1). The miscellaneous fee was designed for alternative fire protection systems originally. The proposed change clarifies the intent of this section and adds two unique situations where it would be added to a plan review. The first situation is the use of a fire pump on a system. The inclusion of a fire pump on a system adds to the complexity of both the plan review and the inspection of the system. The plans must be reviewed to ensure the efficacy of the water supply and that the pump will produce the necessary pressure. The inclusion of a pump also requires a final acceptance test to be witnessed by a Fire Department representative. These tests can take over four hours alone and are in addition to the regularly required acceptance tests for the sprinkler and fire alarm. The second unique situation is when the building exceeds five stories in height, and for every five stories thereafter. This covers high-rise buildings that may be constructed or remodeled in the city. These buildings are complex and require a large time commitment to ensure compliance. The recent renovation of the 12 story Zuelke Building, a high-rise building with an included fire pump, required over 100 hours of review and inspection from a Fire Department representative. A change is also proposed to remove the clause that says this fee is not included if the

system is submitted as part of a sprinkler or alarm system submittal. The systems covered by the miscellaneous fee are both unique and complex. These characteristics require that these systems be a separate submittal with a separate fee.

The sixth change proposed is to section 6-69 (b). This proposed change clarifies that ‘all fire protection systems shall be tested and approved in accordance with their respective National Fire Protection Association standards’. This eliminates the specific reference to types of systems and simplifies the language.

The seventh and final proposed change is to section 6-69 (c)(1) and (2). This section requires a registration of all installers of fire protection system installers. This is not something that is occurring as written but is occurring through the plan review process. The recommendation is to remove this section and continue maintaining this information through the plan review process.

Fee Structure Increase

Research was conducted from similar sized departments within the State of Wisconsin. Responses were received from Green Bay, Janesville, Oshkosh, and Grand Chute. Two methodologies for determining permit price are used amongst the responses received. These methodologies are inspection based and per device based. The City of Appleton currently uses a fee structure based on the gross area of the building. Of the responses received, the City of Appleton is the only municipality that offers in house plan review. Janesville has delegation of authority to perform these reviews but has contracted E-Plan Exam to perform their plan reviews.

Due to the differing methodologies amongst the City of Appleton and the respondents to the research, example projects were compiled based on recent fire protection plan reviews conducted. A wide variety of small, medium, and large projects were used to compile the data presented below.

Project	Appleton Current	Appleton New	Green Bay	Janesville	Oshkosh	Grand Chute
12 Story High Rise	\$350	\$1,100	\$2,485	\$850	\$260	\$250
500k sq. ft. Warehouse	\$560	\$1,400	\$11,580	\$850	\$260	\$250
Small Office Remodel	\$35	\$150	\$30	\$50	\$38	\$150
Medium Residential	\$210	\$920	\$1,270	\$500	\$260	\$175
Medium Office	\$140	\$335	\$252.50	\$50	\$86	\$175

The proposed increase in fees provides a sizeable increase while maintaining competitiveness with other communities in the state. One benefit to the City of Appleton fees for fire protection systems is that these include plan review fees. The results of the research for Green Bay, Janesville and Oshkosh do not include any fees that are associated with reviewing plans. An applicant would need to file for plan review separately at additional cost.

Another proposed fee increase is for the miscellaneous fee. As discussed earlier, this fee covers alternative fire protection systems, fire pumps, and high-rise systems. The fee covers both the plan review and inspections for these complex systems. Staff time for review and inspections of these systems can easily exceed five hours in some cases, with a typical project taking three to four hours to review and inspect.

As part of the proposed fee structure change, two discounts for multiple identical buildings and shell buildings were removed. When multiple identical buildings are submitted, each building must still get a full review. Slight changes to elevation or water supply can make a large difference in the efficacy of the fire suppression system and must be fully vetted prior to acceptance. For shell buildings, a full review is completed when the shell is built, and then again when a tenant moves into the space. A full review is required to ensure the tenant fits within the occupancy hazard classification for which the building was designed. This also includes a full review of the modifications of the system that are necessary for the tenant.

Both the re-submission and re-inspection fees are proposed to be increased to \$250 for each occurrence. This increase provides additional incentive for contractors and designers to submit completed and compliant work on the first attempt. This would also include the fee for missing a scheduled appointment. Ensuring work is completed and compliant on the first submission or inspection, and that responsible parties make scheduled appointments, is paramount to ensuring efficient inspections and maximizing staff time. The fee for work without a permit was clarified that the intent is to triple the permit fee.

The fee for bonfires, brush and prescribed wildland burns is proposed to be increased to \$200 per event. This increase is due to the need for a burn plan for each event. This burn plan outlines atmospheric conditions where the burn is acceptable and contingency plans should an unplanned event occur. Further, these plans ensure the operators of the burn are competent and capable of performing the burn in a safe manner. These plans are reviewed by Fire Department staff prior to approving the permit for burning.

A significant increase is proposed for fireworks/pyrotechnic displays, with the proposed amount being \$1,000 per display. This change covers some of the cost of staff time for review and approval of the show, plus the subsequent inspection of the show during setup and firing. Currently, Fire Department staff reviews the application for approval. This includes ensuring all applicable National Fire Protection Association standards are followed. Then, during the setup and firing of the show, two Fire Department inspectors are present to ensure these same standards are followed. Staff time dedicated to a typical fireworks or pyrotechnic display is 15 hours (2 hours for review, 6.5 hours inspection with two inspectors).

The storage tank permit fees are proposed to be removed as these are now handled at the state level.

Finally, an increase is proposed in false alarm fees. These fees are charged when a business has a false fire alarm that is not due to an actual alarm activation. For example, if a child activates a manual pull station, a fee would not be charged as the activation was accidental and the pull station was operating as normal. Conversely, if the same manual pull station was defective and causing a fire alarm outside of normal operation, a fee would be charged. The fees are charged based on a table and the number of false alarms in a rolling twelve-month period. These fees provide incentive for businesses to remedy deficiencies with their fire alarm systems in a timely manner. This in turn reduces false alarms and ensures efficient use of Fire Department resources.

A comparative analysis was completed with other local departments for false alarm fees. The City of Green Bay and the Town of Grand Chute use a table for false alarm fees, while there are several others that bill actual cost for false alarms. For the departments that bill costs, the per unit cost is defined in their ordinances and typically based on the FEMA unit cost. Based on the wide variety of per unit charges and without knowing the response complement for each department, the results with per unit billing were excluded. Per unit billing, while an option for the City of Appleton, would raise fees for the first few false alarms but would decrease fees for higher numbers of alarms. The remaining results are outlined in the table below.

Number of False Alarms	City of Appleton Current	City of Appleton Proposed	Town of Grand Chute (First two are free)	City of Green Bay
1-4	\$50/alarm	\$200/alarm	\$75/alarm (3-5)	\$50 first alarm
5-7	\$100/alarm	\$300/alarm	\$150/alarm (6-8)	\$70 second alarm
8-11	\$200/alarm	\$500/alarm	\$300/alarm (9-11)	\$125 third alarm
12+	\$300/alarm	\$800/alarm	\$600/alarm (12+)	\$225 fourth alarm+

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

Original Alcohol Beverage
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 \$ 100 "Class A" Liquor (Cider Only) \$ _____
 Reserve "Class B" Liquor \$ _____ "Class B" (Wine Only) Winery \$ _____

License Fees	\$ <u>200</u>
Publication Fee	\$ <u>60</u>
Background Check	\$ <u>14</u>
Total Fees	\$ <u>274</u>

Part A: Premises/Business Information

1. Legal Business Name (registered entity name or individual's name if sole proprietorship)
off the vine Woodfire Pizza Co., LLC

2. Trade Name or DBA
Broken Tree Pizza

3. Premises Address
201 S. Riverheath Way Ste 1100

4. County Ottawa 5. Municipality Appleton 6. Aldermanic District _____

7. Mailing Address (if different from premises address)
629 Hansen St. Neenah WI 54956

8. FEIN
REDACTED

9. Wisconsin Seller's Permit Number
REDACTED

10. Premises Phone
920 257 4071

11. Premises Email
Keith@brokentreepizza.com

12. Entity Type (check one)
 Sole Proprietor Partnership Limited Liability Company Corporation Nonprofit Organization

13. Premises Description - Describe the building or buildings where alcohol beverages are to be sold and stored. Describe 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 in this application. Attach additional sheets if necessary.

Restaurant/Bar located at 201 S. Riverheath way, Ste 1100. There is a loft area, bar/dining area and patio where beverages will be sold + consumed. All alcoholic beverages will be stored in the walk-in cooler located behind bar on main floor.

Part B: Questions


1. Have the partners, agent, or sole proprietor satisfied the responsible beverage server training requirement for this license period? Submit a copy of Responsible Beverage Server Training Course Certificate. Yes No
2. Does the applicant business or its partners, officers, directors, managing members, or agent hold a direct or indirect interest in any alcohol beverage wholesaler or producer (e.g., brewer, brewpub, winery, distillery)? Yes No
If yes, please explain using the space below. Attach additional sheets if necessary.

Part C: For Corporate/LLC Applicants Only		
1. State of Registration WI		2. Date of Registration 2/14/2014
3. Is the applicant business owned by another corporation or LLC? If yes, please provide the name and FEIN of the parent company below, include parent company members in Part D, and attach Form AT-103 for all of the parent company's principal members, managers, officers, or directors <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Name of Parent Company		FEIN of Parent Company
4. Does the parent company 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)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, please explain using the space below. Attach additional sheets if necessary.		
5. Agent's Last Name Schreiner	Agent's First Name Keith	Phone REDACTED

Part D: Individual Information
A Supplemental Questionnaire, Form AT-103, must be completed and attached to this application for each person involved in the applicant business and any parent company as indicated in Part C. Persons in the applicant business include: sole proprietor, all officers, directors, and agent of a corporation or nonprofit organization, all partners of a partnership, and all managing members and agent of a limited liability company.

List the full name, title, and phone number for each person below. Attach additional sheets if necessary.

Last Name	First Name	Title	Phone
Schreiner	Keith	Member	REDACTED
Schreiner	Emily	Member	REDACTED

Part E: 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 	Date 9/1/23	
Name (Last, First, M.I.) Schreiner Keith P		
Title Member	Email REDACTED	Phone REDACTED

Part F: For Clerk Use Only		
Date application was filed with clerk 9-1-23	Date reported to governing body	Date provisional license issued (if applicable)
Date license granted	License number	Date license issued
Signature of Clerk/Deputy Clerk		



City of Appleton Alcohol License Questionnaire

1. Name of Applicant: Keith Schreiner

2. Name of Business: Off the Vine WoodFire Pizza Co., 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: 201 S. RiverHeath Way ste 100

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.

Keith	P	Schreiner	REDACTED
First name	M.I.	Last name	Date of Birth
Emily	M	Schreiner	REDACTED
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: RiverHeath LLC
First name Middle Initial Last name

Address: 161 S. RiverHeath Way ste 2000 Appleton WI 54915
City State ZIP

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

Name: Mr. Brews Taphouse

(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?

4 months ago.

10. Seating capacity: Inside 100 Outside 50

11. Operating hours (Inside the building): 11am - 12pm mon-sun
Operating hours (Outdoor seating areas): 11am - 9pm mon-sun

12. Employees/Staff

Number of floor personnel 6 Number of door checkers 0

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

a. Gross floor building area of the premises to be licensed: 3200 square feet.

b. Gross outdoor seating areas of the premises to be licensed: 1000 square feet.

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

Pizza restaurant serving pizza, salads, various appetizers, draft beer and wine.

Kurt Schum
Signature

4/17/23
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 Doutagamie
 City

The undersigned duly authorized officer/member/manager of OFF the Vine Woodfire Pizza Co., 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
Broken Tree Pizza
(Trade Name)

located at 201 S. RiverHeath Way Ste 1100 Appleton 54915

appoints Keith Schreiner
(Name of Appointed Agent)

629 Hansen St. Neenah WI 54956
(Home Address of Appointed Agent)

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

Yes No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).
OFF the Vine Woodfire Pizza Co., LLC Neenah, WI

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

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 15 years

Place of residence last year 629 Hansen St. Neenah WI 54956

For: OFF the Vine Woodfire Pizza Co., LLC
(Name of Corporation / Organization / Limited Liability Company)

By: Keith Schreiner
(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, Keith Schreiner, 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.

Keith Schreiner 4/17/23 Agent's age REDACTED
(Signature of Agent) (Date)

629 Hansen St. Neenah WI 54956 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)

Form
AT-106

Original Alcohol Beverage License Application

FOR CLERKS ONLY	
Municipality	Appleton
License Period	7-1-23 thru 6-30-24

License(s) Requested

- Class "A" Beer \$ _____ "Class A" Liquor \$ _____
 Class "B" Beer \$ 100 "Class B" Liquor \$ _____
 "Class C" Wine \$ 100 "Class A" Liquor (Cider Only) \$ 0
 Reserve "Class B" Liquor \$ _____ "Class B" (Wine Only) Winery \$ _____

License Fees	\$ <u>200</u>
Publication Fee	\$ <u>60</u>
Background Check	\$ <u>7</u>
Total Fees	\$ <u>267</u>

Part A: Premises/Business Information

1. Legal Business Name (registered entity name or individual's name if sole proprietorship) A & V Custom Creations LLC		
2. Trade Name or DBA Board & Brush Creative Studio Appleton		
3. Premises Address 109^N Durkee St. Appleton, WI 54911		
4. County Outagamie	5. Municipality	6. Aldermanic District
7. Mailing Address (if different from premises address) 520 N New Franken Rd. New Franken, WI 54229		
8. FEIN REDACTED	9. Wisconsin Seller's Permit Number REDACTED	
10. Premises Phone REDACTED	11. Premises Email greenbay@boardandbrush.com	
12. Entity Type (check one) <input type="checkbox"/> Sole Proprietor <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Limited Liability Company <input type="checkbox"/> Corporation <input type="checkbox"/> Nonprofit Organization		
13. Premises Description - Describe the building or buildings where alcohol beverages are to be sold and stored. Describe 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 in this application. Attach additional sheets if necessary. The premises is located at 109 Durkee St., Appleton, WI 54911. Beverages to be stored in beverage coolers in our open DIY workshop of 1000 square feet. Extra stock to be stored on metal racks in our adjoining 105 square feet restaurant space.		

Part B: Questions

1. Have the partners, agent, or sole proprietor satisfied the responsible beverage server training requirement for this license period? Submit a copy of Responsible Beverage Server Training Course Certificate. Yes No
2. Does the applicant business or its partners, officers, directors, managing members, or agent hold a direct or indirect interest in any alcohol beverage wholesaler or producer (e.g., brewer, brewpub, winery, distillery)? Yes No
 If yes, please explain using the space below. Attach additional sheets if necessary.

Part C: For Corporate/LLC Applicants Only

1. State of Registration Wisconsin		2. Date of Registration May 2021	
3. Is the applicant business owned by another corporation or LLC? If yes, please provide the name and FEIN of the parent company below, include parent company members in Part D, and attach Form AT-103 for all of the parent company's principal members, managers, officers, or directors <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Name of Parent Company		FEIN of Parent Company	
4. Does the parent company 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)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, please explain using the space below. Attach additional sheets if necessary.			
5. Agent's Last Name Schoen		Agent's First Name Vanessa	Phone REDACTED

Part D: Individual Information

A Supplemental Questionnaire, Form AT-103, must be completed and attached to this application for each person involved in the applicant business and any parent company as indicated in Part C. Persons in the applicant business include: sole proprietor, all officers, directors, and agent of a corporation or nonprofit organization, all partners of a partnership, and all managing members and agent of a limited liability company.

List the full name, title, and phone number for each person below. Attach additional sheets if necessary.

Last Name	First Name	Title	Phone
Schoen	Vanessa	Agent	REDACTED

Part E: 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>Vanessa Schoen</i>		Date 8-31-23	
Name (Last, First, M.I.) Schoen, Vanessa, J			
Title Owner		Email greenbay@boardlandbrush.com	Phone REDACTED

Part F: For Clerk Use Only

Date application was filed with clerk 8-31-23	Date reported to governing body	Date provisional license issued (if applicable)
Date license granted	License number	Date license issued
Signature of Clerk/Deputy Clerk		



City of Appleton

Alcohol License Questionnaire

1. Name of Applicant: Vanessa Schoen

2. Name of Business: Board & Brush Creative Studio - Appleton
 (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: 109 N. Durkee St. Appleton, WI 54911

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

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

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

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

<u>Alexander</u>	<u>B</u>	<u>Wilde-Johnson</u>	<u>REDACTED</u>
First name	M.I.	Last name	Date of Birth
			/ /
First name	M.I.	Last name	Date of Birth
			/ /
First name	M.I.	Last name	Date of Birth
			/ /
First name	M.I.	Last name	Date of Birth

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

Name: Dawn Smith
 First name Middle Initial Last name

Address: 109 N. Durkee St. Appleton WI 54911
 City State ZIP

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

Name: Board & Brush Creative Studio / Dog Lover Dawn Designs LLC

(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?

0 months ago.

10. Seating capacity: Inside 17 Outside 0

11. Operating hours (Inside the building): Monday-Sunday 9am-9pm (Hours Vary)
Operating hours (Outdoor seating areas): 0

12. Employees/Staff

Number of floor personnel 4 Number of door checkers 4

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

- a. Gross floor building area of the premises to be licensed: 1,000+105 square feet.
- b. Gross outdoor seating areas of the premises to be licensed: 0 square feet.
- c. Below, identify the operational details of the proposed establishment:

1,000 sq ft Studio space with adjoining 105 sq ft.
restaurant space.

Vanessa Schorn
Signature

8-31-23
Date

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

Submit to municipal clerk.

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

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

The undersigned duly authorized officer/member/manager of A & V Custom Creations 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 Board & Brush Creative Studio Appleton
(Trade Name)

located at 109^N Durkee St. Appleton, WI 54911

appoints Vanessa Schoen
(Name of Appointed Agent)
520 N New Franken Rd. New Franken, WI 54229
(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).
A & V Custom Creations LLC DBA Board & Brush Green Bay in Green Bay, WI

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

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 32

Place of residence last year 520 N New Franken Rd. New Franken, WI 54229

For: A & V Custom Creations LLC
(Name of Corporation / Organization / Limited Liability Company)

By: Vanessa Schoen
(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, Vanessa Schoen, 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.

Vanessa Schoen 8-31-23 Agent's age REDACTED
(Signature of Agent) (Date)
520 N New Franken Rd. New Franken, WI 54229 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>9/1/23</u>
License Fee	\$10.00/event	Acct: CLCAGP
Receipt	<u>5577-4</u>	


SECTION 1 – LICENSE INFORMATION

Name of Establishment <u>MARITIME BAR</u>	
Address of Establishment <u>336 W. WISCONSIN AVE</u>	
Name of Agent <u>Dan Burton</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
A outdoor patio/sitting area

** see 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:

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: *Dan Burton*

FOR OFFICE USE ONLY

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

S&L <u>9-13-23</u>	Council <u>9-20-23</u>	Date Issued	Exp. Date	License Number
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SITE PLAN

OWNERS

236 HOLDINGS LLC
503 HOMESTEAD TRAIL
KIMBERLY, WI 54138

GENERAL CONTRACTOR

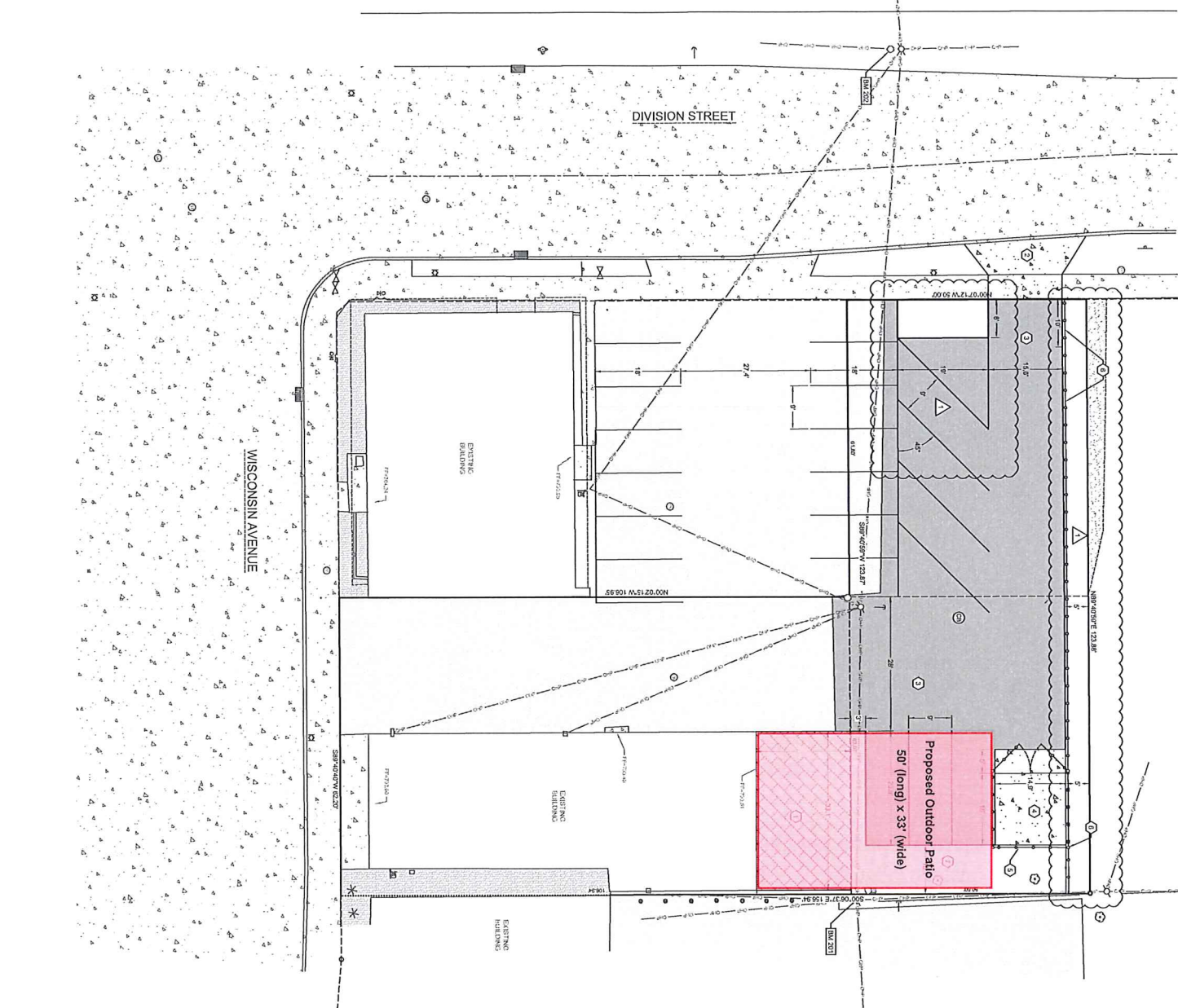
CR STRUCTURES GROUP, INC.
327 RANDOLPH DRIVE - SUITE A
APPLETON, WI 54913

SHEET KEY NOTES:

- 1 EXTERIOR PATIO
- 2 RELOCATED DRIVEWAY APRON, SEE DETAIL D SHEET 02
- 3 ASPHALT PAVEMENT, SEE DETAIL E SHEET 03
- 4 DRIVEWAY PAV. SEE DETAIL F SHEET 03
- 5 DRIVEWAY ENCLOSURE, TO BE 6" HIGH CHAIN LINK FENCE WITH WAVE PUNCH SOLIDS
- 6 FENCED ON BOARD FENCE, FENCE TO BE NO HIGHER THAN 7' WITHIN 10' OF THE RIGHT-OF-WAY
- 7 SNOW STORAGE

SITE STATISTICS

PROPOSED SITE	316 W. WISCONSIN AVENUE
PARCEL NO.	12-023 SF
PARCEL SIZE	12,023 SF
EXISTING SITE	31-4-009-000
GREEN SPACE AREA	6001 SF
IMPERVIOUS AREA	2444 SF
TOTAL IMPERVIOUS	6001 SF
PROPOSED SITE	8648 SF
TOTAL DISTURBED AREA	12023 SF
GREEN SPACE REQUIRED (10%)	1202 SF
IMPERVIOUS AREA	10821 SF
TOTAL IMPERVIOUS	10821 SF
PARKING SPACES REQUIRED	1102 SF
PARKING SPACES PROVIDED	1102 SF
RELOC AND CALCULATIONS	7' 0" x 1000 SF = 7000 SF
	4' 0" x 14' 0" = 56 SF
	MINIMUM 1000 SF @ 14' 0"



MACHIV
ENGINEERING • SURVEYING • ENVIRONMENTAL

2280 Sandusker Court, Green Bay, WI 54313
PH: 920-688-7265, FAX: 920-658-5787
www.machiv.com
Project Number: 18020-21

DATE:	02/04/2018
ARCH:	J. SHREVE
D. BY:	JPM
JOB:	18020
REV:	APPROVAL CITY

PROPOSED PARKING LOT EXPANSION FOR,
MARITIME TAVERN
APPLETON, WISCONSIN

CR STRUCTURES
group, inc.
Skirting Construction Industry Permitted
327 RANDOLPH DRIVE - SUITE A
APPLETON, WI 54913
TEL: 920-755-7505





REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Hearing Meeting Date: August 9, 2023

Common Council Public Hearing Meeting Date: September 6, 2023
(Public Hearing on Rezoning)

Item: Rezoning #5-23 – Fourth Addition to Clearwater Creek

Case Manager: Jessica Titel, Principal Planner

GENERAL INFORMATION

Applicant: Jeff Schultz – Martenson & Eisele, Inc.

Owner: Clearwater Creek, LLC

Address/Parcel #: E. Sweetwater Way (Tax Id #31-6-6201-00 & part of #31-6-6200-00). The subject property is located south of E. Spartan Drive and east of N. Haymeadow Drive.

Petitioner's Request: The owner/applicant proposes to rezone the subject parcels from AG Agricultural District to R-1B Single-Family District to construct the Fourth Addition to the Clearwater Creek subdivision. This phase consists of 14 single-family lots and 2 outlots.

BACKGROUND

The subject properties were annexed to the City of Appleton through the Paltzer/Jacobs Annexation on May 10, 2004, and the subject parcels officially came into the City with AG Agricultural District zoning classification.

In 2005, Clearwater Creek was approved and consisted of 63 lots and 1 outlot.

In 2006, Replat of Lots 3-8, 20-24, 27-32, 36-41 and 44-48 of Clearwater Creek was approved and consisted of 23 lots.

In 2007, the First Addition to Clearwater Creek was approved and consisted of 56 lots and 2 outlots.

In 2014, the Second Addition to Clearwater Creek was approved and consisted of 6 lots.

In 2020, the Third Addition to Clearwater Creek was approved and consisted of 26 lots and 1 outlot.

The Preliminary Plat for the Fourth Addition to Clearwater Creek is also being presented at this August 9, 2023 Plan Commission meeting. If approved, the preliminary plat and the subject rezoning request will be reported out at the same Common Council meeting on September 6, 2023.

STAFF ANALYSIS

Existing Site Conditions: The subject area contains 7.164 acres and is currently undeveloped agricultural land.

Surrounding Zoning Classification and Land Uses:

North: R-1B Single Family Residential and Town of Grand Chute. The adjacent land uses to the north are currently residential (Third Addition to Clearwater Creek) and agricultural.

South: P-I Public Institutional. The adjacent land use to the south is currently a City-owned stormwater management facility.

East: P-I Public Institutional. The adjacent land use to the east is currently a City-owned stormwater management facility.

West: R-1B Single Family Residential and P-I Public Institutional. The adjacent land uses to the west are currently residential (Third Addition to Clearwater Creek) and a City-owned stormwater management facility.

Proposed Zoning Classification: The purpose of the R-1B Single-family District is to provide for and maintain residential areas characterized predominately by single-family, detached dwellings on medium sized lots while protecting residential neighborhoods from the intrusion of incompatible non-residential uses. Per Section 23-93(g) of the Municipal Code, the development standards for the R-1B District are listed below:

- 1) **Minimum lot area:** 6,000 square feet
- 2) **Maximum lot coverage:** 50%
- 3) **Minimum lot width:** 50 feet
- 4) **Minimum front yard:** 20 feet (25 feet on arterial street)
- 5) **Minimum rear yard:** 25 feet
- 6) **Minimum side yard:** 6 feet
- 7) **Maximum building height:** 35 feet

Appleton Comprehensive Plan 2010-2030: The City of Appleton 2010-2030 Comprehensive Plan Map identifies the subject area as future One/Two-Family residential. The proposed rezoning is consistent with the following goals and objectives of the *Comprehensive Plan 2010-2030*.

Goal 1 – Community Growth

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

Rezoning #5-23 – Fourth Addition to Clearwater Creek

August 9, 2023

Page 3

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 10.1 Land Use:

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

OBJECTIVE 10.4 Land Use:

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

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

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 goals and objectives stated above and the Future Land Use Map, which identifies this area for future one and two family residential land 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.*

Rezoning #5-23 – Fourth Addition to Clearwater Creek

August 9, 2023

Page 4

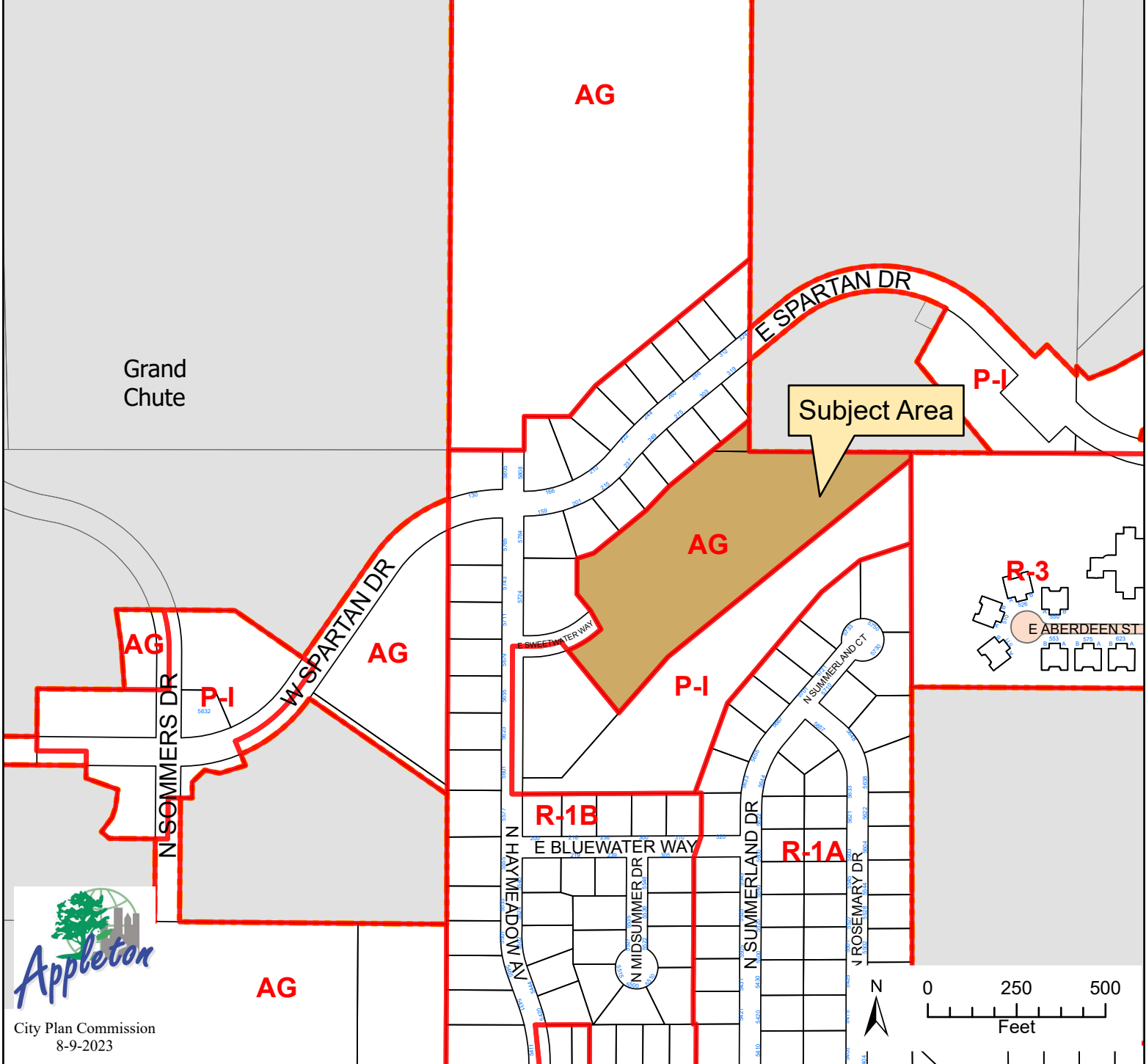
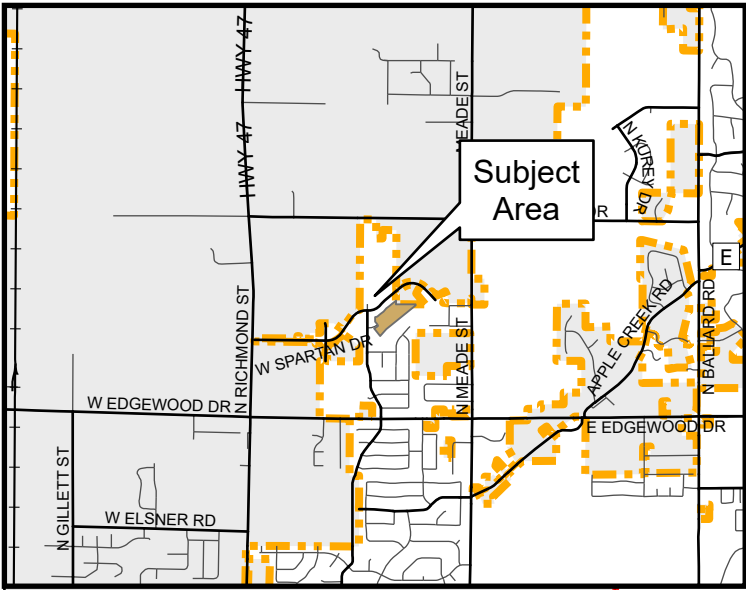
2. The effect of the proposed rezoning on surrounding uses. *Single-family residential uses are already located and planned for construction in this area of the City. Therefore, the proposed rezoning request is unlikely to create adverse impacts in the surrounding uses.*

Technical Review Group Report (TRG): This item appeared on the July 18, 2023 TRG Agenda. No negative comments were received from participating departments.

RECOMMENDATION

Staff recommends, based upon the standards for map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning Application #5-23 to rezone the subject property from AG Agricultural District to R-1B Single-Family District as shown on the attached maps, **BE APPROVED**.

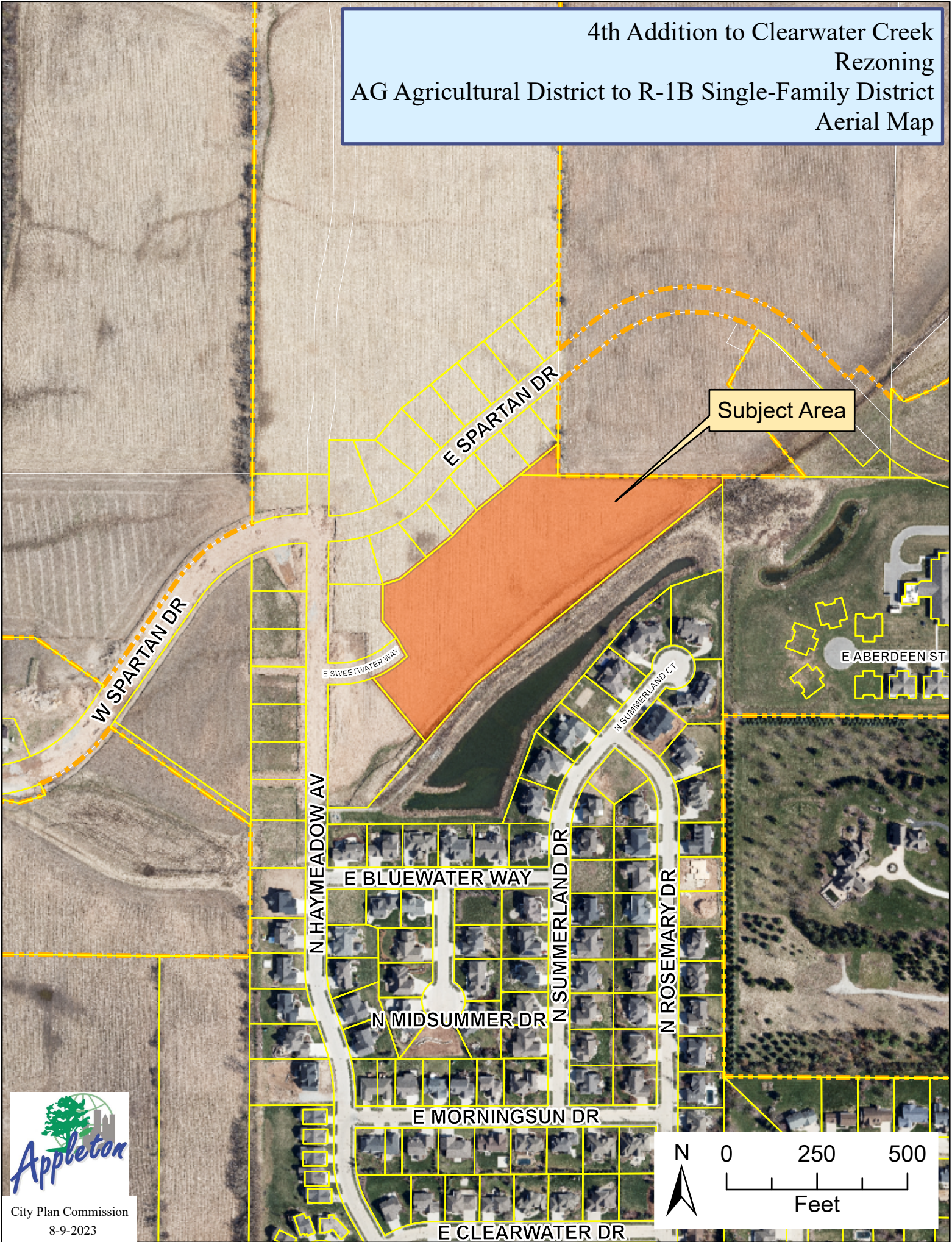
4th Addition to Clearwater Creek
Rezoning
AG Agricultural District to
R-1B Single-Family District
Vicinity Map



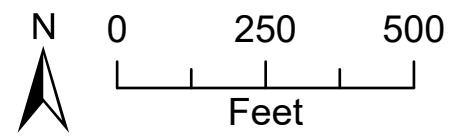
Grand Chute



4th Addition to Clearwater Creek
Rezoning
AG Agricultural District to R-1B Single-Family District
Aerial Map



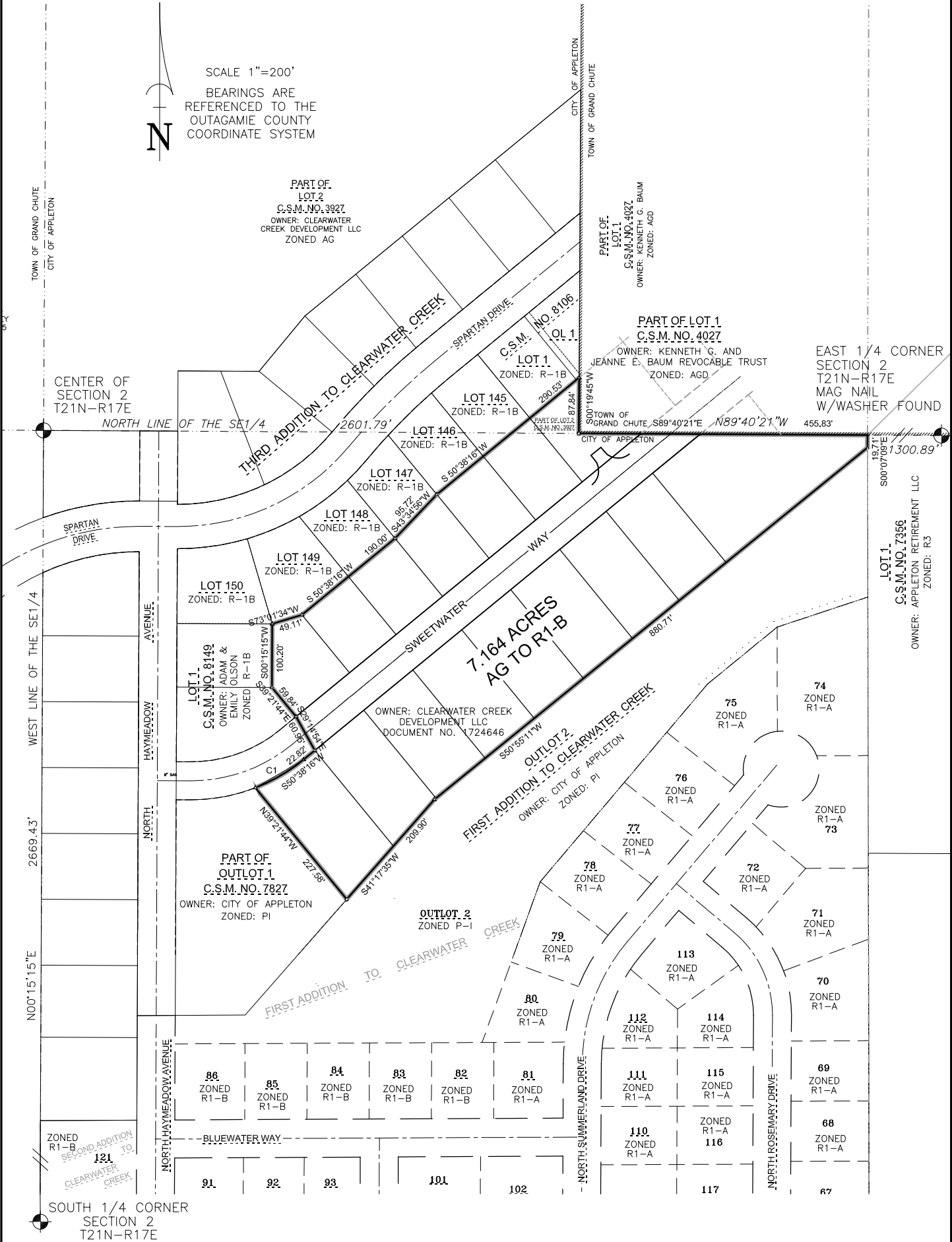
Subject Area



REZONING REFERENCE MAP

PART OF LOT 2 OF CERTIFIED SURVEY MAP NO. 3927 FILED IN VOLUME 21 OF CERTIFIED SURVEY MAPS ON PAGE 3927 AS DOCUMENT NO. 1388606, BEING PART OF THE SOUTHWEST 1/4 OF THE FRACTIONAL NORTHEAST 1/4; AND UNPLATTED LANDS BEING PART OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4; ALL IN SECTION 2, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.

SCALE 1"=200'
 BEARINGS ARE REFERENCED TO THE OUTAGAMIE COUNTY COORDINATE SYSTEM



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

Planning
 Environmental
 Surveying
 Engineering
 Architecture

CURVE	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD
1	280.00'	018°09'31"	88.74'	S 59°43'01.5" W	88.37'

PROJECT NO. 1-0822-003
 FILE 1-0822-003Rezone.dwg
 THIS INSTRUMENT WAS DRAFTED BY: C.Cleary

Jessica L. Titel

From: Scott Berg <sbberg24@gmail.com>
Sent: Sunday, July 30, 2023 7:03 PM
To: Jessica L. Titel; Patrick Hayden
Subject: Rezoning Hearing Questions and Concerns

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Ref:
East of Sweetwater Way (Tax ID #31-6-6201-00 and part of #31-6-6200-00)
Zoning change and the proposed Fourth Addition to Clearwater Creek Subdivision
Hearing scheduled on August 9, 2023 at 3:30 PM at City Hall

Dear Ms. Titel,

We received the Notice of Informal Public Hearing, maps and diagrams to consider land use zoning change from AG Agricultural to R-1B single family. The proposed change facilitates expansion of the Clearwater Creek subdivision. We are residents of the subdivision and have concerns about the additional development plans. We are unable to attend the hearing, but have some concerns as noted below.

Please address at the hearing:

Traffic: There is only one (1) accessible entrance/exit to the entire Clearwater Creek Subdivision. It is located at Edgewood (JJ) and Haymeadow Dr. It is difficult to exit the subdivision onto "JJ" especially during FVL and Appleton North high schools peak traffic periods. The proposed housing addition will only add to the local traffic problem. Extension of Spartan Dr to connect to Hwy 47 should be completed to provide a secondary access point prior to plan Approval of the subdivision expansion(s).

Emergency Access: There is only one (1) accessible access road for the subdivision. When will Spartan Dr officially be a paved road connecting to Richmond St. (Hwy 47)? Currently, Spartan dead-ends before reaching Hwy 47. Our concern is there is no paved and readily accessible secondary access point to the entire subdivision for emergency vehicles should the first access point become blocked. The secondary access road connecting to Hwy 47 should be completed prior to plan Approval of the subdivision expansion(s).

Dead-end roads: We live at the east end of E Spartan Dr near the dead-end. No provisions are made for vehicle traffic turn-arounds. The proposed extension of Sweetwater Way will end in another dead-end road. These dead-end roads are several hundred feet long and difficult for trucks and probably emergency vehicles to turn around. Consider providing turnarounds at the end of the street should the plan be Approved.

Green Space: The proposed project is the 4th Addition to the Clearwater Creek subdivision. There are no designated green spaces in the entire area. A neighborhood park should be delineated prior to subdivision expansion and plan Approval.

Regards,
Scott Berg
303 E Spartan Dr.
Appleton

Jessica L. Titel

From: Gregg Mader <GMader@egimech.com>
Sent: Friday, August 4, 2023 3:23 PM
To: Jessica L. Titel
Cc: michelle mader
Subject: Rezoning Request Concerns
Attachments: [Untitled].pdf; IMG_5030.JPG

Importance: High

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Jessica/Alderperson Patrick Hayden-

We received the attached letter from your office on Monday, July 31, with some very concerning information in regards to a proposed Rezoning of the Clearwater Creek Area.

We have been living in the City of Appleton (over on Brookdale CT) for the past 19 years and just recently moved to our "Dream/Forever Home" this past May. We did extensive research in our home search to find a way to still be in the City of Appleton, and its many amenities, but to have a bit more of a country feeling with it. When our offer was accepted for 275 E. Spartan Drive we were thrilled to have been able to obtain both of those things for us and our children.

To receive this proposed Rezoning map came completely out of left field to us. We had asked the question with a City of Appleton employee, prior to purchasing the property, to inquire if there would be any houses between us and the Bluewater Way/N. Summerland Ct neighbors and we were told no. The builders of the home were lead to believe the same and in talking with our Realtors they were not made aware of this either. I certainly wish I had the conversation in writing and/or recalled the name of whom we spoke with but based on that information we invested a large amount of money to buy this/our home. Had we known this was coming we would have kept looking to find something that would fit our long term wants/needs.

Other financial concerns to our family that this proposal has an immediate impact on are as follows:

1. We have designed and have the wheels in motion (50% downpayment) for an extensive backyard patio project that is set to kick off in September. This design was made to highlight the green space that is currently in our backyard. Had this information been known we certainly would have altered these plans and the money we have invested into it to provide our family an area that has some privacy. There is a covenant on our street that doesn't allow fences so we are potentially forced to just have to "deal with" it?
2. We have new trees lined up for install that were picked and located to allow for the view to remain open but not provide any privacy for us as it currently isn't needed. Had this information been already determined we certainly would have altered this to install some natural privacy fencing; as stated earlier, we moved to this home to have space and backyard privacy, not stare into a future homeowners back yard 50-100 feet away.

We understand the above points are specific to us only but we have invested a large amount of money to have our home the way we were lead to believe would be only to find out this might not be the case at all. We are struggling to understand how this information would not be disclosed prior to a purchase going through.

Additional concerns that we have, which mirrors our neighbors concerns as well:

1. There is one way in and one way out to Spartan Drive and that is via North Haymeadow Avenue. How does the city plan to address this bottle neck for potential emergencies where Fire/Police/EMT might be

needed? How can there not be plans to alleviate an already congested street but rather, add in 15 more lots to the area?

2. There is also concern with the wear and tear on our current streets with large construction vehicles entering and exiting, using our driveway aprons to turn around in since there are not proper turn arounds just dead-end streets. There isn't even enough space for a school bus to turn around.
3. Where is there any green space factored into the city's plans if this area is all being taken away by housing developments? There are signs for "Native Plant Restoration Areas" posted by the City of Appleton that are just going to be torn down and ignored?
4. How will increased run off affect this stormwater collection site?
5. In talking with fellow property owners, we learned the subdivision was promised a park it has yet to see any plans for that development; instead we are eliminating another 7 acres of greenspace. Appleton prides itself on having easy access to parks/playgrounds yet our closest one is 2 miles away and requires unsafe crossing of JJ/Edgewood St.

We intend to be at the meeting next Wednesday to obtain more information as well but wanted to make sure to get our voice and concerns out there right away as this seems to be a fast moving proposition. To give one weeks' notice on something that can have this large of an impact on all families in that area does not seem logical.

Signed,

Gregg and Michelle Mader
(920) 419-2787 (920) 419-4451

Attention: This message was sent from a source external to the City of Appleton. Please use caution when opening attachments or clicking links.

Jessica L. Titel

From: Jessica L. Titel
Sent: Friday, August 25, 2023 3:55 PM
To: Patrick Hayden; Kara J. Homan
Subject: RE: Rezoning Concerns
Attachments: Alderperson Hayden Responses - 4th Adn Clearwater Creek.pdf

Alderperson Hayden-

Attached are the responses to your questions. I worked with a number of staff and collated all the responses into one document. Please let me know if you have any additional questions.

Thank you,
Jessica

Jessica Titel

Principal Planner
Community & Economic Development
City of Appleton
100 N. Appleton Street
Appleton, WI 54911
(920) 832-6476 Direct
www.appleton.org

From: Patrick Hayden <District7@Appleton.org>
Sent: Thursday, August 17, 2023 10:00 PM
To: Kara J. Homan <Kara.Homan@appleton.org>
Cc: Jessica L. Titel <Jessica.Titel@Appleton.org>
Subject: Rezoning Concerns

I had the meeting tonight and I think it went relatively well. I think most people understand that the development will go through. There are a few hoping holding out hope that this will somehow be stopped but I reiterated that there is no way I can see this being stopped. They asked about the meeting on 9/6 and I told them if they wanted to speak that they could and let them know the mayor would be less forgiving than Denise was. I also told them to organize their thoughts, not to repeat things along with telling them that it was a bad idea to complain about lot sizes. I've asked them to focus primarily trying to get the city to focus on the issues that they are most concerned about: access, parks, and environmental impact to help get more attention in the future. All of this should make for a more focused meeting on 9/6 and soften the blow for most.

Below are the questions I have coming out of the meeting. I've tried to group them to make chasing down answers a little easier. Let me know if there is anything I can do for you. One note, I'll be out of town starting on 8/23 until 9/1 and won't have phone access starting on the afternoon of 8/24 so anything you would be able to get to me by 8/23 would be helpful and maybe I'll be able to get Internet on the 28th and can send the rest out then.

Access/Public Safety

- Thank you for taking care of the concrete barriers, but from conversations this sounds like it was the second time this year that it happened. What is being done to make sure that this doesn't happen again in the future?
- What are the average police and fire response times for this neighborhood versus the rest of Appleton? I listened to 2 stories about someone passing away while waiting a long time for an ambulance and another where a whole house burned down while they watched the fire trucks driving back and forth. I've asked for the dates of these incidents so they can be looked into specifically.
- When emergency vehicles are dispatched how do they get routed to addresses and are these calls automatically routed to Grand Chute emergency services?
- You answered that 30 residents require a secondary access for emergency vehicles which is what Spartan is considered since the concrete blocks were removed. I know you are still looking into how many houses require a secondary access for residential traffic. To note I counted 130 houses in the neighborhood currently.

Environmental Impact

- On the maps that were distributed the creek is listed as a wetland area while GIS doesn't show this data. What is the city's definition of a wetland area and what ordinances exist around the development around these spaces (specifically how many feet does development need to be away from wetlands)? Which source is correct around this as well, is this a wetland?
- Was there an environmental impact report done on the area and where can we find it if one was done?
- Did the DNR review development in the area and is there a report around this?
- There are signs for native restoration area all along the creek and there are concerns that this area has turned brown just before this development was announced. Is there any treatment going on that would cause this?

Parks

- We've gotten answers around park development in previous conversations. One concern is getting to Plamann Park. Is there any way to make getting across the road safer for the community since there is no park for residents in their neighborhood?
- With regards to this is there any value in reaching out to the county around this since this work aligns with their biking plan?

Misc

- The 100 feet issue came up and there was a concern about who got notified. People who live at 5655 North Summerland Drive and the neighbors were not contacted. Looking at Google Maps these look like they should be within 100 feet and should have been contacted. How is the 100 foot radius developed? Is it based on 100 feet from buildings or 100 feet as you would travel on the road?
- During the public comment period are visuals allowed to be presented? I've never seen any Alder use one so I'm also wondering if I'm able to use visual aids while we are discussing items on the agenda?
- Is there a mechanism to submit petitions from the neighborhood?

- I know after the informal meeting you are unable to meet with residents, but does that apply to the mayor as well? I think him hearing the neighbors would help as well.

I appreciate all your hard work around this. Let me know if you want to chat around anything and I can make some time.

Thank you again,

Alder Patrick Hayden

Questions from Alderperson Hayden

4th Addition to Clearwater Creek – Rezoning and Preliminary Plat

Access/Public Safety

- Thank you for taking care of the concrete barriers, but from conversations this sounds like it was the second time this year that it happened. What is being done to make sure that this doesn't happen again in the future?

The Fire Department was not aware this was an issue prior to the Alderperson notifying staff. Staff will perform periodic inspections of this area to ensure adequate emergency access is maintained.

DPW Operations had placed concrete barriers after APD had notified DPW that the emergency vehicle access was being misused by the public, and that a barrier chain had been removed without authorization. Now that the concrete barriers have been removed, DPW is looking into solutions that will be more difficult for unauthorized personnel to circumvent, while maintaining access for emergency vehicles only. This will likely involve a lock box and code shared only with authorized users. DPW will continue to remove snow along this access route as needed.

- What are the average police and fire response times for this neighborhood versus the rest of Appleton? I listened to 2 stories about someone passing away while waiting a long time for an ambulance and another where a whole house burned down while they watched the fire trucks driving back and forth. I've asked for the dates of these incidents so they can be looked into specifically.

The Fire Department response times to the 4th Addition to Clearwater Creek would not be any different than other developments in this area. We also utilize automatic and mutual aid so our response to these areas is supplemented with Grand Chute Fire Department resources. What that means is that GCFD is automatically dispatched to any fire in this area.

Officer Biese spoke with a dispatch supervisor and there is no fast or easy way to go back and check calls for service for an entire neighborhood. Specific incidents and addresses can be checked if desired. It is overall on a fringe of a large district, so APD response would be longer if the approximately 2-4 officers (varies by time of day) covering the district are unavailable, requiring out of district officers to respond, or responding from the opposite corner of the district, say Ballard and Wisconsin. This is not different however than any other district in the City or other homes in this area.

- When emergency vehicles are dispatched how do they get routed to addresses and are these calls automatically routed to Grand Chute emergency services?

Fire Department response: Calls are routed through Outagamie County Communications Center, where the address is put into a computer aided dispatching (CAD) software. This software then provides the correct responding agency for an address. We have not had

problems with this historically, with the exception of recent annexations getting input into the system. There is sometimes a short delay in getting the corrections made in the CAD system. Once corrections are made, this is no longer an issue.

Police Department response: As the Fire Department stated, the dispatch system automatically determined jurisdiction. Based on address. AFD may have prearranged agreements and alarm boxes to include Grand Chute in response to certain level incidents. APD has a mutual aid agreement with GCPD in the event they need to respond to a City address. PD calls are not automatically routed to GC, however with the aid agreement and officers scanning each-others channels, if there is a very significant incident officers in the other jurisdiction may self-dispatch to these if not actually sent or aren't immediately requested.

- You answered that 30 residents require a secondary access for emergency vehicles which is what Spartan is considered since the concrete blocks were removed. I know you are still looking into how many houses require a secondary access for residential traffic. To note I counted 130 houses in the neighborhood currently.

The code only requires an emergency use secondary access when 30 dwelling units are exceeded for a single-family residential development. The Municipal Code does not dictate when a "full use" secondary access is required.

Environmental Impact

- On the maps that were distributed the creek is listed as a wetland area while GIS doesn't show this data. What is the city's definition of a wetland area and what ordinances exist around the development around these spaces (specifically how many feet does development need to be away from wetlands)? Which source is correct around this as well, is this a wetland?

The City is not authorized to regulate wetlands except for the "Protective Area" standards in the stormwater ordinance section 20-312 (g). The definitions and requirements in the City ordinance match WDNR NR 151 requirements. Separation distance from a wetland is dependent on the quality of the wetland and whether it is adjacent to a stream.

The city also has a Shoreland Wetland ordinance 23-750 as required by the State.

The developer's consultant completed the wetland delineation in spring 2023. The wetland delineation is the source to determine the wetland location. This is completed by the applicant/developer/property owner in accordance with WDNR standards.

- Was there an environmental impact report done on the area and where can we find it if one was done?

DPW Engineering is not aware that this was done or required by any agency. The City's Municipal Code does not require environmental impact reports.

Sent via email to Alderperson Hayden on August 25, 2023

- Did the DNR review development in the area and is there a report around this?

DPW submitted the plans for Haymeadow, Spartan, Bear and Apple Creek crossings and the regional stormwater ponds to DNR and Army Corp of Engineers (ACOE) in 2018 and received permits in 2019. Portions of the work were constructed in 2019-2020. Those permits expired and any future extension of Spartan will require resubmitting for DNR and ACOE permits.

All sewer and water extensions are reviewed and approved by DNR.

All construction sites with 1 acre or more disturbed area are reviewed and approved by the DNR.

Per the Developer's consultant, this 4th Addition to Clearwater Creek is currently with the DNR for sanitary, water and construction site permitting.

- There are signs for native restoration area all along the creek and there are concerns that this area has turned brown just before this development was announced. Is there any treatment going on that would cause this?

The weeds and other non-native vegetation in the City's stormwater pond were sprayed by City's contractor in preparation of performing native prairie seeding of the pond later this fall. Additional spraying of the weeds (mostly reed canary grass) along the creek east of the pond is also done as time and budget allow.

Parks

- We've gotten answers around park development in previous conversations. One concern is getting to Plamann Park. Is there any way to make getting across the road safer for the community since there is no park for residents in their neighborhood?

Safer crossings are reviewed at the time of trail or roadway construction/re-construction. No near future plans for trail development to Plamann Park. The trails master plan shows future bike lanes and trails on Meade and Broadway but there is nothing planed at this time. The City is slowly working on a trail connection off Broadway heading north on Kurey and going NE to Ballard/Applecreek. But this is just being mapped at this point, no timeline for construction.

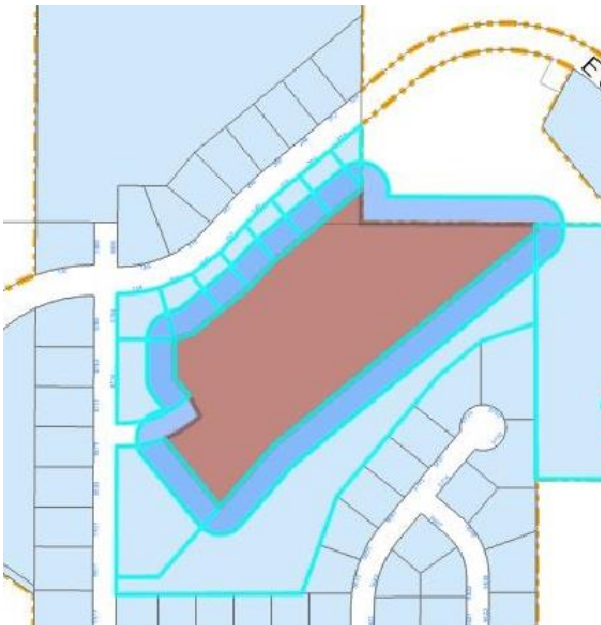
- With regards to this is there any value in reaching out to the county around this since this work aligns with their biking plan?

I am not very familiar with the County's plan. A future trail is shown on Meade Street in this area on the City's Master Trail Plan. The full document can be found here: <https://appletonparkandrec.org/parks-pavilions-trails/park-projects/>

Misc

- The 100 feet issue came up and there was a concern about who got notified. People who live at 5655 North Summerland Drive and the neighbors were not contacted. Looking at Google Maps these look like they should be within 100 feet and should have been contacted. How is the 100 foot radius developed? Is it based on 100 feet from buildings or 100 feet as you would travel on the road?

We have our GIS mapping system draw a 100-foot buffer from the outmost property line for the subject property. A map is created showing the parcels within this 100-foot buffer and a mailing list is generated.



- During the public comment period are visuals allowed to be presented? I've never seen any Alder use one so I'm also wondering if I'm able to use visual aids while we are discussing items on the agenda?

Are you referring to maps that you could use during the public hearing? I do not see why not, but this might be a question for our Legal Department.

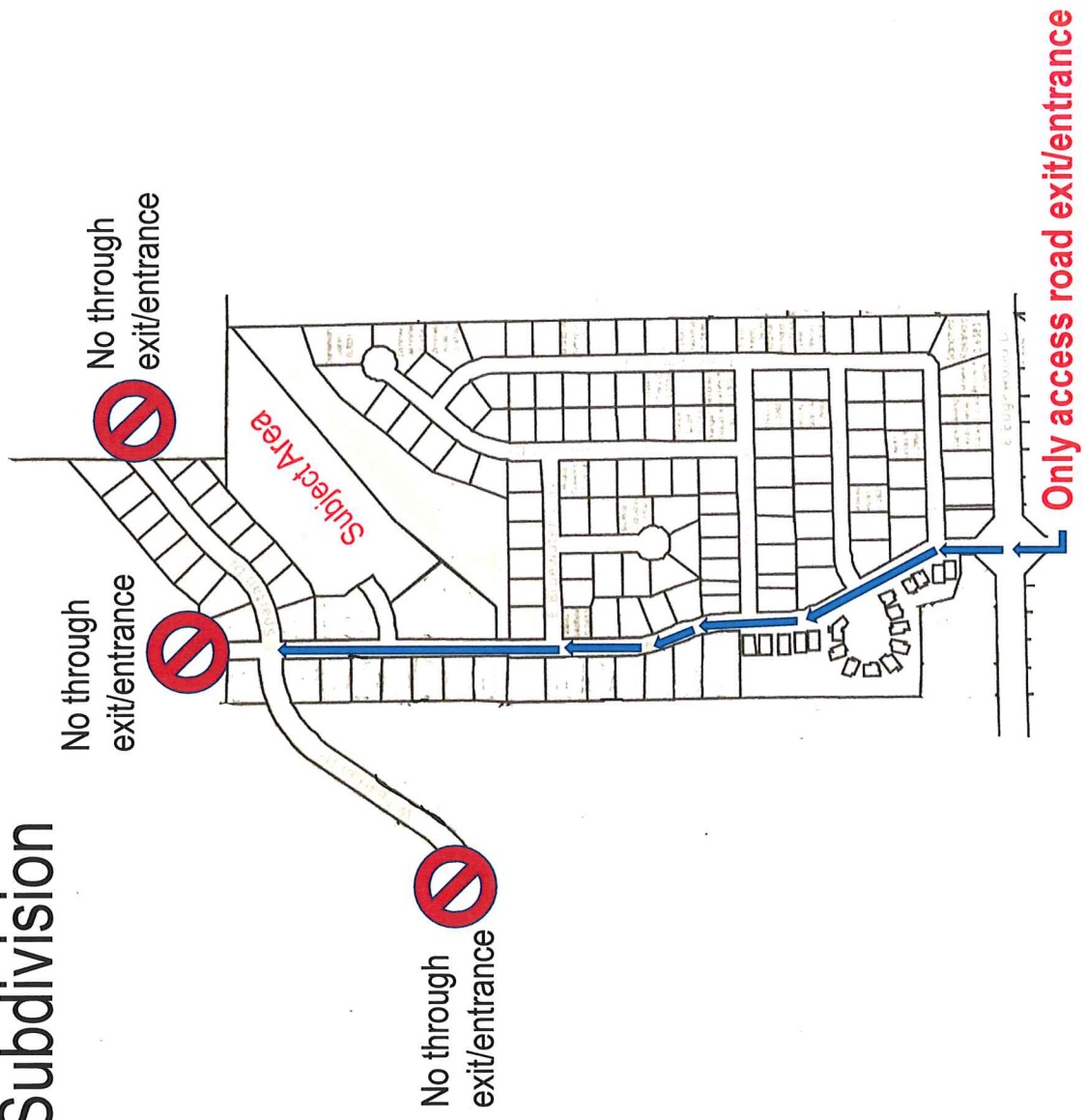
- Is there a mechanism to submit petitions from the neighborhood?

There is no set process for submitting a petition. There is nothing that prohibits them from preparing a petition and submitting it to the Common Council, but it does not have any legal ramifications or result in a varying legislative process.

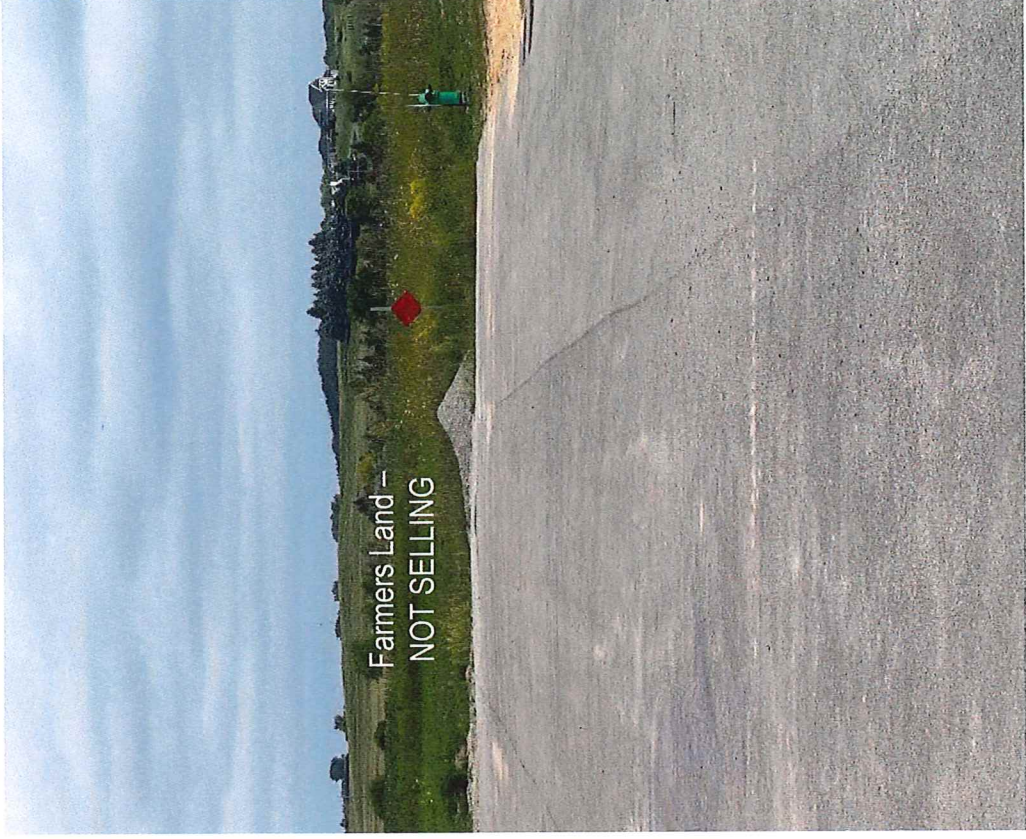
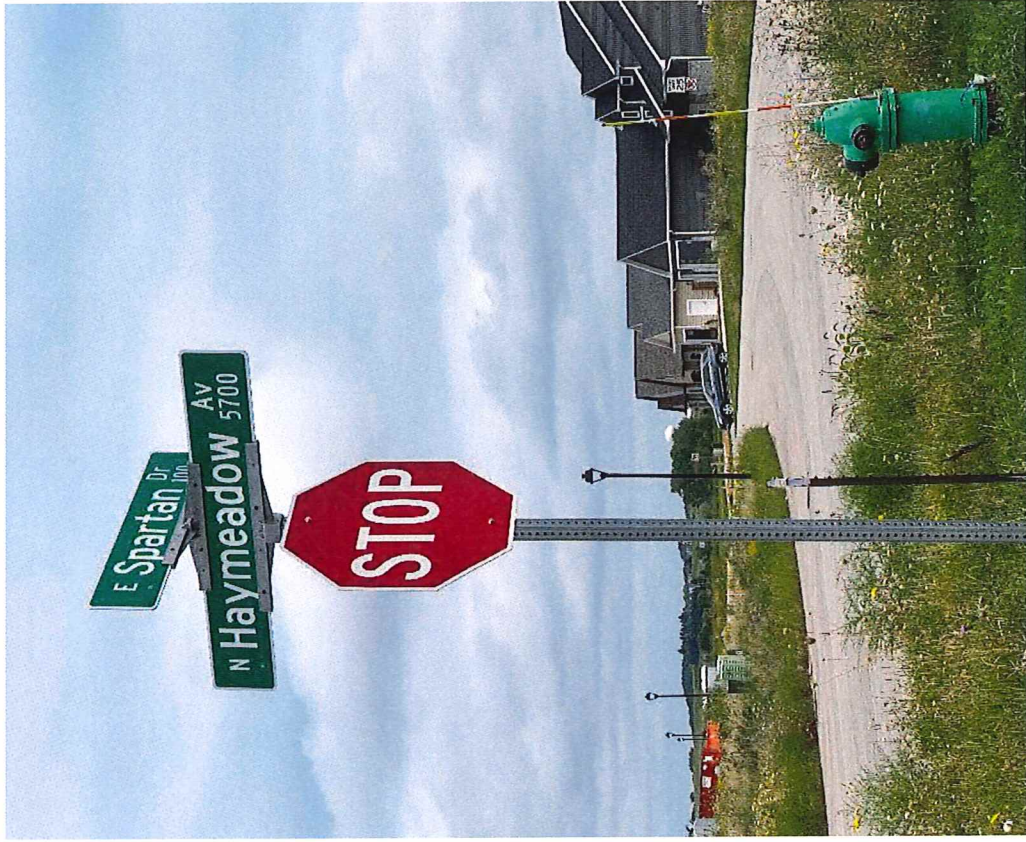
- I know after the informal meeting you are unable to meet with residents, but does that apply to the mayor as well? I think him hearing the neighbors would help as well.

Residents of the City are able to contact the mayor to discuss concerns or ask questions.

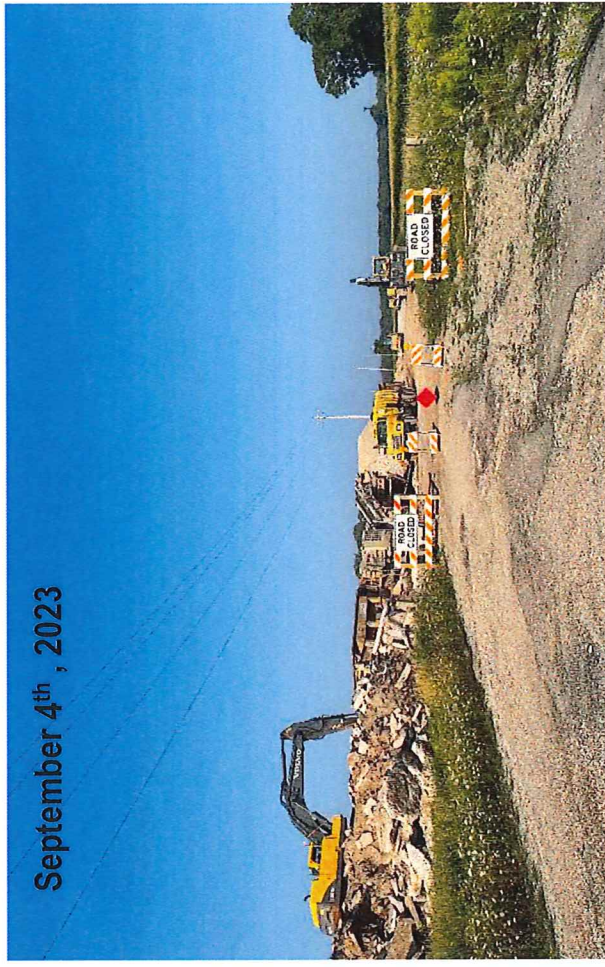
Clearwater Creek Subdivision



E Spartan Drive – Actual Drive Through Access



Emergency Vehicles Access



Establishing a Park in Clearwater Creek

- As noted on visionrealityanddev.com as of August 30th, 2023

Reside in Appleton with an Appleton school district in the Clearwater Creek subdivision. This subdivision started out small and grew as time passed. Located just minutes away from two high schools and a well known park, you will feel safe knowing that you are in a great area of Appleton. Fox Valley Lutheran and Appleton North are both a few minutes east of Clearwater Creek and **Plamann Park is right across the street**. Build your home in a great community and enjoy outdoor activities in your backyard or the huge park nearby.

Directions:
41 South. Exit Ballard Rd. North on Ballard. Left on J 1/2 mile past Meade Street. Subdivision is on the north side of J.

Municipality:
City of Appleton

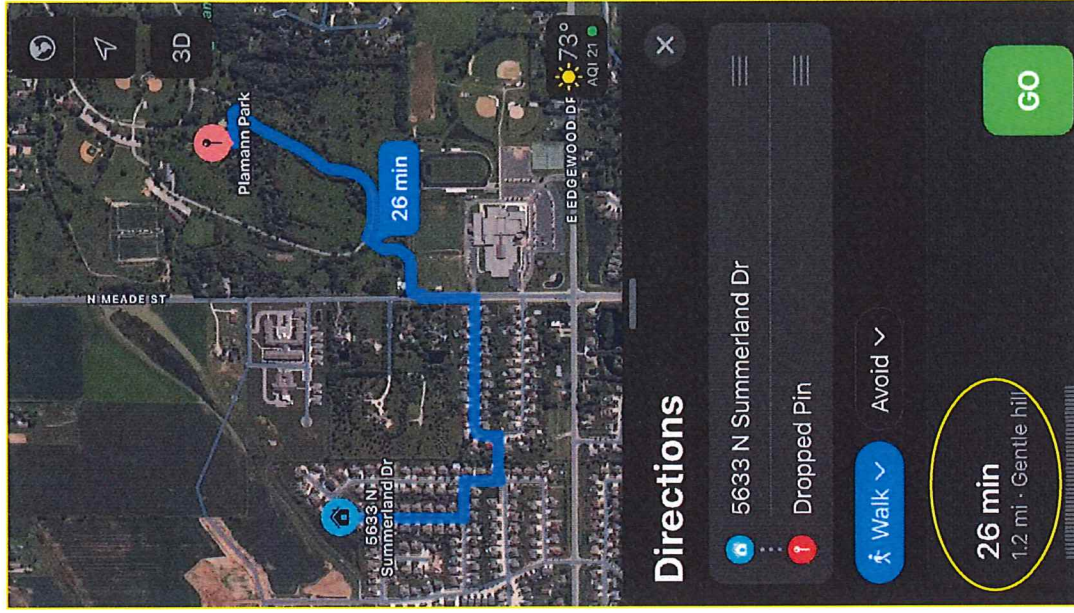
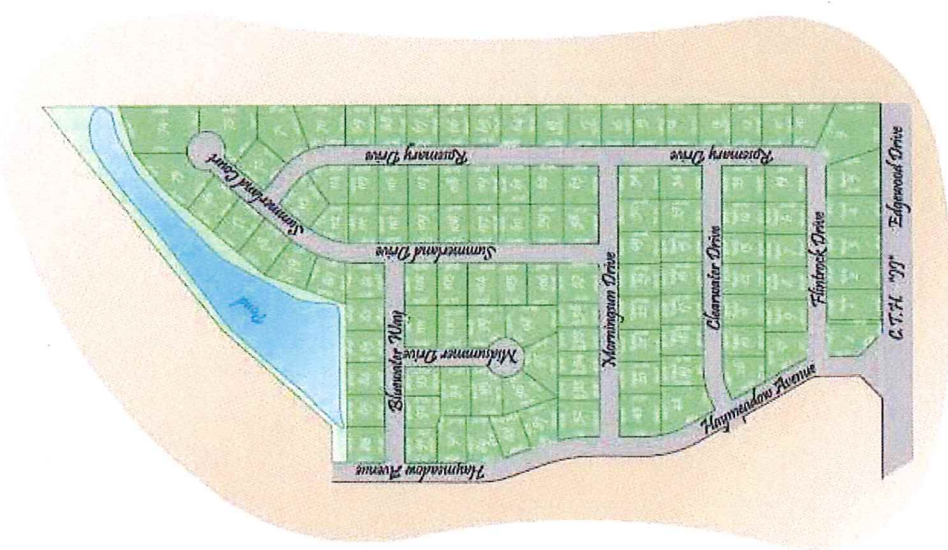
County:
Outagamie

School District:
Appleton

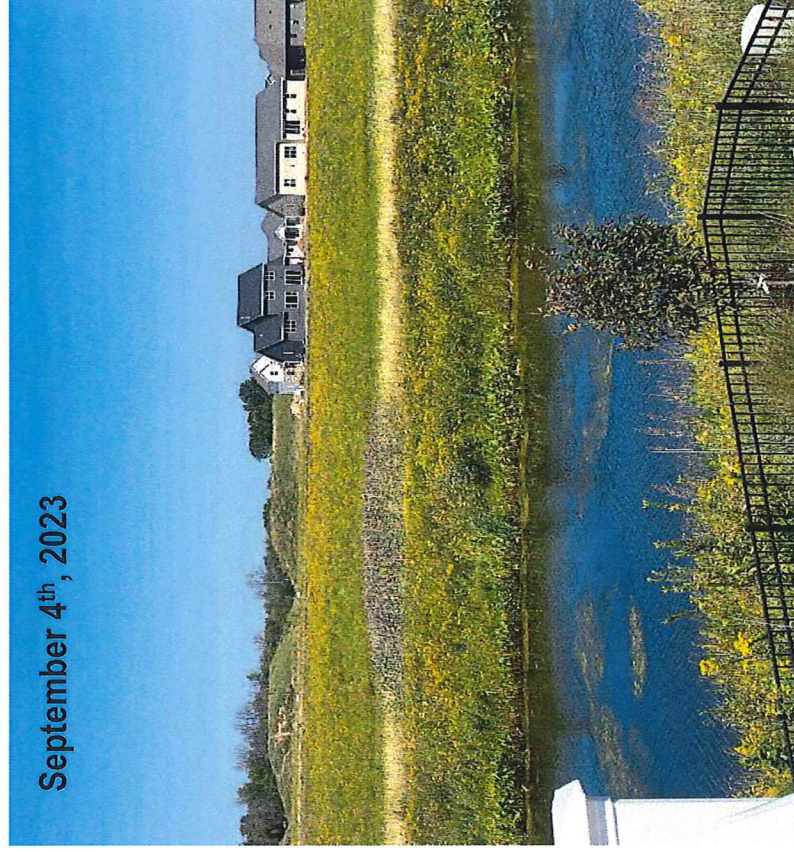
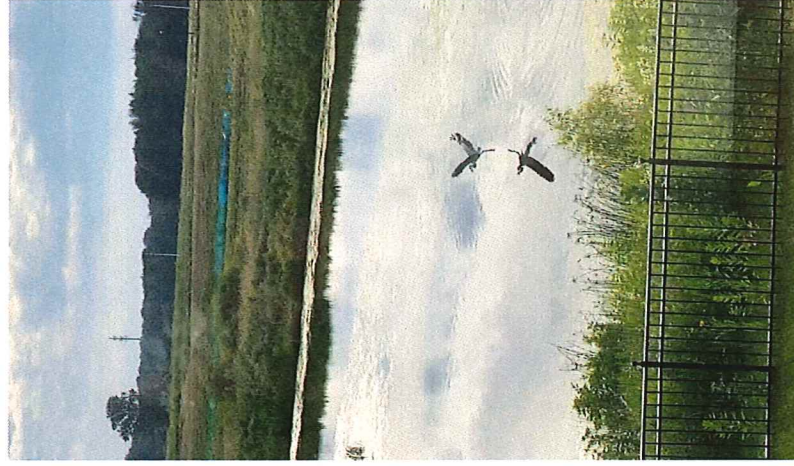
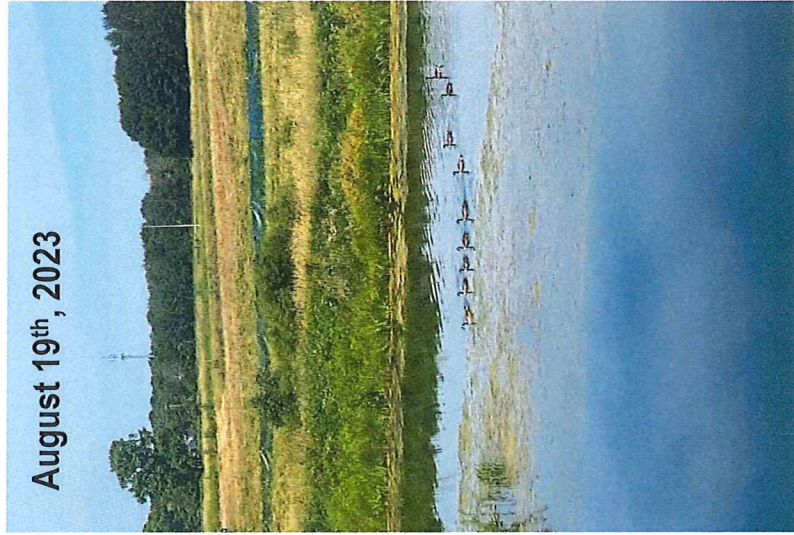
Utilities:
Gas, Electric, Phone, Cable TV

Building Requirements:
All homes must have minimum 8/12-roof pitch and a minimum of 3/4 masonry front with a Minimum 2-stall attached garage. Ranch Homes 2000 sq. ft min., 1 1/2 Story Homes 2200 sq. ft. min. 2-Story Homes 2400 sq. ft. min.

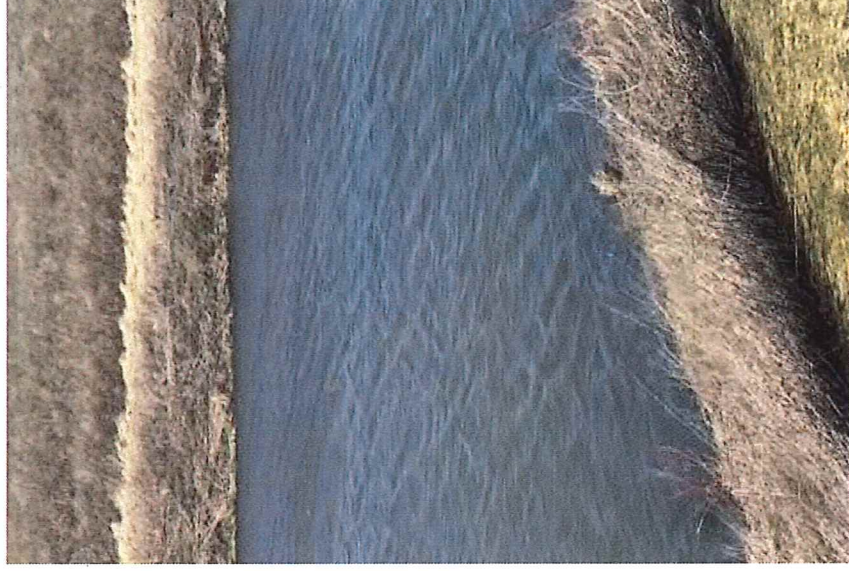
Other Remarks:
Individual site data regarding easements, wetlands, floodplain, shore land, lot dimensions, etc. per recorded plat.



Environmental Impact



Stormwater Management and Flooding Concerns



We, the undersigned residents of Clearwater Creek Subdivision, oppose the rezoning request and development of E Sweetwater Way and Forth Addition of the residential subdivision. We feel the following concerns need to first be addressed:

- Single Entrance Subdivision for 140+ homes/residents
- Permanent Emergency Vehicle Access
- Unfulfilled Promises of a Park; instead eliminating 7 acres of greenspace
- Preserving this area as a wetlands/wildlife, a safe zone for residents (walking/biking, kids playing) and general overall quality of life

NAME	ADDRESS	PHONE	SIGNATURE
Emily Olson	5724 N. Haymeadow Ave	920-422-0082	Emily Olson
Adam Olson	5724 N Haymeadow	262-409-1680	Adam Olson
Chungyia Thao	5310 N. Rosemary	920-428-16485	Chungyia Thao
Maiyona Thao	5310 N. Rosemary	920-428-6484	Maiyona Thao
Pavan. Pati	5765 N Haymeadow	920-9380309	Pavan. Pati
Tracy Clagh	5420 N. Summerland	920-858-7074	Tracy Clagh
Rebecca Bissim	335 E Flintrack Dr	262-951-8901	Rebecca Bissim
Kara Harbick	5733 N. Summerland Ct	920-915-2784	Kara Harbick
Mphille Week	320 E Blumwater	920-946-3305	Mphille Week
SRIDHAR RAJU	5540 N HAY MEADOW	920-809-7203	R. Sridhar
Kristin Jawb	312 E Spartan Dr	850-417-3282	Kristin Jawb
Robert Jacobs	312 E. Spartan Dr.	850-512-2780	Robert Jacobs
Polly Hretpas	5331 N Haymeadow	920-915-8515	Polly Hretpas
Sonu Pareek	5655 N Summerland	920-942-1074	Sonu Pareek
Shubhi D Gupta	325 E. Flintrack Dr	848-228-6573	Shubhi D Gupta
Xogesh Pareek	5655 N. Summerland	251-9349	Xogesh Pareek
Zafa Rumao	5500 N. Summerland dr	920-781-0227	Zafa Rumao
Anji Gupta	325 E Flintrack Dr	848-260-7065	Anji Gupta
Chris Ekern	5411 N Haymeadow	920-381-6686	Chris Ekern




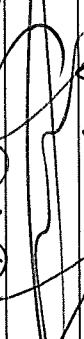
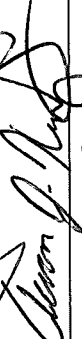





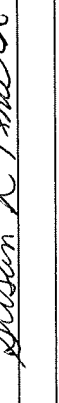
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- Unfulfilled Promises of a Park; instead eliminating 7 acres of greenspace
- Preserving this area as a wetlands/wildlife, a safe zone for residents (walking/biking, kids playing) and general overall quality of life

NAME	ADDRESS	PHONE	SIGNATURE
Michelle Mader	275 E SPARTAN DR	920.419.2787	
GRACE MAZUR	275 E SPARTAN DR	(920) 419-4451	
SUE JONES	166 E CLEARWATER CT (920) 850-7607		
Bryan Jones	" "	920-585-8092	
Jouane Naps	145 E CLEARWATER CT	920-475-0045	
Angela Tycowski	185 E CLEARWATER CT	920 585 8058	
Nanette Hunter	5807 W. MARYMOUNT DR	920-991-0013	
Barbara Ekem	5111 N HAYMEADOW AVE	608-334-0883	
Doug Slin	5431 W. HAYMEADOW AVE	920-477-5718	
Jacob Farte	5744 N. HAYMEADOW DR	920-585-9128	
Rafael Roberts	2022 MORNINGSTAR DR	847-833-8437	
Kelly Pruner	222 E MORNINGSTAR DR	920-777-9999	
Lin Field	746 E. MARYMOUNT DR	920-800-5147	
Orion Formulier	306 E MARYMOUNT DR	301-806-8192	
Jennifer Ryan	311 E. MORNINGSTAR DR	920-813-7137	
Chris Wolske	218 E. BLUEWATER ST	920-915-3374	
Forth Tethys	236 E BLUEWATER WAY	920-877-3045	
Scott Berg	303 E SPARTAN DR	920 284 2917	
Sue Berg	303 E SPARTAN DR	920 470 4178	
Jamie Cannon	280 E SPARTAN DR	920-851-5522	

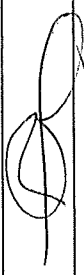







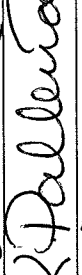


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- Permanent Emergency Vehicle Access
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- Preserving this area as a wetlands/wildlife, a safe zone for residents (walking/biking, kids playing) and general overall quality of life.

NAME	ADDRESS	PHONE	SIGNATURE
Ben Alberts	249 E Spartan Dr Appleton	920-870-8856	
Chris Jones	5520 N. Summerland Dr.	920-850-2816	
MAURE MCLEOD	5107 H. SUMMERLAND DR	630-926-4265	
Patrick DeLoe	5667 N. Summerland	630-926-4842	
Aaron Knuth	5535 N. Midsummer Dr	262-627-9035	
Amanda Brodman	5510 N. Midsummer Dr	920.540.2599	
Donna Happensack	5527 N. Midsummer Dr.	216.526.4744	
Greg Sofra	5527 N. Midsummer Dr.	614.519.7875	
Audrey Pfaffenbach	5536 N Midsummer Dr.	920-540-9959	
Paul Tetting	236 E Buelster Way	920 268-9697	
SUE Knuth	5351 N Haymeadow Ave	920-257-3935	


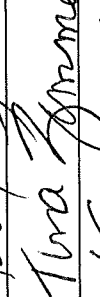





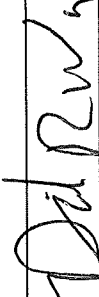
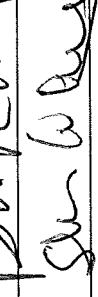
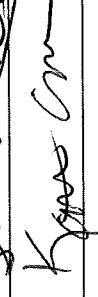

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NAME	ADDRESS	PHONE	SIGNATURE
Arun Cherian	305 E Flintrock Dr		
STEFFE BISSING	335 E FLINTROCK DR.	(920) 915-5590	
GREYSON BURT	425 EAST FLINTROCK DR	920 4041419	
Andi Raine	330 E Flintrock Dr	920-574-7349	
PAUL ZAMPRELLI	5204 N. HAYMEADOW AVE	630-4484	
Hatei Jackson	305 E Clearwater Dr	920 579964	
Jeff Merrill	305 E Clearwater Dr	920 575997	
LAUREN SCHWIZ	215 E. CLEARWATER DR.	920 262 3912	
Mahmoud Ashabi	205 E. Clearwater Dr.	774-262-9169	
Kristy Palleria	200 E Clearwater Dr	414-460-7625	
Ustie Drabheim	331 E. Morningsun Dr	920 205 5446	


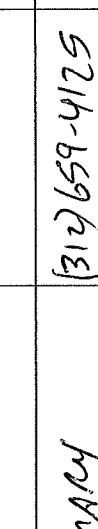
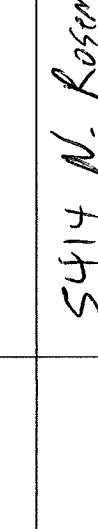
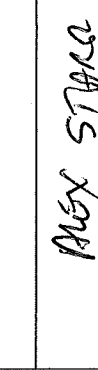
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NAME	ADDRESS	PHONE	SIGNATURE
Tom Zimmer	5648 N. ROSEMARY DRIVE	920 858 4778	
Tina Zimmer	5648 N. ROSEMARY DR	910-858-0155	
Kathryn Jacobae	5710 A Summerland Ct	920-840-5071	
Jusan Danielson	5750 N. Summerland Ct.	210-482-9629	
Loree Sommer	5644 N. Summerland Dr	920-284-1514	
Charlotte Morse	5633 N. Summerland DR	920-606-6264	
Nicolas Morse	5633 N. Summerland DR	920-562-4164	
Maria Hohneser	302 W 9th St Kaulauna	(920)277-5908	
David Westphal	5431 N. Summerland Dr.	920 410 2843	
Sharon Whitworth	5505 N. Summerland DR	920-243-3963	
Kate Alberts	249 E. SPARTAN DR	507-517-0020	

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- quality of life.

NAME	ADDRESS	PHONE	SIGNATURE
Alex Stara	5414 N. ROSEMARY	(312) 659-4125	
Dana Mattingly	5424 N ROSEMARY	612 940 5533	
Sundus Zajar	5501 N ROSEMARY DR	313 506 8687	
Qaiser Zajar	5501 N ROSEMARY DR	678 644 7958	
Cory Miller	5425 N ROSEMARY DR	920 428 4501	
Melissa Miotte	5405 N ROSEMARY DR	480-206-3406	
Nicholas Angelli	5528 N ROSEMARY DR	920-574-3278	
Amy Chung	5528 N ROSEMARY DR	920 574 3270	
Robert Brunkke	5621 N ROSEMARY DR	920-464-0796	
YOLANDA PROSSNITZ	5621 N. ROSEMARY DR	920 205 9225	
Tom Flugard	5633 N ROSEMARY DR	920-636-6707	

Jessica L. Titel

From: Jill Hendricks <jill@visionrealtyanddev.com>
Sent: Tuesday, September 12, 2023 12:30 PM
To: Jessica L. Titel; Mayor
Cc: Kara J. Homan
Subject: Plan Commission Meeting
Attachments: 3rd CC Marketing Plat.pdf

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Jessica/Mr. Mayor

I would like to be present for the Plan Commission meeting tomorrow afternoon and speak however I would also like to point out all of this information prior should I not be able to speak.

First addressing the Public Comments/Concerns (with professional opinion in red)

1. Development is going to disturb the wetlands and natural wildlife
The wetlands will not be disturbed as part of this development. All proposed housing and roads are located outside the 30' Wetland Protective Area per City Ordinance §20-312(g) . The development will likewise not disturb the natural prairie restoration area located along the existing 2nd Addition stormwater pond, because the native vegetation area is across Apple Creek.
2. Existing wetlands currently absorb water from the upland homes due to being at the lowest point, and will not do so post-development
The existing wetlands along Apple Creek take water not only from Clearwater Creek but also offsite upland areas. Water will continue to be fed to the wetland areas. Currently, runoff does not directly discharge to the wetlands. The runoff enters existing stormwater ponds first for quantity and quality control before discharging to the wetlands.
3. The flooding will require an additional stormwater pond
The engineering plans have undergone an extensive review by the City's consulting engineer and staff as well as the DNR. The existing ponds were designed by the City's consulting engineer to handle the proposed development. M&E conducted additional modeling in 2020 to confirm pond performance standards for the 3rd and 4th Additions. We have received stormwater approvals from the DNR on 8/25/2023 and the City on 8/29/2023.
4. Alderman Hayden refers to the wetlands "changing between plats"
The wetland delineation was conducted on 4/14/2023 by a WDNR-Assured Wetland Delineator. It is important to emphasize the wetland boundary has not changed since June of this year when we initially submitted plans to the City. We are not sure where the impression that the wetland boundary has changed between plats comes from. This development has been under consideration since prior to 2005. Wetland delineation standards have changed significantly over the years. New wetland delineations are also required to be conducted every 5 years, in which the natural hydrologic qualities of the wetlands and upland contributing areas may cause shifts in the boundary, but again, we have not changed the boundary since the initial submittal.
5. An Environmental Impact Report was not completed for the site
An Environmental Impact Report is not required because the project is not being state nor federally funded. As part of the Notice of Intent (NOI) for Land-Disturbing Construction Activities, the WDNR reviews impacts of stormwater runoff

and erosion, whose standards we have to meet during the design phase. Runoff will have quantity and quality treatment prior to discharging to the wetlands. Erosion impacts will be minimized via erosion control devices, such as silt fence and inlet protection. City staff and consultants have also extensively reviewed our stormwater management and erosion control plans. I'd also like to emphasize again that we are not constructing homes nor roads within 30' of the wetland boundary.

All this being said, we will be developing 14 lots, 10 of which have options on for purchase. When we developed Third addition (see marketing plat) you can see this marketing tool has been on my website along with having a presence at every "Parade of Homes" both Winter and Fall since prior to construction of Third Addition which plat was recorded in 2020. You can clearly see that the marketing says future phase on both the north and south sides of Third addition.

Alderperson Hayden stated that "MOST" people understand that the development will go through.... In his 8/17/23 email to Director Homan.

Concerns regarding the second access was approved by both Plan Commission/Police & Fire when Third Addition was in the planning stage and upon completion of Third Addition.

In regards of Fourth Addition, everything in the plat was agreed upon and referred for APPROVAL to Plan Commission, and because homeowners who didn't do their due diligence in believing they were going to look at greenspace in their back yards for the rest their ownership was just unfortunate they did not call me. My signs have been in that subdivision for many, many years, and finding out who to call or get correct information should not be the problem of Developers moving forward.

Thank you
Jill



Jill Hendricks
Vision Realty & Development LLC
PO Box 225
2100 Freedom Rd
Little Chute, WI 54140
920-687-7070 Office

920-676-4788 Cell

jill@visionrealtyanddev.com

This e-mail contains privileged and confidential information and is intended only for the use of the person(s) named above. Any dissemination, distribution, or duplication of this communication without prior written consent from Vision Realty & Development, LLC is strictly prohibited. If you have received this message in error, please contact the sender immediately and delete the materials from any computer.

Attention: This message was sent from a source external to the City of Appleton. Please use caution when opening attachments or clicking links.

Third Addition to Clearwater Creek

(City of Appleton)



The accuracy of the information contained in this map is not warranted and is subject to change.



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: August 9, 2023

Common Council Meeting Date: September 6, 2023

Item: Preliminary Plat – Fourth Addition to Clearwater Creek

Case Manager: Jessica Titel, Principal Planner

GENERAL INFORMATION

Applicant: Jeff Schultz – Martenson & Eisele, Inc.

Owner: Clearwater Creek, LLC

Address/Parcel #: E. Sweetwater Way (Tax Id #31-6-6201-00 & part of #31-6-6200-00). The subject property is located south of E. Spartan Drive and east of N. Haymeadow Drive.

Petitioner’s Request: The owner/applicant is proposing to subdivide property for single-family residential development.

BACKGROUND

The subject properties were annexed to the City of Appleton through the Paltzer/Jacobs Annexation on May 10, 2004, and the subject parcels officially came into the City with AG Agricultural District zoning classification.

In 2005, Clearwater Creek was approved and consisted of 63 lots and 1 outlot.

In 2006, Replat of Lots 3-8, 20-24, 27-32, 36-41 and 44-48 of Clearwater Creek was approved and consisted of 23 lots.

In 2007, the First Addition to Clearwater Creek was approved and consisted of 56 lots and 2 outlots.

In 2014, the Second Addition to Clearwater Creek was approved and consisted of 6 lots.

In 2020, the Third Addition to Clearwater Creek was approved and consisted of 26 lots and 1 outlot.

The applicant has also filed an application to rezone the subject property from AG Agricultural District to R-1B Single-family Residential District. The Preliminary Plat will be presented at the September 6, 2023 Common Council meeting so the proposed lots are in compliance with the Zoning Code.

STAFF ANALYSIS

Existing/Proposed Conditions: The subject area to be subdivided is currently undeveloped. The Fourth Addition to Clearwater Creek consists of 7.164 acres and will be divided into 14 single-family lots and 2 outlots.

Preliminary Plat – Fourth Addition to Clearwater Creek

August 9, 2023

Page 2

Zoning Ordinance Review Criteria: R-1B Single-Family District lot development standards (Section 23-93) are as follows:

- Minimum lot area: Six thousand (6,000) square feet.
 - *The proposed average lot size is 15,290 square feet. All lots exceed the minimum lot area requirement.*
- Minimum lot width: Fifty (50) feet.
 - *All lots exceed this minimum requirement.*
- Minimum front, side and rear yard setbacks: Twenty (20) foot front yard, Six (6) foot side yard, and Twenty-five (25) foot rear yard.
 - *Required front yard setback has been shown on the Preliminary Plat. Required setbacks will be reviewed through the building permit review process.*
- Maximum building height: Thirty-five (35) feet.
 - *This will be reviewed through the building permit review process.*
- Maximum lot coverage. Fifty percent (50%).
 - *This will be reviewed through the building permit review process.*

Compliance with the Appleton Subdivision Regulations: This subdivision complies with the Appleton Subdivision Regulations.

Access and Traffic: The primary vehicular access to the Fourth Addition to Clearwater Creek is via East Sweetwater Way. The proposed public right-of-way within the subdivision will be dedicated to the City with the Final Plat.

Surrounding Zoning and Land Uses:

North: R-1B Single Family Residential and Town of Grand Chute. The adjacent land uses to the north are currently residential (Third Addition to Clearwater Creek) and agricultural.

South: P-I Public Institutional. The adjacent land use to the south is currently a City-owned stormwater management facility.

East: P-I Public Institutional. The adjacent land use to the east is currently a City-owned stormwater management facility.

West: R-1B Single Family Residential and P-I Public Institutional. The adjacent land uses to the west are currently residential (Third Addition to Clearwater Creek) and a City-owned stormwater management facility.

Appleton Comprehensive Plan 2010-2030: Community Development staff has reviewed this proposed subdivision and determined it is compatible with the One and Two-Family Residential use shown on the City's 2010-2030 Comprehensive Plan Future Land Use Map. Listed below are related excerpts from the City's *Comprehensive Plan 2010-2030*.

Preliminary Plat – Fourth Addition to Clearwater Creek

August 9, 2023

Page 3

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 10.1 Land Use:

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

OBJECTIVE 10.4 Land Use:

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

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

Parks and Open Space: The Appleton Subdivision Regulations do require parkland dedication or fee in lieu for residential subdivisions. Since no parkland will be dedicated on the subject property, park fees will be required pursuant to Section 17-29 of the Municipal Code and the final Development Agreement (once approved).

Technical Review Group Report (TRG): This item appeared on the July 18, 2023 TRG Agenda. No negative comments were received. The following comments were provided by the Fire Department.

- The drive from Spartan to Richmond would count as a secondary access for the fourth phase of Clearwater Creek. This drive would need to be maintained as such. For the fifth phase of Clearwater Creek, this access will not be acceptable as a secondary access.
- The fire apparatus turnaround at the northern limits of East Sweetwater Way is acceptable as long as it is designed to meet the standards defined in Appendix D from the 2018 IFC. The applicant has been provided with the design standards and has incorporated them in the design as shown on the preliminary plat.

RECOMMENDATION

The Preliminary Plat for the Fourth Addition to Clearwater Creek, **BE APPROVED** subject to the following conditions and as shown on the attached maps:

1. Park fees shall be paid to the City of Appleton Finance Department pursuant to Section 17-29 of the Municipal Code and the final Development Agreement (once approved).
2. Property shall be rezoned from AG Agricultural District to R-1B Single-family Residential District (see Rezoning #5-23) for the proposed lots to comply with the Zoning Code.

Preliminary Plat – Fourth Addition to Clearwater Creek

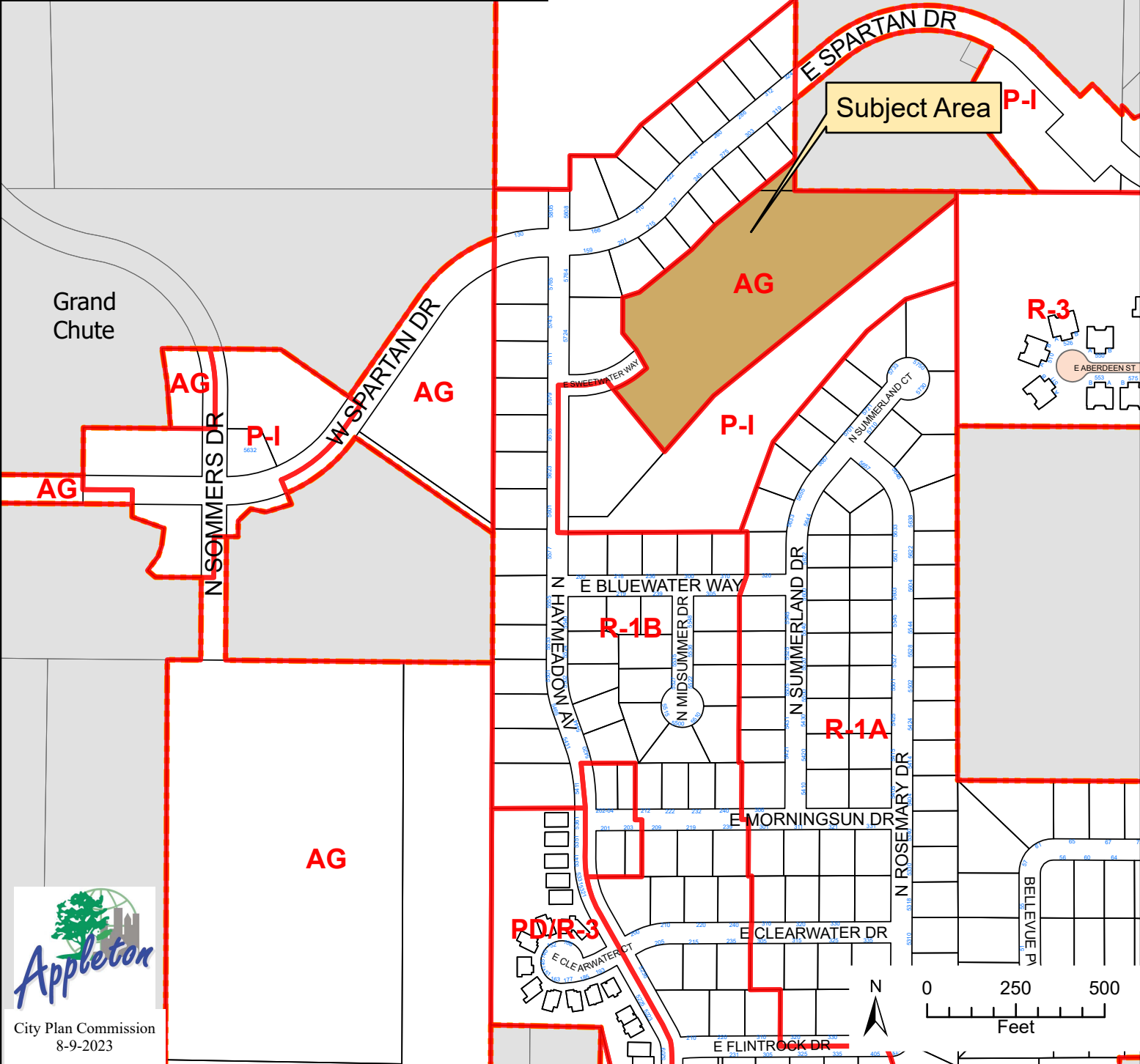
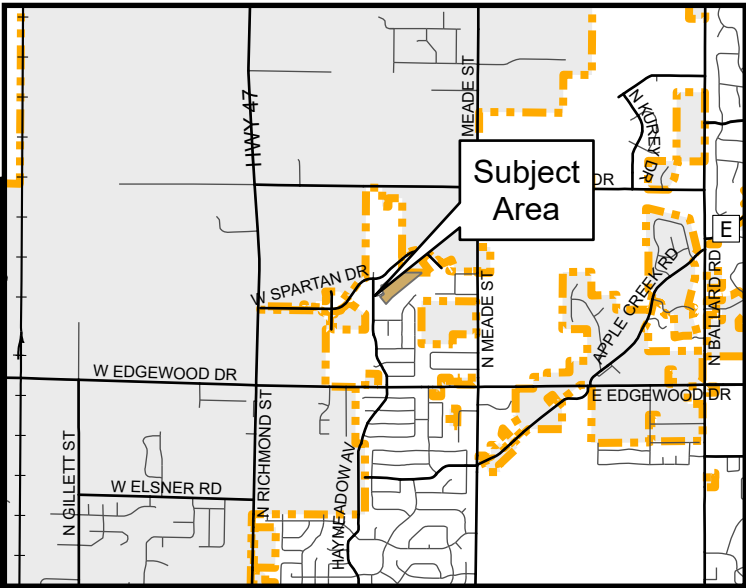
August 9, 2023

Page 4

3. Show the extents of the Protective Area per the stormwater management requirement and verify that Lots 160 -162 are buildable.
4. Add the necessary drainage easements per the stormwater management review comments.
5. Show the Normal Water Level and 100-yr Water Level of the stormwater pond.
6. Show the overland flow paths.
7. List the intended purpose/uses for Outlots 1 and 2 on the Final Plat.
8. Hydrant benchmarks should specify the benchmark location on the hydrant, for Waterous type hydrants the “City” location is the “Top shoulder” of the hydrant.
9. The “Fire Apparatus Access Road” shown across a portion of Outlot 1 should have an easement area specified on the Final Plat. One option could be a Temporary Turn Around Easement, with verbiage similar to: Temporary Turn Around Easement, shall be released automatically upon the dedication, construction, acceptance, and Northeasterly extension of Sweetwater Way.
10. A Development Agreement is required between the City and applicant that identifies the duties and responsibilities with respect to development of the subject land.
11. A Stormwater Permit Application, Stormwater Management Plan and Engineering Plans have been submitted for review. Technical review comments have been provided to the consultant and all such comments must be addressed on the Final Plat.
12. All requirements from the City of Appleton Department of Public Works, Engineering Division shall be met to the satisfaction of the City Engineer prior to the City affixing signatures on the Final Plat.
13. The owner/applicant shall submit to the City the Final Plat within 36 months after the last required approval of the Preliminary Plat. If the Final Plat is not submitted within said 36 months, the City (and any other approving authority) may refuse to approve the Final Plat and shall recommence the procedure for Preliminary Plat approval or may extend the time for submission of the Final Plat.

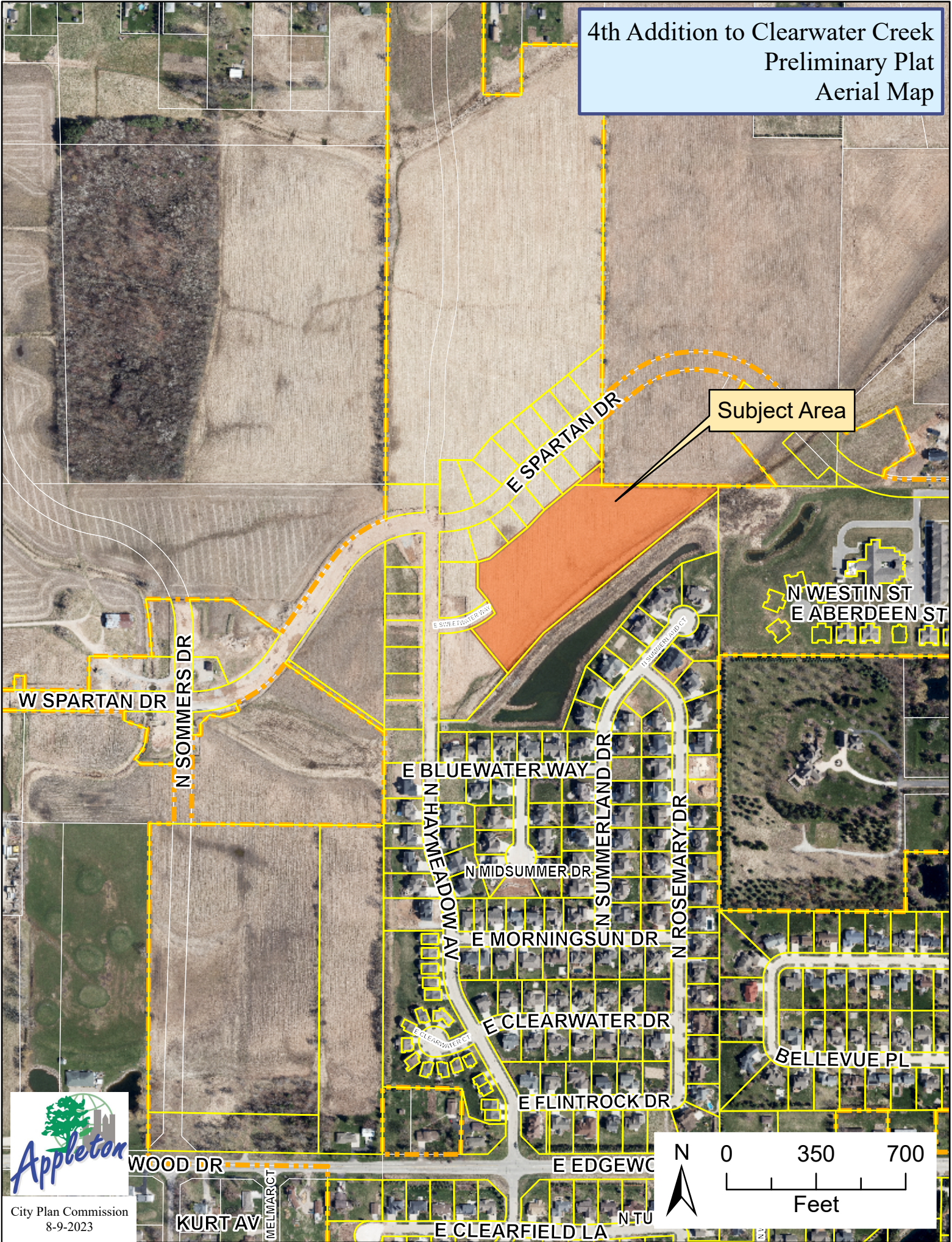
NOTE: If approved, the Preliminary Plat for the Fourth Addition to Clearwater Creek and Rezoning #5-23 from AG Agricultural District to R-1B Single-family District will be reported out at the same Common Council meeting on September 6, 2023.

4th Addition to Clearwater Creek Preliminary Plat Vicinity Map



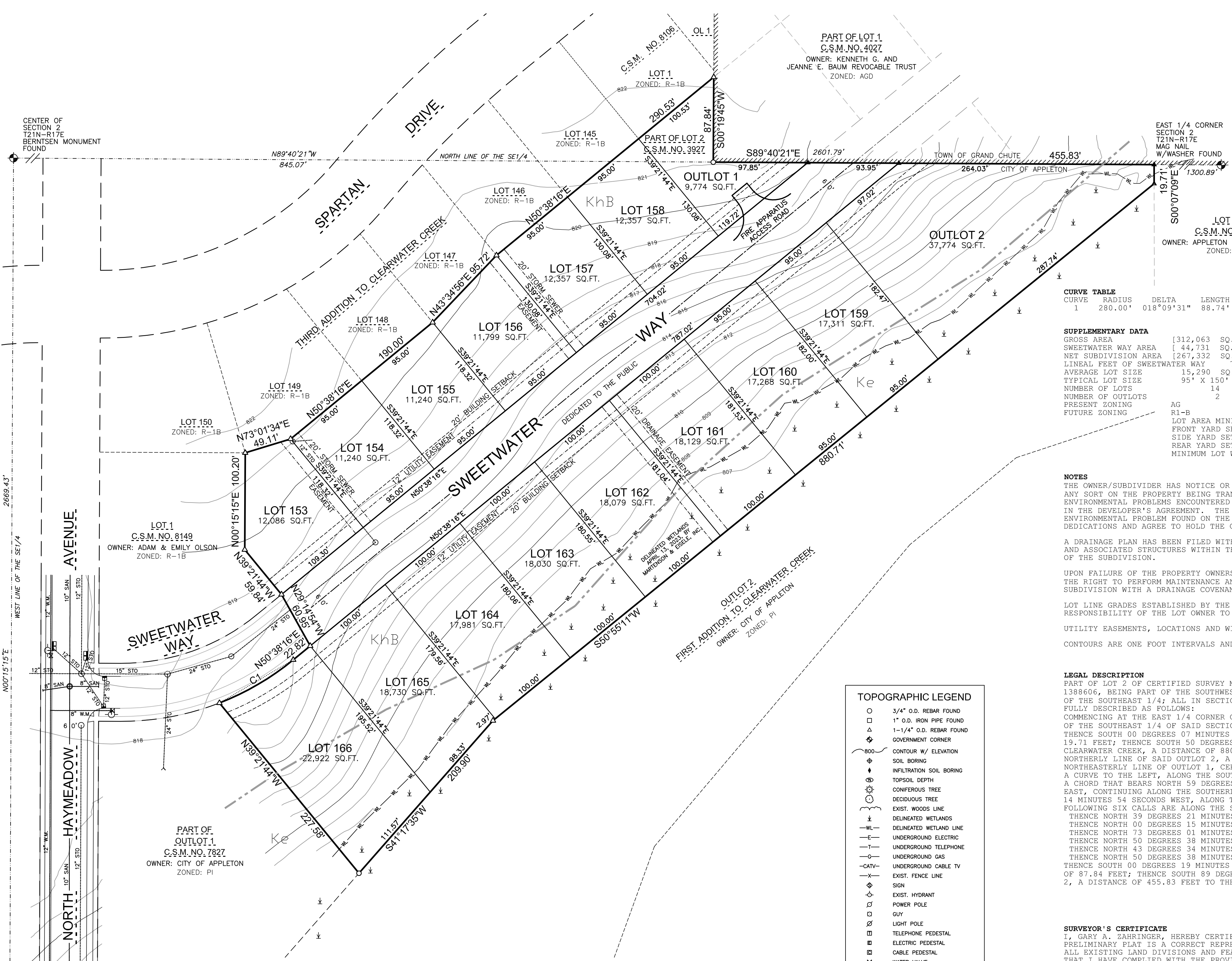
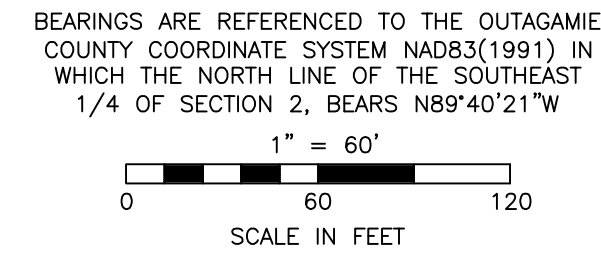
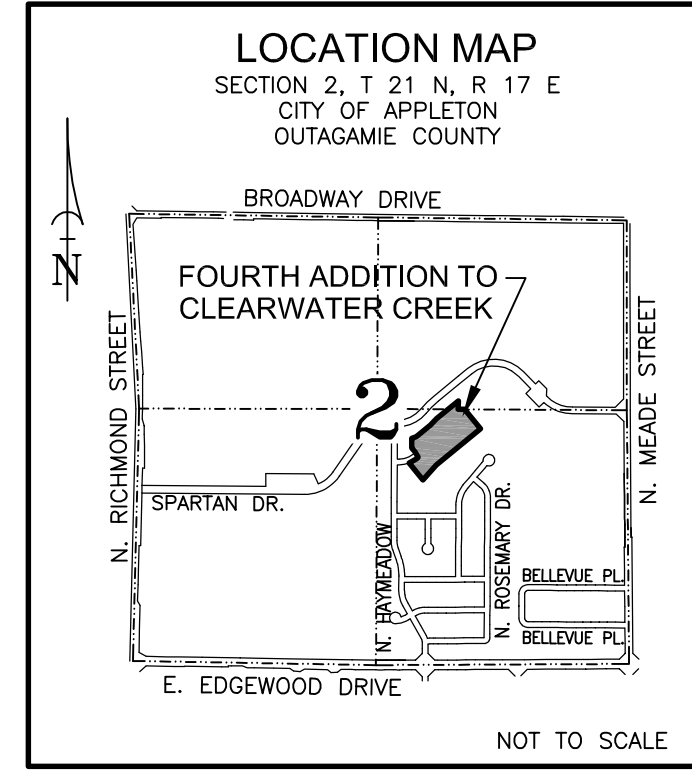
4th Addition to Clearwater Creek
Preliminary Plat
Aerial Map

Subject Area



PRELIMINARY PLAT
FOURTH ADDITION TO CLEARWATER CREEK

PART OF LOT 2 OF CERTIFIED SURVEY MAP NO. 3927 FILED IN VOLUME 21 OF CERTIFIED SURVEY MAPS ON PAGE 3927 AS DOCUMENT NO. 1388606, BEING PART OF THE SOUTHWEST 1/4 OF THE FRACTIONAL NORTHEAST 1/4; AND UNPLATTED LANDS BEING PART OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4; ALL IN SECTION 2, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.



CURVE TABLE

CURVE	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD	TANGENT IN	TANGENT OUT
1	280.00'	018°09'31"	88.74'	N 59°43'01.5" E	88.37'	N 68°47'47" E	N 50°38'16" E

SUPPLEMENTARY DATA

GROSS AREA	[312,063 SQ. FT.]	7.164 ACRES
SWEETWATER WAY AREA	[44,731 SQ. FT.]	1.027 ACRES
NET SUBDIVISION AREA	[267,332 SQ. FT.]	6.137 ACRES
LINEAL FEET OF SWEETWATER WAY	745	LINEAL FT.
AVERAGE LOT SIZE	15,290 SQ. FT.	0.351 ACRES
TYPICAL LOT SIZE	95' X 150'	
NUMBER OF LOTS	14	
NUMBER OF OUTLOTS	2	
PRESERVE ZONING	AG	
FUTURE ZONING	R1-B	
LOT AREA MINIMUM	= 6,000 SQ. FT.	
FRONT YARD SETBACK	= 20 FT.	
SIDE YARD SETBACK	= 6 FT.	
REAR YARD SETBACK	= 25 FT.	
MINIMUM LOT WIDTH	= 50 FT.	

SOIL TYPES LOCATED WITHIN SUBDIVISION

KhB - Kewaunee Silt Loam
 Ke - Keweenaw Silt Loam

OWNER AND DEVELOPER
 BOB DEBRUIN
 CLEARWATER CREEK, LLC
 2100 FREEDOM ROAD
 LITTLE CHUTE, WI 54140
 PHONE: 920-731-8111

OBJECTING AND APPROVING AUTHORITIES
 DEPARTMENT OF ADMINISTRATION
 CITY OF APPLETON
 OUTAGAMIE COUNTY

NOTES
 THE OWNER/SUBDIVIDER HAS NOTICE OR KNOWLEDGE OF ANY ENVIRONMENTAL PROBLEM (THE EXISTENCE OF HAZARDOUS OR TOXIC SUBSTANCES) OF ANY SORT ON THE PROPERTY BEING TRANSFERRED. THE OWNER/SUBDIVIDER UNDERSTANDS THAT IT WILL PAY FOR ANY COSTS TO REMEDY ANY ENVIRONMENTAL PROBLEMS ENCOUNTERED DURING CONSTRUCTION OF ANY OF THE PUBLIC IMPROVEMENTS REQUIRED BY THE CITY ON THE PLAT OR IN THE DEVELOPER'S AGREEMENT. THE OWNER/SUBDIVIDER UNDERSTANDS THAT THEY SHALL BE INDIVIDUALLY RESPONSIBLE FOR ANY ENVIRONMENTAL PROBLEM FOUND ON THE LAND, TRANSFERRED TO THE CITY ON THE PLAT DURING THE CONSTRUCTION OF ROADS OR OTHER DEDICATIONS AND AGREE TO HOLD THE CITY HARMLESS UNTIL CONSTRUCTION, INSTALLATION OR GRADING IS COMPLETE.

A DRAINAGE PLAN HAS BEEN FILED WITH THE DEPARTMENT OF PLANNING, ZONING & SANITATION OFFICE. MAINTENANCE OF ALL DRAINAGE WAYS AND ASSOCIATED STRUCTURES WITHIN THE SUBDIVISION OR SERVING THE SUBDIVISION IS THE SOLE RESPONSIBILITY OF THE PROPERTY OWNERS OF THE SUBDIVISION.

UPON FAILURE OF THE PROPERTY OWNERS TO PERFORM MAINTENANCE OF THE DRAINAGE WAYS AND ASSOCIATED STRUCTURES, THE CITY RETAINS THE RIGHT TO PERFORM MAINTENANCE AND/OR REPAIRS WHICH SHALL BE EQUALLY ASSESSED AMONGST THE PROPERTY OWNERS OF THE SUBDIVISION WITH A DRAINAGE COVENANT.

LOT LINE GRADES ESTABLISHED BY THE DRAINAGE PLAN FOR FOURTH ADDITION TO CLEARWATER CREEK ARE MANDATORY. IT IS THE RESPONSIBILITY OF THE LOT OWNER TO COMPLY WITH THESE ESTABLISHED ELEVATIONS.

UTILITY EASEMENTS, LOCATIONS AND WIDTHS WILL BE SHOWN ON THE FINAL PLAT.

CONTOURS ARE ONE FOOT INTERVALS AND BASED ON CITY OF APPLETON DATUM.

LEGAL DESCRIPTION
 PART OF LOT 2 OF CERTIFIED SURVEY MAP NO. 3927 FILED IN VOLUME 21 OF CERTIFIED SURVEY MAPS ON PAGE 3927 AS DOCUMENT NO. 1388606, BEING PART OF THE SOUTHWEST 1/4 OF THE FRACTIONAL NORTHEAST 1/4; AND UNPLATTED LANDS BEING PART OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4; ALL IN SECTION 2, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:
 COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 2; THENCE NORTH 89 DEGREES 40 MINUTES 21 SECONDS WEST, ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION, A DISTANCE OF 1300.89 FEET TO THE POINT OF BEGINNING;
 THENCE SOUTH 00 DEGREES 09 MINUTES 09 SECONDS EAST, ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION, A DISTANCE OF 19.71 FEET; THENCE SOUTH 50 DEGREES 55 MINUTES 11 SECONDS WEST, ALONG THE NORTHERLY LINE OF OUTLOT 2, FIRST ADDITION TO CLEARWATER CREEK, A DISTANCE OF 880.71 FEET; THENCE SOUTH 41 DEGREES 17 MINUTES 35 SECONDS WEST, CONTINUING ALONG THE NORTHERLY LINE OF SAID OUTLOT 2, A DISTANCE OF 209.90 FEET; THENCE NORTH 39 DEGREES 21 MINUTES 44 SECONDS WEST, ALONG THE NORTHEASTERLY LINE OF OUTLOT 1, CERTIFIED SURVEY MAP NO. 7827, A DISTANCE OF 227.58 FEET; THENCE 88.74 FEET ALONG AN ARC OF A CURVE TO THE LEFT, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SWEETWATER WAY, SAID CURVE HAVING A RADIUS OF 280.00 FEET AND A CHORD THAT BEARS NORTH 59 DEGREES 43 MINUTES 01.5 SECONDS EAST, 88.37 FEET; THENCE NORTH 50 DEGREES 38 MINUTES 16 SECONDS EAST, CONTINUING ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SWEETWATER WAY, A DISTANCE OF 22.82 FEET; THENCE NORTH 29 DEGREES 14 MINUTES 54 SECONDS WEST, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SWEETWATER WAY, A DISTANCE OF 60.95 FEET; THENCE THE FOLLOWING SIX CALLS ARE ALONG THE SOUTHERLY LINE OF THE THIRD ADDITION TO CLEARWATER CREEK AND CERTIFIED SURVEY MAP NO. 8106:
 THENCE NORTH 39 DEGREES 21 MINUTES 44 SECONDS WEST, 59.84 FEET;
 THENCE NORTH 73 DEGREES 01 MINUTES 34 SECONDS EAST, 49.11 FEET;
 THENCE NORTH 50 DEGREES 38 MINUTES 16 SECONDS EAST, 190.00 FEET;
 THENCE NORTH 43 DEGREES 34 MINUTES 56 SECONDS EAST, 95.72 FEET;
 THENCE NORTH 50 DEGREES 38 MINUTES 16 SECONDS EAST, 290.53 FEET;
 THENCE SOUTH 00 DEGREES 19 MINUTES 45 SECONDS WEST, ALONG THE EAST LINE OF LOT 2, CERTIFIED SURVEY MAP NO. 3927, A DISTANCE OF 87.84 FEET; THENCE SOUTH 89 DEGREES 40 MINUTES 21 SECONDS EAST, ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 2, A DISTANCE OF 455.83 FEET TO THE POINT OF BEGINNING. CONTAINING 312,063 SQ. FT. [7.164 ACRES].

SURVEYOR'S CERTIFICATE
 I, GARY A. ZARRINGER, HEREBY CERTIFY THAT THIS PRELIMINARY PLAT IS A CORRECT REPRESENTATION OF ALL EXISTING LAND DIVISIONS AND FEATURES, AND THAT I HAVE COMPLIED WITH THE PROVISIONS OF OUTAGAMIE COUNTY AND CITY OF APPLETON SUBDIVISION ORDINANCE.

DATED THIS THE ____ DAY OF _____, 2023

GARY A. ZARRINGER, PROFESSIONAL LAND SURVEYOR NO. S-2098

TOPOGRAPHIC LEGEND

- 3/4" O.D. REBAR FOUND
- △ 1-1/4" O.D. REBAR FOUND
- ◻ GOVERNMENT CORNER
- 800' CONTOUR W/ ELEVATION
- ⊕ INFILTRATION SOIL BORING
- ⊖ TOPSOIL DEPTH
- ⊙ CONIFEROUS TREE
- ⊙ DECIDUOUS TREE
- EXIST. WOODS LINE
- DELINEATED WETLANDS
- DELINEATED WETLAND LINE
- UNDERGROUND ELECTRIC
- UNDERGROUND TELEPHONE
- UNDERGROUND GAS
- UNDERGROUND CABLE TV
- EXIST. FENCE LINE
- ⊕ SIGN
- ⊕ EXIST. HYDRANT
- ⊕ POWER POLE
- ⊕ GUY
- ⊕ LIGHT POLE
- ⊕ TELEPHONE PEDESTAL
- ⊕ ELECTRIC PEDESTAL
- ⊕ CABLE PEDESTAL
- ⊕ WATER VALVE
- ⊕ GAS VALVE
- ⊕ WATER STOP BOX
- ⊕ EXIST. STORM MANHOLE
- ⊕ STORM INLET
- ⊕ YARD DRAIN
- ⊕ EXIST. SANITARY MANHOLE
- EXIST. SAN. SEWER
- EXIST. STO. SEWER
- EXIST. WATER MAIN
- SOIL TYPE DEMARCATION LINE
- CORPORATE LIMITS

BENCHMARK DATA

I.D.	DESCRIPTION:	ELEVATION:
232	HYDRANT @ SE CORNER OF NORTH HAYMEADOW AVENUE & SPARTAN DRIVE	823.77
350	HYDRANT @ SE CORNER OF NORTH HAYMEADOW AVENUE & SWEETWATER WAY	821.50

BENCHMARKS ARE ON NAVD83 DATUM

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

DRAWN BY	CRC	DATE	NO.	CHECKED	GAZ	APPROVED
						GAZ

PRELIMINARY PLAT
FOURTH ADDITION TO CLEARWATER CREEK
 PART OF LOT 2 OF CERTIFIED SURVEY MAP NO. 3927 FILED IN VOLUME 21 OF CERTIFIED SURVEY MAPS ON PAGE 3927 AS DOCUMENT NO. 1388606, BEING PART OF THE SOUTHWEST 1/4 OF THE FRACTIONAL NORTHEAST 1/4; AND UNPLATTED LANDS BEING PART OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4; ALL IN SECTION 2, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.

SCALE	DATE
1" = 60'	06-30-2023
COMPUTER FILE	
1-0822-003pp.dwg	
DRAWING NO.	
1-0822-003	

Jessica L. Titel

From: Jessica L. Titel
Sent: Friday, August 25, 2023 3:55 PM
To: Patrick Hayden; Kara J. Homan
Subject: RE: Rezoning Concerns
Attachments: Alderperson Hayden Responses - 4th Adn Clearwater Creek.pdf

Alderperson Hayden-

Attached are the responses to your questions. I worked with a number of staff and collated all the responses into one document. Please let me know if you have any additional questions.

Thank you,
Jessica

Jessica Titel

Principal Planner
Community & Economic Development
City of Appleton
100 N. Appleton Street
Appleton, WI 54911
(920) 832-6476 Direct
www.appleton.org

From: Patrick Hayden <District7@Appleton.org>
Sent: Thursday, August 17, 2023 10:00 PM
To: Kara J. Homan <Kara.Homan@appleton.org>
Cc: Jessica L. Titel <Jessica.Titel@Appleton.org>
Subject: Rezoning Concerns

I had the meeting tonight and I think it went relatively well. I think most people understand that the development will go through. There are a few hoping holding out hope that this will somehow be stopped but I reiterated that there is no way I can see this being stopped. They asked about the meeting on 9/6 and I told them if they wanted to speak that they could and let them know the mayor would be less forgiving than Denise was. I also told them to organize their thoughts, not to repeat things along with telling them that it was a bad idea to complain about lot sizes. I've asked them to focus primarily trying to get the city to focus on the issues that they are most concerned about: access, parks, and environmental impact to help get more attention in the future. All of this should make for a more focused meeting on 9/6 and soften the blow for most.

Below are the questions I have coming out of the meeting. I've tried to group them to make chasing down answers a little easier. Let me know if there is anything I can do for you. One note, I'll be out of town starting on 8/23 until 9/1 and won't have phone access starting on the afternoon of 8/24 so anything you would be able to get to me by 8/23 would be helpful and maybe I'll be able to get Internet on the 28th and can send the rest out then.

Access/Public Safety

- Thank you for taking care of the concrete barriers, but from conversations this sounds like it was the second time this year that it happened. What is being done to make sure that this doesn't happen again in the future?
- What are the average police and fire response times for this neighborhood versus the rest of Appleton? I listened to 2 stories about someone passing away while waiting a long time for an ambulance and another where a whole house burned down while they watched the fire trucks driving back and forth. I've asked for the dates of these incidents so they can be looked into specifically.
- When emergency vehicles are dispatched how do they get routed to addresses and are these calls automatically routed to Grand Chute emergency services?
- You answered that 30 residents require a secondary access for emergency vehicles which is what Spartan is considered since the concrete blocks were removed. I know you are still looking into how many houses require a secondary access for residential traffic. To note I counted 130 houses in the neighborhood currently.

Environmental Impact

- On the maps that were distributed the creek is listed as a wetland area while GIS doesn't show this data. What is the city's definition of a wetland area and what ordinances exist around the development around these spaces (specifically how many feet does development need to be away from wetlands)? Which source is correct around this as well, is this a wetland?
- Was there an environmental impact report done on the area and where can we find it if one was done?
- Did the DNR review development in the area and is there a report around this?
- There are signs for native restoration area all along the creek and there are concerns that this area has turned brown just before this development was announced. Is there any treatment going on that would cause this?

Parks

- We've gotten answers around park development in previous conversations. One concern is getting to Plamann Park. Is there any way to make getting across the road safer for the community since there is no park for residents in their neighborhood?
- With regards to this is there any value in reaching out to the county around this since this work aligns with their biking plan?

Misc

- The 100 feet issue came up and there was a concern about who got notified. People who live at 5655 North Summerland Drive and the neighbors were not contacted. Looking at Google Maps these look like they should be within 100 feet and should have been contacted. How is the 100 foot radius developed? Is it based on 100 feet from buildings or 100 feet as you would travel on the road?
- During the public comment period are visuals allowed to be presented? I've never seen any Alder use one so I'm also wondering if I'm able to use visual aids while we are discussing items on the agenda?
- Is there a mechanism to submit petitions from the neighborhood?

- I know after the informal meeting you are unable to meet with residents, but does that apply to the mayor as well? I think him hearing the neighbors would help as well.

I appreciate all your hard work around this. Let me know if you want to chat around anything and I can make some time.

Thank you again,

Alder Patrick Hayden

Questions from Alderperson Hayden

4th Addition to Clearwater Creek – Rezoning and Preliminary Plat

Access/Public Safety

- Thank you for taking care of the concrete barriers, but from conversations this sounds like it was the second time this year that it happened. What is being done to make sure that this doesn't happen again in the future?

The Fire Department was not aware this was an issue prior to the Alderperson notifying staff. Staff will perform periodic inspections of this area to ensure adequate emergency access is maintained.

DPW Operations had placed concrete barriers after APD had notified DPW that the emergency vehicle access was being misused by the public, and that a barrier chain had been removed without authorization. Now that the concrete barriers have been removed, DPW is looking into solutions that will be more difficult for unauthorized personnel to circumvent, while maintaining access for emergency vehicles only. This will likely involve a lock box and code shared only with authorized users. DPW will continue to remove snow along this access route as needed.

- What are the average police and fire response times for this neighborhood versus the rest of Appleton? I listened to 2 stories about someone passing away while waiting a long time for an ambulance and another where a whole house burned down while they watched the fire trucks driving back and forth. I've asked for the dates of these incidents so they can be looked into specifically.

The Fire Department response times to the 4th Addition to Clearwater Creek would not be any different than other developments in this area. We also utilize automatic and mutual aid so our response to these areas is supplemented with Grand Chute Fire Department resources. What that means is that GCFD is automatically dispatched to any fire in this area.

Officer Biese spoke with a dispatch supervisor and there is no fast or easy way to go back and check calls for service for an entire neighborhood. Specific incidents and addresses can be checked if desired. It is overall on a fringe of a large district, so APD response would be longer if the approximately 2-4 officers (varies by time of day) covering the district are unavailable, requiring out of district officers to respond, or responding from the opposite corner of the district, say Ballard and Wisconsin. This is not different however than any other district in the City or other homes in this area.

- When emergency vehicles are dispatched how do they get routed to addresses and are these calls automatically routed to Grand Chute emergency services?

Fire Department response: Calls are routed through Outagamie County Communications Center, where the address is put into a computer aided dispatching (CAD) software. This software then provides the correct responding agency for an address. We have not had

problems with this historically, with the exception of recent annexations getting input into the system. There is sometimes a short delay in getting the corrections made in the CAD system. Once corrections are made, this is no longer an issue.

Police Department response: As the Fire Department stated, the dispatch system automatically determined jurisdiction. Based on address. AFD may have prearranged agreements and alarm boxes to include Grand Chute in response to certain level incidents. APD has a mutual aid agreement with GCPD in the event they need to respond to a City address. PD calls are not automatically routed to GC, however with the aid agreement and officers scanning each-others channels, if there is a very significant incident officers in the other jurisdiction may self-dispatch to these if not actually sent or aren't immediately requested.

- You answered that 30 residents require a secondary access for emergency vehicles which is what Spartan is considered since the concrete blocks were removed. I know you are still looking into how many houses require a secondary access for residential traffic. To note I counted 130 houses in the neighborhood currently.

The code only requires an emergency use secondary access when 30 dwelling units are exceeded for a single-family residential development. The Municipal Code does not dictate when a "full use" secondary access is required.

Environmental Impact

- On the maps that were distributed the creek is listed as a wetland area while GIS doesn't show this data. What is the city's definition of a wetland area and what ordinances exist around the development around these spaces (specifically how many feet does development need to be away from wetlands)? Which source is correct around this as well, is this a wetland?

The City is not authorized to regulate wetlands except for the "Protective Area" standards in the stormwater ordinance section 20-312 (g). The definitions and requirements in the City ordinance match WDNR NR 151 requirements. Separation distance from a wetland is dependent on the quality of the wetland and whether it is adjacent to a stream.

The city also has a Shoreland Wetland ordinance 23-750 as required by the State.

The developer's consultant completed the wetland delineation in spring 2023. The wetland delineation is the source to determine the wetland location. This is completed by the applicant/developer/property owner in accordance with WDNR standards.

- Was there an environmental impact report done on the area and where can we find it if one was done?

DPW Engineering is not aware that this was done or required by any agency. The City's Municipal Code does not require environmental impact reports.

Sent via email to Alderperson Hayden on August 25, 2023

- Did the DNR review development in the area and is there a report around this?

DPW submitted the plans for Haymeadow, Spartan, Bear and Apple Creek crossings and the regional stormwater ponds to DNR and Army Corp of Engineers (ACOE) in 2018 and received permits in 2019. Portions of the work were constructed in 2019-2020. Those permits expired and any future extension of Spartan will require resubmitting for DNR and ACOE permits.

All sewer and water extensions are reviewed and approved by DNR.

All construction sites with 1 acre or more disturbed area are reviewed and approved by the DNR.

Per the Developer's consultant, this 4th Addition to Clearwater Creek is currently with the DNR for sanitary, water and construction site permitting.

- There are signs for native restoration area all along the creek and there are concerns that this area has turned brown just before this development was announced. Is there any treatment going on that would cause this?

The weeds and other non-native vegetation in the City's stormwater pond were sprayed by City's contractor in preparation of performing native prairie seeding of the pond later this fall. Additional spraying of the weeds (mostly reed canary grass) along the creek east of the pond is also done as time and budget allow.

Parks

- We've gotten answers around park development in previous conversations. One concern is getting to Plamann Park. Is there any way to make getting across the road safer for the community since there is no park for residents in their neighborhood?

Safer crossings are reviewed at the time of trail or roadway construction/re-construction. No near future plans for trail development to Plamann Park. The trails master plan shows future bike lanes and trails on Meade and Broadway but there is nothing planed at this time. The City is slowly working on a trail connection off Broadway heading north on Kurey and going NE to Ballard/Applecreek. But this is just being mapped at this point, no timeline for construction.

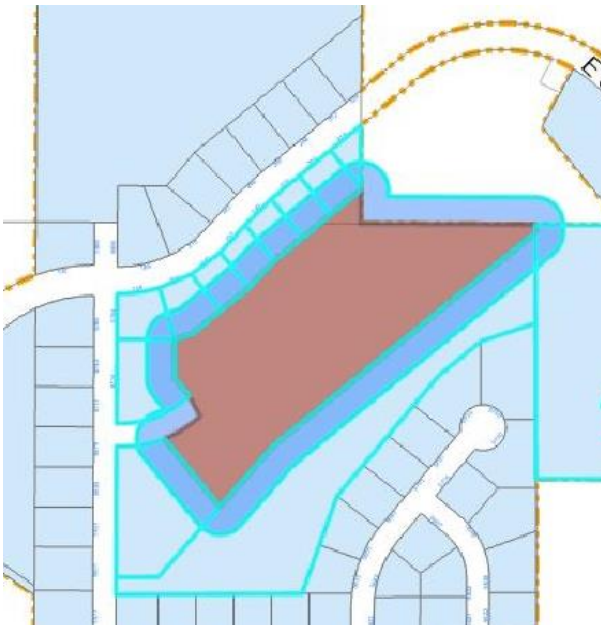
- With regards to this is there any value in reaching out to the county around this since this work aligns with their biking plan?

I am not very familiar with the County's plan. A future trail is shown on Meade Street in this area on the City's Master Trail Plan. The full document can be found here: <https://appletonparkandrec.org/parks-pavilions-trails/park-projects/>

Misc

- The 100 feet issue came up and there was a concern about who got notified. People who live at 5655 North Summerland Drive and the neighbors were not contacted. Looking at Google Maps these look like they should be within 100 feet and should have been contacted. How is the 100 foot radius developed? Is it based on 100 feet from buildings or 100 feet as you would travel on the road?

We have our GIS mapping system draw a 100-foot buffer from the outmost property line for the subject property. A map is created showing the parcels within this 100-foot buffer and a mailing list is generated.



- During the public comment period are visuals allowed to be presented? I've never seen any Alder use one so I'm also wondering if I'm able to use visual aids while we are discussing items on the agenda?

Are you referring to maps that you could use during the public hearing? I do not see why not, but this might be a question for our Legal Department.

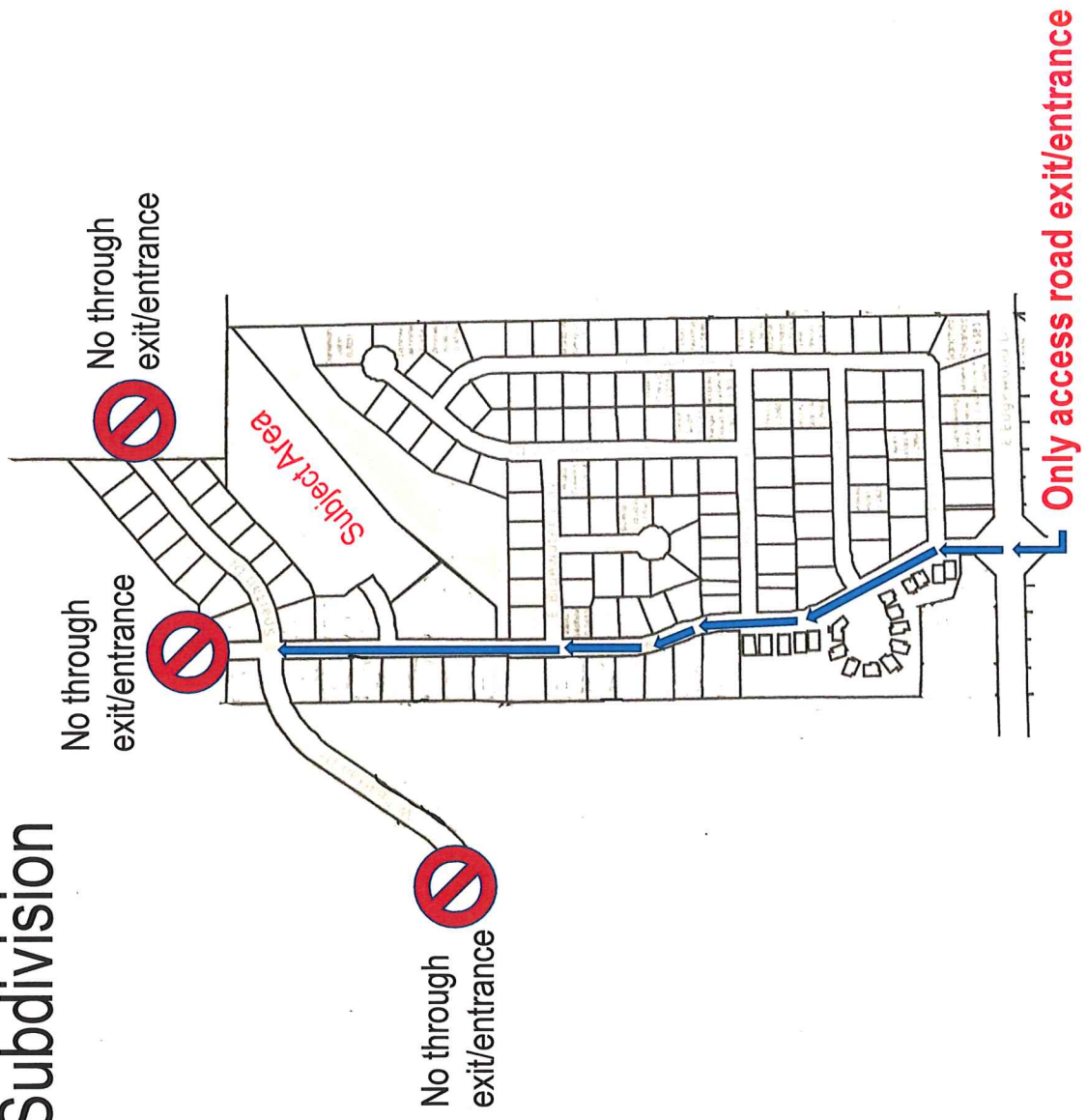
- Is there a mechanism to submit petitions from the neighborhood?

There is no set process for submitting a petition. There is nothing that prohibits them from preparing a petition and submitting it to the Common Council, but it does not have any legal ramifications or result in a varying legislative process.

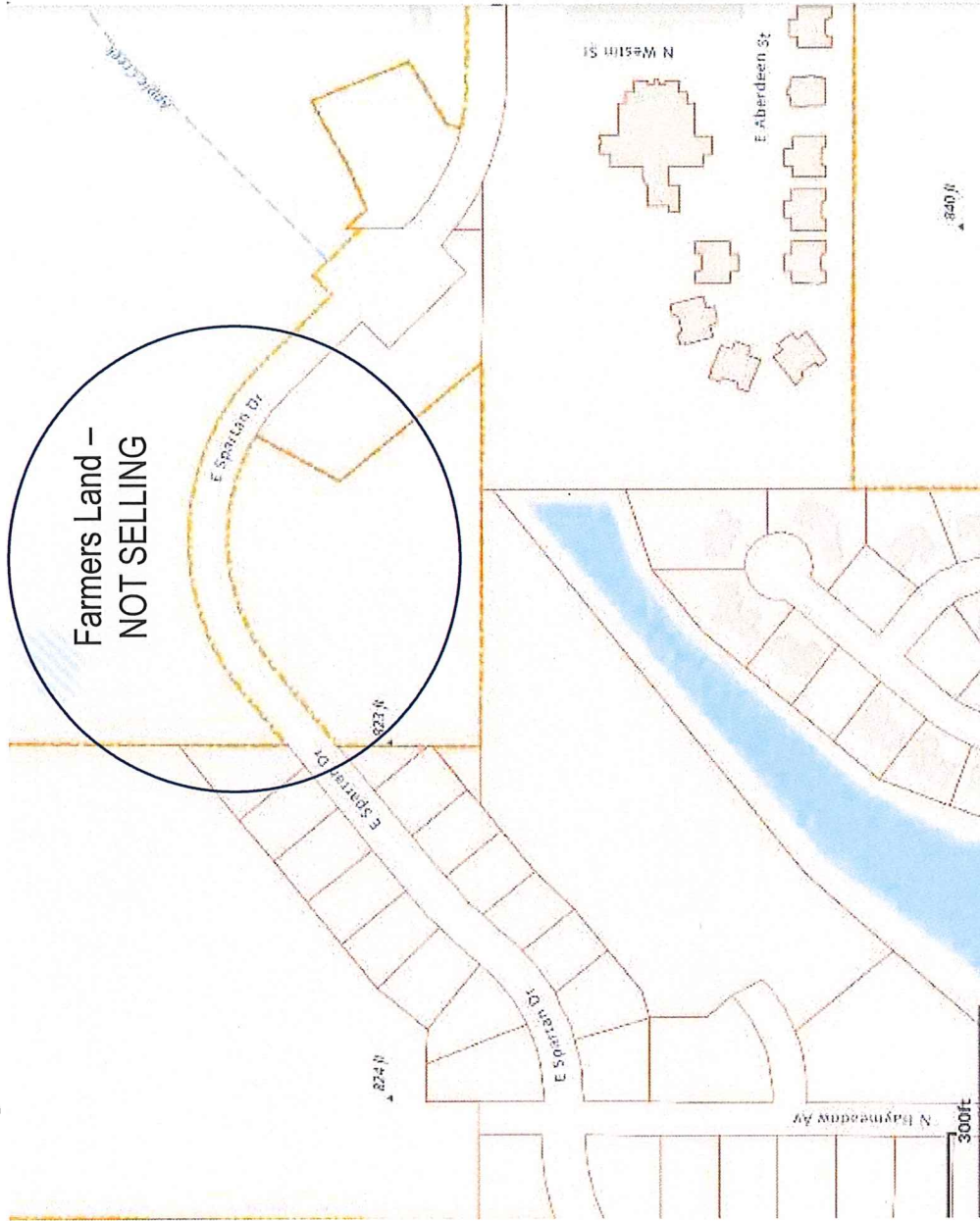
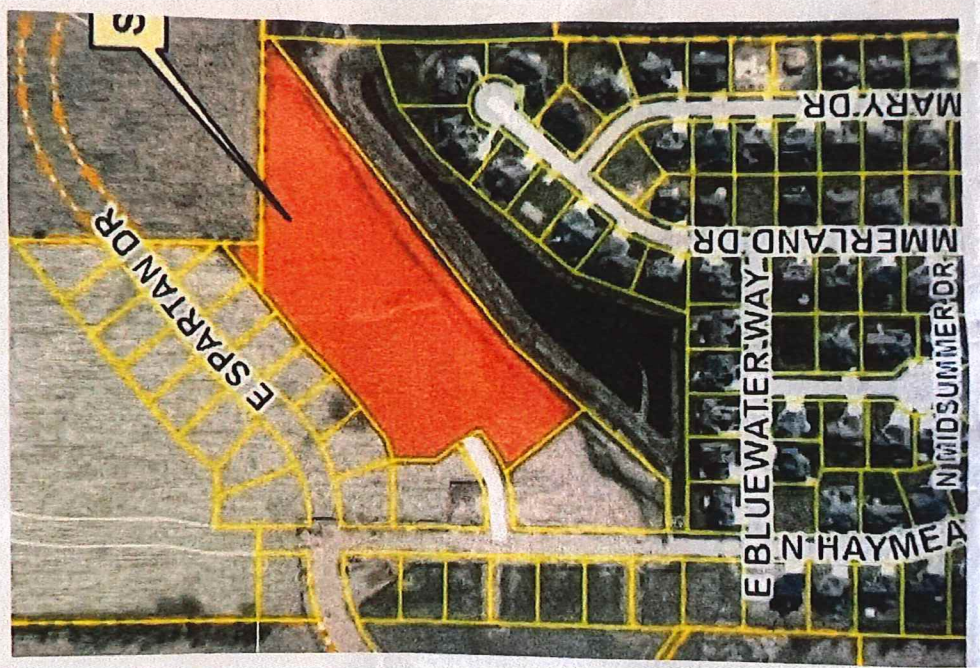
- I know after the informal meeting you are unable to meet with residents, but does that apply to the mayor as well? I think him hearing the neighbors would help as well.

Residents of the City are able to contact the mayor to discuss concerns or ask questions.

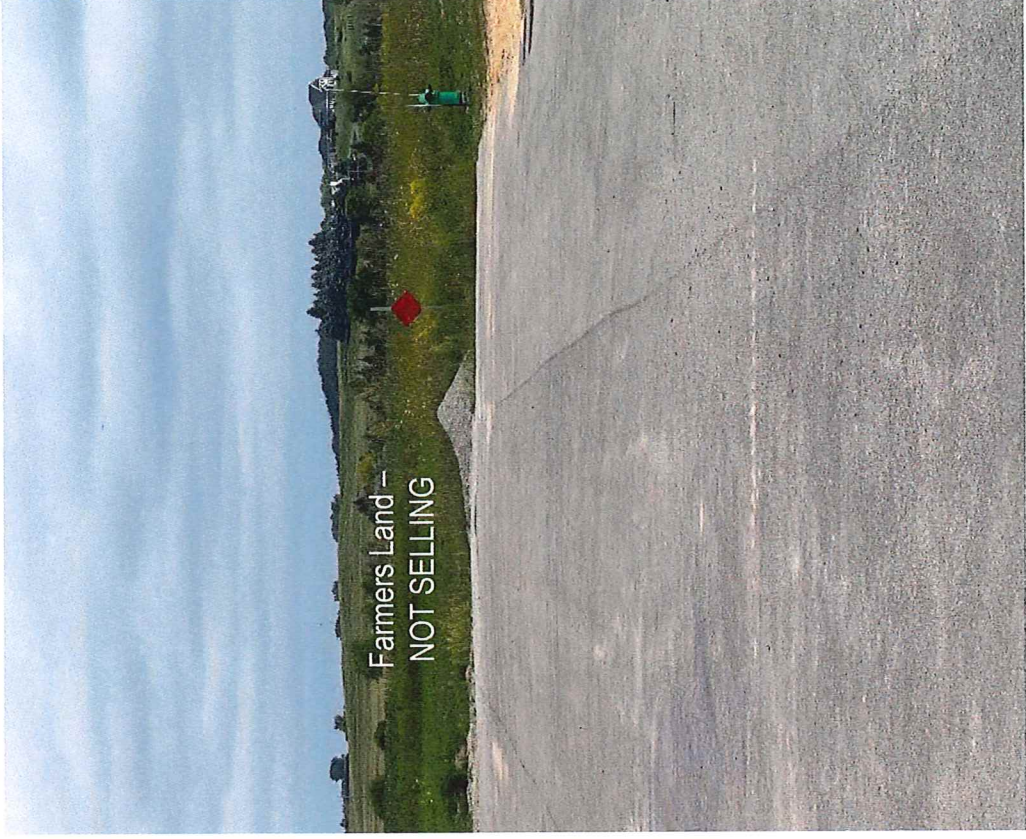
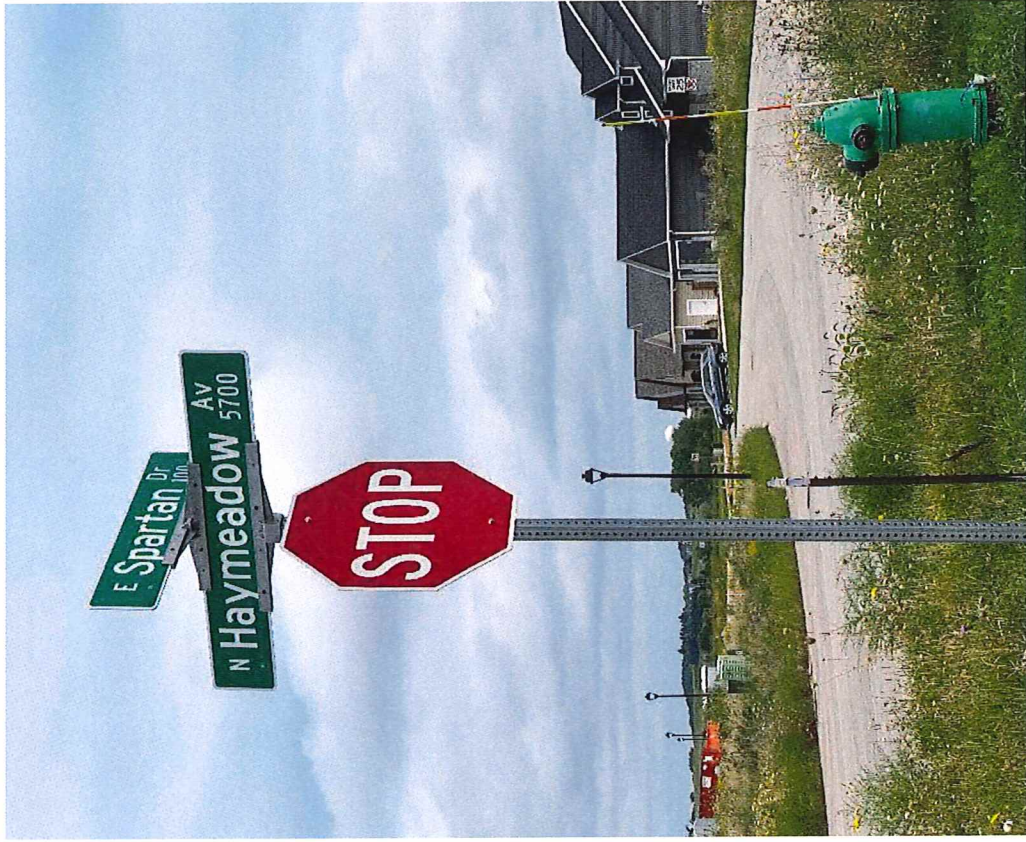
Clearwater Creek Subdivision



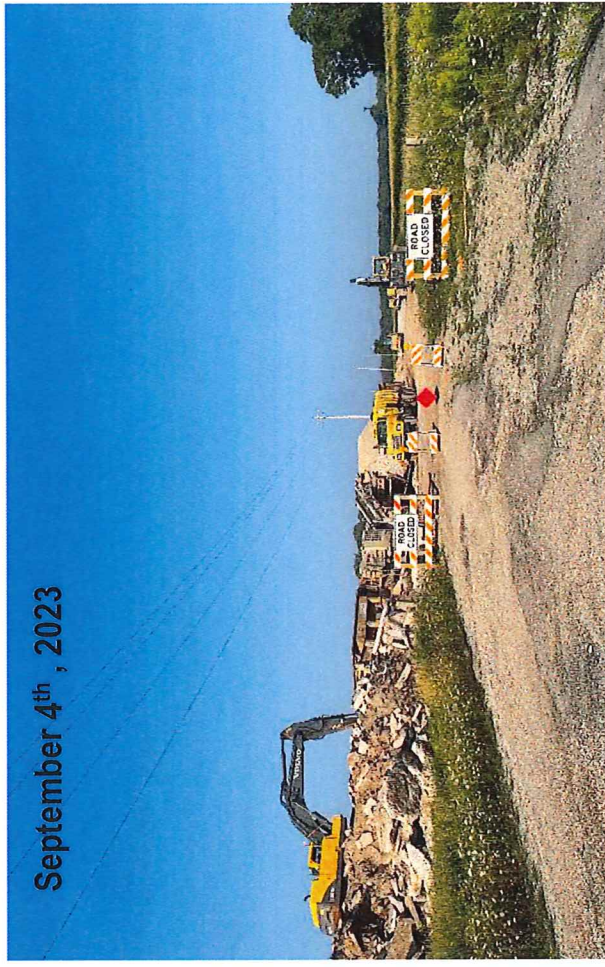
E Spartan Drive - Plat on Paper



E Spartan Drive – Actual Drive Through Access



Emergency Vehicles Access



Establishing a Park in Clearwater Creek

- As noted on visionrealityanddev.com as of August 30th, 2023

Reside in Appleton with an Appleton school district in the Clearwater Creek subdivision. This subdivision started out small and grew as time passed. Located just minutes away from two high schools and a well known park, you will feel safe knowing that you are in a great area of Appleton. Fox Valley Lutheran and Appleton North are both a few minutes east of Clearwater Creek and **Plamann Park is right across the street**. Build your home in a great community and enjoy outdoor activities in your backyard or the huge park nearby.

Directions:

41 South. Exit Ballard Rd. North on Ballard. Left on J 1/2 mile past Meade Street. Subdivision is on the north side of J.

Municipality:

City of Appleton

County:

Outagamie

School District:

Appleton

Utilities:

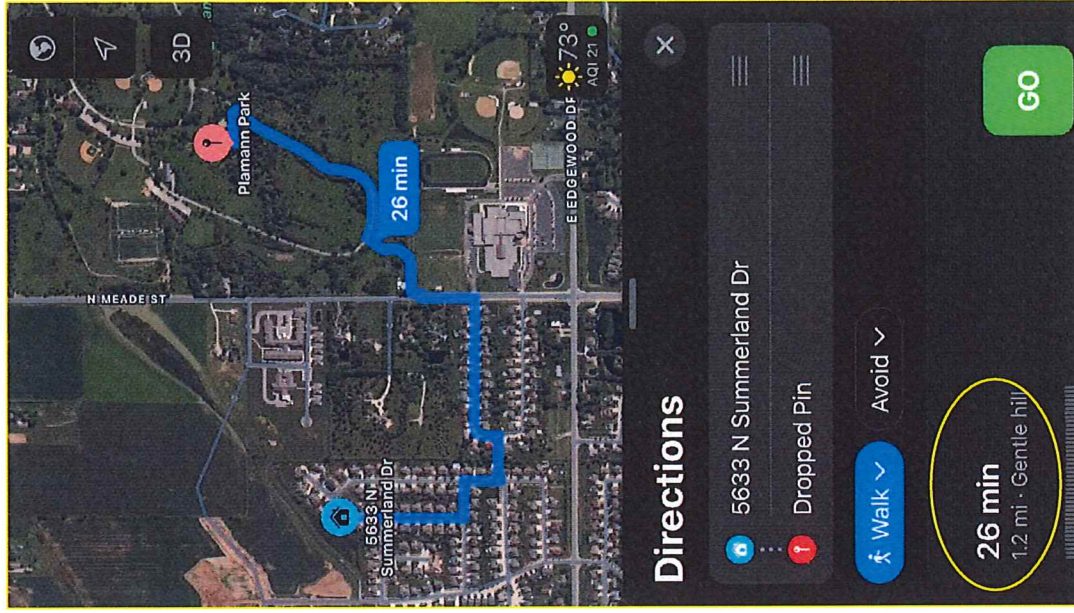
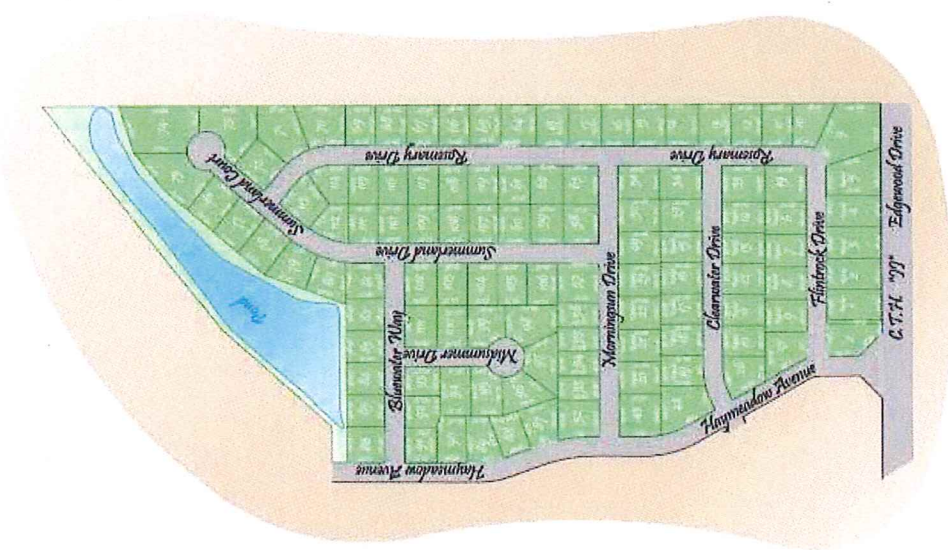
Gas, Electric, Phone, Cable TV

Building Requirements:

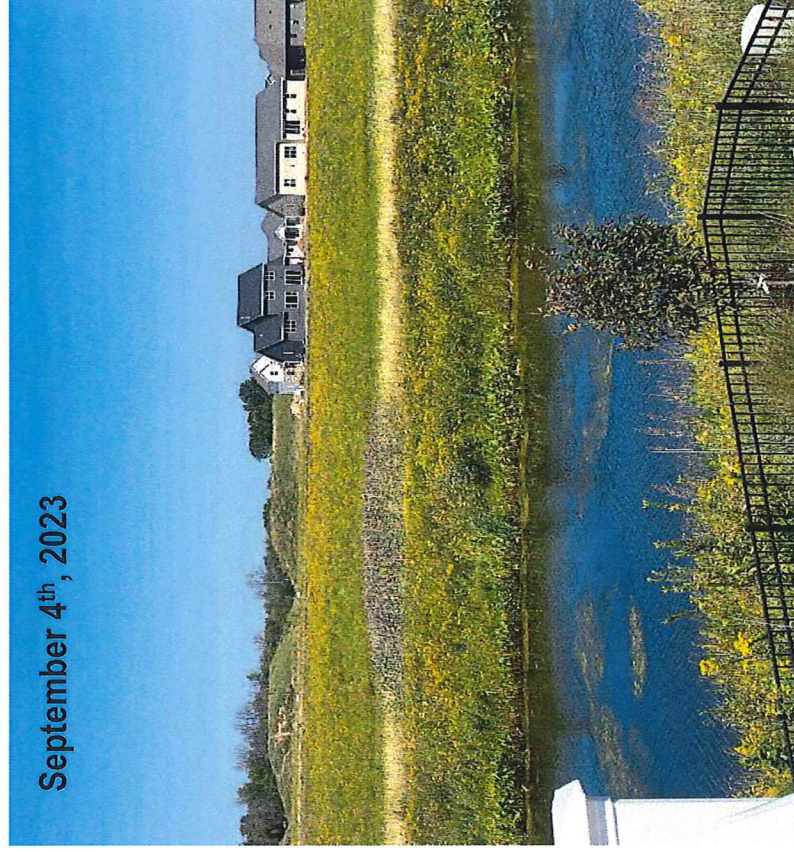
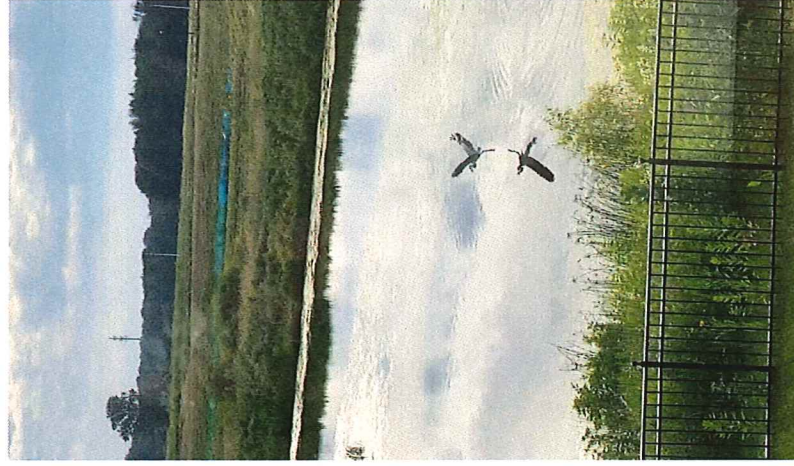
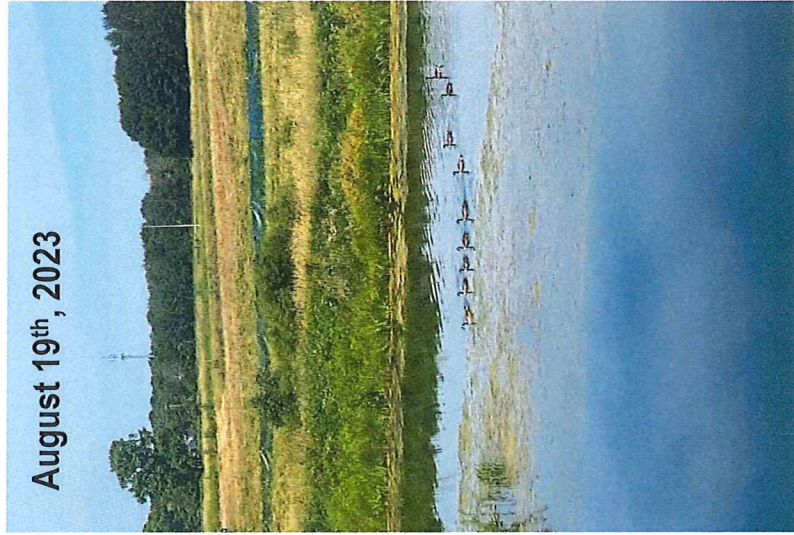
All homes must have minimum 8/12-roof pitch and a minimum of 3/4 masonry front with a Minimum 2-stall attached garage. Ranch Homes 2000 sq. ft min., 1 1/2 Story Homes 2200 sq. ft. min. 2-Story Homes 2400 sq. ft. min.

Other Remarks:

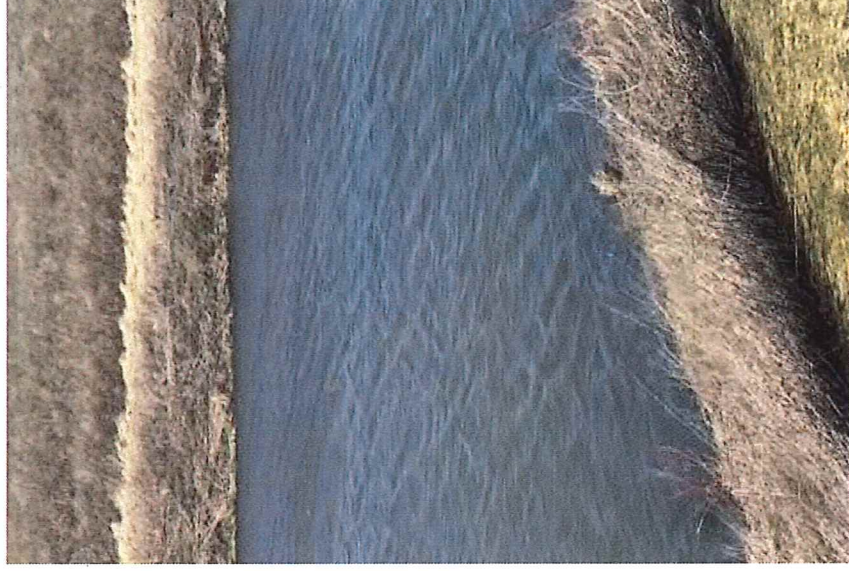
Individual site data regarding easements, wetlands, floodplain, shore land, lot dimensions, etc. per recorded plat.



Environmental Impact



Stormwater Management and Flooding Concerns



We, the undersigned residents of Clearwater Creek Subdivision, oppose the rezoning request and development of E Sweetwater Way and Forth Addition of the residential subdivision. We feel the following concerns need to first be addressed:

- Single Entrance Subdivision for 140+ homes/residents
- Permanent Emergency Vehicle Access
- Unfulfilled Promises of a Park; instead eliminating 7 acres of greenspace
- Preserving this area as a wetlands/wildlife, a safe zone for residents (walking/biking, kids playing) and general overall quality of life

NAME	ADDRESS	PHONE	SIGNATURE
Emily Olson	5724 N. Haymeadow Ave	920-422-0082	Emily Olson
Adam Olson	5724 N Haymeadow	262-409-1680	Adam Olson
Chungyia Thao	5310 N. Rosemary	920-428-16485	Chungyia Thao
Maiyona Thao	5310 N. Rosemary	920-428-6484	Maiyona Thao
Pavan. Pati	5765 N Haymeadow	920-9380309	Pavan. Pati
Tracy Clagh	5420 N. Summerland	920-858-7074	Tracy Clagh
Rebecca Bissim	335 E Flintrack Dr	262-951-8901	Rebecca Bissim
Kara Harbick	5733 N. Summerland Ct	920-915-2784	Kara Harbick
Mphille Week	320 E Blumwater	920-946-3305	Mphille Week
SRIDHAR RAJU	5540 N HAY MEADOW	920-809-7203	R. Sridhar
Kristin Jawb	312 E Spartan Dr	850-417-3282	Kristin Jawb
Robert Jacobs	312 E. Spartan Dr.	850-512-2780	Robert Jacobs
Polly Hretpas	5331 N Haymeadow	920-915-8515	Polly Hretpas
Sonu Pareek	5655 N Summerland	920-942-1074	Sonu Pareek
Shubhi D Gupta	325 E. Flintrack Dr	848-228-6573	Shubhi D Gupta
Xogesh Pareek	5655 N. Summerland	251-9349	Xogesh Pareek
Zafa Rumao	5500 N. Summerland dr	920-781-0227	Zafa Rumao
Anji Gupta	325 E Flintrack Dr	848-260-7065	Anji Gupta
Chris Ekern	5411 N Haymeadow	920-381-6686	Chris Ekern




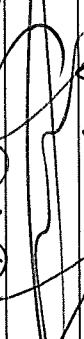
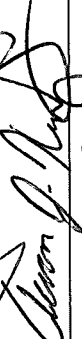





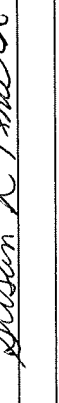
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- Preserving this area as a wetlands/wildlife, a safe zone for residents (walking/biking, kids playing) and general overall quality of life

NAME	ADDRESS	PHONE	SIGNATURE
Michelle Mader	275 E SPARTAN DR	920.419.2787	
GRACE MAZEE	275 E SPARTAN DR	(920) 419-4451	
SUE JONES	166 E CLEARWATER CT	(920) 850-7607	
Bryan Jones	" "	920-585-8092	
Jouane Naps	145 E CLEARWATER CT	920-475-0045	
Angela Tycowski	185 E CLEARWATER CT	920 585 8058	
Nanette Hunter	5807 W. MARYMOUNT CT	920-991-0013	
Barbara Ekem	5111 N HAYMEADOW AVE	608-234-0883	
Doug Slin	5431 W. HAYMEADOW AVE	920-477-5718	
Jacob Farte	5744 N. HAYMEADOW DR	920-585-9128	
Rafael Roberts	2022 MORNINGSTAR DR	847-833-8437	
Kelly Pruner	222 E MORNINGSTAR DR	920-777-9999	
Lin Field	746 E. MARYMOUNT DR	920-800-5147	
Orion Formulier	306 E MARYMOUNT DRIVE	301-806-8192	
Jennifer Ryan	311 E. MARYMOUNT DRIVE	920-813-7137	
Chris Wolske	218 E. BLUEWATER ST	920-915-3374	
Forth Tethys	236 E BLUEWATER WAY	920-877-3045	
Scott Berg	303 E SPARTAN DR	920 284 2917	
Sue Berg	303 E SPARTAN DR	920 470 4178	
Jamie Cannon	280 E SPARTAN DR	920-851-5522	

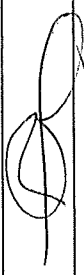







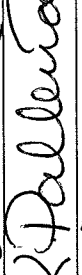


We, the undersigned residents of Clearwater Creek Subdivision, oppose the rezoning request and development of E Sweetwater Way and Fourth Addition of the residential subdivision. We feel the following concerns need first be addressed:

- Single Entrance Subdivision for 140+ homes/residents
- Permanent Emergency Vehicle Access
- Unfulfilled Promises of a Park, instead eliminating 7 acres of greenspace
- Preserving this area as a wetlands/wildlife, a safe zone for residents (walking/biking, kids playing) and general overall quality of life.

NAME	ADDRESS	PHONE	SIGNATURE
Ben Alberts	249 E Spartan Dr Appleton	920-870-8856	
Chris Jones	5520 N. Summerland Dr.	920-850-2816	
MAURE MCLEOD	5107 H. SUMMERLAND DR	630-926-4265	
Patrick DeLozard	5667 N. Summerland	630-926-4842	
Aason Knuth	5535 N. Midsummer Dr	262-627-9035	
Amanda Broisma	5510 N. Midsummer Dr	920.540.2599	
Donna Happensack	5527 N. Midsummer Dr.	216.526-4744	
Greg Sofer	5527 N. Midsummer Dr.	614.519.7875	
Audrey Pfaffenbach	5536 N Midsummer Dr.	920-540-9959	
Paul Tetting	236 E Buelster Way	920-268-9697	
SUE Knuth	5351 N Haymeadow Ave	920-257-3935	


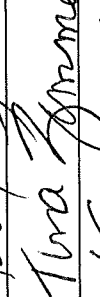





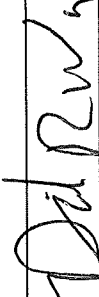
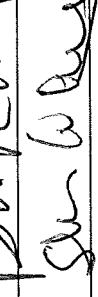
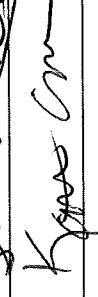

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- quality of life.

NAME	ADDRESS	PHONE	SIGNATURE
Arun Cherian	305 E Flintrock Dr		
STEFFE BISSING	335 E FLINTROCK DR.	(920) 915-5590	
GREYSON BURT	425 EAST FLINTROCK DR	920 4041419	
Andi Raine	330 E Flintrock Dr	920-574-7349	
PAUL ZAMPRELLI	5204 N. HAYMEADOW AVE	630-4484	
Hatei Jackson	305 E Clearwater Dr	920 579964	
Jeff Merrill	305 E Clearwater Dr	920 575997	
LAUREN SCHWIZ	215 E. CLEARWATER DR.	920 262 3917 7612	
Mahmoud Ashabi	205 E. Clearwater Dr.	774-262-9169	
Kristy Palleria	200 E Clearwater Dr	414-460-7625	
Ustic Drabheim	331 E. Morningsun Dr	920 205 5446	


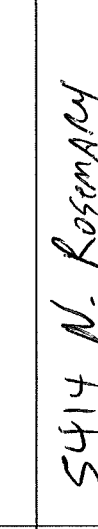
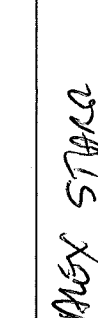

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NAME	ADDRESS	PHONE	SIGNATURE
Tom Zimmer	5648 N. ROSEMARY DRIVE	920 858 4778	
Tina Zimmer	5648 N. ROSEMARY DR	920-858-0155	
Kathryn Jacobae	5710 A Summerland Ct	920-840-5071	
Jusan Danielson	5750 N. Summerland Ct.	210-482-9629	
Loree Sommer	5644 N. Summerland Dr	920-284-1514	
Charlotte Morse	5633 N. Summerland DR	920-606-6264	
Nicolas Morse	5633 N. Summerland DR	920-562-4164	
Maria Hohneser	302 W 9th St Kaulauna	(920)277-5908	
David Westphal	5431 N. Summerland Dr.	920 410 2843	
Sharon Whitworth	5505 N. Summerland DR	920-243-3963	
Kate Alberts	249 E. SPARTAN DR	507-517-0020	

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NAME	ADDRESS	PHONE	SIGNATURE
Alex Stara	5414 N. ROSEMARY	(312) 659-4125	
Dana Mattingly	5424 N ROSEMARY	612 940 5533	
Sundus Zajar	5501 N ROSEMARY DR	313 506 8687	
Qaiser Zajar	5501 N ROSEMARY DR	678 644 7958	
Cory Miller	5425 N ROSEMARY DR	920 428 4501	
Melissa Miotte	5405 N ROSEMARY DR	480-206-3406	
Nicholas Angelli	5528 N ROSEMARY DR	920-574-3278	
Amy Chung	5528 N ROSEMARY DR	920 574 3270	
Robert Brunkke	5621 N ROSEMARY DR	920-464-0796	
YOLANDA BROWNLEE	5621 N. ROSEMARY DR	920 205 9225	
Tom Flugard	5633 N ROSEMARY DR	920-636-6707	

Jessica L. Titel

From: Jill Hendricks <jill@visionrealtyanddev.com>
Sent: Tuesday, September 12, 2023 12:30 PM
To: Jessica L. Titel; Mayor
Cc: Kara J. Homan
Subject: Plan Commission Meeting
Attachments: 3rd CC Marketing Plat.pdf

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Jessica/Mr. Mayor

I would like to be present for the Plan Commission meeting tomorrow afternoon and speak however I would also like to point out all of this information prior should I not be able to speak.

First addressing the Public Comments/Concerns (with professional opinion in red)

1. Development is going to disturb the wetlands and natural wildlife
The wetlands will not be disturbed as part of this development. All proposed housing and roads are located outside the 30' Wetland Protective Area per City Ordinance §20-312(g) . The development will likewise not disturb the natural prairie restoration area located along the existing 2nd Addition stormwater pond, because the native vegetation area is across Apple Creek.
2. Existing wetlands currently absorb water from the upland homes due to being at the lowest point, and will not do so post-development
The existing wetlands along Apple Creek take water not only from Clearwater Creek but also offsite upland areas. Water will continue to be fed to the wetland areas. Currently, runoff does not directly discharge to the wetlands. The runoff enters existing stormwater ponds first for quantity and quality control before discharging to the wetlands.
3. The flooding will require an additional stormwater pond
The engineering plans have undergone an extensive review by the City's consulting engineer and staff as well as the DNR. The existing ponds were designed by the City's consulting engineer to handle the proposed development. M&E conducted additional modeling in 2020 to confirm pond performance standards for the 3rd and 4th Additions. We have received stormwater approvals from the DNR on 8/25/2023 and the City on 8/29/2023.
4. Alderman Hayden refers to the wetlands "changing between plats"
The wetland delineation was conducted on 4/14/2023 by a WDNR-Assured Wetland Delineator. It is important to emphasize the wetland boundary has not changed since June of this year when we initially submitted plans to the City. We are not sure where the impression that the wetland boundary has changed between plats comes from. This development has been under consideration since prior to 2005. Wetland delineation standards have changed significantly over the years. New wetland delineations are also required to be conducted every 5 years, in which the natural hydrologic qualities of the wetlands and upland contributing areas may cause shifts in the boundary, but again, we have not changed the boundary since the initial submittal.
5. An Environmental Impact Report was not completed for the site
An Environmental Impact Report is not required because the project is not being state nor federally funded. As part of the Notice of Intent (NOI) for Land-Disturbing Construction Activities, the WDNR reviews impacts of stormwater runoff

and erosion, whose standards we have to meet during the design phase. Runoff will have quantity and quality treatment prior to discharging to the wetlands. Erosion impacts will be minimized via erosion control devices, such as silt fence and inlet protection. City staff and consultants have also extensively reviewed our stormwater management and erosion control plans. I'd also like to emphasize again that we are not constructing homes nor roads within 30' of the wetland boundary.

All this being said, we will be developing 14 lots, 10 of which have options on for purchase. When we developed Third addition (see marketing plat) you can see this marketing tool has been on my website along with having a presence at every "Parade of Homes" both Winter and Fall since prior to construction of Third Addition which plat was recorded in 2020. You can clearly see that the marketing says future phase on both the north and south sides of Third addition.

Alderperson Hayden stated that "MOST" people understand that the development will go through.... In his 8/17/23 email to Director Homan.

Concerns regarding the second access was approved by both Plan Commission/Police & Fire when Third Addition was in the planning stage and upon completion of Third Addition.

In regards of Fourth Addition, everything in the plat was agreed upon and referred for APPROVAL to Plan Commission, and because homeowners who didn't do their due diligence in believing they were going to look at greenspace in their back yards for the rest their ownership was just unfortunate they did not call me. My signs have been in that subdivision for many, many years, and finding out who to call or get correct information should not be the problem of Developers moving forward.

Thank you
Jill



Jill Hendricks
Vision Realty & Development LLC
PO Box 225
2100 Freedom Rd
Little Chute, WI 54140
920-687-7070 Office

920-676-4788 Cell

jill@visionrealtyanddev.com

This e-mail contains privileged and confidential information and is intended only for the use of the person(s) named above. Any dissemination, distribution, or duplication of this communication without prior written consent from Vision Realty & Development, LLC is strictly prohibited. If you have received this message in error, please contact the sender immediately and delete the materials from any computer.

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Third Addition to Clearwater Creek

(City of Appleton)



The accuracy of the information contained in this map is not warranted and is subject to change.



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: September 13, 2023

Common Council Meeting Date: September 20, 2023

Item: Annual Review of the Business Improvement District (BID) 2024 Operating Plan

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

GENERAL INFORMATION

On behalf of Jennifer Stephany, Executive Director of Appleton Downtown Inc., please find the attached 2024 Business Improvement District (BID) Operating Plan for your review and recommendation.

Staff has reviewed the Operating Plan, and there is one BID boundary change proposed. 501 N. Richmond Street (parcel # 31-5-1283-00) became part of the BID at the point in time when it changed from tax-exempt to taxable, since the property is contiguous to the existing BID. This function occurred automatically based on how a business improvement district is defined in Section 66.1109(b) of the Wisconsin State Statutes. The proposed change is illustrated on the annual BID map, which is included in Appendix F.

Page 9 of the Operating Plan identifies the parcels that are removed from or added to the schedule of assessments. Only BID contributing parcels are listed in the schedule of assessments (Appendix E). The language on page 8 clarifies how contributing versus non-contributing status is determined.

Business Improvement Districts are regulated by Section 66.1109 of the Wisconsin State Statutes. These Statutes require that a BID Operating Plan be reviewed and approved by the local legislative body on an annual basis. The Plan Commission is being asked to review and make recommendation to the Common Council in regard to the submitted 2024 Operating Plan.



2024
Downtown Appleton Business
Improvement District Operating Plan

Downtown Appleton Business Improvement District Operating Plan 2024

I. Preface - no change has been made to this section from the previous year.

Wisconsin Act 184, signed into law in 1984, gives Wisconsin municipalities the power to establish business improvement districts (BIDs) within their communities upon petition of at least one property owner within the proposed district. The State Legislature created 66.1109 of the Wisconsin Statutes (the “BID Law”) to provide a mechanism by which business properties within an established district could voluntarily assess themselves to pay for programs aimed at promoting, developing, redeveloping, managing and maintaining the district. In many instances, BIDs are established in downtowns so property owners can jointly attract tenants and increase the value of their properties.

Business improvement district assessments are quite similar to traditional special assessments wherein property owners are assessed for improvements or services that benefit them. Unlike traditional special assessments, however, business improvement district assessments can be used to finance a wide range of activities, services, and improvements. Business improvement districts in Wisconsin have been used to fund a broad scope of activity including business retention and recruitment programs, marketing and promotional activities, environmental enhancement and maintenance programs, and crime prevention and security activities.

Pursuant to the BID Law, this shall be, when adopted, the 2024 Operating Plan for the Downtown Appleton Business Improvement District. This Operating Plan has been prepared by Appleton Downtown Incorporated (ADI) in partnership with the Business Improvement District Board of Directors and Appleton Downtown Board of Directors.

As used herein, BID shall refer to the business improvement district’s operating and governance mechanism, and “District” shall refer to the property located within the physical boundaries of the business improvement district, as provided herein.

Further development of the District through establishment of the BID is proposed because:

1. The BID law provides a mechanism whereby private property owners can work together in conjunction with the City to develop the district.
2. Existing public funding sources used to maintain and promote the district may not be sufficient. Unified development efforts will have to be financed with new private resources as well as existing public dollars.
3. The District is dynamic, including properties of varying types and sizes. Some form of cost sharing is necessary because it is not feasible for a small group alone or the City of Appleton to support District development efforts. The BID Plan provides a fair and equitable mechanism for cost sharing which will benefit all businesses and properties within the district.
4. Use of the BID mechanism helps to ensure that the entire District will be promoted, programmed and developed as expeditiously as possible.

The property owners advocating the continuation of the BID view it as a method to build on work previously done in the community to improve the downtown. These property owners and the board of directors of Appleton Downtown Inc. have pledged to work cooperatively with other organizations and the City of Appleton to enhance the vibrancy and overall health of downtown Appleton.

This Plan, when adopted by the City Council of the City of Appleton, after public hearing and recommendation of the Plan Commission in the manner required by the BID Law, shall govern the BID for the calendar year of 2024 which shall be the Twenty First “Plan Year”. However, it is

anticipated that the BID shall continue to be so successful that it will be renewed, upon essentially the same terms and conditions for subsequent years, each of which shall be the “Plan Year”. In the manner allowed under Section 66.1109 (3)(b) of the BID Law, although with changes to the budget, work plans and assessment Appendices.

II. Plan Development

This shall be the Business Improvement District Operating Plan for the Downtown Appleton Business Improvement District, for the year 2024.

A. Plan of Action

The Plan of Action Work Plan was developed by the BID Board of Directors and Standing Committees with approval from the BID and ADI Board of Directors. Those participating in this process were ever conscious of the need to represent the full membership of the BID and of ADI. The following initiatives identified in the Work Plan align with the City of Appleton Comprehensive plan Chapter 14. (**Appendix A**)

B. Goals and Objectives

The BID seeks to protect public and private investments in downtown Appleton and to attract new investment to the district. The BID exists to promote the orderly development of the district in cooperation with the City of Appleton, including implementation of the Downtown Plan (Chapter 14 of the Comprehensive Plan) and to develop, redevelop, maintain, operate, and promote the district. The BID shall work to preserve and improve economic, cultural, and social conditions within the district by facilitating partnerships of people and organizations to achieve mutual goals. The BID provides the necessary funding to plan, evaluate, facilitate and implement district development projects, planning activities, and promotional activities that fit within the identified mixed-use strategy for developing viable and sustainable markets that the district in downtown Appleton can serve.

C. Benefits

Money collected by the BID under this plan will be spent within the district or for the benefit of the district, and used to help property owners attract and retain tenants, keep downtown clean, safe and attractive, increase the value of property downtown and expand on a strong brand and marketing campaign for downtown. **Appendix A** outlines the initiatives, strategies and tasks for the plan year as they align with Chapter 14 Downtown Plan of the City of Appleton Comprehensive Plan. The plan is presented as a collaborative plan between the Business Improvement District, Appleton Downtown Inc. and Creative Downtown Appleton Inc. noted herein as: BID/ADI/CDA

D. 2022 Annual Report

The 2022 annual report is attached.

The total assessed value of properties for the district for 2022 was \$139,643,700 a 1.45% increase over previous year.

Appendix B includes the 2023 2nd quarter update report

E. 2024 Budget

All of the estimated expenditures of the BID are shown on **Appendix C**, the Budget. All of the expected expenditures will be financed by the collection of BID assessments and with other revenues generated by Appleton Downtown Incorporated (ADI) and Creative Downtown Appleton Inc. (CDA) including but not limited to sponsorships and donations, ADI memberships, and by generated revenues from events and promotional activities. Ownership of all activities, programs, promotions, and events, along with any related revenues shall remain with ADI or CDA respectively but shall be applied to programs and services that further goals of the BID.

It is anticipated that the BID will contract with ADI to carry out the BID's Operational Plan, and that the BID will have no paid staff of its own. Funds collected through BID assessments shall be used to pay for the contracted and approved expenditures with ADI, and are expected to pay for about 30 percent of the projected annual budget to implement a full downtown management and event program of work. Additional funds will be raised by ADI from public and private sources to cover the remaining 70 percent, and any other projects not identified herein.

Except as identified herein, all expenditures will be incurred during the Plan Year. Any funds remaining on any line item above may be moved to another budget line item, as determined by the Board of the BID. Any unused funds remaining at the end of the year shall be deposited into a contingency fund for the following Plan Year. If any additional funds are received by the BID, whether from gifts, grants, government programs, or other sources, they shall be expended for the purposes identified herein, and in the manner required by the source of such funds, or, if the funds have no restrictions, in the manner determined by the Board of the BID, in keeping with the objectives of this BID Plan. All physical improvements made with these funds shall be made in the BID District. The location of other expenditures shall be determined by the BID Board, but for the benefit of the District.

F. Powers

The BID, and the Board managing the BID shall have all the powers authorized by law, and by this Plan, and shall have all powers necessary or convenient, to implement the Operating Plan, including, but not limited to, the following powers:

1. To manage the affairs of the District.
2. To promote new investment and appreciation in value of existing investments in the District.
3. To contract with Appleton Downtown Incorporated on behalf of the BID to implement the Operational Plan.
4. To develop, advertise and promote the existing and potential benefits of the District.
5. To acquire, improve, lease and sell properties within the District, and otherwise deal in real estate.
6. To undertake on its own account, public improvements and/or to assist in development, underwriting or guaranteeing public improvements within the District.
7. To apply for, accept, and use grants and gifts for these purposes.
8. To elect officers, and contract out work as necessary to carry out these goals.
9. To add to the security of the district.

10. To elect Officers to carry out the day to day work authorized by the BID Board, including signing checks and contracts on behalf of the Board, and to adopt, if the Board wishes, By-Laws governing the conduct of the Board and its Officers, not inconsistent with this Operating Plan.
11. To adopt by-laws related to the day to day operation of the Board and Board meetings.

G. Relationship to Plans for the Orderly Development of the City

Creation of a business improvement district to facilitate District development is consistent with the City of Appleton's Downtown Plan and will promote the orderly development of the City in general and downtown in particular.

H. Public Review Process

The BID Law establishes a specific process for reviewing and approving the proposed Operating Plan, and the boundaries of the proposed District. All statutory requirements to create the BID were followed.

III. District Boundaries – no change has been made to this section from the previous year.

The District is defined as those tax key parcels, which are outlined in blue and indicated by property in dark green on **Appendix F**, attached hereto and incorporated herein by this reference, reflecting the parcels as they existed in the City of Appleton Assessor's records as of June 2023.

The District is generally bounded on the south by the south right of way line of Lawrence Street, on the north by the north right of way line of Franklin Street, on the east by the right of way line of Drew Street and on the west by the west right of way line of Richmond Street/Memorial Drive, with additional corridors extending north on Richmond Street to Packard Street and west along college Avenue to Badger Avenue. Properties on both sides of boundary streets are included in the District. The District includes 206 contributing parcels and units. Notwithstanding the parcels of property which are not subject to general real estate taxes, shall be excluded from the District by definition, even though they lie within the boundaries of the BID as in the map in **Appendix F**.

See Section: VI. *Method of Assessment, Item A. Parcels Assessed*: For identification of parcels that are assessed for the BID as contributing parcels based on their use and parcels that are non-contributing. Annual adjustments to contributing and non-contributing parcels in the BID are made based on parcel combinations and parcel divisions.

IV. Organization no change has been made to this section from the previous year.

A. Operating Board

The BID Board ("Board") as defined below, shall be appointed by the Mayor of the City of Appleton, with substantial input from ADI and the property owners in the District. Appointments by the Mayor must be confirmed by the City Council and voted in by the BID Board. The appointments and confirmation shall be made before the commencement of the Plan Year for which the Operating Plan was adopted.

This Board's primary responsibility shall be to implement the current year's Operating Plan, to contract for the carrying out of the Operating Plan, contracting for preparation of an annual report and audit on the District, annually considering and making changes to the Operating Plan including suggestions made by Appleton Downtown Incorporated and submitting the Operating Plan for the following Plan Year to the Common Council of the City of Appleton for approval, and other powers granted in this Plan. This requires the Board to negotiate with providers of service and materials to carry out the Plan; to enter into various contracts; to monitor development activity; and to ensure District compliance with provisions of applicable statutes and regulations.

The BID Board shall be structured as follows:

1. Board size maximum of 9
 2. Composition – A majority (at least 5) members shall be owners or occupants of the property within the District. Any non-owner, non-occupant appointee to the Board shall be a resident of the City of Appleton. At least 2 members shall be representative of each of the 3 identified market sectors, service/retail, hospitality, and office. One member shall be a representative of the Mayor or City Council. Any Board member who because of transfer of ownership of property is no longer eligible to act as a representative for a particular sector, or where such transfer of property shall cause the make-up of the Board to fall out of compliance with this Operational Plan shall be replaced. The Board shall make a recommendation for replacement to the Mayor who shall appoint a new Board member within 30 days of the recommendation.
 3. Term – Appointments to the Board shall be for a period of 3 years-for staggered terms, each ending on December 31 of the applicable year. The Board may remove by majority vote, any BID Board member who is absent for more than 3 meetings, without a valid excuse, and may recommend to the Mayor replacement members, which the Mayor shall act upon within 30 days of the recommendation.
 4. Compensation – None.
 5. Meetings – all Meetings of the Board shall be governed by Wisconsin Open Meetings Law. Minutes will be recorded and submitted to the City and the Board. The Board shall adopt rules of order to govern the conduct of its meetings and meet regularly, at least annually.
 6. Record keeping – Files and records of the Board's affairs shall be kept pursuant to public records requirements.
 7. Staffing – The Board may employ staff and/or contract for staffing services pursuant to this Plan and subsequent modifications thereof. Unless requested otherwise by the Board, and any staff members or employees of contractors may attend all meetings of the Board, but will not have voting authority.
 8. Officers – The Board shall appoint a Chairman, Treasurer and Secretary, any two of the three of which shall have the authority to execute documents on behalf of the full Board, for the purposes authorized by the full Board, including the writing of checks. Attached Board list
- Appendix D**
9. For purposes of this section “person” means an individual owner of a parcel, or a representative of an entity owner of such parcel. No one individual, and no more than one representative of any entity, may hold more than one Board position. If, during the course of a term, a Board member's situation changes, so that they no longer fit the definition for that seat, such as by selling their parcel, they shall resign within 10 days of selling their parcel.

B. Amendments

This Operating Plan, when adopted, shall be the governing plan for the Plan Year. However, section 66.1109 (3) (b) of the BID Law requires the Board of the city to annually review and make changes as appropriate to the district Plan, when adopting a new Operating Plan for later Plan Years. Approval by the City's Common Council of such Plan updates shall be conclusive evidence of compliance of such Plan with the BID Law.

The BID Law allows the BID to annually present amendments to its Plan. The following process for approval of the amended Plan will be followed.

1. A joint strategy session of the BID Board and the ADI Board of Directors will develop the objectives of the Operational Plan for the next Plan Year. Hosted 5/17/2023. Additional one on one meetings with BID Board members were also conducted.
2. The proposed Goals and Objectives for the Plan Year will be drafted by Appleton downtown Incorporated Staff and submitted to the ADI and BID Board for review and input.
3. ADI Staff will submit the plan draft it to the ADI Executive Committee hosted 7/19/2023 and ADI Board for review. 7/25/2023
4. The BID Board will review the proposed BID Plan and submit to Planning Commission for approval. Hosted 8/1/2023
5. The proposed plan will be submitted to the Community Development Department. Submitted on 8/11/2023
6. The Planning Commission and Common Council will act on the proposed BID Operational Plan as scheduled. 8/23/2023 and 9/06/2023 respectively.
7. The Mayor of Appleton will appoint new members to the BID Board at least 30 days prior to the expiration of outgoing Board members' terms.

It is anticipated that the BID will continue to revise and develop the master Operating Plan for later Plan Years, in response to changing development needs and opportunities in the District, within the purpose and objectives defined herein and therein.

Included in these changes for later Plan years will be changes in the BID budget and assessments.

V. Finance Method no change has been made to this section from the previous year.

The proposed expenditures contained in Section II (D) above, will be financed with moneys collected from the BID assessment, and will be made, from time to time, throughout the year, in accordance with the BID Budget, attached hereto as **Appendix C**.

Moneys collected from BID assessments by the City will be used to pay Appleton Downtown Incorporated in accordance with the implementation contract between the BID and ADI

VI. Method of Assessment no change has been made to this section from the previous year.

Special Note: The City of Appleton conducted a full reevaluation of all commercial properties in 2023 and updated assessed values are reflected within the BID parcel list. There was no change to the BID assessment rate or methodology.

A. Parcels Assessed – Appendix E

All tax parcels within the District required to pay real estate taxes, including those taxed by the State as manufacturing, will be assessed with the exception of those parcels used solely for parking and those parcels subject to a recorded condominium declaration, and parcels classified as commercial use as shown on the City of Appleton Assessors records. Commercial Condominiums shall be assessed as if the entire building in which the Commercial Condominiums are located were not subject to the Condominium act and instead were assessed as one building, and the assessment for that entire building shall be levied against each Commercial Condominium unit in such proportion as the condominium assessments of that condominium are prorated, as defined in the Declaration of Condominium for that building.

Real property used exclusively for residential purposes may not be assessed, as required by the BID Law. Property exempt from paying real estate taxes, parcels classified as ‘vacant’ use by the City of Appleton Assessors records or owned by government agencies will not be assessed.

For identification of parcels that are assessed for the BID as contributing parcels based on their use and parcels that are non-contributing. Annual adjustments to contributing and non-contributing parcels in the BID are made based on parcel combinations and parcel divisions.

The Business Improvement District reassessment was completed by the City of Appleton Assessor’s Office. The current property assessment list was generated by the Assessor’s office and reviewed by the Finance Department, ADI staff and the BID Board.

B. Levy of Assessments

Special assessments under this Operating Plan are hereby levied, by the adoption of this Operating Plan by the City Council against each tax parcel of property within the District which has a separate tax key number, in the amount shown on the assessment schedule which is attached hereto as **Appendix E**.

The BID Board of Directors approved BID rate for the 2024 plan year is \$2.75 per \$1000 of assessed value, minimum \$275 and maximum \$5500.

The 2024 plan year assessment list **Appendix E** shows the calculation with the current rate at \$2.75 for each \$1000 of assessed value for each parcel in the District with no parcel assessed more than \$5,500 and no parcel assessed less than \$275, with parcels used solely for parking excluded, with parcels solely used for residences excluded, and with the adjustments for the Commercial Condominiums and adjustments for relocation of the caps and minimums. The assessment was based on the assessed value of that parcel (land and improvements) as shown in the records of the City Assessor’s Office except as otherwise identified below. It is understood that some properties within the BID may be re-assessed. The changes in the tax assessment may impact the BID assessment for these properties.

The principal behind the assessment methodology is that each non-exempt parcel’s owner should pay for District development in proportion to the benefit derived. Obviously, not every parcel in the District will benefit equally, nor should each parcel, regardless of size or value contribute in exact ration of property value. It is assumed that a minimum and maximum benefit can be achieved for each parcel, thus, minimum and maximum BID assessments have been established.

For those parcels identified as Commercial Condominiums, the minimum and maximum assessments shall be established for the entire building of which the Commercial Condominium is a part, in the ratios identified above.

C. Schedule of Assessments – updated to reflect assessment adjustments presented by the City Assessor

The final form of this 2024 Operating Plan has attached as **Appendix E** are schedules of all the tax key numbers within the BID which are being assessed, and their assessment using this formula.

- The 2024 BID assessment current rate of \$2.75/\$1000 with a maximum assessment of \$5500 and a minimum assessment of \$275
- Reassessment of BID properties increased the total assessed value over the previous year by 29.8% or \$41,702,700
- The 2024 BID assessments are anticipated to generate: \$\$275,355 based on this methodology an increase over previous year of \$33,843
- Current carry over value is \$18,262
- Adjustments from previous year presented by the City Assessor include:
ADDED PARCEL: Tax Key: 315128300 Address: 501 N Richmond St.

D. Assessment Collection and Dispersal

The City of Appleton shall include the special assessment levied herein as a separate line item on the real estate bill for each parcel. The City shall collect such assessments with the taxes as a special assessment, and in the same manner as such taxes, and shall turn over all moneys so collected to the BID Board for distribution in accordance with the BID Plan.

All BID assessments shall be shown on the tax bill as due and owing with the first installment of taxes and shall carry the same penalties and interest if not so paid.

Any money collected by the City of Appleton for BID assessments shall be held by the City in a segregated account.

The City of Appleton Finance Department shall provide to the BID Board by the 15th day of each month or as requested a separate financial statement for the BID along with a list of collections and source of such collections identified by tax parcel number for which the amount was collected.

Any BID assessments collected by the City before or after the Plan Year for which the assessments were made shall be held by the city in a segregated account and are to be used by the BID Board in the manner as if received during the applicable Plan Year. This provision is intended to govern BID assessments prepaid in December prior to the applicable Plan Year, as well as to delinquent and late payments made after the Plan Year.

The BID Board shall prepare and make available to the public and the City Council annual reports describing the current status of the BID, including expenditures and revenues, at the time it submits its amended Plan to the City for the following year. Following the end of the fiscal year an independent certified audit shall be obtained by the Board, and which shall be paid for out of the BID Budget. Copies of the 2022 audit are available in the ADI office and a copy was submitted to the Community Development Department with this plan.

Disbursement of BID funds shall be made in accordance with approved BID Operational Plan and Budget. Disbursements for contracted services such as those provided by Appleton Downtown Incorporated shall be done on a reimbursement basis. Invoices and documentation of services performed shall be submitted on a monthly basis to the BID Board. The BID Board shall forward these invoices for payment to the City of Appleton Finance Department. The Finance Department shall issue payment on the invoice once it has received evidence that the expenditures are eligible for reimbursement in accordance with the BID Operational Plan and Budget. This reimbursement shall be made to the service provider within seven business days of the submittal of the request to the City.

The presentation of the proposed Plan to the City shall deem a standing order of the Board under 66.1109 (4) Wis. Stats. To disburse the BID assessments in the manner provided herein. This section shall be sufficient instruction to the City to disburse the BID assessment, without necessity of an additional disbursement agreement, disbursement method, or accounting method. Other than as specified herein, the disbursement procedures shall follow standard City disbursement policy.

E. Annual Report

The Board shall prepare an annual report as required by section 66.1109 (3) (c) of the Wisconsin Statutes. A copy of the 2022 report is attached.

The report shall include the required audit. The required audit shall be prepared by the auditing firm conducting the annual audit for the City of Appleton. The BID shall be solely responsible for payment of any funds specified for the BID Audit related to BID activities for said BID Audit.

The City of Appleton Finance Department shall provide an estimate of the cost of said BID audit for the following year to the BID Board no later than September 1 of the previous year.

VII. City Role no change has been made to this section from the previous year.

The City of Appleton is committed to helping private property owners in the District promote development. To this end, the City intends to play a significant role in the implementation of the Downtown plan. In particular, the City will:

1. Encourage the County and State Governments to support activities of the district.
2. Monitor and when appropriate, apply for outside funds, which could be used in support of the district.
3. Collect assessments and maintain a segregated account.
4. Provide disbursement of BID funds to service providers in accordance with the BID Operational Plan and Budget.
5. Contract with an auditing firm to conduct the Audit. Said firm shall be the same firm that conducts the City of Appleton annual audit.
6. Provide a cost estimate for said audit no later than September 1 for the following year.
7. Provide a separate monthly financial statement to the BID Board.
8. Review annual audits as required per 66.1109 (3) (c) of the BID Law.
9. Provide the BID Board through the Assessor's Office on or before July 1 each Plan Year, with the official City records on assessed value for each tax key number within the District, as of that date in each Plan Year, for purposes of calculating the BID assessment.
10. Adopt this plan in the manner required by the BID Law.
11. Appoint and confirm new BID Board members as required herein.

VIII. Required Statements - no change has been made to this section from the previous year.

The Business Improvement District Law requires the Plan to include several specific statements.

66.1109 (1) (f) (1.m): The District will contain property used exclusively for manufacturing purpose, as well as properties used in part for manufacturing. These properties will be assessed according to the formula contained herein because it is assumed that they will benefit from development in the District.

66.1109 (5) (a) Property known to be used exclusively for residential purposes may not be assessed, and such properties will be identified as BID exempt properties.

66.1109(1)(f)(5): Michael, Best & Friedrich, LLP has previously opined that the Operating Plan complies with the provisions of Wis Stat. sec.

66.1109(1)(f)(1-4). Michael, Best & Friedrich, LLP has confirmed that, because no substantive changes are proposed in this amendment, no additional opinion is required.

IX. Appleton Downtown Incorporated - no change has been made to this section from the previous year.

A. Appleton Downtown Incorporated

The BID shall be a separate entity from Appleton Downtown Incorporated (ADI). ADI shall remain a private not-for-profit organization, not subject to the open meeting law, and not subject to the public records law except for its records generated in connection with its contract with the BID Board, and may, and it is intended, shall contract with the BID to provide services to the BID in accordance with the Plan. Any contracting with ADI to provide services to BID shall be exempt from the requirements of sec. 62.15, Wis. Stats., because such contracts shall not be for the construction of improvements or provision of materials. If the BID does contract for the construction of improvements or provisions of material, it shall follow the requirements of such statutes to the extent applicable to assure open, competitive procurement of contracts and purchases. Further, the annual accounting required under 66.1109 (3) (c) Wis. Stats. shall be deemed to fulfill the requirement of 62.15 (14) Wis. Stats. Ownership of assets of Appleton Downtown Incorporated shall remain solely with Appleton Downtown Incorporated.

A. Binding Clause

The adoption of this Operating Plan is subject to the BID Board contracting with Appleton Downtown Incorporated to carry out this Operational Plan, and if such contract is not entered into by the first day of the Plan Year, then the Plan shall be null and void.

X. Severability and Expansion - no change has been made to this section from the previous year.

The Business Improvement District has been created under authority of 66.1109 of the Statutes of the State of Wisconsin.

Should any court find any portion of the BID Law or this Plan invalid or unconstitutional, said decision will not invalidate or terminate the Business Improvement District and this Business Improvement District Operating Plan should be amended by the Common Council of the City of Appleton as and when it conducts its annual budget approval and without necessity to undertake any other act.

All of the above is specifically authorized under 66.1109 (3) (b) of the BID Law.

If it is determined by a court or administrative body that the parcel of property not be subject to general real estate taxes may not be included within the District, then said parcels shall be excluded from the definition of the district.

All appendices are hereby incorporated by this reference.

APPENDIX A

2024 Plan of Work



BUSINESS IMPROVEMENT DISTRICT 2024 Plan of Work

Mission
Our mission to establish a vibrant and accessible destination for business, learning, living and leisure is anchored in our focus to create an environment of success and sustainability for the new exhibition center, a robust employment center and a more livable Downtown. Our strategic initiatives build support for an exceptional visitor experience, a strong business climate and an attractive, accessible and inclusive downtown where more people want to live.

BID Goals and Objectives:
The BID seeks to protect public and private investments in downtown Appleton and to attract new investment to the district. The BID exists to promote and support the development of the district in cooperation with the City of Appleton, including implementation of the Downtown Plan (Chapter 14 of the Comprehensive Plan) and to enhance, redevelop, maintain, activate, and promote the District. The BID shall work to preserve and improve economic, cultural, and social conditions within the district by facilitating partnerships of people and organizations to achieve mutual goals. The BID provides funding support to plan, evaluate, facilitate and implement district enhancement projects, promotional programs and vibrant activities that fit within the identified mixed-use strategy for developing viable and sustainable markets that the district in downtown Appleton can serve.

The State of Downtown Appleton
The BID, in partnership with ADI, remain committed to supporting downtown businesses through a robust program of work centered within our brand of One Great Place. We continue to focus on sustaining a clean, safe, livable environment while promoting quality consumer experiences and attracting and retaining a strong business mix within the district.

Business retention and promotion are at the core of our work. With anticipated redevelopment projects over the next two years in the district, we anticipate the need for a targeted recruitment and retention campaign. Collaborating with our partners at the Fox Cities Chamber of Commerce and The City of Appleton Community Development Department we will continue to work with building owners, developers, and entrepreneurs to attract new businesses and new investment to the district to further strengthen the local economy. The future of commercial real estate remains a concern as some employers continue “work from home” options. Current conditions are slowly improving and adaptive reuse of commercial space becomes a common redevelopment focus.

Our work to create One Great Place is also about talent attraction. As the arts and cultural district of the Fox Cities, downtown is a quality of life benefit highlighted by employers throughout the region to attract and retain a talented workforce. Employees are more often making a decision on job selection based on community and quality of life. By adopting a creative placemaking approach to activating public spaces, recruiting a healthy business mix and walkability strategies, we position downtown for employment growth, visitor attraction and increased residential interest.

Across the nation the trend toward urban living amidst vibrant cultural districts continues. People are desiring convenient, car-optional neighborhoods where residents can walk to work, shop and access entertainment. With several residential developments under construction, and more on the horizon, Downtown Appleton is benefited from this trend and the ADI and BID boards are optimistic that we are emerging as a destination for urban living. A focus on providing the needed amenities to support residents such as grocery, nail salon, package mailing facility, green space for dogs and other amenities will need to be a priority for recruitment and investment.

Walkability and livability go hand in hand in Downtown as the City of Appleton continues to invest in traffic calming measures like the lane reconfiguration and the addition of design elements on reconstructed side streets. The BID and ADI will pursue enhancements to further active the sidewalk corridors and create a strong pedestrian friendly experience for guests, employees, and residents. Additionally, we seek to collaborate as needed to support the growth opportunities within the College North plan.

Downtown Appleton continues to be a critical central social district. ADI sponsored programs such as the Saturday Farm Market, free concerts in the park and sidewalk activities continue to offer opportunities to engage in the community and connect with local food and local arts. Public art projects like the Downtown murals and sidewalk chalk walk continue to bring vibrancy in a walkable environment.

Downtown cleanliness is of the utmost importance. Continuing our partnership with the CARE program and expanded services with private contracts are expected to improve downtown cleanliness. Ongoing safety measures are also an important focus for the BID, ADI and our business neighbors; monthly meetings that include Pillars, APD, the City of Appleton, Valley Transit and several other partners discuss and monitor activity. Assisting in monitoring traffic and sidewalk safety along with the new APD traffic safety officer will be an ongoing collaborative effort.

A Downtown for All message of inclusion through our programs and projects keeps us centered on diversity in our work such as event vendor mix, artists, music, murals, business recruitment and talent attraction.

OUR BRIGHT FUTURE

As the City, BID, ADI, CDA and its many partners continue to plan and invest in downtown Appleton, they will be guided by the following vision and principles set forth by the City Comprehensive Plan: “Downtown Appleton is a great American urban neighborhood and employment center with world class arts and entertainment.”

1. Create a safe, welcoming, inclusive and accessible downtown
2. Invest in the growth of downtown neighborhoods with diverse housing options and residential amenities
3. Support the launch and growth of unique, independent businesses

4. Grow downtown as the employment center for the region
5. Fully embrace and leverage the diverse arts, cultural, and educational assets of the community
6. Foster a culture of walking and biking supported by public transportation
7. Support diverse partnerships which make downtown more attractive for residents and visitors through: activities and events; public art and place making; on-going maintenance; and promotion and marketing
8. Continue to support events and entertainment which safely draw visitors to downtown Appleton
9. Collaborate with community partners to increasing leisure travel and sports tournament travelers to Appleton and maximize the value of the Fox Cities Exhibition Center
10. Increase connectivity, trails, and recreation opportunities between the downtown, the Fox River, and the region
11. Promote quality development along the Fox River by embracing the region's industrial and natural heritage

Downtown Community Priorities:

- A strong local economy that supports businesses of all sizes in all sectors
- An inclusive and welcoming downtown that encourages belonging
- Build downtown as a destination for leisure and business travel
- Strong livable Downtown neighborhoods with a variety of housing stock
- Improved traffic safety and walkability
- Improved connectivity to the Riverfront
- Accessible and affordable parking solutions
- Enhanced and expanded streetscapes throughout Downtown
- Expanding access to public art & creative culture
- Strengthened partnership with Lawrence University and Appleton Area School District

2024 BID/ADI/CDA Work Plan

The ADI, CDA and BID boards will continue to advance the four imperatives for advancing Downtown's mission and community priorities:

1. Play an integral role in business retention and recruitment efforts to maintain an occupancy rate of 80% or greater.
2. Promote Downtown living options and curate livability enhancements to attract residents.
3. Collaborate with our community partners to cultivate downtown as a robust visitor destination.
4. Increase communication and interaction with downtown business owners to encourage more engagement and cross promotion.

The BID work Plan is aligned with the seven initiatives outlined in the City of Appleton Downtown Plan. The plan is presented as a collaborative plan incorporating efforts by the Business Improvement District, Appleton Downtown Inc and Creative Downtown Appleton Inc.

#1 Urban Form & Design policies and projects to create an identity and improve the appearance of downtown.	ADI/BID/CDA
Launch an adopt a tree planter program that engages new partners to enhance the annual planter flowers and Houdini Fountain area.	BID/ADI
Manage and promote the Façade Improvement grant program	BID/ADI
Work with DPW to update the graphics and information in the sidewalk kiosks and wayfinding signage	BID/ADI
Street pole banner replacement as needed	BID/ADI

#2 Tourism, Arts, Entertainment & Education policies and projects to develop cultural attractions and promote travel to the downtown.	ADI/BID/CDA
Maintain the Visitor Area kiosk within our office	BID/ADI
Engage as an active community partner to advance downtown’s role in the Tourism Master Plan (this item will get more specific tactics after our meeting with the CVB)	BID/ADI
Host annual events: Farm Market, Heid Music Concert Series, Lunchtime Live concert series, Death by Chocolate, Soup Walk, spring and fall Craft Beer Walks, Spring Fashion Show, Fall Shop Sip and Stroll, Mini Golf on the Town, Cultural Cuisine Walk, Light up Appleton, Downtown Creates walking features: Street Music Night, Chalk Walk, Artfully You, Avenue of Ice, 2 Light the Night Markets	ADI/CDA
Partner with Community organizations to co-host or support events and programs: Rhythms of the World, Mile of Music, Heid Music’s Street Music Week, Fox Cities Chamber of Commerce Octoberfest, City of Appleton parades,	ADI/CDA
Curate one large scale public art project within the downtown or riverfront	ADI/CDA
Collaborate with Lawrence University clubs and organizations to include student activities and engagement in our event planning and committees.	ADI

#3 Neighborhood & Residential Development policies and projects to foster new residential development and create healthy neighborhoods surrounding the downtown.	ADI/BID/CDA
Host a fall downtown living Open House event and promote downtown living options	ADI
Launch a Neighborhood Engagement Initiative: update the Downtown Welcome packet, create a “Downtown living Guide” page on our website. Form a committee to help create and update content for the website and facebook page. Host Downtown resident meet and greets twice a year. Establish & share a one step reporting process for non-emergency issues	BID/ADI
Launch a Pet Friendly plan for Downtown: including installation of waste stations, a pet watering station, exercise equipment, explore pet friendly days at the Farm Market, as well as work toward a proposal for a downtown dog recreation area within downtown. Coordinate a fundraising effort to finance the improvements	ADI/CDA
Pursue business recruitment for residential amenities: grocery store, retail, nail salon, experience businesses, dry cleaners, more restaurants	BID/ADI

Work with the City on pedestrian improvements as part of the Smart Streets Appleton initiative see #5 Ped. plan	BID/ADI
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#4 Downtown Development & Business Retention policies and projects to support existing businesses in the downtown and to attract desirable new ones.	ADI/BID/CDA
Hire a part time position to enhance the economic development activities to manage more effectively the economic development committee, the grant programs, and an active business recruitment campaign. Conduct retention visits with ADI staff and Board, be a liaison for new businesses moving into downtown, assist developers and landlords, monitor properties and available space.	BID/ADI
Collaborate with the City of Appleton Community Development Department to host a state of the downtown event	BID/ADI
Cooperatively market the City TIF and ARA grant programs	BID/ADI
Manage and promote the Gift Certificate Program and Business recruitment grant program	BID/ADI
Conduct business visits with ADI staff. Include Board members on occasion	BID/ADI
Promote the Lawrence University internship program to downtown business and foster a collaborative connection with the business major faculty and students. Promote the LU student discount program to businesses to grow participation.	ADI
Curate a Business to Business program and networking opportunities for downtown business owners	ADI/BID

#5 Mobility and Parking policies and projects to provide convenient access to the downtown for all modes of travel.	ADI/BID/CDA
Draft a Downtown Pedestrian Enhancement Plan as part of the Smart Streets Appleton initiative: including signage, sidewalk seating and lighting, kiosks, planters, winter ice and snow accumulation monitoring, weekend sidewalk garbage solutions, adopt a planter program. Seek new partners and supporters	BID/ADI
Promote the Passport parking app, meter options and permit information through social media and website	BID/ADI
Continue a partner role in supporting and promoting the downtown trolley	ADI
Recruit and promote experiential instructional classes for public transportation and bike lane use – engage our partners at Valley Transit and the bike federation	ADI

#6 Downtown Management policies and programs to ensure that resources are available to continue to advance the vitality of downtown.	ADI/BID/CDA
Manage the cooperative agreement between the BID, ADI and CDA and explore an organizational restructuring to increase our capacity	BID/ADI
Utilizing the new Image Marketing Strategy: establish, invest and execute an Annual Image Marketing Plan of tactics and programs to promote, shopping, dining, attractions, employment, living in one great place!	BID/ADI
Invest in a website upgrade for AppletonDowntown.org with Stellar Blue	BID/ADI

Promote Downtown Watch engagement and communication through a tips line to APD. Establish and share a one step reporting process for non-emergency issues and damage	BID/ADI
Communicate Weekly to our members with the Eblast system and Manage the social media network for business members to connect and share resources	BID/ADI
Host monthly committee meetings: Marketing committee, Hospitality committee, Washington Square committee, Economic Development committee, Museum Directors, quarterly BID Board meetings	BID/ADI
Manage maintenance contracts and oversee project needs to enhance the cleanliness of the district. Include an annual sidewalk power washing Draft and new maintenance agreement between the City of Appleton and the BID.	BID/ADI
Expand the membership structure as an investment support structure with greater reach to regional businesses that are looking to enhance workforce attractiveness of the Fox Cities	ADI

#7 Public Spaces & Riverfront strategies for enhancing the public realm to support strong neighborhoods and the growth of Appleton's tourism industry, while also strengthening connections between downtown and the riverfront.	ADI/BID/CDA
Partner role in supporting and promoting the downtown trolley	ADI
Draft and implement a Houdini Plaza Enhancement Plan: such as: bring back the plastic lawn chairs, explore a proposal for a sound system to play music in Houdini Plaza during the daytime hours, curate a program schedule with community partners, add dog amenities	BID/ADI
Assist the riverfront businesses coordinate a Trot the Fox type event: music, food, activities at stops along the Fox Trot Trail – ideally connected to an existing downtown event.	ADI
Install and maintain the parklet in a new location to be determined in the spring	ADI/CDA

Appendix B

2023 2nd Quarter BID report

2023 BID/ADI/CDA Work Plan – Quarterly update – 2nd quarter

For the next year, the ADI, CDA and BID Boards will continue to advance the four imperatives for advancing Downtown’s mission and supporting downtown businesses through the current economic recovery:

1. Play an integral role in business retention and recruitment efforts to maintain an occupancy rate of 80% or greater.
2. Promote Downtown living options and curate livability enhancements to attract residents.
3. Collaborate with our community partners to boost our downtown tourism economy.
4. Increase communication and interaction with downtown business owners to encourage more engagement and cross promotion.

The BID work Plan is aligned with the seven initiatives outlined in the City of Appleton Downtown Plan. The plan is presented as a collaborative plan incorporating efforts by the Business Improvement District, Appleton Downtown Inc and Creative Downtown Appleton Inc.

#1 Urban Form & Design	Second quarter updates		
Annual flowers in the planters and Houdini Fountain area and street pole banner replacement as needed	Annual flowers went in. We are still waiting for the invoice from the City of Appleton.		
Manage the Façade Improvement grant program	Zuelke Flats LLC	103 W. College Ave.	5000
	400 North	400 N. Richmond	2500
	Ukiyo	207 W. College Ave	467.50
	400 North	400 N Richmond	2500
	Legendairy Cookies N Creamery	101 E. College	2500
	Park Central	318 W. College	2500
	POLLEN	103 E. College	1172.50
			\$16,640
Increase flexible outdoor seating and enhance public use areas	The parklet went up early June. It is used often especially on Saturday mornings.		
Fund and have installed intersection lights at one or more of the following: Superior, Appleton, Oneida and Morrison	Completed - No update this quarter		
Work with DPW to update the graphics and information in the sidewalk kiosks	Request sent to Department of Public Works director to revisit this project and get the kiosks update. No new update		
Pursue permission to extend sidewalk cafes for licensed establishments with neighbor agreement	No update to report. This will certainly be an agenda item as the lane reconfiguration discussion continues and the walk audits start. Acoca Coffee will be the first request		

#2 Tourism, Arts, Entertainment & Education	
Maintain the Visitor Area kiosk within our office	STILL Waiting on Hilton to complete repairs to the office. We continue to be a visitor

	resource for convention and event goers and general visitors.
Collaborate with community partners to increasing leisure travel and sports tournament travelers to Appleton and maximize the value of the Fox Cities Exhibition Center	The CVB's Destination Master Plan is complete and copy is attached. The 5 Strategic Goals include: #1 Strengthen the brand through iconic festivals #2 Develop communities as experiences #3 Enhance outdoor recreation opportunities #4 Expand strategic regional collaboration #5 Improve access and connectivity
Host annual events: Farm Market, Heid Music Concert Series, Lunchtime Live concert series, Death by Chocolate, Soup Walk, spring and fall Craft Beer Walks, Spring Fashion Show, Fall Shop Sip and Stroll, Mini Golf on the Town, Cultural Cuisine Walk, Light up Appleton, Downtown Creates walking features: Student Art, Street Music Night, Chalk Walk, Paint out, Avenue of Ice	First Quarter events: Indoor Farm Market, Death by Chocolate, Ice on the Avenue, Spring into Fashion Ladies Day, Annual Meeting Second Quarter events: Mini Golf, Craft Beer Walk, Light the Night Market, Memorial Day parade, Farm Market, Concerts, Downtown Creates series Third and fourth quarter Planning work: Oktoberfest, Mile of Music, Fall Fun at Farm Market, downtown living open house, wine walk, beer walk, cultural cuisine walk, soup walk, Light up Appleton, small business Saturday,
Partner with Community organizations to co-host or support events and programs: Rhythms of the World, Mile of Music, Heid Music's Street Music Week, Fox Cities Chamber of Commerce Oktoberfest, City of Appleton parades, Appleton Public Library Story Walk and more	Planning is in full gear on all of the partner events listed Mile of Music is celebrating 10 years and has an outstanding line-up planned. With the Rolling Stones article last year, large crowds are anticipated. We will manage Jones Park, assist with Houdini Plaza, coordinate the sidewalk sale and communication to business owners throughout the festival.
Enhance Downtown environment with interactive art	The new Light the Night Market had many elements of interactive art. We are also working with local artist Irineo Medina on Paint the City 2 in Downtown. A two week mural painting project with AASD during the summer.
Extend creative elements to side streets: such as painted intersections, murals, sculptures, sidewalk art	Morrison Street is now open with new street scape elements – bench, tree grates are in and will get trees soon, colored concrete, ped lighting. The enhancements are required as the City adopted the Downtown Streetscape Design Guide May of 2021.

#3 Neighborhood & Residential Development	
Host a downtown living Open House event and promote downtown living options	Target event date is October 7 th . Residential units will be invited to participate in an open house style event.
Promote and distribute Downtown Welcome packet for new residents	We will be updating the welcome packet next year with a more simplified version as the coupons are not being used and the retailers would like us to go with a different format.

Host Downtown resident meet and greet events twice a year	We will host a neighborhood summer meet up at the final concert on August 31.
Add pet friendly amenities and explore options for a downtown dog friendly green space	Pet waste stations - the units need to be rekeyed as the keys have gone missing. We will then apply for permission with the City to place the second unit. Exploring the lot for sale at 208 S State street for an urban dog recreation area. This would be an ADI initiative and would require fundraising to purchase the land and create the space with exercise equipment, picnic tables, a waste station and water station. Research only at this time.
Pursue business recruitment for: grocery store, nail salon, bookstore, teen hang outs, dry cleaners, more restaurants	Grocery store recruitment in partnership with City and Chamber of Commerce. Targeted grocery stores include regional rural stores as well as Festival Foods, Meijer, and Woodman's, Wagner's Market in Oshkosh
Work with APD to better manage and discourage cruising, street behavior and noise	Lane reconfiguration at the time of this update is complete. Some disruption remains with the current road construction on Oneida, Lawrence and Durkee st. Only mild back ups during restriping. The first travel time comparison by the City indicates only a 9 second increase. Bike lane is being used. Less scooters on the sidewalks. Some education is still needed on deliver restriction (already existing) parking tips – how to ease out of the stall. Some adjustments still being made with traffic signals, uber parking late at night

#4 Downtown Development & Business Retention										
Collaborate with the City of Appleton to update Downtown development and recruitment materials and host a state of the downtown event	We will again partner with the City on a Downtown update summit in the fourth quarter.									
Cooperatively market the City TIF and ARA grant programs	No new action other than we continue to share the TIF information with property owners on a regular basis.									
Promote and distribute Downtown Welcome packet for new employees	Feedback from our members is to look at a new format – an online version with a more streamlined printed piece and QR code									
Manage and promote the Gift Certificate Program	No new action									
Manage the Business Recruitment grant program	<table border="1"> <tr> <td>Crutch of Memory Enterprises, LLC</td> <td>501 N. Richmond (upstairs)</td> <td>900</td> </tr> <tr> <td>Ukiyo</td> <td>207 W. College Ave</td> <td>1000</td> </tr> <tr> <td>Legendairy Cookies N Creamery</td> <td>101 E. College</td> <td>1000</td> </tr> </table>	Crutch of Memory Enterprises, LLC	501 N. Richmond (upstairs)	900	Ukiyo	207 W. College Ave	1000	Legendairy Cookies N Creamery	101 E. College	1000
Crutch of Memory Enterprises, LLC	501 N. Richmond (upstairs)	900								
Ukiyo	207 W. College Ave	1000								
Legendairy Cookies N Creamery	101 E. College	1000								

	POLLEN	103 E. College	1000	
Manage the matching marketing grant program	Current list:			
	Monika Austin	Beatnik Betty's Resale Butik	Fox Cities CVB Visitor Guide	\$150.00
	Jonathan Roug	Float Light	Fox Cities CVB Visitor Guide	\$150.00
	Kalan Bavnik	The Book Store	Fabricating Something More, Inc.	\$300.00
	Bekki Garcia	Calaveras Fine Fusions	Woodward Radio (KISS)	\$500.00
	Steve Carrow	Rookie's Sports Bar & Grill	Appleton Monthly	\$437.50
	Andrea Nunez	Hilton Paper Valley Hotel	WFRV (LTN PROMO)	\$500.00
	Jeremy Mattson	Legendaury Cookies 'N Creamery	Fox Cities Magazine	\$500.00
	Sara Rabideau	Casting On	WFRV (LTN PROMO)	\$500.00
	Lenny Murphy	Murphy's Family Barbershop	WFRV (LTN PROMO)	\$500.00
	Mark Behnke/Bobbi Jo	Bazil's Pub	Fox Cities Magazine Dining Guide	\$397.50
	Bill Wetzel	ACOCA Coffee	Fox Cities Magazine Dining Guide	\$397.50
	Ron Tusler	Tusler Law	Fox 11/CW14	\$500.00
	Dave Ramsell	Quick Print	Insight Publications	\$500.00
	Keith Hansen	Franklin Street Inn B&B	Fox Cities Magazine	\$395.00
			\$5,727.50	
Host quarterly Business to Business event and initiative to promote services in downtown	This program has lost steam. Low interest in hosting and programs. We will revisit in the fall and attempt to arrange for a new host.			
Establish a business recruitment team within the Econ Dev committee	Online property tool stats: June 2022 – 2023: 1,072 views, 12 forms submitted Committee recruitment project no longer an interest in a “second location” focus it will be more general and include a new collateral piece printed and digital. A more streamlined direct mail piece to targeted businesses with links to property search tool, BID grant program information and email to Jennifer. Timeline target is by the end of September. Committee is working on content and mailing list. Project budget is \$3000			
Establish an Employee Appreciation day promotion and activities	No new action – member feedback was that this is each businesses responsibility and we should not use our resources to produce an event.			
Revisit the Ambassador program with past Board members to make ongoing business visits	Business visits with Jennifer, Chamber and a City representative are scheduled for July 26 th most of the day. This will be an ongoing program that ADI/BID would like to expand on to include current and or past Board members.			

#5 Mobility and Parking	
Include and promote accessibility improvements	Façade grant program continues to offer - no applications for accessibility projects at

through the façade grant program	this time.
Collaborate with the APD traffic safety officer to improve sidewalk and vehicle traffic safety	See Lane reconfiguration comments above in section 3
Promote the use of the Passport parking app, meter options and permit information through social media and website	Construction reminders and updated Parking posts will be an ongoing addition to our summer communication to the public
Host walk audits of BID side streets to identify walkability improvement opportunities	As the side street projects are in full swing this summer, Morrison, Durkee and Oneida the Downtown Streetscape Design Guide will enhance the walkability through lighting, amenities and safety
Work with the City to create and install signage for accessing bike lanes and trails	Potential to discuss after the lane reconfiguration process – exploring CVB or community foundation grants
Pursue parking system amendments	APD is pursuing adjustments for late night parking 10pm to 5am in the 400 and 500 w College block to create on the south side of the street a short-term parking area for uber drives, and to clear out the crowding and potential confrontations that have been occurring. New discussion – will bring to the Hospitality committee for input.
Partner role in supporting the downtown trolley	Trolley is supported by a grant from the CVB this year.

#6 Downtown Management	
Manage the cooperative agreement between the BID, ADI and CDA	No new action at this time – would like to have a new contract created that more clearly outlines roles and funding support.
Manage image marketing strategy to promote, shopping, dining, attractions, employment, living	Image strategic listening session and interviews summary is attached. In general there are not many surprises in the responses The storyology session will be 7/25 business owners will help us craft story messaging to diverse target markets. Marketing report below.
Communicate Weekly to our members with the Eblast system	Eblasts contact list continues to grow. We have some issues with Robly and looking into alternative platforms. More one on one reach outs this summer to make sure people are receiving and reading the blast. A few layout changes as well.
Create and manage a social media network for business members to connect and share resources	Downtown Business Facebook group is steady around 100
Host monthly committee meetings: Marketing committee, Hospitality committee, Washington Square committee, Economic Development committee, Museum Directors, quarterly BID Board meetings	Retail committee lost several members last year. We are focused in on growing that committee and increasing the engagement of our members. Recent meetings with DVSN 1, Depawitory and Tiffani’s Bridal has new interest.
Manage cleaning contracts and oversee project needs to enhance the cleanliness of the district	A sidewalk power washing is needed. City DPW told us they do not have employee capacity to clean the downtown sidewalks. We will research with Pfefferle Company some options for equipment and or a contracted service. Will also have additional

	discussion with the Mayor about this for a long term solution.
Host annual networking events for members: ADI Business Awards, Golf Outing and BID/ADI Annual Meeting	Social meet and greet for downtown business owners, targeting the August 31 concert. Golf Outing is September 6 – registration is open and we encourage each of you to join us! Still have a \$1000 cart sponsorship available.
Establish internal systems for more accurate metric tracking	Event tracking in house and working with the econ dev committee on space tracking.
Expand the membership structure as an investment support structure with greater reach to regional businesses that are looking to enhance workforce attractiveness of the Fox Cities	Sponsor and membership work is ADI work. Image sessions and specific work on sponsorship material and strategy is in process with Showcase consulting. New materials and categories for 2024.

#7 Public Spaces & Riverfront	
Partner role in supporting the downtown trolley	Trolley is support through a grant from the CVB this year.
Partner with the City of Appleton to support Riverfront connectivity and wayfinding initiatives	No new action
Install the parklet in a new location on the east end	Parklet is installed on Washington st. and has increased in use.

Annual Statistics tracking: 2023	WIP
Grant support out	\$26,267.50 in total grant commitments to date
Sponsor support in	\$297,200 of the \$350,000 fundraising goal
Maintenance contract hours	87 hours recorded + Care team daily garbage pick up
Occupancy of commercial units	WIP - List of available properties reviewed monthly full report at year end
Occupancy of residential units	WIP – not sure how to track this yet – will ask City to help
Marketing reach and social media following	below
Business breakdown by industry within the BID: commercial, retail, hospitality, attraction, living	At 2022 year end: Vacant 19%, Attraction 4%, Service 18%, Retail 17%, Office 19%, Hospitality 23%
Member engagement and participation with annual events and promotions	Attached tracking
Event attendance estimates	Attached tracking

2023 2nd Quarter BID Marketing Report

EVENT	DATE	SPONSORS	ADVERTISING/PROMO	ATTENDANCE	NEW NOTES
May the 4th Be With You	Thursday, May 4	N/A	Facebook posts and ads	Very low attendance	Promotion was put together on short notice, little bar participation. Next year the event is on a Friday and the bars are hoping to make it a larger promotion with drink specials, games, costume contest, etc.
Craft Beer Walk	Saturday, May 13	Star Supporters: AZCO and Renewal by Andersen Sponsors: Hilton Appleton Paper Valley Hotel, Wisconsin Distributors, Lee Beverage, General Beverage, Kay Distributing and TDS	Radio advertising with Woodward Radio on The Fuse and Kiss FM, Facebook ads, website, eblasts, social media	Consistent attendance with Fall 2022, more VIP's this year	Around the same attendance as last year, remove the special VIP offers to avoid confusion. Sold tickets on the ADI website versus beerwalkwi.com, helped save money but still ran into issues, looking into a new platform for fall.
Light the Night Market	Friday, May 19	Presented by Fox Communities Credit Union Star Supporters AZCO and Renewal by Andersen Sponsors: Tundraland, Ducommun, TDS, City of Appleton, Warning Lites, WE Energies, Bazil's Pub, Fleet Farm, McCain Foods Media Partner: WFRV (Local 5 Live)	Radio advertising with Woodward Radio on The Fuse and Kiss FM, Facebook ads, website, eblasts, social media Media partnership with WFRV	Amazing attendance, completely exceeded our expectations	Brand new event, very well attended by the community. We will be making changes to help accommodate the larger crowds expected. Partnership with WFRV was a huge factor in the success of the event. We received over 1 million impressions

					between paid and bonus promotions leading up to the event. Both parties hope to continue the partnership in the future.
Heid Music Summer Concert Series	Thursday's June 1 – August 31	Presented by US Venture Star Supporters: AZCO and Renewal by Andersen Sponsors: Heid Music, Festival Foods, Steve & Teri Winter, General Beer, Wisconsin Distributors, Brian Hodgkiss Injury Lawyers, Crane Engineering, Amcor, Ducommun, TDS and EPS Media Partners: Woodward Radio (105.7 WAPL, 95.9 KISS FM and 103.5 WAPL)	Radio advertising with Woodward radio across multiple stations (each band is paired with a station that fits their genre) Facebook advertising , website, eblasts, social media with FB event	Steady attendance so far	Continuing the Encore pub 'n grub promotion helped bring business to participating bars and restaurants each week after the show. Continuing the “honor nights” June was honoring Teachers (over 300 free drinks were redeemed) and July 20 will honor Veterans and Active Military
Lunchtime Live on the Road!	Friday's June 2 – August 25	Presented by US Venture Presented by US Venture Star Supporters: AZCO and Renewal by Andersen Sponsors: Heid Music, Festival Foods, Steve & Teri Winter, General Beer, Wisconsin Distributors, Brian Hodgkiss Injury Lawyers, Crane Engineering, Amcor, Ducommun, and EPS	Facebook advertising , website, eblasts, social media with FB event, mention of the performance during concert announcements	Good reports from hosts and musicians so far.	Musicians and hosts are promoting more to help with attendance and awareness of the event, hoping to look for new musicians for 2024
Downtown Creates: Street Music Night	Friday, June 16	Presented by: Kimberly-Clark Cares Star Supporters: AZCO and Renewal by Andersen Sponsors: ATW, Johnson Financial Group, Tundraland and the City of Appleton	Radio ads with Woodward Radio on KISS FM Facebook advertising , website, eblasts, social media with FB event	Good traffic and a few buskers as well	First event in the Downtown Creates Series partnering with Heid Music during Street Music week to bring performers Downtown Friday night

					up and down College Avenue. 6 professional performers total and a few buskers. APL hosted a Ukelele Jam in Houdini Plaza, sponsors has games and free items for attendees
Farm Market	Saturday's June 3 – October 14	Presented by: US Venture Star Supporters: AZCO and Renewal by Andersen Sponsors: Theda Care, Gateway Chiropractic, City of Appleton, Hilton Appleton Paper Valley Hotel, Sure- Dry, Ulness Health, Warning Lites, Prevea Health EBT Match Sponsor: Community First Credit Union Music Sponsor: Consolidated Construction Co.	Facebook advertising , website, eblasts, social media with FB event	Steady attendance so far, overall great reports from the community, farm market staff and vendors	Started the event earlier this year and had great attendance. Low on produce vendors due to a long winter and slower growing season Started offering a weekly vendor schedule for attendees, great response. Challenges with road construction that we are still working through

OTHER DOWNTOWN EVENTS	PRESENTED BY	DATES	NOTES
Memorial Day Parade	City of Appleton	May 29	Average attendance, similar elements to 2022
Flag Day Parade	City of Appleton	June 10	Attendance was up this year. Rocky Bleier as the Honorary Parade marshal, Dancing Grannies, and more live music. First year having the parade the same day as the Farm Market, great attendance for both, helped promoted a full day Downtown
Street Music Week	Heid Music	June 12 - 16	Great partnership with Heid Music, helped moved people up and down the Avenue all week long and paired well with Downtown Creates on Friday night
Concerts in the Courtyard	Mile of Music	June 14 – August 2	Back for it's eighth season, in the Hilton Appleton Paper Valley Hotel Courtyard, good attendance so far

			and good way to get people connected to Mile of Music artists leading up to the festival
Butterfly Festival	Kiwanis	June 17	Breakfast, face painting, crafts, kids' games, entertainment, butterfly demonstrations
Make Music Day	Heid Music	June 21	Musical education and entertainment and different Downtown venues throughout the whole day

FREE PUBLICITY	PAID IMAGE ADVERTISING
Monthly Interviews with WVBO	CopperLeaf guestbook (annual)
Monthly Interviews with Y100	APRD City Guide Back Cover Full Page ad
Light the Night Market: WBAY, Post Crescent, WFRV	1/2 page with Appleton Monthly May Issue
Craft Beer Walk: Local 5 Live Interview	Appleton Monthly June Issue
Local 5 Live: Summer preview covering Heid Music Summer Concert Series, Lunchtime Live on the Road and Farm Market	PAC Ovation 22-23 Season
Focus Fox Valley Radio Interview – Previewing Summer	Fox Cities Magazine June Issue
Appleton Monthly Events Calendar	Fun in WI Special Events Planner
Fox Cities Convention and Visitors Bureau Newsletter	
WBAY Summer Concert Series	
Post Crescent: guide to 7 local coffee shops	
Appleton Monthly Events Calendar	
Mother's Day in Downtown Appleton – WLUK	
Farm Market Returning for the Summer – WHBY & WBAY	
Street Music Week/Night – WLUK & NBC26	
Downtown Trolley Returns – WFRV	

COMMUNICATION STATISTICS: May 1 – July 10, 2023

Appleton Downtown Facebook Page Likes	21,148 (+1,815)	Email Active Contacts	11,457 (+209)
Farm Market Facebook Page Likes	20,658 (+884)	Website Sessions	95,024
Blog Posts	862 (+4)	By Device:	Mobile: 90.1% Desktop: 18.1% Tablet: 1.8%
Instagram Followers	7,706 (+754)	New Visitors:	59,017
Engaged Sessions	60,589	Top Referral Sites	
<ul style="list-style-type: none"> Views a page for 10 or more seconds Visits 2 or more pages Completes an action on page (eg. filling out a form) 		Google search	
		Facebook	
		The Greater Valley Guide	

Website Visits by Location Appleton: 15,939 Chicago: 8,433 Milwaukee: 6,357 Neenah: 2,724	Top Landing Pages Downtown Appleton Farm Market Light the Night Market Heid Music Summer Concert Series Upcoming Events Calendar
Website Visits from Social Media: 3,515	Total Users: 62,886
Available Commercial Space: 206 views 2 forms submitted Total Since Implemented (June 2022 – 2023) 1,072 views 12 forms submitted	

Available property/spaces

- Appleton Center - office
- City Center East – office
- 400 North – office and restaurant
- 222 E College – purchased
- 218 E. College Ave - Erberts and Gerberts space
- 213 E College – retail – renovating soon!!!
- 133 E College – retail – interested tenant
- 103 E College – office / retail – 2nd and 3rd floors
- 10 E College upstairs – office
- 618 W College
- 600 W College – restaurant
- 800 W College - retail
- 513 W. College – Office spaces
- 512 W College – office – 2 open small
- 330 W College – office spaces
- 318 W College – restaurant / retail / office
- 222 W College – restaurant / office
- 200 W College - retail / office
- 201 W College upstairs – office or retail
- 211 N Appleton – retail potential
- 200 E Washington – office
- 225 Richmond – office
- Urbane115 – retail / restaurant / office
- Stateview Commons – 2 private suites

Event tracking summary for 2023

Event	number of businesses involved	Tickets sold or attendance
Avenue of Ice	34	good traffic cold day
Death by Chocolate	22	674 tickets total over two routes
Ladies Fashion show	7	240 tickets sold / snow storm!
Mini golf	12	80 teams / 320 golfers
Craft Beer Walk	16	277
Light the Night Market		Outstanding crowd, great community participation: #
Lunchtime Live	14	average 24 per event
Seltzer Walk	11	
Soup Walk		
Cultural Cuisine Walk		
Ladies Shop and Wine Walk		
Fall craft beer walk		
Farm Market		Good crowds
Concerts		Good crowds
Downtown Creates		Street Music Night, Chalk Night, Be You!... A Night to Create
Light up Appleton		
Small business Saturday		
Golf Outing		
Awards Event		

Annual Statistics tracking:	2022
Grant support out	58 grants: \$63,642
Sponsor support in	63 sponsors and 3 STAR supporters: \$340,450
Maintenance contract hours and results	286 hours with Pfefferle / CARE hours: 999 hours Bags of garbage: 163.5
Occupancy of commercial units Business breakdown by industry within the BID: commercial, retail, hospitality, attraction	At 2022 year end: Vacant 19% Break Down: Attraction 4% Service 18% Retail 17% Office 19% Hospitality 23%
Occupancy of residential units	Unknown at this time
Marketing reach and social media following	2022 social media stats: Total impressions: 3.1M Published posts: 955 New followers 3.3K Total engagement 207.7K
Member engagement and participation with annual events and promotions	294 member engagements
Event attendance estimates	72 total events: 2022 summary available

APPENDIX C

2024

Budget

REVENUE

BID Assessments	275,355
Carry Over from Prior Year	18,262
Total	293,617

2024 Proposed Budget

EXPENSES

Contracted Services		
ADI Staff support	55,000	
Administrative	7,017	
Telephone		
Office Supplies		
Postage		
Conferences/Workshops		
Dues, Fees, Subscriptions		
Equipment Rental Fees/ copier		
Internet Fees		
BID Audit/Accounting Services	3,100	
Marketing	110,000	
Website & Social Media Content		
Image Advertising		
Design services		
Economic Development		
Façade Grants	45,000	
Recruitment Grant	15,000	
Business Recruitment	15,000	
Maintenance services		
Maintenance Assistance	40,000	
CARE team, flowers, garbage, graffiti		
Pedestrian Experience Improvement project	3,500	
	293,617	
	293,617	

APPENDIX D

2023-2024 BID Board List

Board Member	Business	Category
David Kress	City of Appleton – Deputy Director Community Development Department	City Government
Benjamin King	King Brokerage	Property owner / Business Owner –office/ Downtown Resident
Brad Schwebs	NAI Pfefferle/Pfefferle Management	Property owner representative / Office
Gary Schmitz – President	Retired	
Walter Schonfeld	Downtown Property Owner	Property and Business Owner – office
Bill Wetzel - Secretary	Acoca Coffee	Property Owner / Business Owner Hospitality
Jason Druxman– Treasurer	Avenue Jewelers	Business Owner: Retail & property/co-owner
Tim Ceman	Noble Assets	Building Owner
Nate Weyenberg	Angels Forever Windows of Light	Property Owner / Business Owner: Retail

Appendix E

Schedule of Assessments (attached)

Parcel	#	Dir	Street	Owner First Name	Owner Midd	Owner Last Name	Acres	Condo % Owners	Unit#	Land Assessed Value	Building Assessed Value	Total Assessed Value	Assessment	Min/Max Adj	Total Assessment
312000200	303	E	COLLEGE AVE			WP & R INC	0.17			\$165,200	\$182,500	\$347,700	956.18	956.18	956.18
312000300	305	E	COLLEGE AVE			GO TO COLLEGE LLC	0.08			\$69,500	\$110,000	\$179,500	493.63	493.63	493.63
312000400	311	E	COLLEGE AVE			311 COLLEGE AVE LLC	0.07			\$54,500	\$141,500	\$196,000	539.00	539.00	539.00
312000700	321	E	COLLEGE AVE	JIMMY	B	PHIMMASENE	0.11			\$87,800	\$251,000	\$338,800	931.70	931.70	931.70
312001700	231	E	COLLEGE AVE			FURMAN PROPERTIES LLC	0.09			\$87,200	\$360,500	\$447,700	1,231.18	1,231.18	1,231.18
312001900	229	E	COLLEGE AVE			NOBLE ASSETS INC	0.04			\$35,500	\$114,000	\$149,500	411.13	411.13	411.13
312002000	227	E	COLLEGE AVE			FIFTY-ONE FIFTY LLC	0.04			\$39,700	\$138,000	\$177,700	488.68	488.68	488.68
312002100	225	E	COLLEGE AVE	WENDY		KRUEGER ET AL	0.04			\$41,500	\$120,000	\$161,500	444.13	444.13	444.13
312002200	223	E	COLLEGE AVE			223 COLLEGE LLC	0.08			\$75,900	\$162,000	\$237,900	654.23	654.23	654.23
312002300	219	E	COLLEGE AVE			219 COLLEGE LLC	0.08			\$75,900	\$84,000	\$159,900	439.73	439.73	439.73
312002500	217	E	COLLEGE AVE	ANTHONY	A	MUELLER	0.08			\$75,900	\$140,000	\$215,900	593.73	593.73	593.73
312002600	215	E	COLLEGE AVE			KORN ACQUISITIONS R.E. LLC	0.08			\$76,200	\$254,300	\$330,500	908.88	908.88	908.88
312002700	213	E	COLLEGE AVE			SHIRAZ HOLDINGS LLC	0.08			\$78,400	\$189,500	\$267,900	736.73	736.73	736.73
312003100	201	E	COLLEGE AVE			GABRIEL LOFTS LLC	0.38			\$381,300	\$4,279,500	\$4,660,800	12,817.20	5,500.00	5,500.00
312003800	101	E	COLLEGE AVE			BEHNKE PROPERTIES LLC	0.04			\$47,300	\$237,700	\$285,000	783.75	783.75	783.75
312003900	103	E	COLLEGE AVE			FA & VB LLC	0.15			\$145,200	\$403,800	\$549,000	1,509.75	1,509.75	1,509.75
312004000	107	E	COLLEGE AVE	RAYMON	L	ASPLUND	0.06			\$60,500	\$163,000	\$223,500	614.63	614.63	614.63
312004100	109	E	COLLEGE AVE			DKS REALTY WISCONSIN IV LLC	0.06			\$67,000	\$154,000	\$221,000	607.75	607.75	607.75
312004200	111	E	COLLEGE AVE			DKS REALTY WISCONSIN IV LLC	0.06			\$67,000	\$154,500	\$221,500	609.13	609.13	609.13
312004300	113	E	COLLEGE AVE			BEHNKE PROPERTIES LLC	0.07			\$69,600	\$175,000	\$244,600	672.65	672.65	672.65
312004400	115	E	COLLEGE AVE			BEHNKE PROPERTIES LLC	0.18			\$187,400	\$517,000	\$704,400	1,937.10	1,937.10	1,937.10
312004600	121	E	COLLEGE AVE			BEHNKE PROPERTIES LLC	0.06			\$58,600	\$142,000	\$200,600	551.65	551.65	551.65
312004700	123	E	COLLEGE AVE			ECO PROPERTIES LLC	0.05			\$56,700	\$157,000	\$213,700	587.68	587.68	587.68
312004800	125	E	COLLEGE AVE			SOMA CORPORATION	0.06			\$60,000	\$295,000	\$355,000	976.25	976.25	976.25
312004900	127	E	COLLEGE AVE			BEHNKE PROPERTIES LLC	0.07			\$74,200	\$163,500	\$237,700	653.68	653.68	653.68
312005000	129	E	COLLEGE AVE			BEHNKE PROPERTIES LLC	0.07			\$74,200	\$231,500	\$305,700	840.68	840.68	840.68
312005100	133	E	COLLEGE AVE			133 E COLLEGE WI WCO LLC	0.07			\$74,200	\$393,500	\$467,700	1,286.18	1,286.18	1,286.18
312005101	135	E	COLLEGE AVE			GREENSIDE PROPERTIES LLC	0.07			\$77,200	\$150,500	\$227,700	626.18	626.18	626.18
312006900	107	W	COLLEGE AVE			BAZIL PROPERTIES LLC	0.1			\$108,100	\$378,500	\$486,600	1,338.15	1,338.15	1,338.15
312007000	101	W	COLLEGE AVE			ZUELKE FLATS LLC	0.15			\$171,000	\$6,780,000	\$6,951,000	19,115.25	5,500.00	5,500.00
312007200	100	W	LAWRENCE ST			100 W LAWRENCE STREET FEE LLC	0.79			\$526,800	\$9,500,000	\$10,026,800	27,573.70	5,500.00	5,500.00
312007400	221	W	COLLEGE AVE			SHAH BECK GROUP LLC	0.58			\$583,500	\$2,626,000	\$3,209,500	8,826.13	5,500.00	5,500.00
312007800	215	W	COLLEGE AVE			PASSION8 LLC	0.11			\$118,100	\$286,500	\$404,600	1,112.65	1,112.65	1,112.65
312007900	211	W	COLLEGE AVE			KING BROKERAGE LTD	0.17			\$175,400	\$625,600	\$801,000	2,202.75	2,202.75	2,202.75
312008000	207	W	COLLEGE AVE			TUSLER PROPERTIES LLC	0.08			\$87,600	\$299,000	\$386,600	1,063.15	1,063.15	1,063.15
312008100	205	W	COLLEGE AVE	STEVEN		HECKENLAIBLE LIV TRUST	0.05			\$51,900	\$231,800	\$283,700	780.18	780.18	780.18
312008200	203	W	COLLEGE AVE			CLEO'S REAL ESTATE PARTNERSHIP	0.05			\$53,000	\$305,500	\$358,500	985.88	985.88	985.88
312008300	201	W	COLLEGE AVE			201 W COLLEGE LLC	0.06			\$63,100	\$447,500	\$510,600	1,404.15	1,404.15	1,404.15
312008400	117	S	APPLETON ST			THEOBALD-APPLETON RENTAL PROPERTY LLC	0.03			\$24,200	\$136,800	\$161,000	442.75	442.75	442.75
312009200	343	W	COLLEGE AVE			DURTY PROPERTIES LLC	0.06			\$61,100	\$124,400	\$185,500	510.13	510.13	510.13
312009201	345	W	COLLEGE AVE			KONIETZKI HOLDINGS LLC	0.04			\$50,200	\$137,500	\$187,700	516.18	516.18	516.18
312009500	333	W	COLLEGE AVE			APPLETON HOTEL HOLDINGS LLC	0.35	21.00%		\$356,600	\$2,900,000	\$3,256,600	8,955.65	5,500.00	1,155.00
312009600	333	W	COLLEGE AVE			APPLETON HOTEL HOLDINGS LLC	2.5	79.00%		\$2,220,300	\$11,150,000	\$13,370,300	36,768.33	5,500.00	4,345.00
312023300	125	N	SUPERIOR ST			FOX CITIES CHAMBER OF COMMERCE	0.29			\$184,300	\$562,700	\$747,000	2,054.25	2,054.25	2,054.25

Parcel	#	Dir	Street	Owner First Name	Owner Midd	Owner Last Name	Acres	Condo % Owners	Unit#	Land Assessed Value	Building Assessed Value	Total Assessed Value	Assessment	Min/Max Adj	Total Assessment
312023500	342	W	COLLEGE AVE			HVN COMMERCIAL HOLDINGS LLC	0.4			\$435,300	\$1,645,500	\$2,080,800	5,722.20	5,500.00	5,500.00
312023800	330	W	COLLEGE AVE			330 COLLEGE LLC	0.38			\$382,200	\$2,580,000	\$2,962,200	8,146.05	5,500.00	5,500.00
312024200	322	W	COLLEGE AVE			DOUGHLICIOUS REAL ESTATE HOLDINGS LLC	0.13			\$127,000	\$248,500	\$375,500	1,032.63	1,032.63	1,032.63
312024300	318	W	COLLEGE AVE			318 COLLEGE AVE LLC	0.38			\$384,200	\$3,890,800	\$4,275,000	11,756.25	5,500.00	5,500.00
312024800	310	W	COLLEGE AVE	NATHAN	S	WEYENBERG	0.07			\$63,600	\$121,000	\$184,600	507.65	507.65	507.65
312025000	300	W	COLLEGE AVE			FOX CITIES HOTEL INVESTORS LLC	0.36			\$372,500	\$6,618,300	\$6,990,800	19,224.70	5,500.00	5,500.00
312025300	131	N	APPLETON ST			LOFGREN PROPERTIES 6 LLC ET AL	0.54			\$385,600	\$151,000	\$536,600	1,475.65	1,475.65	1,475.65
312025700	222	W	COLLEGE AVE			222 BUILDING LLC	0.62			\$610,500	\$12,300,000	\$12,910,500	35,503.88	5,500.00	5,500.00
312026000	210	W	COLLEGE AVE			PATTEN PROPERTIES LLC	0.17			\$173,000	\$706,800	\$879,800	2,419.45	2,419.45	2,419.45
312026300	200	W	COLLEGE AVE			LOFGREN PROPERTIES 6 LLC ET AL	0.33			\$355,300	\$1,750,400	\$2,105,700	5,790.68	5,500.00	5,500.00
312027303	100	W	COLLEGE AVE			NKHH LLC	0.01	1.30%	50B	\$7,300	\$100	\$7,400	20.35	275.00	71.50
312027304	100	W	COLLEGE AVE			NKHH LLC	0.0043	0.08%	50C	\$4,500	\$100	\$4,600	12.65	275.00	4.40
312027305	100	W	COLLEGE AVE			ISLAND MEDICAL LLC ET AL	0.0026	0.50%	50D	\$2,500	\$100	\$2,600	7.15	275.00	27.50
312027306	100	W	COLLEGE AVE			ISLAND MEDICAL LLC ET AL	0.0027	0.50%	50E	\$2,800	\$3,200	\$6,000	16.50	275.00	27.50
312027309	100	W	COLLEGE AVE			NKHH LLC	0.0011	0.20%	50H	\$1,100	\$2,900	\$4,000	11.00	275.00	11.00
312027330	100	W	COLLEGE AVE			NKHH LLC	0.08	15.90%	300A	\$89,100	\$1,173,400	\$1,262,500	3,471.88	3,471.88	874.50
312027340	100	W	COLLEGE AVE			NKHH LLC	0.08	15.90%	400A	\$89,700	\$1,178,200	\$1,267,900	3,486.73	3,486.73	874.50
312027341	100	W	COLLEGE AVE			NKHH LLC	0.0005	0.10%	400B	\$600	\$4,400	\$5,000	13.75	275.00	5.50
312027342	100	W	COLLEGE AVE			NKHH LLC	0.0005	0.10%	400C	\$600	\$6,900	\$7,500	20.63	275.00	5.50
312028200	122	E	COLLEGE AVE			PFEFFERLE INVESTMENTS INC ET AL	0.51	34.00%	001	\$514,200	\$1,928,800	\$2,443,000	6,718.25	5,500.00	1,870.00
312028201	122	E	COLLEGE AVE			PFEFFERLE INVESTMENTS INC ET AL	0.0026	0.17%	002	\$2,600	\$7,100	\$9,700	26.68	275.00	9.35
312028202	122	E	COLLEGE AVE			APPLETON EDUCATION FOUNDATION INC	0.14	9.42%	101	\$142,500	\$1,176,000	\$1,318,500	3,625.88	3,625.88	518.10
312028203	122	E	COLLEGE AVE			WASHINGTON STREET R.E. INVESTMENT FUND I LLC	0.01	0.54%	102	\$8,200	\$19,500	\$27,700	76.18	275.00	29.70
312028204	122	E	COLLEGE AVE			APPLETON EDUCATION FOUNDATION INC	0.01	0.93%	103	\$14,100	\$95,500	\$109,600	301.40	301.40	51.15
312028205	122	E	COLLEGE AVE			SS HOFFMAN HOLDINGS LLC	0.01	0.58%	104	\$8,800	\$19,000	\$27,800	76.45	275.00	31.90
312028206	122	E	COLLEGE AVE			APPLETON EDUCATION FOUNDATION INC	0.1	6.68%	105	\$0	\$780,000	\$780,000	2,145.00	2,145.00	367.40
312028207	122	E	COLLEGE AVE			PFEFFERLE INVESTMENTS INC ET AL	0.19	12.68%	201	\$191,800	\$1,606,800	\$1,798,600	4,946.15	4,946.15	697.40
312028208	122	E	COLLEGE AVE			PFEFFERLE INVESTMENTS INC ET AL	0.01	0.38%	202	\$5,800	\$13,800	\$19,600	53.90	275.00	20.90
312028210	122	E	COLLEGE AVE			PFEFFERLE INVESTMENTS INC ET AL	0.28	18.52%	204	\$280,100	\$2,327,500	\$2,607,600	7,170.90	5,500.00	1,018.60
312028211	122	E	COLLEGE AVE			PFEFFERLE INVESTMENTS INC ET AL	0.0039	0.26%	205	\$3,900	\$22,000	\$25,900	71.23	275.00	14.30
312028212	122	E	COLLEGE AVE			PFEFFERLE INVESTMENTS INC ET AL	0.0041	0.27%	206	\$4,100	\$22,500	\$26,600	73.15	275.00	14.85
312028213	122	E	COLLEGE AVE			WASHINGTON STREET R.E. INVESTMENT FUND I LLC	0.05	3.45%	301	\$52,200	\$490,000	\$542,200	1,491.05	1,491.05	189.75
312028214	122	E	COLLEGE AVE			WASHINGTON STREET R.E. INVESTMENT FUND I LLC	0.05	3.11%	106	\$47,000	\$476,300	\$523,300	1,439.08	1,439.08	171.05
312028215	122	E	COLLEGE AVE			SS HOFFMAN HOLDINGS LLC	0.12	7.90%	107	\$119,500	\$970,000	\$1,089,500	2,996.13	2,996.13	434.50
312028700	100	E	COLLEGE AVE			APPLETON HOTEL GROUP LLC	0.07			\$72,400	\$253,500	\$325,900	896.23	896.23	896.23
312029001	10	E	COLLEGE AVE			TAM LLC	1.54			\$1,375,300	\$990,000	\$2,365,300	6,504.58	5,500.00	5,500.00
312030200	130	N	MORRISON ST			DAUNTLESS PROPERTIES LLC	0.05			\$30,500	\$143,000	\$173,500	477.13	477.13	477.13
312030300	120	N	MORRISON ST			MORRISON BUILDING LLC	0.18			\$131,200	\$526,500	\$657,700	1,808.68	1,808.68	1,808.68
312031100	129	N	DURKEE ST			229 WASHINGTON LLC	0.14			\$93,700	\$260,000	\$353,700	972.68	972.68	972.68
312031200	200	E	COLLEGE AVE			200 COLLEGE LLC	0.12			\$129,200	\$620,500	\$749,700	2,061.68	2,061.68	2,061.68
312031300	204	E	COLLEGE AVE			FA & VB LLC	0.12			\$124,500	\$436,000	\$560,500	1,541.38	1,541.38	1,541.38
312031500	208	E	COLLEGE AVE			TENNIE'S JEWELRY PROPERTIES LLC	0.06			\$60,700	\$118,000	\$178,700	491.43	491.43	491.43
312031600	212	E	COLLEGE AVE	BRADLEY	R	VANDINTER	0.06			\$63,500	\$123,300	\$186,800	513.70	513.70	513.70
312031700	216	E	COLLEGE AVE			214/216 COLLEGE LLC	0.12			\$124,200	\$383,500	\$507,700	1,396.18	1,396.18	1,396.18

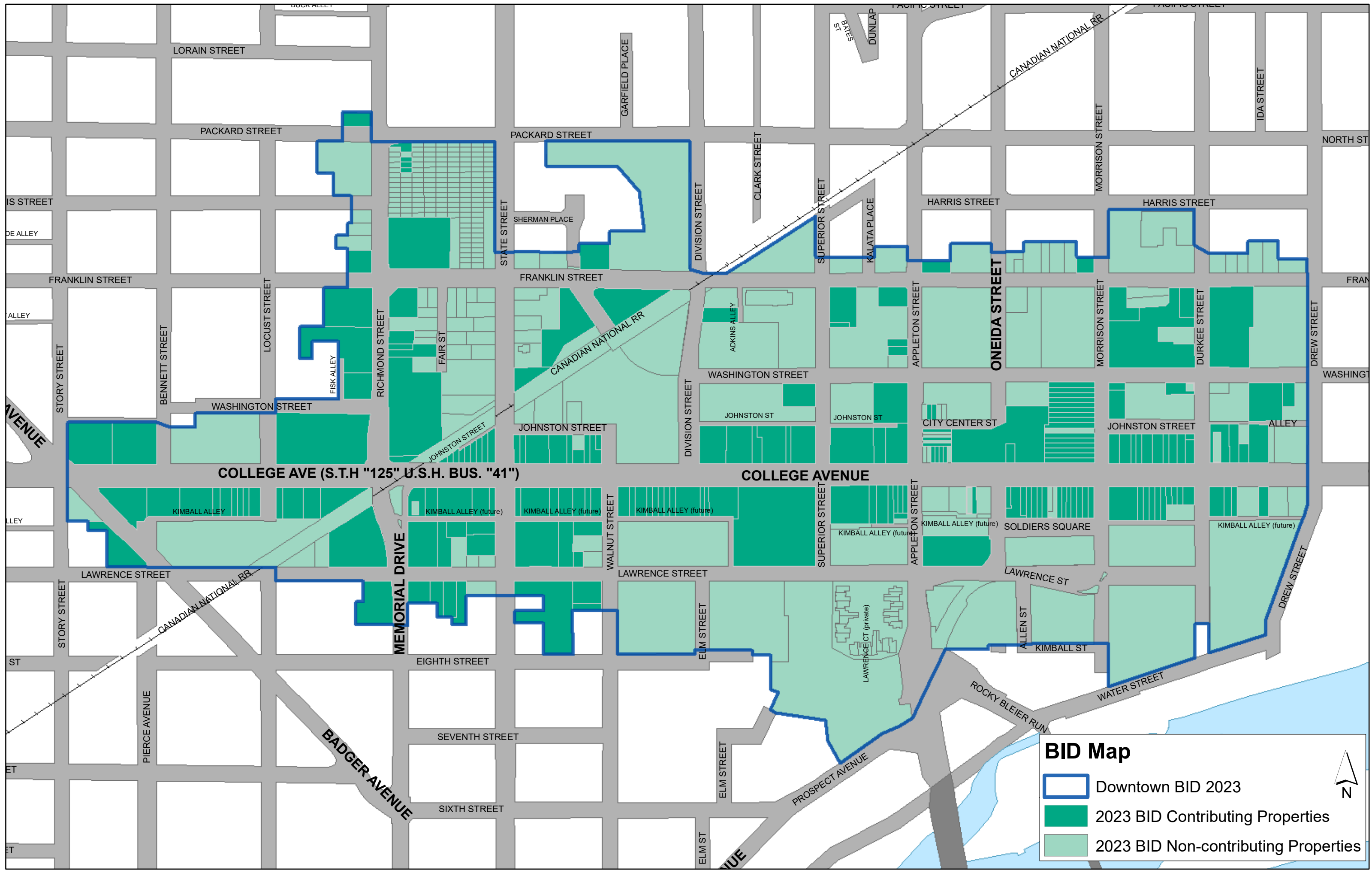
Parcel	#	Dir	Street	Owner First Name	Owner Midd	Owner Last Name	Acres	Condo % Owners	Unit#	Land Assessed Value	Building Assessed Value	Total Assessed Value	Assessment	Min/Max Adj	Total Assessment
312031900	218	E	COLLEGE AVE			218220 COLLEGE LLC	0.12			\$120,100	\$348,500	\$468,600	1,288.65	1,288.65	1,288.65
312032100	222	E	COLLEGE AVE			222 E COLLEGE AVE LLC	0.06			\$59,400	\$258,000	\$317,400	872.85	872.85	872.85
312032200	224	E	COLLEGE AVE			TROOPER PROPERTIES LLC	0.11			\$101,600	\$490,000	\$591,600	1,626.90	1,626.90	1,626.90
312032300	230	E	COLLEGE AVE			CJW PROPERTIES LLC	0.09			\$87,100	\$153,500	\$240,600	661.65	661.65	661.65
312032400	232	E	COLLEGE AVE			CJW PROPERTIES LLC	0.08			\$76,900	\$191,000	\$267,900	736.73	736.73	736.73
312032500	109	N	DURKEE ST			CJW PROPERTIES LLC	0.02			\$12,600	\$100,000	\$112,600	309.65	309.65	309.65
312033300	323	E	WASHINGTON ST			LAWRENCE UNIVERSITY OF WISCONSIN	0.51			\$319,400	\$30,500	\$349,900	962.23	962.23	962.23
312033400	331	E	WASHINGTON ST			DMW INVESTMENTS LLC	0.11			\$75,000	\$200,500	\$275,500	757.63	757.63	757.63
312033700	300	E	COLLEGE AVE			BGO LLC	0.3			\$250,400	\$195,500	\$445,900	1,226.23	1,226.23	1,226.23
312034000	308	E	COLLEGE AVE			BGO LLC	0.15			\$124,500	\$247,000	\$371,500	1,021.63	1,021.63	1,021.63
312034200	314	E	COLLEGE AVE			BOMB ALLEY LLC	0.07			\$61,900	\$144,000	\$205,900	566.23	566.23	566.23
312034300	320	E	COLLEGE AVE			320 EAST COLLEGE LLC	0.3			\$234,900	\$9,800,000	\$10,034,900	27,595.98	5,500.00	5,500.00
312035300	200	N	DURKEE ST			FIRSTAR BANK APPLETON	1.33			\$620,500	\$1,100,000	\$1,720,500	4,731.38	4,731.38	4,731.38
312036300	230	N	MORRISON ST			OPTION L PROPERTIES LLC	0.29			\$139,600	\$273,000	\$412,600	1,134.65	1,134.65	1,134.65
312036600	200	E	WASHINGTON ST			SKY APPLETON LLC ET AL	1.67			\$888,000	\$8,100,000	\$8,988,000	24,717.00	5,500.00	5,500.00
312037100	229	E	FRANKLIN ST			DETWEILER PROPERTIES LLC	0.18			\$75,500	\$198,000	\$273,500	752.13	752.13	752.13
312040400	231	W	FRANKLIN ST			SEC PROPERTIES LLC	0.38			\$176,800	\$213,200	\$390,000	1,072.50	1,072.50	1,072.50
312040500	214	N	SUPERIOR ST			214 SUPERIOR LLC	0.04			\$21,500	\$181,000	\$202,500	556.88	556.88	556.88
312040800	233	N	APPLETON ST	SCOTT		BERKEN	0.22			\$114,900	\$143,000	\$257,900	709.23	709.23	709.23
312041700	211	N	APPLETON ST			VINTAGE-SPECIALTY PROPERTIES LLC	0.06			\$33,000	\$157,500	\$190,500	523.88	523.88	523.88
312041800	207	N	APPLETON ST			JK APOLLON LLC	0.07			\$40,300	\$233,000	\$273,300	751.58	751.58	751.58
312043006	218	N	DIVISION ST	ROBERT	E	HOERSCH	0.2			\$80,000	\$172,000	\$252,000	693.00	693.00	693.00
312043600	300	N	APPLETON ST			FITZGERALD PROPERTIES LLC	0.14			\$75,000	\$365,000	\$440,000	1,210.00	1,210.00	1,210.00
312045800	130	E	FRANKLIN ST			FOX VALLEY LITERACY INC	0.11			\$46,200	\$289,500	\$335,700	923.18	923.18	923.18
313084700	201	S	WALNUT ST			MIP LLC	0.25			\$106,600	\$358,000	\$464,600	1,277.65	1,277.65	1,277.65
313084900	211	S	WALNUT ST			NOBLE ASSETS INC	0.08			\$32,400	\$168,500	\$200,900	552.48	552.48	552.48
313085500	516	W	EIGHTH ST			NORWEST BANK WISCONSIN APPLETON	1.14			\$352,500	\$165,300	\$517,800	1,423.95	1,423.95	1,423.95
313087600	206	S	MEMORIAL DR			MSV ENTERPRISE LLC	0.19			\$63,900	\$186,000	\$249,900	687.23	687.23	687.23
313087700	625	W	LAWRENCE ST			920 HOME PRO LLC	0.15			\$41,700	\$72,900	\$114,600	315.15	315.15	315.15
313087800	621	W	LAWRENCE ST			MB HOMES LLC	0.19			\$58,900	\$229,000	\$287,900	791.73	791.73	791.73
313087900	617	W	LAWRENCE ST			BEHNKE PROPERTIES LLC	0.18			\$52,400	\$45,600	\$98,000	269.50	275.00	275.00
313088300	215	S	MEMORIAL DR			DECLENE-ZELLNER LLC	0.56			\$162,600	\$478,300	\$640,900	1,762.48	1,762.48	1,762.48
313093400	131	S	BADGER AVE	JAMES	M	BOYLE SURVIVOR'S TRUST	0.42			\$90,400	\$45,600	\$136,000	374.00	374.00	374.00
313093700	911	W	COLLEGE AVE			S & K FOOD MART INC	0.48			\$159,800	\$330,000	\$489,800	1,346.95	1,346.95	1,346.95
313093800	843	W	COLLEGE AVE	LANCE	L	NEVINS REV TRUST	0.38			\$151,600	\$351,000	\$502,600	1,382.15	1,382.15	1,382.15
313094300	823	W	COLLEGE AVE			BLOCK 800 LLC	0.37			\$147,300	\$5,396,000	\$5,543,300	15,244.08	5,500.00	5,500.00
313094400	819	W	COLLEGE AVE	SARA	K	PIERRI REV TRUST	0.08			\$35,900	\$134,000	\$169,900	467.23	467.23	467.23
313094500	815	W	COLLEGE AVE	SARA	K	PIERRI REV TRUST	0.13			\$56,500	\$227,000	\$283,500	779.63	779.63	779.63
313094501	813	W	COLLEGE AVE	SARA	K	PIERRI REV TRUST	0.07			\$29,700	\$80,500	\$110,200	303.05	303.05	303.05
313094600	809	W	COLLEGE AVE			PIONEER PROFESSIONAL CARPET CARE LLC	0.07			\$28,700	\$133,500	\$162,200	446.05	446.05	446.05
313094700	807	W	COLLEGE AVE			OUTPOST 31 LLC	0.07			\$28,700	\$131,700	\$160,400	441.10	441.10	441.10
313094800	801	W	COLLEGE AVE			TERRELL PROPERTIES LLC	0.13			\$57,500	\$275,000	\$332,500	914.38	914.38	914.38
313096000	745	W	COLLEGE AVE			PACIFIC HOLDINGS LLC	0.08			\$36,400	\$348,000	\$384,400	1,057.10	1,057.10	1,057.10
313096100	741	W	COLLEGE AVE			I KNOW, RIGHT? LLC	0.25			\$66,600	\$50,000	\$116,600	320.65	320.65	320.65

Parcel	#	Dir	Street	Owner First Name	Owner Midd	Owner Last Name	Acres	Condo % Owners	Unit#	Land Assessed Value	Building Assessed Value	Total Assessed Value	Assessment	Min/Max Adj	Total Assessment
313096301	733	W	COLLEGE AVE			SPATS FOOD AND SPIRITS LLC	0.21			\$84,000	\$167,500	\$251,500	691.63	691.63	691.63
313096400	719	W	COLLEGE AVE	JENNY		KONG-YU ET AL	0.31			\$114,500	\$185,300	\$299,800	824.45	824.45	824.45
313097200	127	S	MEMORIAL DR			ZCF QOZB LLC	1.03			\$353,900	\$1,412,000	\$1,765,900	4,856.23	4,856.23	4,856.23
313097600	623	W	COLLEGE AVE			GENIA'S LEGACY LLC	0.13			\$86,800	\$240,000	\$326,800	898.70	898.70	898.70
313097601	104	S	MEMORIAL DR	MAI		VANG	0.19			\$121,500	\$117,000	\$238,500	655.88	655.88	655.88
313097900	609	W	COLLEGE AVE			APPLETON WEST END REALTY LTD	0.4			\$249,000	\$360,000	\$609,000	1,674.75	1,674.75	1,674.75
313098300	603	W	COLLEGE AVE			DAS VENTURES HOLDINGS LLC	0.2			\$141,200	\$526,500	\$667,700	1,836.18	1,836.18	1,836.18
313098500	601	W	COLLEGE AVE	JAMES		LISON	0.07			\$54,000	\$297,500	\$351,500	966.63	966.63	966.63
313098600	115	S	STATE ST			MCFLESHMAN'S COMMONS LLC	0.15			\$74,000	\$539,000	\$613,000	1,685.75	1,685.75	1,685.75
313098800	121	S	STATE ST			121 STATE ST LLC	0.24			\$103,800	\$151,000	\$254,800	700.70	700.70	700.70
313099300	620	W	LAWRENCE ST			RUBY LOU PROPERTIES LLC	0.23			\$75,900	\$200,000	\$275,900	758.73	758.73	758.73
313099600	122	S	MEMORIAL DR	ROBERT	J	MAZZA	0.52			\$205,000	\$160,500	\$365,500	1,005.13	1,005.13	1,005.13
313099800	613	W	COLLEGE AVE			RUBY LOU PROPERTIES LLC	0.13			\$40,000	\$75,500	\$115,500	317.63	317.63	317.63
313099900	535	W	COLLEGE AVE	JOHN	C	GREINER	0.07			\$62,900	\$210,000	\$272,900	750.48	750.48	750.48
313100300	523	W	COLLEGE AVE			EFS LLC	0.33			\$299,700	\$848,000	\$1,147,700	3,156.18	3,156.18	3,156.18
313100400	519	W	COLLEGE AVE			KOROLL PROPERTIES LLC	0.1			\$94,900	\$355,000	\$449,900	1,237.23	1,237.23	1,237.23
313100500	513	W	COLLEGE AVE			BELA DEVELOPMENT LLC	0.16			\$154,900	\$1,600,000	\$1,754,900	4,825.98	4,825.98	4,825.98
313100600	516	W	LAWRENCE ST			BELA DEVELOPMENT LLC	0.26			\$117,500	\$18,000	\$135,500	372.63	372.63	372.63
313100800	118	S	STATE ST			NORWEST BANK WISCONSIN APPLETON	0.78			\$383,000	\$970,000	\$1,353,000	3,720.75	3,720.75	3,720.75
313101500	510	W	LAWRENCE ST	CRESENCIO		VICTORIA	0.06			\$30,300	\$64,600	\$94,900	260.98	275.00	275.00
313101700	119	S	WALNUT ST			IMPERIAL ASSETS LLC	0.17			\$89,400	\$126,500	\$215,900	593.73	593.73	593.73
313102000	511	W	COLLEGE AVE			JJS VENTURES LLC	0.13			\$126,700	\$655,000	\$781,700	2,149.68	2,149.68	2,149.68
313102100	507	W	COLLEGE AVE			VICTORIAS APPLETON INC	0.07			\$66,200	\$279,300	\$345,500	950.13	950.13	950.13
313102200	503	W	COLLEGE AVE			VICTORIAS APPLETON INC	0.13			\$132,000	\$275,000	\$407,000	1,119.25	1,119.25	1,119.25
313102300	427	W	COLLEGE AVE			THE BAR GROUP LLC	0.13			\$145,300	\$823,500	\$968,800	2,664.20	2,664.20	2,664.20
313102500	425	W	COLLEGE AVE			SUESS MANAGEMENT LLC	0.07			\$72,000	\$268,000	\$340,000	935.00	935.00	935.00
313102700	423	W	COLLEGE AVE			FERRUCCIO VC INC	0.13			\$141,100	\$1,245,500	\$1,386,600	3,813.15	3,813.15	3,813.15
313102800	417	W	COLLEGE AVE			TH2 INVESTMENTS LLC	0.07			\$75,400	\$320,500	\$395,900	1,088.73	1,088.73	1,088.73
313102900	415	W	COLLEGE AVE			HLK VENTURES LLC	0.06			\$69,000	\$250,000	\$319,000	877.25	877.25	877.25
313103000	413	W	COLLEGE AVE			RVC LLC	0.07			\$72,000	\$203,800	\$275,800	758.45	758.45	758.45
313103100	411	W	COLLEGE AVE	MERIJE		ELMAZI	0.07			\$72,000	\$195,700	\$267,700	736.18	736.18	736.18
313103200	409	W	COLLEGE AVE	JULIA		MORALES	0.07			\$72,000	\$187,000	\$259,000	712.25	712.25	712.25
313103300	403	W	COLLEGE AVE			AH&M ENTERPRISES LLC	0.28			\$292,800	\$1,090,700	\$1,383,500	3,804.63	3,804.63	3,804.63
315069300	305	N	RICHMOND ST			MYLEE'S EGG ROLLS LLC	0.22			\$74,700	\$168,000	\$242,700	667.43	667.43	667.43
315071200	225	N	RICHMOND ST			BLUE OFFICE LLC	0.73			\$255,200	\$450,400	\$705,600	1,940.40	1,940.40	1,940.40
315105800	532	W	COLLEGE AVE			KEYSTONE FUTURES LLC	0.07			\$62,900	\$534,000	\$596,900	1,641.48	1,641.48	1,641.48
315105900	530	W	COLLEGE AVE	ANDREW	R	THORNELL	0.07			\$60,500	\$140,500	\$201,000	552.75	552.75	552.75
315106000	524	W	COLLEGE AVE	PATRICK	J	FLANAGAN	0.26			\$246,300	\$367,000	\$613,300	1,686.58	1,686.58	1,686.58
315106300	514	W	COLLEGE AVE			NOBLE ASSETS INC	0.2			\$189,700	\$258,000	\$447,700	1,231.18	1,231.18	1,231.18
315106500	512	W	COLLEGE AVE			FRASER PROPERTIES LLC	0.07			\$64,000	\$109,500	\$173,500	477.13	477.13	477.13
315106700	508	W	COLLEGE AVE			FRASER PROPERTIES LLC	0.07			\$67,500	\$154,000	\$221,500	609.13	609.13	609.13
315106800	506	W	COLLEGE AVE			FRASER PROPERTIES LLC	0.07			\$66,200	\$137,500	\$203,700	560.18	560.18	560.18
315107000	500	W	COLLEGE AVE			COLLEGE AVE LEGACY LLC	0.1	75.00%		\$101,500	\$273,500	\$375,000	1,031.25	1,031.25	1,031.25
315107001	111	N	WALNUT ST	NATASHA		BANKS	0.03	25.00%		\$32,700	\$65,000	\$97,700	268.68	275.00	275.00

Parcel	#	Dir	Street	Owner First Name	Owner Midd	Owner Last Name	Acres	Condo % Owners	Unit#	Land Assessed Value	Building Assessed Value	Total Assessed Value	Assessment	Min/Max Adj	Total Assessment
315107500	509	W	FRANKLIN ST			BELFEUIL RENTALS LLC	0.64			\$124,800	\$110,000	\$234,800	645.70	645.70	645.70
315107502	437	W	FRANKLIN ST			RUNNING PROPERTIES LLC	0.61			\$127,700	\$170,000	\$297,700	818.68	818.68	818.68
315107600	136	N	STATE ST	ROBERT		CASTON	0.2			\$51,800	\$66,000	\$117,800	323.95	323.95	323.95
315110000	306	N	RICHMOND ST			KWIK TRIP INC	1.27			\$415,600	\$1,568,900	\$1,984,500	5,457.38	5,457.38	5,457.38
315110100	400	N	RICHMOND ST			JN INVESTMENT PROPERTIES LLC ET AL	0.22			\$67,700	\$634,200	\$701,900	1,930.23	1,930.23	1,930.23
315110120	400	N	RICHMOND ST			JN INVESTMENT PROPERTIES LLC ET AL	0.05			\$16,800	\$121,800	\$138,600	381.15	381.15	381.15
315110121	400	N	RICHMOND ST			JN INVESTMENT PROPERTIES LLC ET AL	0.28			\$85,300	\$495,900	\$581,200	1,598.30	1,598.30	1,598.30
315110122	400	N	RICHMOND ST			JN INVESTMENT PROPERTIES LLC ET AL	0.05			\$14,100	\$146,600	\$160,700	441.93	441.93	441.93
315113900	226	N	RICHMOND ST			2418 S ONEIDA ST LLC	0.32			\$83,600	\$100	\$83,700	230.18	275.00	275.00
315114700	208	N	RICHMOND ST	JAMIE	L	BOYCE	0.13			\$43,300	\$83,500	\$126,800	348.70	348.70	348.70
315114800	200	N	RICHMOND ST	JAMIE	L	BOYCE	0.19			\$60,600	\$96,000	\$156,600	430.65	430.65	430.65
315114801	204	N	RICHMOND ST	JAMIE	L	BOYCE	0.06			\$18,400	\$89,500	\$107,900	296.73	296.73	296.73
315115800	110	N	RICHMOND ST			OLD BRICK PROPERTIES LLC	1.81			\$647,700	\$489,100	\$1,136,800	3,126.20	3,126.20	3,126.20
315115900	638	W	COLLEGE AVE	RANDY		KESTER	0.07			\$41,700	\$37,800	\$79,500	218.63	275.00	275.00
315116000	600	W	COLLEGE AVE	EMILIANO		MORALES REV LIV TRUST	0.1			\$65,600	\$177,000	\$242,600	667.15	667.15	667.15
315116200	602	W	COLLEGE AVE	SHANE		KRUEGER	0.07			\$42,900	\$127,000	\$169,900	467.23	467.23	467.23
315116300	604	W	COLLEGE AVE			FDS LLC	0.06			\$36,100	\$134,500	\$170,600	469.15	469.15	469.15
315116400	606	W	COLLEGE AVE	FREDERICK	G	VANHANDEL	0.05			\$31,200	\$120,500	\$151,700	417.18	417.18	417.18
315116500	610	W	COLLEGE AVE	FREDERICK	G	VANHANDEL	0.04			\$25,700	\$128,000	\$153,700	422.68	422.68	422.68
315116600	612	W	COLLEGE AVE			INVESTMENT CREATIONS LLC	0.03			\$20,700	\$131,000	\$151,700	417.18	417.18	417.18
315116700	614	W	COLLEGE AVE			DRS INVESTMENTS LLC	0.03			\$18,600	\$132,000	\$150,600	414.15	414.15	414.15
315116800	616	W	COLLEGE AVE	DANIEL	J	YDE	0.02			\$12,700	\$79,000	\$91,700	252.18	275.00	275.00
315116900	618	W	COLLEGE AVE	ANTAR		BARQUET-LEYTE ET AL	0.02			\$11,200	\$34,500	\$45,700	125.68	275.00	275.00
315117300	700	W	COLLEGE AVE			GRANITE PEAK PROPERTY INVESTMENTS LP ET AL	1.82			\$937,500	\$1,409,300	\$2,346,800	6,453.70	5,500.00	5,500.00
315118400	137	N	RICHMOND ST			CHRISTENSEN LAND CO	0.87			\$281,100	\$555,500	\$836,600	2,300.65	2,300.65	2,300.65
315118700	133	N	RICHMOND ST			EVERGREEN CREDIT UNION	0.29			\$102,900	\$450,000	\$552,900	1,520.48	1,520.48	1,520.48
315121200	900	W	COLLEGE AVE	JOHN	C	MAY REVOCABLE TRUST	0.72			\$282,700	\$1,045,000	\$1,327,700	3,651.18	3,651.18	3,651.18
315121600	926	W	COLLEGE AVE			CAPITAL CREDIT UNION	0.72			\$288,000	\$387,500	\$675,500	1,857.63	1,857.63	1,857.63
315128300	501	N	RICHMOND ST			IMPERIAL ASSETS LLC	0.17			\$46,800	\$160,000	\$206,800	568.70	568.70	568.70
315191800	500	W	FRANKLIN ST			FRANKLIN PROPERTIES LLC	0.32			\$69,900	\$206,000	\$275,900	758.73	758.73	758.73
										\$29,548,000	\$151,798,400	\$181,346,400			275,355.75

Appendix F

Map of District



COLLEGE AVE (S.T.H "125" U.S.H. BUS. "41")

COLLEGE AVENUE

BID Map

- Downtown BID 2023
- 2023 BID Contributing Properties
- 2023 BID Non-contributing Properties



**APPLETON DOWNTOWN, INC. AND
CREATIVE DOWNTOWN APPLETON, INC.
BOARD OF DIRECTORS 2022**

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Laura Vargosko, Thrivent Financial

VICE PRESIDENT
Lyssa King, Downtown Resident & King Brokerage

SECRETARY
Tom Klister, FORE Development + Investment Group

TREASURER
Steve Lonsway, Stone Arch Brewpub

Monica Stage, City of Appleton

Kevin Wirth, U.S. Venture

Natalie Klika, Johnson Financial Group

Madera Allan, Lawrence University

Kolby Knuth, Knuth Financial Planning and The 513

Jay Lison, Pixel Pro Audio

Kara Manuel, Lillians of Appleton

Todd Heid, Heid Music

Jeff Geiger, J. Geiger Consulting

Kyle Fritz, On The Fritz Concessions

**BUSINESS IMPROVEMENT DISTRICT
BOARD OF DIRECTORS 2022**

PRESIDENT
Gary Schmitz, Community Advocate

TREASURER
Monica Stage, City of Appleton

SECRETARY
Jason Druzman, Avenue Jewelers

Tim Ceman, Nobel Assets

Brad Schwabs, Pfefferle Management

Nate Weyenberg, Angels Forever-Windows of Light

Marcie Hoffman, Triumph Engineering

Bill Wetzel, ACOCA Coffee

Benjamin King, Downtown Resident and King Brokerage

**APPLETON DOWNTOWN, INC.
STAFF 2022**

EXECUTIVE DIRECTOR
Jennifer Stephany

EVENTS DIRECTOR
Carissa Hackel

MARKETING DIRECTOR
Abby Novak

EVENTS COORDINATOR
Sandy Storch

COMMUNITY PARTNERSHIP DIRECTOR
Meghan Warner

ADMINISTRATIVE & EVENTS ASSISTANT
Meghan Petters

THANK YOU

Thank you for sponsoring our events and creative projects in 2022!

2 Buck Bar	Festival Foods	Network Health
4Imprint	First Weber Realty	Nicolet National Bank
Abby Bank	Fleet Farm	Oh Snap Pickles
Action Painting	Fore Development & Investments	Orange Theory Fitness
Appleton International Airport (ATW)	Fox Cities CVB	Peterson Berk & Cross, S.C.
AT&T	Fox Cities Magazine	Presto Products
Bayland Builders	Fox Communities Credit Union	Run Away Shoes
Bazil's Pub & Provisions	Gateway Chiropractic	Sabre Lanes
Benefit Insurance	General Beer	State Farm
BioLife Plasma Services	Heid Music & Heid Music Foundation	Steve & Teri Winter
Boldt Co.	Hilton Appleton Paper Valley Hotel	Sure-Dry Basement Systems
Brian Hodgkiss Injury Lawyers	Hoffman Planning, Design & Construction Inc.	TDS
City of Appleton	J. Geiger Consulting	Telmark Sales
Clarity Care	Johnson Financial Group	The 513
Community First Credit Union	Kay Distributing	ThedaCare
Community Foundation Bright Idea Fund - Grant	Kimberly-Clark Cares Foundation	Ulness Health
Consolidated Construction Co.	Knuth Financial Life Planning	Unison CU
CopperLeaf Boutique Hotel	Lee Beverage	U.S. Venture
CoVantage Credit Union	Maritime Tavern	Warning Lites of Appleton, Inc
Crunch Fitness	McClone	Willems Marketing
Cumulus Media Radio Group	Mile of Music Festival	Wisconsin Distributors
Event Production Systems (EPS)	Mortgage Nerds	Woodward Communications
FC Retrofoam	NAI Pfefferle/Pfefferle Management	Radio Group

Thank you to our Star Supporters!



2022 AWARD WINNERS

Business of the Year Award – Heid Music
Presented to the Business or entity that stands out from the rest and captured the admiration of the Downtown.

Bernie Pearlman Downtowner Award – Monica Stage
Presented to a person who has had a significant positive impact on Downtown and displays an overwhelming passion for its success.

The Mike Pfefferle Dreamers & Doers Award – Jason Tadych, Tadych Investment Partners
A new award last year - Presented to the business, group or individual who has significantly enhanced, for years to come, the physical and/or economic landscape of the Downtown.

President's Award – Karen Harkness
Presented to an individual, group or business who, within their working relationship with ADI and the Downtown, went above and beyond that usual relationship to contribute to the success of Downtown.

Harvey Samson Outstanding Volunteer Award – Peg Otis
Presented to an individual whose time and commitment to the effort of building a strong Downtown highlights him or her as an outstanding volunteer and community advocate.

New Face of Downtown Façade Award – Crazy Sweet
Presented to a business that has invested in the physical appearance of the building they call home in our Downtown neighborhood.

Rising Star Award – Uni Uni Bubble Tea
Presented to a business new to Downtown in the last year that shows longevity and fulfills a need in the Downtown.

Walter Kalata Landmark Award – Copper Rock Coffee Company
Presented to a business that has withstood the test of time and operates with passion and a strong commitment to Downtown. A place where people can remember the past and converse about the future.

Appleton Downtown, Inc.
Creative Downtown Appleton, Inc.
Business Improvement District
333 W College Ave, Suite 100, Appleton, WI 54911
920-954-9112 • Fax 920-954-0219 • info@appletondowntown.org

appletondowntown.org #onegreatplace



Appleton Downtown, Inc.,
Business Improvement District & Creative Downtown Appleton, Inc.
2022 ANNUAL REPORT

22 New
Downtown
Businesses
22
NEW

63 Corporate
Sponsors
& 3 STAR
Supporters,
making
72 Events
possible
72
EVENTS

Within the
past 3 years:
11 Lodging
Projects
providing
490 new
Downtown
Residential
Units at
multiple
price points
490
NEW

3.1 Million
Total
Impressions
across our
social media
platforms
3.1
MILLION

56 Grants
Given:
\$62,645
Total to help
market &
improve
Downtown
Businesses
56
GRANTS



BUSINESS IMPROVEMENT DISTRICT
& CREATIVE DOWNTOWN APPLETON

2022 ADI & CDA HIGHLIGHTS

A YEAR IN REVIEW

IT IS DEFINITELY DOWNTOWN'S TIME TO GROW!

2022 was a substantial year for development and new business neighbors. With assistance from both the Bounce Back Grant and the Business Improvement District grant programs, we welcomed 22 new businesses within Downtown. Most recently, we celebrated the AZCO headquarters relocation to City Center East, and additional U.S. Venture employees in the 222 Building – with both providing a needed boost to Downtown's employee base. As Downtown's growing residential inventory contributes to the vibrancy of the district, it brings to light the balance we must achieve as a neighborhood, a commercial business corridor and an arts and cultural district.

Discussion has surfaced around how the built environment supports the walkability and livability of the district. The City of Appleton focused attention to the area north of College Avenue as a growth corridor for additional residential units, a renovated transit center and expanded renovated library. Our collaborative efforts with the BID, ADI and CDA will have a greater focus on cleanliness, business retention and recruitment, boosting Downtown as a tourism destination, and curating livability enhancements to support the following Downtown community priorities:

- A strong local economy that supports businesses of all sizes in all sectors
- An inclusive and welcoming Downtown that encourages belonging
- Build Downtown as a destination for leisure and business travel
- Strong livable Downtown neighborhoods with a variety of housing stock
- Improved traffic safety and walkability
- Improved connectivity to the Riverfront
- Accessible and affordable parking solutions
- Enhanced and expanded streetscape throughout Downtown and College North neighborhood
- Expanded public art and creative culture
- Strengthened partnership with Lawrence University and Appleton Area School District

DOWNTOWN LIVABILITY

On College Avenue —

Welcome: **320 East**
Opening Soon: **Park Central** and **The Residences at Zuelke**

On the Horizon:
Chase Bank Redevelopment – 24 units
Rise Apartments – 43 units (36 low to moderate)

Within the past 3 years, 11 housing projects have been delivered or approved Downtown, totaling nearly \$70M in investment and providing 490 new residential units at multiple price points.

GIFT CERTIFICATES

2,612 Downtown Gift Certificates sold



\$67,935 Generated in additional Downtown spending!

MARKETING AND EVENTS

Web: Engaged User Sessions —

125,494 **73.7%** **23.9%** **2.4%**
MOBILE DESKTOP OTHER

Social Media —



19,888 LIKES

7,160 FOLLOWERS

182,215 TOTAL ENGAGEMENTS

11,956 TOTAL ENGAGEMENTS



20,143 LIKES

36,697 TOTAL ENGAGEMENTS



MISSION
To create and enhance the cultural environment of Downtown Appleton by providing opportunities for community access to arts, music and cultural activities.



LIGHT UP APPLETON



AVENUE OF ICE



LUNCHTIME LIVE ON THE ROAD



DOWNTOWN CREATES: PAINT OUT



PARTNERSHIP WITH MILE OF MUSIC

2022 BUSINESS IMPROVEMENT DISTRICT HIGHLIGHTS

Business Improvement District total assessed value of the 206 BID properties: \$139,643,700

An increase of 1.45% or \$1,990,000 over the previous year

The 2022 BID Budget reflects the BID Board of Directors, City Planning Commission and City Council approved BID rate of \$2.75 per \$1000 of assessed value, with a minimum of \$275 and maximum of \$5500.

BID GRANT INVESTMENTS

Grant Support —



TIF Grants —

City of Appleton TIFs #11 & #12 Business Enhancement Grants were awarded to 7 properties, totaling \$48,500 and leveraging just over \$100,000 in private investment in these districts.

Business Recruitment Grants supported 18 businesses for a total of \$17,100.

Welcome to Downtown —

- Murphy's Family Barbershop and Salon
- All Tied Up Floral Café
- Franklin Street Salon Studios
- YOGA3 Appleton
- 3 Tall Pines-Kush Kafe
- Eroding Winds LLC
- League of Women Voters of Appleton – Fox Cities
- Tiffani's Bridal
- Mr. Frogs
- Eclectic Candle Company
- HGM Apparel LLC
- Diverse and Resilient
- The Book Store
- Wild Theory Studios
- Lawlss Coffee
- Uni Uni Bubble Tea
- Reach Counseling Services, Inc.
- Helios Recovery Services

18 BUSINESSES SUPPORTED



to access the 2023 Collaborative BID/ADI/CDA Operating Plan

KEEPING DOWNTOWN CLEAN & SAFE



The C.A.R.E. Team, in partnership with Riverview Gardens and the City of Appleton, in 2022 completed 999.5 hours of cleaning and collected 163.5 bags of garbage. The program helped 656 Service Works participants acquire employability training while contributing to the cleanliness of the district.

999.5 HOURS

New in 2022, the Pfefferle Management Team



was contracted by the BID to help keep Downtown clean and beautiful for the community. They completed 268 hours of service helping clean up garbage, remove graffiti and repair miscellaneous damage throughout the district.

268 HOURS

BUSINESS IMPROVEMENT DISTRICT

REVENUE	2022 Actual	2023 Budget
BID Assessments	235,485	241,512
Carryover from Prior Year	21,804	21,868
	\$257,289	263,380
EXPENSES		
Contracted Services		
ADI Staff	50,000	50,000
Administrative	6,324	6,412
BID Audit	3,050	2,600
Marketing and Printing	73,911	75,000
Economic Development		
Façade Grant	39,124	40,000
Marketing Grant	6,421	10,000
Recruitment Grant	17,100	15,000
Business Employee & Resident Recruitment	6,451	7,500
Maintenance Services		
Maintenance/Flowers	33,040	35,000
	\$235,421	\$241,512
CARRYOVER	\$21,868	\$21,868

**CITY OF APPLETON
BUSINESS IMPROVEMENT DISTRICT**

**A COMPONENT UNIT OF THE
CITY OF APPLETON, WISCONSIN**

**FINANCIAL STATEMENTS AND
SUPPLEMENTARY INFORMATION**

YEAR ENDED DECEMBER 31, 2022



CPAs | CONSULTANTS | WEALTH ADVISORS

CLAconnect.com

**CITY OF APPLETON BUSINESS IMPROVEMENT DISTRICT
APPLETON, WISCONSIN
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YEAR ENDED DECEMBER 31, 2022**

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INDEPENDENT AUDITORS' REPORT

Board of Directors
Appleton Business Improvement District
City of Appleton, Wisconsin

Report on the Audit of the Financial Statements

Opinion

We have audited the accompanying financial statements of Appleton Business Improvement District (the District), a component unit of the City of Appleton, Wisconsin, as of and for the year ended December 31, 2022, and the related notes to the financial statements which collectively comprise the District's basic financial statements as listed in the table of contents.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the District as of December 31, 2022, and the changes in its financial position and its cash flows for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinion

We conducted our audit in accordance with auditing standards generally accepted in the United States of America (GAAS). Our responsibilities under those standards are further described in the Auditors' Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the District and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the District's ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

Board of Directors
Appleton Business Improvement District
City of Appleton, Wisconsin

Auditors' Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditors' report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with GAAS we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the District's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the District's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control related matters that we identified during the audit.

Required Supplementary Information

Management has omitted the management's discussion and analysis that accounting principles generally accepted in the United States of America require to be presented to supplement the basic financial statements. Such missing information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. Our opinion on the basic financial statements is not affected by this missing information.

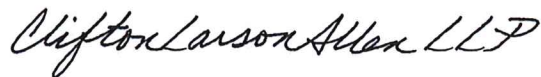
Board of Directors
Appleton Business Improvement District
City of Appleton, Wisconsin

Supplementary Information

Our audit was conducted for the purpose of forming an opinion on the District's financial statements that collectively comprise the District's basic financial statements. The schedule of revenues, expenses, and changes in net position – budget and actual is presented for purposes of additional analysis and is not a required part of the financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the financial statements. The schedule of revenues, expenses, and changes in net position – budget and actual has been subjected to the auditing procedures applied in the audit of the basic financial statements, and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the schedule of revenues, expenses, and changes in net position – budget and actual is fairly stated in all material respects in relation to the basic financial statements as a whole.

Report on Summarized Comparative Information

We have previously audited the District's 2021 financial statements, and we expressed an unmodified opinion on the financial statements of the District in our report dated June 7, 2022. In our opinion, the summarized comparative information presented herein as of and for the year ended December 31, 2021, is consistent, in all material respects, with the audited financial statements from which it has been derived.



CliftonLarsonAllen LLP

Green Bay, Wisconsin
June 22, 2023

FINANCIAL STATEMENTS

**CITY OF APPLETON BUSINESS IMPROVEMENT DISTRICT
 APPLETON, WISCONSIN
 STATEMENT OF NET POSITION
 DECEMBER 31, 2022
 (WITH SUMMARIZED AMOUNTS AS OF DECEMBER 31, 2021)**

	2022	2021
ASSETS		
Current Assets:		
Cash and Investments	\$ 206,658	\$ 205,599
Special Assessments Receivable	96,001	81,533
Total Assets	302,659	287,132
LIABILITIES		
Current Liabilities:		
Accounts Payable	37,385	23,639
DEFERRED INFLOWS OF RESOURCES		
BID Assessments Levied for Subsequent Year	241,512	235,485
NET POSITION		
Unrestricted	23,762	28,008
Total Net Position	\$ 23,762	\$ 28,008

See accompanying Notes to Financial Statements.

**CITY OF APPLETON BUSINESS IMPROVEMENT DISTRICT
APPLETON, WISCONSIN
STATEMENT OF REVENUES, EXPENSES, AND CHANGES IN NET POSITION
YEAR ENDED DECEMBER 31, 2022
(WITH SUMMARIZED ACTUAL AMOUNTS FOR THE YEAR ENDED DECEMBER 31, 2021)**

	<u>2022</u>	<u>2021</u>
OPERATING REVENUES		
BID Assessments	\$ 235,485	\$ 230,931
OPERATING EXPENSES		
Contracted Services	50,000	50,000
Administrative:		
Telephone	3,051	1,889
Office Supplies	173	58
Postage	1,208	1,286
Dues, Fees, and Subscriptions	1,183	802
Facility Rent	709	1,816
Total Administrative	<u>6,324</u>	<u>5,851</u>
Audit and Accounting Services	3,051	2,971
Marketing:		
Advertising	73,911	70,918
Printing	-	218
Total Marketing	<u>73,911</u>	<u>71,136</u>
Economic Development Projects:		
Sidewalk Maintenance/Amenities	33,040	18,712
Façade Grants	39,124	57,216
Marketing Grants	6,421	9,343
Recruiting Grant	17,100	13,250
Business Recruitment	6,451	2,440
Total Economic Development Projects	<u>102,136</u>	<u>100,961</u>
Total Operating Expenses	<u>235,422</u>	<u>230,919</u>
OPERATING INCOME (LOSS)	63	12
NONOPERATING REVENUES		
Investment Income (Loss)	<u>(4,309)</u>	<u>(1,030)</u>
CHANGE IN NET POSITION	(4,246)	(1,018)
Net Position - Beginning of Year	<u>28,008</u>	<u>29,026</u>
NET POSITION - END OF YEAR	<u>\$ 23,762</u>	<u>\$ 28,008</u>

See accompanying Notes to Financial Statements.

CITY OF APPLETON BUSINESS IMPROVEMENT DISTRICT
APPLETON, WISCONSIN
STATEMENT OF CASH FLOWS
YEAR ENDED DECEMBER 31, 2022
(WITH SUMMARIZED AMOUNTS FOR THE YEAR ENDED DECEMBER 31, 2021)

	<u>2022</u>	<u>2021</u>
CASH FLOWS FROM OPERATING ACTIVITIES		
Cash Received from District Members	\$ 227,044	\$ 222,709
Cash Paid to Suppliers	<u>(221,676)</u>	<u>(238,099)</u>
Net Cash Provided (Used) by Operating Activities	5,368	(15,390)
 CASH FLOWS FROM INVESTING ACTIVITIES		
Loss in Pooled Cash	<u>(4,309)</u>	<u>(1,030)</u>
 CHANGE IN CASH AND CASH EQUIVALENTS	1,059	(16,420)
 Cash and Cash Equivalents - Beginning of Year	<u>205,599</u>	<u>222,019</u>
 CASH AND CASH EQUIVALENTS - END OF YEAR	<u><u>\$ 206,658</u></u>	<u><u>\$ 205,599</u></u>
 RECONCILIATION OF OPERATING INCOME TO NET CASH PROVIDED (USED) BY OPERATING ACTIVITIES		
Operating Income	\$ 63	\$ 12
Adjustments to Reconcile Operating Income to Net Cash Provided (Used) by Operating Activities:		
Change in Operating Assets and Liabilities:		
Special Assessments Receivable	(14,468)	(12,776)
Accounts Payable	13,746	(7,180)
BID Assessments Levied for Subsequent Year	<u>6,027</u>	<u>4,554</u>
Net Cash Provided (Used) by Operating Activities	<u><u>\$ 5,368</u></u>	<u><u>\$ (15,390)</u></u>

See accompanying Notes to Financial Statements.

**CITY OF APPLETON BUSINESS IMPROVEMENT DISTRICT
APPLETON, WISCONSIN
NOTES TO FINANCIAL STATEMENTS
DECEMBER 31, 2022**

NOTE 1 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The financial statements of the City of Appleton Business Improvement District, Appleton, Wisconsin (the District), have been prepared in conformity with accounting principles generally accepted in the United States of America (U.S. GAAP) as applied to government units. The Governmental Accounting Standards Board (GASB) is the accepted standard-setting body for establishing governmental accounting and financial reporting principles. The significant accounting principles and policies utilized by the District are described below:

A. Reporting Entity

Wisconsin Statutes allow for the creation of Business Improvement Districts (BID). A BID is a geographic area within a municipality consisting of contiguous parcels, which are subject to assessments, where the assessment revenue must be used to benefit the BID. The purpose was to authorize cities, villages, and towns to create one or more business improvement districts to allow businesses within those districts to develop, manage, maintain, and promote their districts and to establish an assessment method to fund these activities. A BID affords property owners and business people a very real role in directing those affairs within the district, which influences their investment and environment. It also ensures that the beneficiaries of district programs participate in the funding of the programs.

The District is a legal entity separate and distinct from the City of Appleton, Wisconsin. The District is governed by a nine member appointed board and approved by the Common council. The members serve staggered, two year terms. A majority of the board members shall own or occupy real property in the District.

B. Measurement Focus and Basis of Accounting

The accounting and financial reporting treatment applied to the District is determined by its measurement focus. The transactions of the District are accounted for using the *economic resources measurement focus*. With this measurement focus, all assets, deferred outflows of resources, liabilities, and deferred inflows of resources associated with the operations are included on the statement of net position.

The statement of net position and statement of revenues, expenses, and changes in net position are reported using the accrual basis of accounting. Under the accrual basis of accounting, revenues are recognized when earned and expenses are recorded when the liability is incurred or economic asset used. Revenues, expenses, gains, losses, assets, and liabilities resulting from exchange and exchange like transactions are recognized when the exchange takes place. Assessments are levied upon all property within the District and are recognized as revenues in the year for which they are levied. At year end, assessments for the following year are recorded as receivables and deferred inflows of resources. Grants and similar items are recognized as revenues as soon as all eligibility requirements imposed by the provider are met. Special assessments are recorded as revenue when earned. Unbilled receivables are recorded as revenues when services are provided.

**CITY OF APPLETON BUSINESS IMPROVEMENT DISTRICT
APPLETON, WISCONSIN
NOTES TO FINANCIAL STATEMENTS
DECEMBER 31, 2022**

NOTE 1 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

B. Measurement Focus and Basis of Accounting (Continued)

The District distinguishes *operating* revenues and expenses from *nonoperating* items. Operating revenues and expenses generally result from providing services and producing and delivering goods in connection with a proprietary fund's principal ongoing operations. The principal operating revenues of the District are charges to the district members. Operating expenses for the District include salaries and wages, operation and maintenance, business development and promotions. All revenues and expenses not meeting this definition are reported as nonoperating revenues and expenses.

When both restricted and unrestricted resources are available for use, it is the District's policy to use restricted resources first, then unrestricted resources, as they are needed.

C. Assets, Liabilities, Deferred Outflows/Inflows of Resources, and Net Position

1. Cash and Investments

Cash and investments are combined in the financial statements. Cash deposits consist of demand and time deposits with financial institutions. Investments are stated at fair value. Fair value is the price that would be received to sell an asset in an orderly transaction between market participants at the measurement date.

2. BID Special Assessments

The primary source of revenue for the District is an assessment levied on property located within District boundaries. The BID assessments are determined in November, and included as a special charge on each property owner's tax bill within the District and become an enforceable lien on December 31. The BID assessments are due in full to the City by January 31st of the subsequent year, which the City collects and distributes to the District.

3. Deferred Outflows/Inflows of Resources

Deferred outflows of resources are a consumption of net position by the government that is applicable to a future reporting period. Deferred inflows of resources are an acquisition of net position by the government that is applicable to a future reporting period. The recognition of those outflows and inflows as expenses or expenditures and revenues are deferred until the future periods to which the outflows and inflows are applicable.

**CITY OF APPLETON BUSINESS IMPROVEMENT DISTRICT
APPLETON, WISCONSIN
NOTES TO FINANCIAL STATEMENTS
DECEMBER 31, 2022**

NOTE 1 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

**C. Assets, Liabilities, Deferred Outflows/Inflows of Resources, and Net Position
(Continued)**

4. Net Position

Equity is classified as net position and displayed in three components:

- Net Investment in Capital Assets. Amount of capital assets, net of accumulated depreciation, and capital related deferred outflows of resources less outstanding balances of any bonds, mortgages, notes, or other borrowings that are attributable to the acquisition, construction, or improvement of those assets and any capital related deferred inflows of resources.
- Restricted Net Position. Amount of net position that is subject to restrictions that are imposed by 1) external groups, such as creditors, grantors, contributors or laws or regulations of other governments or 2) law through constitutional provisions or enabling legislation.
- Unrestricted Net Position. Net position that is neither classified as restricted nor as net investment in capital assets.

5. Claims and Judgements

Claims and judgements are recorded as expenses when the related liabilities are incurred.

D. Prior Year Information

Comparative amounts for the prior year have been presented in the financial statements to provide an understanding of changes in the District's financial position and operations. The comparative amounts may be summarized in total and not at the level of detail required for a presentation in conformity with generally accepted accounting principles. Accordingly, such information should be read in conjunction with the District's financial statements for the year ended December 31, 2021, from which the summarized information was derived.

**CITY OF APPLETON BUSINESS IMPROVEMENT DISTRICT
APPLETON, WISCONSIN
NOTES TO FINANCIAL STATEMENTS
DECEMBER 31, 2022**

NOTE 2 STEWARDSHIP AND COMPLIANCE

A. Operating Plan

The budgetary information is derived from the District's annual operating plan budget and is presented using the same basis of accounting as described in Note 1.B. The 2022 Operating Plan, as approved by the board of directors and common council, included provisions for District assessments and related spending of \$235,485. The board of directors and management use the budget to manage the District's program activities; however, the budget does not represent a legal budget establishing specific line item expenditure limits.

NOTE 3 DETAILED NOTES ON ALL FUNDS

A. Cash and Investments

The District's cash and investments total \$206,658 are commingled with the cash and investment accounts of the City of Appleton; therefore, individual bank balances of the District cannot be determined. Please refer to the City's financial statements for further information.

The City's Annual Comprehensive Financial Report can be located at www.appleton.org/government/finance.

NOTE 4 OTHER INFORMATION

A. Risk Management

The District is exposed to various risks of loss related to torts; theft of, damage to and destruction of assets; errors and omissions; and natural disasters for which the government carries commercial insurance. The District completes an annual review of its insurance coverage to ensure adequate coverage.

B. Contingencies

From time to time, the District is party to other various pending claims and legal proceedings. Although the outcome of such matters cannot be forecast with certainty, it is the opinion of management that the likelihood is remote that any such claims or proceedings will have a material adverse effect on the District's financial position or results of operations.

SUPPLEMENTARY INFORMATION

**CITY OF APPLETON BUSINESS IMPROVEMENT DISTRICT
APPLETON, WISCONSIN
SCHEDULE OF REVENUES, EXPENSES, AND CHANGES IN NET POSITION
BUDGET AND ACTUAL
YEAR ENDED DECEMBER 31, 2022**

	Original Budget	Final Budget	Actual	Variance Final Budget - Positive (Negative)
OPERATING REVENUES				
Bid Assessments	\$ 235,485	\$ 235,485	\$ 235,485	\$ -
OPERATING EXPENSES				
Contracted Services	50,000	50,000	50,000	-
Administrative:				
Telephone	-	-	3,051	(3,051)
Office Supplies	-	-	173	(173)
Postage	-	-	1,208	(1,208)
Dues, Fees, and Subscriptions	-	-	1,183	(1,183)
Facility Rent	-	-	709	(709)
Total Administrative	<u>6,485</u>	<u>6,485</u>	<u>6,324</u>	<u>161</u>
Audit and Accounting Services	2,500	2,500	3,051	(551)
Marketing:				
Advertising	74,000	74,000	73,911	89
Economic Development Projects:				
Sidewalk Maintenance/Amenities	30,000	34,000	33,040	960
Façade Grants	40,000	40,000	39,124	876
Marketing Grants	10,000	10,000	6,421	3,579
Recruiting Grant	15,000	20,000	17,100	2,900
Business Recruitment	7,500	7,500	6,451	1,049
Total Economic Development Projects	<u>102,500</u>	<u>111,500</u>	<u>102,136</u>	<u>9,364</u>
Total Operating Expenses	<u>235,485</u>	<u>244,485</u>	<u>235,422</u>	<u>9,063</u>
OPERATING INCOME (LOSS)	-	(9,000)	63	9,063
NONOPERATING REVENUES				
Investment Income (Loss)	-	-	(4,309)	(4,309)
CHANGE IN NET POSITION	-	(9,000)	(4,246)	4,754
Net Position - Beginning of Year	<u>28,008</u>	<u>28,008</u>	<u>28,008</u>	<u>-</u>
NET POSITION - END OF YEAR	<u>\$ 28,008</u>	<u>\$ 19,008</u>	<u>\$ 23,762</u>	<u>\$ 4,754</u>



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REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Date: September 13, 2023

Common Council Meeting Date: September 20, 2023

Item: Special Use Permit #10-23 for a restaurant with alcohol sales and consumption

Case Manager: Jessica Titel, Principal Planner

GENERAL INFORMATION

Owner: Park Place Holdings, LLC

Applicant: Laxman Gurung – Nanglo Momos and Curry

Address/Parcel #: 1619 West College Avenue – Suite A (Tax Id #31-3-0049-00)

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

BACKGROUND

The Common Council granted a Special Use Permit to The Jerk Joint on January 8, 2020 for a restaurant with alcohol sales and consumption (located in Suite D on the subject parcel).

The Common Council granted a Special Use Permit to Thai Ginger Bistro on June 5, 2019 for a restaurant with alcohol sales and consumption (located in Suite F on the subject parcel).

Rezoning #11-03 to rezone the subject property from PD/C-2 Planned Development/General Commercial District to C-2 General Commercial District was approved by the Common Council on September 17, 2003.

The subject property was zoned to PD/C-2 Planned Development/General Commercial District with the adoption of the Zoning Ordinance and Map on May 22, 1994. There was no Implementation Plan Document filed with the City or recorded in the Outagamie County Register of Deeds' Office.

In 1970, the building on the subject property was constructed as a multi-tenant building.

STAFF ANALYSIS

Project Summary: The applicant is proposing to establish a restaurant with alcohol sales and consumption within the existing building (Suite A) which totals approximately 1,568 square feet.

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

Outdoor Seating Area: No outdoor area is being proposed.

Special Use Permit #10-23

September 13, 2023

Page 2

Existing Site Conditions: The existing multi-tenant building totals approximately 11,084 square feet. The required off-street parking spaces is 45 stalls. The existing parking lot provides 52 parking spaces. Access is provided by curb cuts on West College Avenue, South Douglas Street and South Victoria Street.

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

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

North: C-2 General Commercial District. The adjacent land use to the north is currently a retail business.

South: P Parking District, R-1B Single-Family District and R-2 Two-Family District. The adjacent land uses to the south are currently single-family residential uses and surface parking lots.

East: R-1B Single-Family District. The adjacent land uses to the east are currently residential uses.

West: M-2 General Industrial District. The adjacent land uses to the west are currently professional office and manufacturing uses.

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

Goal 1 – Community Growth

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

Goal 8 – Economic Development

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

OBJECTIVE 9.4 Economic Development:

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

OBJECTIVE 10.5 Land Use:

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

Technical Review Group (TRG) Report: This item appeared on the August 22, 2023 TRG agenda. No negative comments were received from participating departments.

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

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 #10-23 for 1619 West College Avenue – Suite A (Tax Id #31-3-0049-00), as shown on the attached maps and per attached plan of operation, along with the attached resolution, **BE APPROVED** to run with the land, subject to the following conditions:

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

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

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

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

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

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

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

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

Special Use Permit #10-23

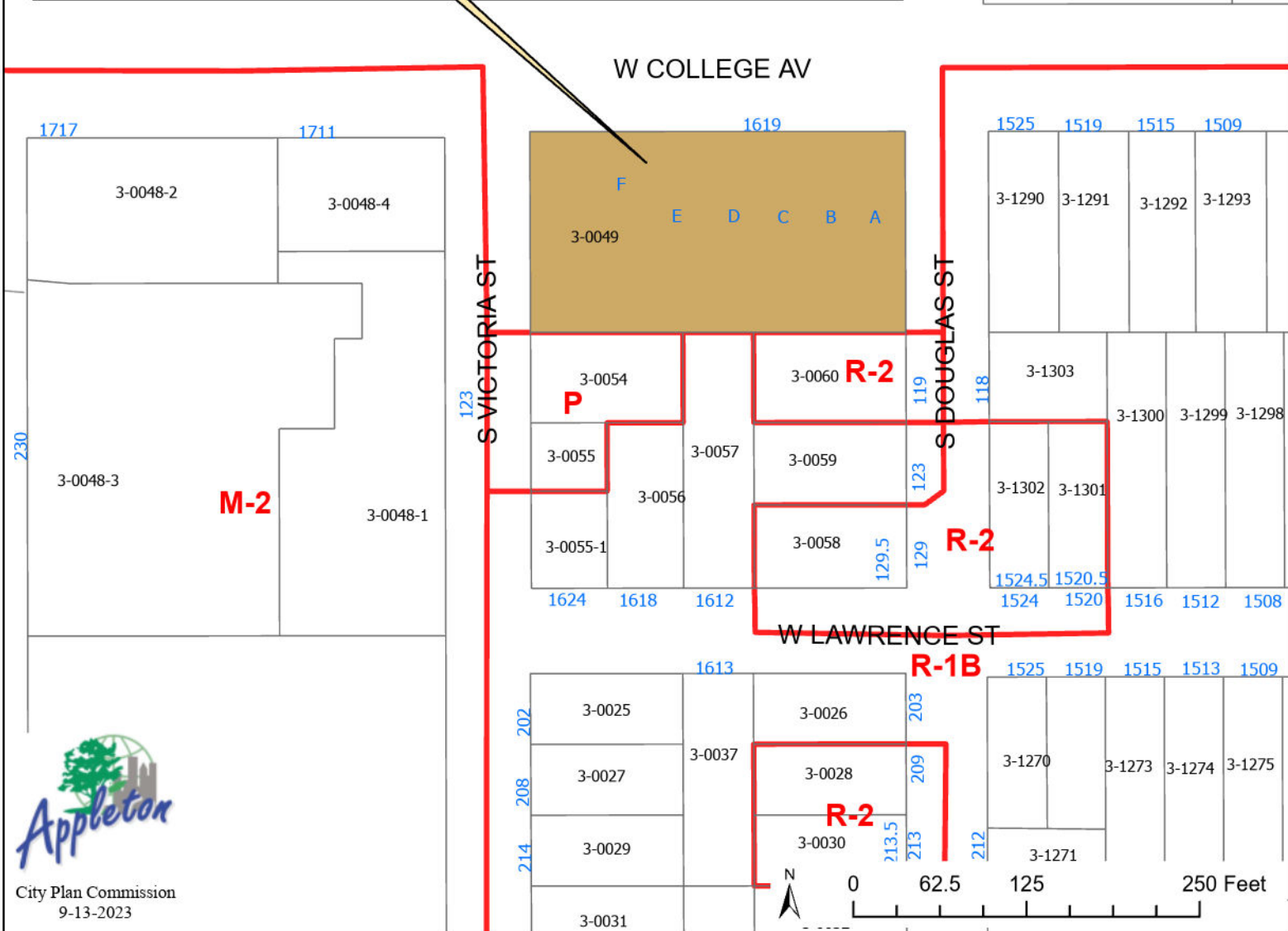
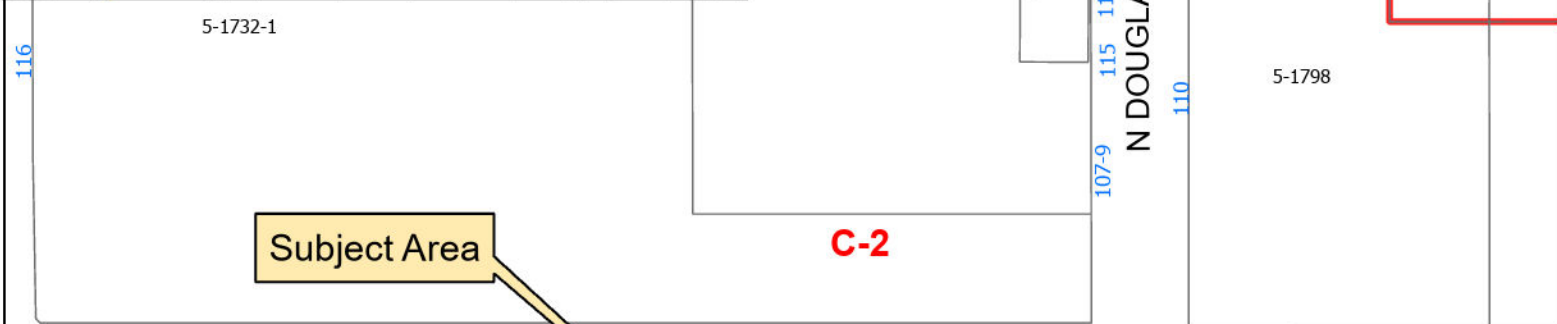
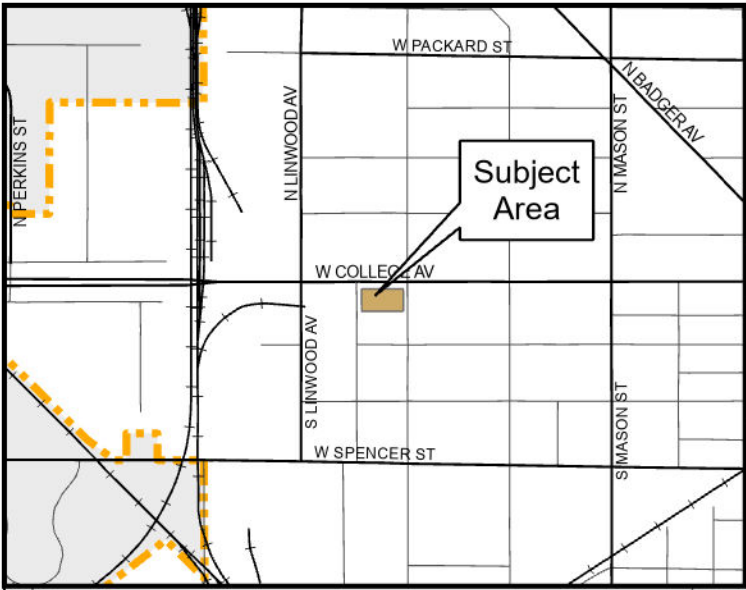
September 13, 2023

Page 4

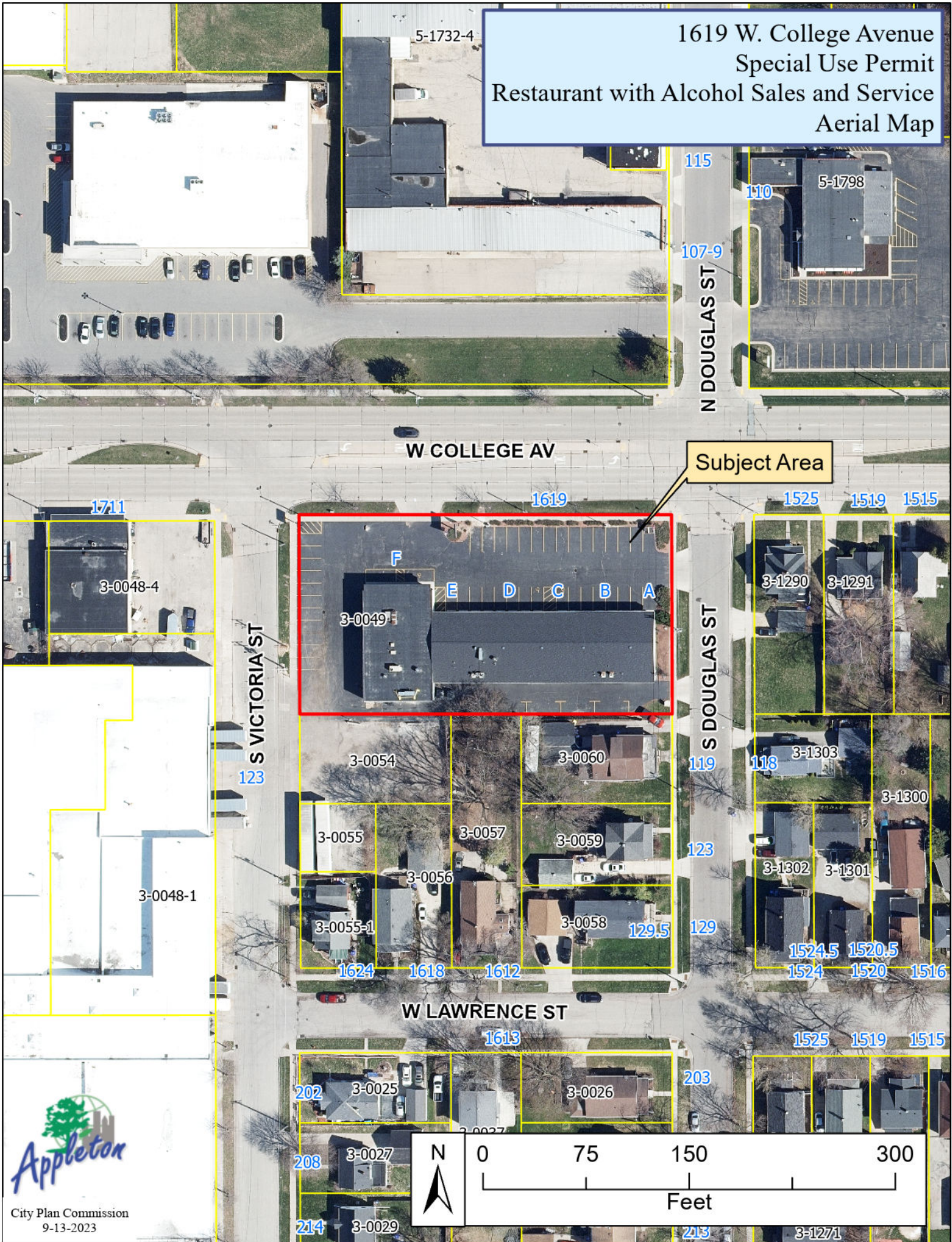
5. The serving and consumption of alcohol is limited to the interior tenant space, as identified on the attached development plan and floor plan drawings. Any expansions of the special use, changes to the development plan(s), plan of operation or any conditions of approval may require a major or minor 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.

1619 W. College Avenue
 Special Use Permit
 Restaurant with Alcohol Sales and Service
 Vicinity Map



1619 W. College Avenue
Special Use Permit
Restaurant with Alcohol Sales and Service
Aerial Map



CITY OF APPLETON
RESOLUTION FOR SPECIAL USE PERMIT #10-23
RESTAURANT WITH ALCOHOL
1619 W. COLLEGE AVENUE, SUITE A

WHEREAS, Laxman Gurung of Nanglo Momos and Curry, has applied for a Special Use Permit for a restaurant with alcohol sales and service located at 1619 W. College Avenue – Suite A, also identified as Parcel Number 31-3-0049-00; and

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

WHEREAS, the City of Appleton Plan Commission held a public hearing on September 13, 2023 on Special Use Permit #10-23, 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 #10-23 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 September 20, 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 #10-23 for a restaurant with alcohol sales and service located at 1619 W. College Avenue – Suite A, also identified as Parcel Number 31-3-0049-00, 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 #10-23 for a restaurant with alcohol sales and service located at 1619 W. College Avenue – Suite A, also identified as Parcel Number 31-3-0049-00, 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 #10-23:

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

Adopted this _____ day of _____, 2023.

Jacob A. Woodford, Mayor

ATTEST:

Kami Lynch, City Clerk

PLAN OF OPERATION AND LOCATIONAL INFORMATION

Business Information:

Name of business: Nanglo Momos and Curry

Years in operation: N/A

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

Restaurant

Tavern/Night Club/Wine Bar

Painting/Craft Studio

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

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

Winery (manufacturing of wine)

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

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

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

Other _____

Detailed explanation of proposed business activities:

We are converting the current office space into a small restaurant, with plans for an Indian restaurant in Suite A. Additionally, in Suite B, we are planning to open an Indian grocery store, but that will happen after March 2024.

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

(square feet) 1568

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

(square feet) 1568

Occupancy Limits:

Maximum number of persons permitted to occupy the building or tenant space as determined by the International Building Code (IBC) or the International Fire Code (IFC), whichever is more restrictive: 34 persons.

Proposed Hours of Operation for Indoor Uses:

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

Production/Storage Information:

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

- Current production of fermented malt beverages: _____ U.S. gallons per year
- Proposed production of fermented malt beverages: _____ U.S. gallons per year
- Current production of wine: _____ U.S. gallons per year
- Proposed production of wine: _____ U.S. gallons per year
- Current production of intoxicating liquor: _____ proof gallons per year
- Proposed production of intoxicating liquor: _____ proof gallons per year

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

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

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

Outdoor Space Uses:

(Check applicable outdoor space uses)

- Patio
- Deck
- Sidewalk Café
- Other _____

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

Size: _____ square feet

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

- Fencing Landscaping Other _____ Height _____ feet

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

If yes, please describe:

Are there plans for outdoor music/entertainment? Yes ___ No

If yes, describe how the noise will be controlled:

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

Proposed Hours of Operation for Outdoor Space:

Day	From	To
Monday thru Thursday		
Friday		
Saturday		
Sunday		

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

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

Describe Any Potential Noise Emanating From the Proposed Use:

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

Due to its smaller size, the noise level in the restaurant from equipment and mechanical sources is moderate. We can anticipate sounds from kitchen appliances, ventilation systems, and potentially refrigeration units.

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

We plan to implement a reservation system and efficiently manage walk-ins. We will establish clearly marked waiting areas and strategically arrange the seating layout to optimize space usage and maintain comfortable distances between tables. Our well-trained staff will guide customers to their seats and prevent congestion. Additionally, we aim to encourage customers to order food through our website and third-party apps for a seamless dining experience.

Off-Street Parking:

Number of spaces existing on-site: 54

Number of spaces proposed on-site: 54

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?

We believe there won't be any changes needed for street access to minimize the impact on traffic flow.

Other Licensed Premises:

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

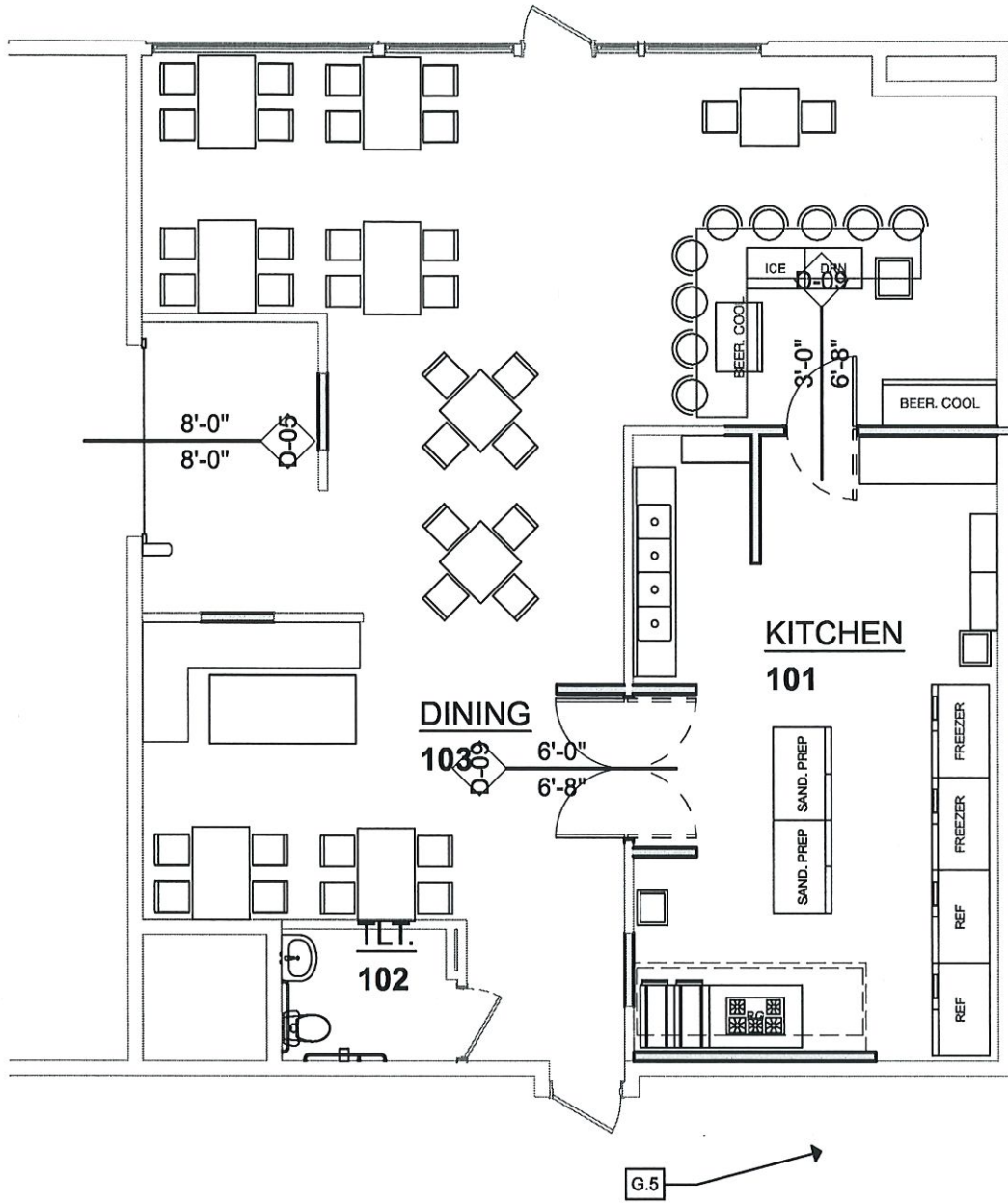
List nearby licensed premises:

Number of Employees:

Number of existing employees: _____

Number of proposed employees: 4

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



1

First Floor Plan

Scale: 1/8" = 1'-0"



COLLEGE AVE.

S. VICTORIA ST

S. DOUGLAS ST.

EXISTING PARKING LOT

EXISTING
RETAIL STRIP
MALL
BUILDING

1619
COLLEGE
AVE
AREA OF
WORK

PROPERTY LINE

ALLEY

1

Architectural Site Plan

Scale: 1" = 40'



Resolution #10-R-23

Resolution on Appleton's Allocation of New State Shared Revenue Aid

Submitted by: Alderperson Croatt – District 14, Alderperson Siebers – District 1, Alderperson Hartzheim – District 13, Alderperson Doran – District 15, Alderperson Alfheim – District 11

Date: August 16, 2023

Referred To: Mayor's Office, Legal Services Department – *To be reported at Finance Committee*

Whereas the Wisconsin State Legislature approved and Governor Tony Evers signed on June 20th, 2023, important and significant local government funding legislation that increases state aid to municipalities, directing it to be used for infrastructure and public safety;

Whereas the City of Appleton will see an additional allocation of nearly \$2 million in 2024;

Whereas two of the most vital public services the city provides to residents are infrastructure and public safety;

Whereas the City of Appleton is behind in adequately funding both critical areas of public service;

Whereas in consultation with Mayor Woodford, there is a mutual understanding the overall goals of this resolution are in alignment with the goals of the Mayor and staff for budget considerations;

Now Therefore Be It Resolved that the Appleton Common Council directs the Mayor to allocate the entire amount of additional new state aid to be used only to offset borrowing for public works and utility infrastructure (water distribution and sewer systems) and/or public safety projects;

Be It Further Resolved that the Mayor provide the Common Council a supplemental document to the 2024 proposed budget detailing the proposed use of the new state aid funds for the sole purposes of citywide projects for infrastructure and/or public safety.

Department of Public Works – Engineering Division

MEMO

TO: Finance Committee

FROM: Mark Lahay, Assistant City Engineer

DATE: September 7, 2023

RE: Change Order #3 for Project H-21 Redundant Raw Water Line

The Department of Public Works is recommending approval of Change Order #3 for project H-21 Redundant Raw Water Line.

While we were anticipating poor soil conditions along the route for the new redundant raw water line, the soil conditions were significantly worse than expected. These conditions required the trench to be wider and therefore required an increase in the concrete and asphalt pavement restoration quantities.

CONTRACT CHANGE ORDER

Change Order No. 3
 Date 09/06/23

Contract No. 72-22 for the following public work : H-21 Redundant Raw Water Line

between PTS Contractors Inc , 4075 Eaton Road, Green Bay, WI 54311
 (Contractor Name) (Contractor Address)

and the City of Appleton dated: 6/22/2022 is hereby changed in the following particular wit:

Item No.	Account No.	Current Contract Amount	Current Contingency	C.O. Amount (+/-)	Contingency (+/-)	New Contract Total	New Contingency Total
1	5371.6809.5	\$4,930,450.29	\$444,549.71	\$200,000.00	(\$200,000.00)	\$5,130,450.29	\$244,549.71
2						\$0.00	\$0.00
3						\$0.00	\$0.00
4						\$0.00	\$0.00
5						\$0.00	\$0.00
6						\$0.00	\$0.00
7						\$0.00	\$0.00
8						\$0.00	\$0.00
9						\$0.00	\$0.00
10						\$0.00	\$0.00
	Total	\$4,930,450.29	\$444,549.71	\$200,000.00	(\$200,000.00)	\$5,130,450.29	\$244,549.71

Reason for Change: Unforeseen conditions of the soil led to an increase in concrete and asphalt pavement restoration quantities.

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

The Date of Completion as of the date of this Change Order therefore is: unchanged

Finance Committee Agenda Date: 09/11/23

Date approved by Council: _____

RESOLUTION #6-R-23

Addition of Bird Safe Glass requirements to Appleton Municipal Code

SUMMARY resolution to add language to the Municipal building code which requires all future construction to analyze and address bird strike risk of large reflective glass surfaces, and also directs the City to evaluate and remediate existing window surfaces on public buildings which meet a certain threshold for bird strike risk and apply reasonable safety measures to these surfaces by 2025.

Submitted By: Alderperson Schultz - District 9, Alderperson Meltzer - District 2, Alderperson Del Toro, District 4.

Date: June 7, 2023

Referred To: Community & Economic Development Dept., Parks, Recreation & Facilities Dept. & Legal Services Dept.

WHEREAS, according to the Audubon Society, up to a billion birds die annually from collisions with windows in our buildings, with research showing that between 54-76% of window collisions are fatal, and;

WHEREAS, such deaths are entirely avoidable by incorporating bird-friendly glass, glass films which are readily available, affordable and nearly impossible to distinguish by humans, while being almost completely safe for birds, and

WHEREAS, the City of Appleton was designated a official Bird City in 2017 and has been recognized for its continuing work to support and sustain urban avian populations, and

WHEREAS, a significant number of urban commercial and residential buildings in Appleton incorporate large panes of glass with the capacity to injure or kill birds at a time when bird-friendly glass and glass film alternatives are widely available, yet may not have been available, considered cost-prohibitive or not even considered during construction, and

WHEREAS, on Aug. 4, 2020, the Madison Common Council unanimously adopted Wisconsin's first bird-friendly building ordinance which requires large new construction and expansion projects to use bird-safe strategies and materials, a template for developing bird-safe glass ordinance language, (Addendum A), now, therefore

BE IT RESOLVED, that the City of Appleton is hereby directed to develop and adopt new ordinance language to incorporate bird-safe glass building requirements and define acceptable window glass or glass treatments for any new construction of façades with a certain percentage of window area, and

BE IT FURTHER RESOLVED, that the City of Appleton include educational language on its website to inform and compel non-public entities, businesses and urban residential housing managers and owners whose existing buildings have glass panes which meet the bird-strike risk criteria, to do the same, and

BE IT FURTHER RESOLVED, that the City of Appleton evaluate and identify all public buildings with existing glass panes at heights and of surface areas which pose a danger for birds and then apply glass safety films or other bird-strike abatement measures over time:

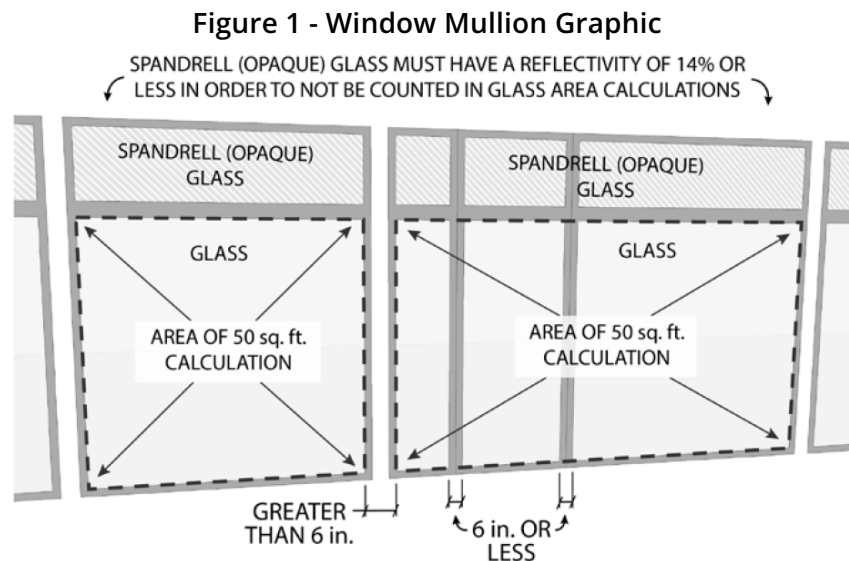
a. Anytime such a window is replaced in an existing building, it should be replaced with bird-friendly glass or treated with a glass film or abatement application alternative;

b. All such windows must be retrofired using bird-friendly glass or alternatives by 2025.

Alder Schultz - District 9
Alder Meltzer - District 2
Alder DelToro - District 4

28.129 - BIRD-SAFE GLASS REQUIREMENTS.

- (1) Statement of Purpose. The Bird-Safe Glass Requirements in this section are intended to reduce the heightened risk for bird collisions with glass on specified building designs and configurations.
- (2) Applicability. Subsection (4) applies to all exterior construction and development activity, including the expansion of existing buildings and structures, as specified therein.
- (3) Measuring Glass Area. Under this Ordinance, glass area shall be measured as one (1) continuous panel of glass or other transparent material, or a set of two (2) or more such panels divided by mullions of six (6) inches in width or narrower. Panels surrounded on all sides by solid walls or mullions wider than six (6) inches shall be considered individual windows. Spandrel or opaque glass with reflectivity of 14% or less shall not be included in the calculation of glass area. See Revised Figure 1. (Am by ORD-21-00073, 11-17-21)



- (4) Bird-Safe Glass Treatment Requirements. Glass areas on the following buildings or structures shall be treated to reduce the risk of bird collisions by incorporating a pattern of visual markers that are either: a) dots or other isolated shapes that are $\frac{1}{4}$ " in diameter or larger and spaced at no more than a two-inch (2") by two-inch (2") pattern; or b) lines that are $\frac{1}{8}$ " in width or greater and spaced no more than 2" apart; low reflectance opaque materials; building-integrated structures like non-glass double-skin facades, metal screens, fixed solar shading, exterior insect screens, and other features that cover the glass surface; or other similar mitigation treatments approved by the Zoning Administrator.
 - (a) Buildings or structures over 10,000 square feet. For any building or structure over 10,000 square feet in size (floor area of above-grade stories), bird-safe glass treatment is required as follows:
 1. For building façades where the first sixty (60) feet (see REVISED Figure 2) from grade

are comprised of greater than or equal to fifty percent (50%) glass:

- a. At least eighty-five percent (85%) of the glass must be treated; and
 - b. All glass within fifteen (15) feet of a building corner must be treated when see through or fly through conditions exist. See Figure 3.
2. For building façades where the first sixty (60) feet from grade are comprised of less than fifty percent (50%) glass:
 - a. At least eighty-five percent (85%) of the glass on glass areas fifty (50) square feet or over must be treated; and
 - b. Of all glass areas over fifty (50) square feet, any glass within fifteen (15) feet of a building corner must be treated.
 3. All glass railings must be treated.
 4. All glass on enclosed building connections shall be treated up to sixty (60) feet above-grade.
- (b) Sky-bridges. For buildings and structures of any size, all glass on above-ground bridges must be treated.
- (c) At-grade glass. For buildings and structures of any size, all at-grade glass features such as sound walls or glass screens must be treated."
- (5) This Ordinance shall become effective on October 1, 2020.

Figure 2 - 60 ft. Graphic

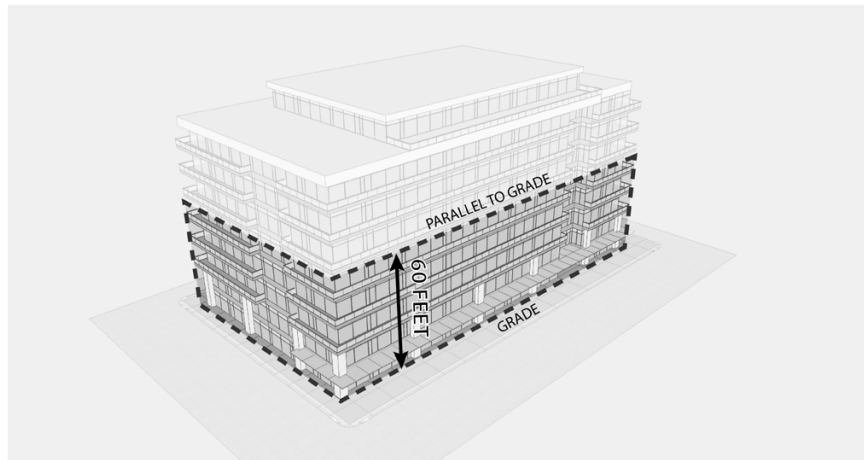
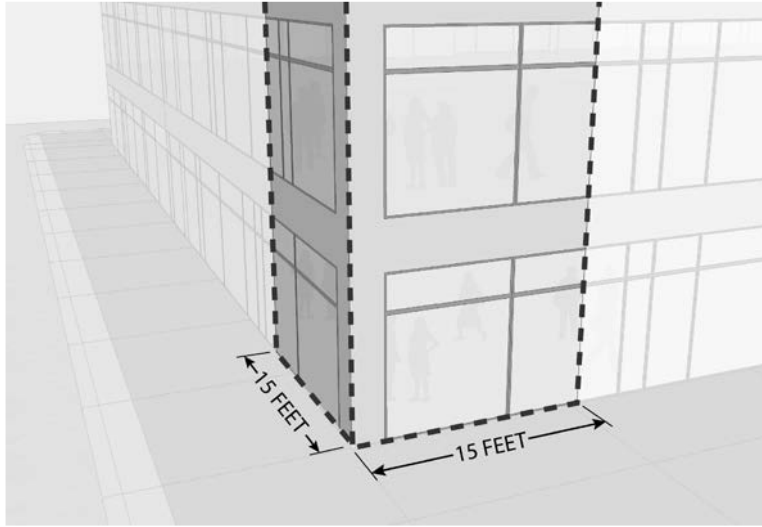


Figure 3 - Glass Corner Graphic



(Cr. by ORD-20-00069, 8-14-20)



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

OFFICE OF THE MAYOR

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

TO: Ald. Denise Fenton; Community and Economic Development Committee Chair
FROM: Mayor Jacob A. Woodford
DATE: July 24, 2023
RE: Resolution 6-R-23 – Bird Safe Glass

Resolution 6-R-23 – Bird Safe Glass was introduced at Council on June 7, 2023 and referred to staff for review. While multiple departments were consulted on this Resolution, the enclosed memorandum from Attorney Behrens provides the clearest and most pertinent information for the committee’s consideration. Additionally, enclosed you will find an analysis of exterior glazing of City of Appleton-owned facilities with respect to some of the parameters of the proposed regulations.

Given the legal challenges similar legislation faces in the State of Wisconsin, staff were directed to minimize the scope of impact analysis to mitigate waste of taxpayer resources. There are also unanswered questions about the current impact of architecture and glass across the municipality that are beyond the capacity, expertise, and arguably the role of our local government. Should the Council decide to proceed with this legislation, provision will need to be made for external consultation as well as, eventually, mitigation of existing conditions in municipal buildings (which, alone is estimated at a minimum of \$25,000 based on the provisions of the Resolution).

Customarily, and in keeping with Council rules, Resolution concepts are reviewed with staff prior to introduction. Council Rule 4 states that “council members are encouraged to work with staff before introducing Resolutions in order to ensure that Resolutions are well-researched and ready for debate.”

While authors of 6-R-23 did discuss the concept with staff in early 2023, the Resolution was drafted and submitted despite feedback on pending litigation and potential problems with the example legislation cited. Whether the intent of Rule 4 was met in this case is a matter for the Council to decide, however, it is evident that the legislative process was initiated without regard for the counsel provided by staff.

This Resolution is referred to Council via the Community and Economic Development Committee, with the enclosed exhibits to aid in your consideration. Our recommendation is to, at a minimum, hold this item until the legality of the legislation is settled.



LEGAL SERVICES DEPARTMENT

Office of the City Attorney

100 North Appleton Street

Appleton, WI 54911

Phone: 920/832-6423

Fax: 920/832-5962

TO: Mayor Jacob A. Woodford

FROM: Christopher R. Behrens, City Attorney

DATE: July 18, 2023

RE: Resolution #6-R-23 – Addition of Bird Safe Glass Requirements to Appleton Municipal Code

This resolution was introduced on June 7, 2023 and referred to various City departments for review and comment, including the Legal and Administrative Services Department. The resolution directs, among other things, that new ordinance language be developed and adopted “to incorporate bird-safe glass building requirements and define acceptable window glass or glass treatments for any new construction of facades with a certain percentage of window area.” The resolution’s authors include the City of Madison’s Bird-Safe Glass Requirements ordinance as an example.

Currently the Madison ordinance is facing a legal challenge that has made its way to the Court of Appeals. The matter has been briefed, but a decision hasn’t been issued as of the date of this memo. It is advisable to wait for direction from the courts as the challenges to the ordinance’s legality may have merit.

One challenge is that imposing glass requirements such as these is not statutorily permissible. Cities are prohibited from adopting a local-specific commercial building code, unless it is in *strict conformity* with the statewide code. *Wis. Stat. 101.02(7r)(a)*. As a result, since local-specific building codes are prohibited, the legislature made DSPS’s Commercial Building Code a uniform statewide building code. For a local ordinance to “strictly conform” it must not be “additional or more restrictive” than the DSP-adopted Commercial Building Code. *Wis. Admin. Code Sec. SPS361.03(5)(a)1*. The argument is that a local bird-safe glass requirement is additional to, and more restrictive than, the state-wide code contrary to the strict conformity standard.

Another challenge relates to whether the bird-safe glass ordinance is part of the zoning code as opposed to a building code. Madison frames its bird-safe glass ordinance as a zoning code which would avoid strict conformity requirements of local building regulations. Relying on a recent Wisconsin Supreme Court decision that identifies multiple characteristics required of a zoning regulation, the challengers address these characteristics arguing that Madison’s ordinance lacks most, if not all, of the characteristics of a typical zoning ordinance. In other words, the argument is that calling the bird-safe glass ordinance a zoning ordinance doesn’t make it so and therefore, it’s a building regulation subject to strict conformity.

My recommendation is to pause any action on this matter until the courts (the Court of Appeals and Supreme Court assuming the matter is further appealed) have weighed in on whether such regulations are legally permissible.

A23-0518

Christopher R. Behrens
City Attorney

Amanda K. Abshire
Deputy City Attorney

Darrin M. Glad
Assistant City Attorney

Zak Buruin
Assistant City Attorney

CITY OF APPLETON

BIRD FRIENDLY GLASS REVIEW

SITE	ADDRESS	YEAR BUILT	SQ. FT.	>10,000 SQ. FT.	GLASS>50 sq. ft.	>50% GLASS	<50% GLASS	GLASS CORNER(S)	NOTES
<i>Fire Department Facilities</i>									
Fire Station #1	700 N. Drew St., 54911	1965	42,159	X			X		Mullions greater than 6".
Fire Station #2	1801 S. Matthias St., 54915	1982	8,280						
Fire Station #3	801 W. Grove St., 54915	1991	9,643						
Fire Station #4	724 E. Greenfield St., 54911	1961	9,130						
Fire Station #5	1701 W. Brewster St., 54914	1991	9,643						
Fire Station #6	4930 N. Lightning Dr., 54913	2001	13,360	X			X		No windows greater than 50 sq. ft.
Fire Station #6 - Garage	4930 N. Lightning Dr., 54913	2001	1,200						
Fire Station #6 - Training Tower	4930 N. Lightning Dr., 54913	2001	3,132						
<i>City Hall</i>									
City Hall (1st, 5th and 6th floors of City Center)	100 N. Appleton St., 54911	1960	56,562	X	X		X		Need to verify mullion sizes.
City Hall Dance Studios		Leased	6,344						
Municipal Services Building	2625 E. Glendale Ave., 54911	1966	140,403	X			X		No windows greater than 50 sq. ft.
Parks, Recreation & Facilities Management	1819 E. Witzke Blvd.	1981	39,560	X			X		No windows greater than 50 sq. ft.
Police Station	222 S. Walnut St., 54911	2009	63,144	X			X		No windows greater than 50 sq. ft.
Police Station Parking Deck	222 S. Walnut St., 54911	2009	49,920	X			X		No windows
Public Library	225 N. Oneida St., 54911	1981	98,609	X	X		X		New library.
Reid Golf Course Clubhouse	1100 E. Fremont St., 54915	1941	5,539						
Reid Golf Course Maintenance Facility	1200 E. South St., 54915	1992	7,829						
Reid Golf Course Storage Facility	1100 E. Fremont St., 54915	1992	4,000						
Reid Golf Course Pumphouse	1100 E. Fremont St., 54915	2007	224						
Reid Golf Course Rain Shelters	1100 E. Fremont St., 54915								
Transit Center	100 E. Washington St., 54911	1989	5,717						
Valley Transit	801 S. Whitman Ave., 54914	1982	41,783	X			X		No windows greater than 50 sq. ft.
<i>Utilities Facilities</i>									
Wastewater Treatment Plant	2006 E. Newberry St., 54915	1976	280,469	X			X		No windows greater than 50 sq. ft.
Water Treatment Plant	2281 Manitowoc Rd., 54952, Menasha	2002	173,232	X	X		X		
Lake Station	N8742 Fire Lane 1, 54952, Menasha	1964	1,491						
North Water Tower	6721 N. Ballard Rd., 54913	2002	1,596						
Glendale Water Tower	3300 E. Glendale Ave., 54911	2016							
<i>Public Works Storage Facilities</i>									
Storage for Street Materials & Chips	2625 E. Glendale Ave., 54911	1969	10,275	X			X		No windows.
Salt Storage Dome	2626 E. Glendale Ave., 54911	2001	7,854						
Salt Storage	2627 E. Glendale Ave., 54911	1971	6,840						
Frame Storage/Oil Storage Tanks	2627 E. Glendale Ave., 54911	1997	120						
Storage (Wood Frame, Metal Clad)	2628 E. Glendale Ave., 54911	1991	240						
Yardwaste Facility- Glendale	2629 E. Glendale Ave., 54911	1998	240						
Yardwaste Facility- Whitman	701 S. Whitman Ave., 54914	2010							
<i>Parking Structures</i>									
Red Ramp (Midtown Ramp)	134 S. Superior St., 54911		496,000	X			X		No windows.
Green Ramp (Washington St. Ramp)	315 W. Washington St., 54911		207,000	X			X		No windows.
Yellow Ramp (East Ramp)	130 E. Washington St., 54911		273,000	X	X		X	X	Skywalk and corners.
<i>Miscellaneous Facilities</i>									
Vulcan Hydro Electric Plant	530 S. Vulcan St., 54915	1882	150						
Mackville Storage Facility	W4915 CTH-O, 54913								
Lawe street Bridge Tender			576						
Olde Oneida Bridge Tender			576						
<i>Aquatics Facilities</i>									
Erb Pool	1800 N. Morrison St., 54911								
Bath house		2017	8,633						
Pool Equipment building		2017	2,713						
Mead Pool Bathhouse & Pumphouse	1430 E. John St., 5415	1992	15,710	X			X		No windows greater than 50 sq. ft.
<i>Parks Facilities</i>									
Alicia Park Pavilion	1301 W. Cedar St., 54914	1977	1,008						
Appleton Memorial Park Concession Facility	1620 E. Witzke Blvd., 54911	1974	6,724						
Appleton Memorial Park Electrical Service	1620 E. Witzke Blvd., 54911	1987	1,440						
Appleton Memorial Park Amphitheater	1620 E. Witzke Blvd., 54911	1987	1,190						
Appleton Memorial Park Observation Deck	1620 E. Witzke Blvd., 54911	1983	560						
Appleton Memorial Park Equipment Storage Facility	1620 E. Witzke Blvd., 54911	2012	864						
Appleton Memorial Park Restroom Facility	1620 E. Witzke Blvd., 54911	2014	830						
City Park Pavilion	500 E Franklin St., 54911	1952	560						
Colony Oaks Park Pavilion	801 N. Briarcliff Dr., 54915	1982	1,008						
Derks Park Pavilion	3220 E. Guyette St., 54915	2004	1,456						
Einstein Park Pavilion	3200 N. Durkee St., 54911	1977	386						
Erb Park Pavilion	1800 N. Morrison St., 54911	1950, 2017	3,057						
Green Meadows Park Pavilion	65 Pheasant Ct., 54915	1987	1,008						
Highview Park Pavilion	100 W. Wayfarer Ln., 54913	2000	1,200						
Hoover Park Pavilion	600 E. Roeland Ave., 54915	1997	288						
Jaycee Park Pavilion	1200 S. Jefferson St., 54915	1981	792						
Jones Park Pavilion	301 W. Lawrence St., 54911	1983	1,460						
Kiwanis Park Pavilion/Lift Station	2315 N. Nicholas St., 54914	???	2,000						
Linwood Park Pavilion	401 N. Douglas St., 54914	1998	1,428						
Lions Park Pavilion	1920 S. Matthias St., 54915	1971	1,008						
Lutz Park Restroom Facility	1320 Lutz Dr., 54914	2007	709						
Lutz Park Gazebo	1320 Lutz Dr., 54914	2012	358						
Peabody Park Pavilion	601 N. Greenbay Rd., 54911	1971	1,176						
Pierce Park Pavilion/Band Stand	1035 W. Prospect Ave., 54914	1944	7,345						
Pierce Park Gazebo	1036 W. Prospect Ave., 54914	1975	554						
Pierce Park Log Building	1037 W. Prospect Ave., 54914	???	405						
Pierce Park Restroom & Storage Facility	1038 W. Prospect Ave., 54914	2001	1,655						
Schaefer Park Pavilion	610 S. Buchanan St., 54915	1966	1,134						
Scheig Center	1313 E. Witzke Blvd., 54911	1995	5,658						
Telulah Park Pavilion, House Station (large)	1300 E. Newberry St., 54915	1940	2,418						
Telulah Park Kitchen	1301 E. Newberry St., 54915	2004	625						
Telulah Park Pavilion (small)	1302 E. Newberry St., 54915	1975	1,525						
Telulah Park Storage Facility	1303 E. Newberry St., 54915	1996	512						
Woodland Park Shelter	1815 Schaefer Cr., 54915	1985	900						

Brenda Broeske

Subject: FW: Window Stickers

From: Katie Van Zeeland <District5@Appleton.org>
Sent: Wednesday, August 30, 2023 4:12 PM
To: Kami L. Lynch <Kami.Lynch@Appleton.org>
Cc: Denise Fenton <District6@Appleton.org>; Kara J. Homan <Kara.Homan@appleton.org>
Subject: Fwd: Window Stickers

Hi Kami,

Could you attach this email to item #23-0664 Resolution #6-R-23, Addition of Bird Safe Glass requirements to Appleton Municipal Code?

Thanks,

Katie

Katie Van Zeeland
Aldersperson - District 5
Common Council President 22-23
District5@Appleton.org
(920) 358-0501
<https://www.facebook.com/AlderspersonVanZeeland>

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From: Charles Hagner <director@birdcitywisconsin.org>
Sent: Wednesday, August 9, 2023 12:30 PM
To: Katie Van Zeeland <District5@Appleton.org>
Subject: Re: Window Stickers

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello Alder Van Zeeland--

I bet you're referring to the Stop the Fallout Campaign being led by the Wisconsin Bird Conservation Partnership and SOS Save Our Songbirds. Bird City Wisconsin is a partner in both efforts. You can read about the campaign here:

Stop the Fallout
<https://www.sossaveoursongbirds.org/stop-the-fallout>

As part of it, Acopian BirdSavers and Feather Friendly are offering discounts on their products, both of which have been shown to be highly effective at preventing bird-window collisions. I believe all anyone has to do to get the discount is enter a coupon code at checkout.

I hope this is helpful. Thanks for your interest.

--Chuck

Charles Hagner
Director
Bird City Wisconsin
www.birdcitywisconsin.org

On Tue, Aug 8, 2023 at 8:50 AM Katie Van Zeeland <District5@appleton.org> wrote:

Hi Charles,

I was wondering if you offer or are aware of a program that distributes the stickers that keep birds from striking windows?

Or perhaps, is there a Bird City USA decal made from this material?

Thanks,

Katie

Katie Van Zeeland
Aldersperson - District 5
Common Council President 22-23
District5@Appleton.org
(920) 358-0501
<https://www.facebook.com/AlderspersonVanZeeland>

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RESOLUTION #6-R-23

Amended

Addition of Bird Safe Glass requirements to Appleton Municipal Code

SUMMARY resolution to add language to the Municipal building code which requires all future construction to analyze and address bird strike risk of large reflective glass surfaces, and also directs the City to evaluate and remediate existing window surfaces on public buildings which meet a certain threshold for bird strike risk and apply reasonable safety measures to these surfaces by 2025.

Submitted By: Alderperson Schultz- District 9, Alderperson Meltzer – District 2, Alderperson Del Toro – District 4.

Date: June 7, 2023

Referred To: Community & Economic Development Dept., Parks Recreation & Facilities Dept., & Legal Services Dept.

Committee to be reported at: Community & Economic Development Committee

Amended At Community & Economic Development Committee, September 13, 2023

WHEREAS, according to the Audubon Society, up to a billion birds die annually from collisions with windows in our buildings, with research showing that between 54-76% of window collisions are fatal, and;

WHEREAS, such deaths are entirely avoidable by incorporating bird-friendly glass, glass films which are readily available, affordable and nearly impossible to distinguish by humans, while being almost completely safe for birds, and WHEREAS, the City of Appleton was designated a official Bird City in 2017 and has been recognized for its continuing work to support and sustain urban avian populations, and

WHEREAS, a significant number of urban commercial and residential buildings in Appleton incorporate large panes of glass with the capacity to injure or kill birds at a time when bird-friendly glass and glass film alternatives are widely available, yet may not have been available, considered cost-prohibitive or not even considered during construction,

~~and WHEREAS, on Aug. 4, 2020, the Madison Common Council unanimously adopted Wisconsin's first birdfriendly building ordinance which requires large new construction and expansion projects to use birdsafe strategies and materials, a template for developing bird safe glass ordinance language, (Addendum A),~~

~~now, therefore BE IT RESOLVED, that the City of Appleton is hereby directed to develop and adopt new ordinance language to incorporate bird safe glass building requirements and define acceptable window glass or glass treatments for any new construction of façades with a certain percentage of window area,~~

and BE IT ~~FURTHER~~ RESOLVED, that the City of Appleton include educational language on its website to inform ~~and compel~~ non-public entities, businesses and urban residential housing managers and owners whose existing buildings have glass panes which meet the bird-strike risk criteria [of Bird City USA's recommendations](#), ~~to do the same~~, and

BE IT FURTHER RESOLVED, that the City of Appleton evaluate and identify all public buildings with existing glass panes at heights and of surface areas which pose a danger for birds and then apply glass safety films or other bird-strike abatement measures as soon as practical and within budget and staffing constraints over time: a. ~~Anytime such a window is replaced in an existing building, it should be replaced with birdfriendly glass or treated with a glass film or abatement application alternative;~~ b. ~~All such windows must be retrofired using bird-friendly glass or alternatives by 2025.~~

Department of Public Works – Engineering Division

MEMO

TO: Utilities Committee

FROM: Danielle Block, Director of Public Works
Pete Neuberger, Deputy Director/City Engineer

DATE: September 5, 2023

RE: Amend 2021D stormwater consulting services contract for Lightning Drive Extension Final Design with raSmith by an increase of \$27,500 for a total contact amount not to exceed \$159,500.

The Department of Public Works is requesting an amendment to the 2021D contract for Lightning Drive Extension Final Design with raSmith by an increase of \$27,500 for a total contact amount not to exceed \$159,500. After this contract amendment, \$783,500 will remain in the 2023 stormwater consulting budget.

The following tasks are proposed to be added/increased for the existing design contract:

- Reduce Lighting Drive cross-section from 37-foot width to 33-foot width to align with Complete Streets preliminary recommendation standards for residential collector streets:
 - Update roadway plans, digital terrain model, earthwork calculations, and cost estimate.
 - Update XP-SWMM and SLAMM models for updated storm sewer conveyance design, stormwater pond performance, and stormwater management plan for DNR permitting
- Assist City staff with City final plans and specifications, and with DNR, USACE, and FEMA permitting requirements.
- Assist City staff with questions during bidding.

raSmith has continued to meet the City's expectations for this project since their work began with the initial drainage study in 2019. They have also supported recent staff changes at the City and helped to keep the project moving forward. Therefore, staff recommends approval of this amendment in an amount not to exceed \$27,500.



Memorandum

TO: Fox Cities Transit Commission

FROM: Ron McDonald, General Manager

DATE: September 01, 2023

RE: Authorization to purchase office furniture per VT Specification 119147

Valley Transit broke ground for the Whitman Ave. rehabilitation and construction in early August. New furniture is necessary for this project. Office furniture lead-times are extensive. By placing an order well in advance of when it is needed, allows the manufacturer to enter the order into their build schedule. That allows for a greater expectation the furniture will be delivered when it is needed.

ANALYSIS

Valley Transit is authorized to purchase office furniture through the State of Wisconsin competitive procurement, 505ENT-M20-OFFURNITUR. Building Service, Inc. is an eligible dealer within the state contract. BSI worked with Valley Transit to assess furniture needs based on the facility renovation. Through extensive effort, BSI provided a final proposal meeting or exceeding the State procurement discounts.

FISCAL IMPACT

BSI proposed furniture to cost \$236,533.77, including delivery and installation. Valley Transit has grant funds and has budgeted sufficiently to purchase this furniture.

RECOMMENDATION

Staff recommends issuing a purchase order to BSI for office furniture per VT Specification 119417 as allowed through State of Wisconsin contract 505ENT-M20-OFFURNITUR equal to \$236,533.77 plus contingency (10%) \$23,653.23. The project maximum should not exceed \$259,187.

Terms and Conditions

Signature of proposal or receipt of customer purchase order binds client to the following terms and conditions.

Warranty

- All work is warranted by BSI (Building Service, Inc.) to be free from defects in materials or workmanship for a period of twelve (12) months from date of delivery /or substantial completion, or for the length of manufacturers stated warranty (whichever is longest). No agent or representative of BSI is authorized to make any additional representations or warranties unless in writing and made part of these terms and conditions of sale.

Delays

- If delivery cannot be made as scheduled (due to non-BSI related conditions) buyer will pay any applicable warehousing and redelivery charges. The product will be made available for inspection at the designated storage facility and will be invoiced according to original schedule and payment terms.

Safety & Storage

- Purchaser agrees to furnish a safe place for storage of BSI supplies and equipment as well as all furnishings and materials, described herein. In addition, supply without cost; necessary light, heat, power, elevator service and a safe environment for BSI and its associates. BSI associates shall be informed by the owner of all hazardous substances which they may come in contact with at the site.
- The site shall be clean, clear and free of debris prior to commencement of work. Adequate facilities for off-loading, staging, moving and handling shall be provided.
- After arrival at site, any loss or damages by weather, fire or other elements, other trades or buyers' personnel shall be the responsibility of the buyer. Purchaser must notify BSI, in writing, of any claim for damages to goods within 3 days of delivery. In the event of damages BSI reserves the right to repair damaged product or replace the item as deemed appropriate by BSI.

Asbestos/Mold

- In the event it shall be determined or found during the course of BSI's performance of this contract that there is asbestos or mold in the area of the work being so performed, it is understood and agreed that BSI shall discontinue its work until such time as the asbestos or mold is removed by owner and/or general contractor with whom this contract is being made. In the event the asbestos or mold is not so removed or other suitable arrangements are not made, this contract shall then terminate and BSI shall then be paid for the work performed by it up to the time of the termination of its performance. BSI shall not be responsible for the removal, cost of removal or the cost of any construction delays which shall be caused, incurred and/or sustained by reason of the presence of asbestos or mold on the subject premises.
- After asbestos containing materials or mold has been removed by a qualified abatement contractor, the owner shall provide BSI with a written air clearance sample results (as determined by laboratory analysis) that are no greater than 0.01 fibers per cubic centimeter as analyzed by phase contrast microscopy or as accepted by EPA transmission electron microscopy clearance standard.

Changes

- All change orders or proposals for additional work must be signed before work will commence. No credit allowance shall be made for alterations, unless such credit or allowance has been agreed to by BSI in writing.
- All additions, amendments, or changes of any manner whatsoever, subsequent to this contract, shall be now and at all times subject to the provisions, restrictions, limitations, conditions and remedies provided for in this contract, whether or not such orders, additions, amendments or changes be evidenced by further writings.
- In the event a cancellation must be made after this proposal is approved and submitted by the purchaser to BSI, it is understood and agreed that BSI will be paid for materials ordered, all stock inventory and all work already accomplished on the project to date of cancellation, as well as all manufacturer cancellation/change penalties.

Escalator Clause

- In the event of significant delay or price increase of material or freight, occurring during the performance of the contract resulting from acts beyond BSI's reasonable control including, without limitation, acts of God, pandemics, epidemics, quarantine, government mandated shutdowns, acts of war or terrorism, shortages of material, labor difficulties, riots, or civil unrest, the contract sum, the time of completion, or contract requirements shall be equitably adjusted by Change Order. A change in price of an item of material or freight will be considered significant when the price of an item increases 20% or more between the date of this Contract and the date of installation. The amount of the increase shall be capped at 50% of the increase in cost of the original budget price for the item. In addition, during periods of excessive inflation on gas prices, a small gas surcharge of ¼ of 1% will be added to all invoices capped at \$750.00 max.

Resolution #9-R-23

Resolution Supporting Mental Health Awareness and Services in the City of Appleton

Submitted by: Alderperson Nate Wolff – District 12

Date: August 16, 2023

Referred To: Board of Health

Summary:

The resolution aims to address the urgent need to enhance mental health support and promote overall well-being in our community. Recognizing the rising prevalence of mental health disorders and their impact on individuals, families, and communities, this resolution acknowledges the significance of prioritizing mental health care as an integral part of public health.

WHEREAS, mental health is an essential component of overall health and well-being; and

WHEREAS, mental illness affects individuals of all ages, races, genders, and socio-economic backgrounds; and

WHEREAS, mental health disorders can lead to significant personal, social, and economic costs for individuals, families, and communities; and

WHEREAS, access to mental health services and support is critical for individuals to lead healthy and fulfilling lives; and

WHEREAS, the COVID-19 pandemic has highlighted the importance of mental health and the need for increased access to mental health services; and

WHEREAS, the city of Appleton recognizes the importance of promoting mental health awareness, reducing stigma associated with mental illness, and increasing access to mental health services;

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

Be it further resolved, the city of Appleton recognizes the importance of mental health and the impact of mental illness on individuals, families, and communities.

Be it further resolved, the city of Appleton commits to promoting mental health awareness and reducing stigma associated with mental illness through public education campaigns, community events, and partnerships with local mental health organizations.

Be it further resolved, the city of Appleton supports increased access to mental health services and encourages the expansion of mental health services, including telemedicine and other innovative approaches to increase access.

Be it further resolved, the city of Appleton will continue to work collaboratively with local mental health organizations and other stakeholders to identify gaps in mental health services and develop strategies to address those gaps.

Be it further resolved, the city of Appleton encourages employers and schools to provide mental health resources and support to their employees and students.

Be it further resolved, the city of Appleton encourages state and federal policymakers to prioritize mental health and increase funding for mental health services and research.

BE IT FURTHER RESOLVED, that the Clerk of the Common Council is directed to forward a copy of this resolution to the Mayor, local mental health organizations, the Wisconsin State Legislature, and members of congress in Wisconsin.



Appleton Health Department Policies



Public Health
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Title: Creation and Maintenance of Policies				
Policy #: AHD001				
Creation Date: 07.26.2023		Last Approved Date:		Reviewed Annually
Description: This policy describes the system for creating, reviewing, and revising policies.				
<u>PHAB Domain/Standard/Measure (LINK):</u> 10.2.1 A: Manage operational policies including those related to equity.				
Statutory Authority/Evidence Base/Links:				
Author(s)/Reviewer(s): Charles Sepers, Sonja Jensen, Cassidy Walsh, Eric Maggio, Steve Kihl, Megan Ehlert				
Policy Approval Tracking				
Created/Reviewed/Revised Date	Legal Services Approval Date	Board of Health Approval Date	Council Approval Date	Health Officer or Designee Signature (Name/Title)
Created 07.26.2023	09.06.2023			

Purpose

This policy describes the system for creating and reviewing policies.

Policy

Creating Policies

1. Policies created will follow Policy AHD001: Creation and Maintenance of Policies, located within the [Policies](#) folder.
2. Staff developing policy will record the new policy information into the Policy and Procedure Index located within the [Policies](#) folder. This step assigns the policy number.



Appleton Health Department Policies



Public Health
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3. Policy numbering has two parts: Division Identifier and three-digit number. Each policy name begins with the division identifier followed by the three-digit number assigned by the Policy and Procedure Index in sequential order. (Examples: WM014, EH018, EM011, N009, AHD001)

Divisions:

AHD All Health Department

CH Community Health

EH Environmental Health

EM Emergency Management

N Nursing

WM Weights and Measures

4. Policies created will use the Policy Template, located within the [Policies](#) folder.
5. Policy documents will follow a standard naming convention: PolicyNumber_Policy Name_LastApprovedDate

(Example: AHD001_Creation and Maintenance of Policies_07.26.2023)
6. The document file path should be listed in the footer of the documents.
7. Typed signatures may be used on policy cover sheets.
8. The level of policy approval is based on the requirements for the policy. At a minimum, policies should be reviewed and approved by the Division Supervisor responsible. Some policies such as Nursing policies may need the approval of the Department Medical Advisor.
9. Once a policy has been approved, it will be filed in the appropriate Division folder located within the [Policies](#) folder. If policy has several addendums or attachments, a folder should be created using the standard naming convention and all documents stored within.
10. The frequency that policies are to be reviewed is determined by the governing authority for each policy.

Review, Revision, and Sharing of Policies

1. The policy review committee will meet at least quarterly to review and revise policies.
2. Each Division Supervisor is responsible for ensuring that the policies for their areas are reviewed and/or revised within the frequency cycle. The Division Supervisor or designee will update the review/revision due dates in the Policy and Procedure Index located within the [Policies](#) folder.



Appleton Health Department Policies



Public Health
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3. Staff should not revise policies directly in the official department policies folder. A working copy should be created by staff updating the policy.

(Example: AHD001_Creation and Maintenance of Policies_DRAFT)

4. The updated version of the policy will be saved in the appropriate Division folder. Be sure to update cover sheet and the file path in the footer. Policy documents will follow a standard naming convention: PolicyNumber_Policy Name_LastApprovedDate

(Example: AHD001_Creation and Maintenance of Policies_08.12.2023)

5. Typed signatures may be used on policy cover sheets.
6. The staff updating the policy will also update Policy and Procedure Index located within the [Policies](#) folder.
7. Once policy update is completed and approved, the preceding official department policy version will be moved to the archive folder located within the [Policies](#) folder.
8. All revised and approved policies will be distributed electronically to Health Department staff.
9. A copy of all policies shall be maintained in accordance with the City of Appleton document [Retention Policy](#).
10. Any Health Department policy contradictory with a City of Appleton policy will be revised to be consistent with City of Appleton Policy.

Definitions

A Policy is a general written document that establishes a standard by which the institution manages its affairs. This written statement mandates, specifies, or prohibits conduct that enhances the institution's mission, ensures coordinated compliance with applicable laws and regulations, promotes operational efficiency, and/or reduces institutional risk.

A Procedure is a description of the operational processes necessary to implement policy. Procedures include information on the offices and positions responsible for policy implementation, instructions regarding how to affect the policy and how to access information.

A Guideline is a general, non-mandatory recommendation that provides readers with helpful information about how to achieve a particular aim; these might include recommendations, administrative instructions, best practices guidance, or frameworks in which to operate.

Attachments



Appleton Health Department Policies



Public Health
Prevent. Promote. Protect.

Attachment 1: Policy Template



Appleton Health Department Policies



Public Health
Prevent. Promote. Protect.

Title:				
Policy #:				
Creation Date:		Last Approved Date:		Reviewed Annually
Description:				
<u>PHAB Domain/ Standard/ Measure (LINK):</u>				
Statutory Authority/ Evidence Base/ Links:				
Author(s)/ Reviewer(s):				
Policy Approval Tracking				
Created/ Reviewed/ Revised Date	Legal Services Approval Date	Board of Health Approval Date	Council Approval Date	Health Officer or Designee Signature (Name/Title)
Created				

Purpose

Policy

Definitions

Attachments



TO: Members of the Board of Health

FROM: Charles E. Sepers, Jr., Health Officer
Darrin M. Glad, Assistant City Attorney

DATE: August 24, 2023

RE: Chapter 11 Updates

The Health Department has been an agent for the Wisconsin Department of Safety and Professional Services (DSPS) Manufactured Home Community license for some time. As an agent for DSPS, the City was required by Wisconsin law to issue permits and create enforcement and appeal procedures for the permitting process. The Municipal Code of the City of Appleton ("Code") codified these requirements in Secs. 11-52 through 11-62. These requirements are separate from and in addition to the Manufactured and Mobile Home Community Licenses issued by the City Clerk under Sec. 11-46 ("Clerk's License").

The Wisconsin DSPS faced considerable challenges with staffing in 2022, which impacted its ability to support the agent program, including originating new contracts beginning in July 2022 for local health departments, statewide. As a result, contracts between local health departments and DSPS across the state were allowed to expire without further contact from DSPS or newly initiated contracts in 2022.

In late Spring of 2023, DSPS had contacted some health departments that had previously participated in the agent program about beginning a new process for delegated municipal authority for issuing the State license. Upon a due-diligence review of the Clerk's License program, it was determined that there is near perfect duplication of service between the DSPS license and the City of Appleton Clerk's License.

The last contract with DSPS making City Health Department staff agents for DSPS expired on June 30, 2022, and there is no current contractual obligation in place. Because City staff are no longer agents for DSPS, there is no longer the state administrative authority for the Health Department to license Manufactured Home Communities and DSPS is currently the only body that can issue such permits. Due to the concerns listed above and after detailed Code review

by the City Attorney's Office, it is advisable to remove Secs. 11-52 through 11-62 from the Code.

Furthermore, it is logical to bolster and clarify certain other aspects of Chapter 11 and the City's Schedule of Deposits. The requirements for Clerk's License currently include compliance with state law and local ordinances, rules and regulations (Sec. 11-49). To add additional clarity to this requirement, it is advisable to explicitly state that proof of the applicable DSPS permit is now required. The additional language to Sec. 11-49(1) is included in attachment.

Sec. 11-27(b)(8) references an administrative code that no longer exists. The subsequent replacement codification of that is largely contained in Wisconsin Administrative Code SPS Chapter 340, but not in its entirety so broader language was required. The clarifying updated language to Sec. 11-27(b)(8) is included in the attachment.

Lastly, the Schedule of Deposits lists penalties for violations of Sec. 11-52 and Sec. 11-60 of the Code. Because there is no longer the ability to enforce those sections (due to this enforcement revert back to DSPS upon expiration of our contract) and the recommendation to remove those sections from our Code, it is advisable to remove Sec. 11-52 and Sec. 11-60 and their respective penalties from Schedule of Deposits.

If you have any questions or concerns, please do not hesitate to get in touch.

Attachment

DMG:CES:jljg

CityLaw A23-0884

Chapter 11

Manufactured and Mobile Homes and Manufactured and Mobile Home Communities

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Editor’s Note: This chapter was repealed and recreated pursuant to Ordinance 79-08, adopted April 16, 2008 and published April 21, 2008, becoming effective on April 22, 2008.

Cross reference(s) – Buildings and building regulations, ch. 4; numbering system for mobile homes, §4-3; mobile homes and parking of trailers restrictions in parks and recreation areas, §13-86.

State law reference(s) – Mobile homes, W.S.A. §66.058; manufactured housing, W.S.A. §101.90 et seq.

ARTICLE I. IN GENERAL

Sec. 11-1. Purpose of chapter.

The standards and requirements for manufactured and mobile home community design, layout and development contained in this chapter are intended to be the minimum standards necessary to uphold the public’s health, safety and welfare in manufactured and mobile homes and manufactured and mobile home communities in the City. The express enumeration of such standards shall not preclude the Common Council, by resolution or by law, or through express written agreement with the manufactured and mobile home community owner or developer, from

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imposing modifications or additions to the requirements of this chapter. The Council shall only modify or add to such requirements when it is determined that such modifications or additions are more likely to achieve the purpose set out in this section than the requirements set forth in this chapter, and will not conflict with applicable laws of the state.

Sec. 11-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

MANUFACTURED AND MOBILE HOMES AND MANUFACTURED AND MOBILE HOME COMMUNITIES

Accessory structure means all structures constructed on a manufactured and mobile home lot apart from the basic manufactured and mobile home unit, and shall include awnings, cabanas, storage cabinets or sheds, carports, windbreaks, attached porches and garages.

Common area means any area or space designed for joint use of tenants occupying the community.

Community means a manufactured and mobile home community.

Community management means the person or entity who owns or has charge, care or control of the community.

Community street means a private way which affords the principal means of access to individual manufactured or mobile home lots or auxiliary buildings.

Driveway means a minor private way used by vehicles and pedestrians on a manufactured or mobile home lot or used for common access to a small group of lots or facilities.

Health Department license means a license issued by the City Health Department under the provisions of this chapter.

License means a written license issued by the City Clerk allowing a person to operate and maintain a community under the provisions of this chapter and regulations issued under this chapter.

Lot means a parcel of land located in a community for the placement of a single manufactured or mobile home and the exclusive use of its occupants.

Lot area means the total area reserved for exclusive use of the occupants of a manufactured or mobile home.

Manufactured and mobile home community means any plot or plots of ground upon which three (3) or more manufactured homes or mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether a charge is made for the accommodation.

Manufactured home has the meaning given in W.S.A. §101.91(2) and includes foundations and accessory structures.

Mobile home has the meaning given in W.S.A. §101.91(10) and includes foundations and accessory structures.

Mobile home stand means that part of an individual lot which has been reserved for the placement of one (1) manufactured or mobile home unit.

Municipal permit fee means the fee defined in W.S.A. §66.0435(3)

Permit means any written permit issued by the City in accordance with this chapter, including a special use permit under the provisions of the zoning regulations.

Special use permit means a special use permit issued by the City permitting the construction, alteration and extension of a community under the provisions of this chapter and the regulations issued under this chapter.

Street means the paved or surfaced portion of a roadway between two (2) curbs.

Unit means a manufactured or mobile home.
(Ord 42-92, §1, 4-15-92, Ord 79-08, §1, 4-22-08)

Cross reference(s) – Definitions and rules of construction generally, §1-2.

Sec. 11-3. Manufactured and mobile home municipal permit fee.

(a) There is hereby imposed on each owner of a nonexempt manufactured or mobile home in the City a monthly municipal permit fee determined in accordance with W.S.A. §66.0435(3). It shall be the full and complete responsibility of the community licensee to collect the proper amount from each unit's owner or occupant. Licensees and owners and occupants of units permitted to be located on land outside a community and the owners of land on which such homes are parked shall pay such municipal permit fees to the Director of Finance on or before the tenth (10th) day of the month following the month for which such fees are due, in accordance with terms of this chapter and such reasonable regulations as the Director of Finance may promulgate. Remittances delinquent for seven (7) business days beyond the tenth (10th) day of the month shall be considered in default and shall subject the licensee to revocation of the city license.

(b) Licensees under this chapter and owners of land on which any unit is parked shall inform the assessor of such units as are added to their community or lands within five (5) days after the arrival of such unit on forms furnished by the assessor in accordance with W.S.A. §66.0435(3)(c) and (e).
(Ord 4-93, §1, 1-6-93; Ord 79-08, §1, 4-22-08)

Sec. 11-4. Placement of manufactured or mobile homes outside licensed community prohibited; exceptions.

No person shall park, locate or place any unit outside of a licensed community in the City, except for unoccupied units parked on the lawfully situated premises of a licensed manufactured or mobile home dealer for purpose of sales and display, and units parked on the lawfully situated

premises of a vehicle service business for purposes of servicing or making necessary repairs and portable field offices for construction projects and structures which meet the design requirements of §23-51.

(Ord 120-95, §1, 11-15-95, Ord 79-08, §1, 4-22-08)

Sec. 11-5. Stopping or parking manufactured or mobile home on street.

No person shall stop, stand or park a manufactured or mobile home in any street, alley or highway within the City in violation of W.S.A. chapters 340 and 348 or ordinances or regulations of the City.

(Ord 79-08, §1, 4-22-08)

Sec. 11-6. Damaged or dilapidated manufactured or mobile homes.

Wrecked, damaged or dilapidated manufactured or mobile homes shall not be kept or stored in a community or upon any premises in the City. The building inspector shall determine if a unit is damaged or dilapidated to a point which makes it unfit for human occupancy. Such units are hereby declared to be a public nuisance. Whenever the inspector so determines, he shall notify the licensee or landowner and the owner of the unit in writing that such public nuisance exists within the community or on lands owned by him, giving the findings upon which his determination is based, and shall order such unit removed from the community or site or repaired to a safe, sanitary and wholesome condition of occupancy within a reasonable time.

(Ord 79-08, §1, 4-22-08)

Sec. 11-7. Compliance with building regulations.

All plumbing, building, electrical work, oil or gas distribution and alterations or repairs in a community shall be in accordance with applicable law and the ordinances and regulations of the State and the City and their authorized agents.

(Ord 79-08, §1, 4-22-08)

Sec. 11-8. Skirting; storage under manufactured or mobile homes.

All manufactured or mobile homes in communities shall be skirted within thirty (30) days of placement of the unit unless the unit is placed within one (1) foot vertically of the stand with soil or other material completely closing such space from view and entry by rodents and vermin. Areas enclosed by such skirting shall be maintained and kept free of rodents and fire hazards. All skirts shall be of fire-resistant material. Storage under a unit is prohibited.

(Ord 79-08, §1, 4-22-08)

Sec. 11-9. Construction or alteration of attachments and accessory structures.

Except as otherwise provided in this chapter, no person shall construct, add to or alter any structure, attachment or building in a community or on a manufactured or mobile home space without written permission from the City building inspector. Construction on or addition or alteration to the exterior of a unit shall be of the same type of construction and materials as the unit affected. This section shall not apply to the addition of awnings, antennas or skirting to units. Accessory structures on manufactured or mobile home spaces shall comply with all setback, side yard and rear yard requirements for manufactured or mobile home units.

(Ord 79-08, §1, 4-22-08)

Secs. 11-10 – 11-25. Reserved.

ARTICLE II. MANUFACTURED AND MOBILE HOME COMMUNITIES

DIVISION 1. GENERALLY

Sec. 11-26. Special use permit for construction or expansion.

(a) *Required.* No person shall construct or expand any manufactured and mobile home community without first securing a special use permit from the City.

(b) *Application; issuance.* Application for a manufactured and mobile home community special use permit shall be obtained pursuant to the provisions of the Zoning Code. No such permit shall be issued to applicants in arrears on financial obligations of any kind to the City. (Ord 79-08, §1, 4-22-08)

Sec. 11-27. Responsibilities of management.

(a) In every manufactured and mobile home community, there shall be located an office of the attendant or person in charge of the community. A copy of the community's license and of this chapter shall be posted therein and the community's register shall be kept in the office at all times.

(b) The attendant or person in charge and the community's licensee shall operate the community in compliance with the chapter and regulations and ordinances of the city and state and their agents or officers, and shall have the following duties:

- (1) The management shall maintain a register of all of the community's occupants, to be open at all times to inspection by state, federal and city officers, which shall show the names and addresses of all owners and occupants of each unit.
- (2) The management shall annually provide the Fire, Health and Police Departments with a list of persons who can be contacted in the event of fire, explosion, severe storm damage or other emergency.
- (3) The management shall notify the community's occupants of the provisions of this chapter and inform them of their duties and responsibilities, and report promptly to the proper authorities any violations of this chapter or any violations of law which may come to their attention.
- (4) The management shall supervise the placement of each unit on its stand, which includes securing its stability and installing all utility connections.

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- (5) The management shall maintain community grounds, buildings and structures free of insect and rodent harborage and infestation and accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.
- (6) The management shall maintain the community free from growth of noxious weeds.
- (7) The management shall maintain the community free of litter, rubbish, and other flammable materials, provide portable fire extinguishers of a type approved by the Fire Chief in any community building used by the public, and cause every area within the community designated as a fire lane by the Fire Chief to be kept free and clear of obstructions.
- (8) No person shall store LP gas containers under a unit. All containers, full or empty, shall be secured in place, and all containers and LP gas service shall comply with all Wisconsin laws and regulations concerning Liquified Petroleum Gas, including Wisconsin Administrative Code SPS Chapter 340..
- (9) The management shall require every unit to be provided with solid waste containers as set forth in §15-28.
- (10) The management shall provide for the sanitary and safe removal and disposal of all refuse and garbage. Removal and disposal of garbage and refuse shall be in accordance with the laws of the state and the ordinances and regulations of the City, including regulations promulgated by the Health Officer and the Fire Chief.
- (11) The management shall collect the municipal permit fee for each occupied nonexempt unit within the community and remit such fees and deposits to the Director of Finance as required by §11-3.
- (12) The management shall allow inspections of community premises and facilities at reasonable times by municipal officials and their agents or employees.
- (13) In cases where the owner of the community is also the owner of a unit and leases the unit to occupant, the unit shall be made available for inspection at reasonable times by City agents, and the owner shall maintain the units in good repair and in a clean and sanitary condition.

(Ord 4-93, §1, 1-6-93; Ord 79-08, §1, 4-22-08)

Cross reference(s) – Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.

Sec. 11-28. Responsibilities of occupants.

(a) Manufactured and mobile home community occupants shall comply with all applicable requirements of this chapter and regulations issued under this chapter and shall maintain their unit's space, its facilities and equipment in good repair and in clean and sanitary condition.

(b) Each owner or occupant of a nonexempt unit within a community shall remit to the licensee or authorized community management the municipal permit fee as required under State Statutes.

(c) Units shall be parked only on the stands provided and shall be placed thereon in accordance with all requirements of this chapter.

(d) No owner or occupant shall conduct in any unit or any community any business or engage in any other activity which would not be permitted by the use regulations of the City Zoning Code.

(e) No person shall erect or place upon any unit's space any permanent or temporary structure intended to be used for dwelling purposes or in connection with any unit, except as specifically authorized by this chapter.
(Ord 79-08, §1, 4-22-08)

Sec. 11-29 – 11-45. Reserved.

DIVISION 2. LICENSES*

Sec. 11-46. Manufactured and mobile home community license – required.

No person shall operate or maintain a manufactured and mobile home community within the city without a valid, unexpired community license issued by the City Clerk and approved by the Common Council.

(Ord 79-08, §1, 4-22-08)

Cross reference(s) – Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.

Sec. 11-47. Manufactured and mobile home community license – term.

Manufactured and mobile home community licenses shall be issued for a fiscal year and shall expire on June 30 next succeeding the date of issue. Licenses may be issued after July 1 of any year, but no rebate or diminution of the fee shall be allowed.

(Ord 79-08, §1, 4-22-08)

Sec. 11-48. Manufactured and mobile home community license – fee; bond.

(a) The license fee for a manufactured and mobile home community license is one hundred dollars (\$100).

(b) The applicant shall furnish a surety bond in the amount of five thousand dollars (\$5,000).

Sec. 11-49. Manufactured and mobile home community license – standards of issuance.

Manufactured and mobile home community licenses shall be granted subject to the following standards:

- (1) Compliance with state law and local ordinances, rules and regulations. Proof of valid Manufactured Home Community permit issued by the Wisconsin Department of Safety and Professional Services is required.
- (2) Compliance with City zoning ordinances and procurement of any permits affecting land use which may be required.
- (3) Compliance with the applicable ordinances of the city, as well as payment of all outstanding obligations due the City as certified by reports from the Inspections Division, Police, Community Development Department, Health, Finance and Fire Departments.

(Ord 79-08, §1, 4-22-08)

Cross reference(s) – Licenses, permits and business regulations, Ch. 9.

DIVISION 3. DESIGN STANDARDS

Sec. 11-50. Manufactured and mobile home community license – appeal of denial.

If an application for a license under this division is recommended for denial, the City Clerk shall forthwith notify the applicant by certified mail, return receipt requested of the denial and the reason therefore. The notice shall indicate the date and time of the review of the denial by the Safety and Licensing Committee and the right of the applicant to appear before the Committee. The Safety and Licensing Committee shall hear any person for or against granting the license and shall report its recommendation to the Common Council, which shall grant or deny the license.

Sec. 11-51. Manufactured and mobile home community license – revocation or suspension.

Licenses granted under this division shall be subject to revocation or suspension by the Common Council for cause in accordance with W.S.A. §66.0435(2)(d). Cause, as used in this section, shall include, but not be limited to:

- (1) Failure or neglect to abide by the requirements of this chapter or the laws or regulations of the state relating to communities and their operation.
- (2) Conviction of any offense under the laws of the state or ordinances of the city relating to fraudulent or misleading advertising or deceptive practices regarding the sale or renting of manufactured or mobile home spaces or sale, lease or operation of community facilities.
- (3) Operation or maintenance of the community in a manner detrimental to the health, safety or welfare of occupants or the inhabitants of the city, including, but not limited to, repeated violations of laws or ordinances related to health, sanitation, refuse disposal, fire hazards, morals or nuisances.

(Ord 79-08, §1, 4-22-08)

Secs. 11-52 – 11-70. Reserved.

Sec. 11-71. Applicability of division.

All new manufactured and mobile home communities or additions, or extensions to communities existing on the effective date of the ordinance adopting this code of ordinances, shall comply with the provisions of this division.

(Ord 79-08, §1, 4-22-08)

Sec. 11-72. Adoption of state law.

Wisconsin Administrative Code, chapters SPS 382 and SPS 326, are hereby made a part of this chapter and incorporated as part of this section by reference as if fully set forth in this section, except that such regulations shall not be deemed to modify any requirement of this chapter or any other applicable law or ordinance of the state or the city which is more restrictive.

(Ord 27-03, §1, 1-21-03; Ord 79-08, §1, 4-22-08; Ord 25-12, §1, 3-7-12)

Sec. 11-73. Site and lots; spacing of units.

The community shall conform to the following standards:

- (1) The community shall be located on a site having a minimum of twenty (20) acres of land.
- (2) Each space shall have an area of not less than four thousand five hundred (4,500) square feet and a width of not less than forty-five (45) feet.
- (3) All manufactured or mobile homes shall be located on a site so that there shall be at least twenty (20) feet of clearance between basic units, at least twelve (12) feet of clearance between units and rear lot lines, and at least ten (10) feet of clearance to side lot lines.
- (4) No manufactured or mobile home unit or accessory structure shall be located closer than twenty-five (25) feet to any common community area, community maintenance building or administrative building within the community, or to any property line of the community.
- (5) Attached accessory structures shall be no closer than six (6) feet to side and rear property lines.

(Ord 79-08, §1, 4-22-08)

Sec. 11-74. Use of city water and sewer service required.

No manufactured and mobile home community shall be

laid out, constructed or operated without city water supply and sanitary sewer service available to the site. All water or sanitary sewer facilities in any unit not connected with public water and sewer systems by approved pipe connections shall be sealed and their use declared unlawful. (Ord 79-08, §1, 4-22-08)

Cross reference(s) – Utilities, ch. 20.

Sec. 11-75. Specifications for water utility.

(a) All water main and water services materials, as well as installation, shall meet existing specifications on file with the utility for single-family residential areas.

(b) Depth of mains and services shall be a minimum of six (6) feet, with each unit supplied with an independent curb box and meter. In lieu of independent meters, a master meter may be installed.

Cross reference(s) – Water utility, §20.31 et seq.

Sec. 11-76. Fire hydrants.

Fire hydrants shall be installed within two hundred fifty (250) feet of every manufactured or mobile home stand and community building. Where these standards do not apply due to the fact that the community was in existence prior to the effective date of the ordinance adopting this Municipal Code or the date it was annexed to the City, the Fire Chief may order the licensee to install fire hydrants within two hundred fifty (250) feet of every manufactured or mobile home stand and community building and provide that the order be complied with within two (2) years, where in his discretion and opinion fire protection cannot otherwise be adequately provided.

(Ord 79-08, §1, 4-22-08)

Cross reference(s) – Fire prevention and protection, ch. 6; water utility, §20.31 et seq.

Sec. 11-77. Specifications for sewer system.

All liquid wastes originating at units or service or other buildings shall be discharged into a sewer system. Such system shall comply with all provisions of the state code and city ordinances relating to plumbing and sanitation. Each individual space shall be provided with a three- (3-) inch watertight sewer connection protected from damage by heating and thawing or parking of the unit, with a continuous grade, which is not subject to surface drainage, so constructed that it can be closed when not in use and sealcapped in such a manner that it can be kept odor-free.

Cross reference(s) – Sewers and wastewater disposal, §4-341, §20-66, et seq.

Sec. 11-78. Electrical distribution system.

Electrical distribution systems shall be new and all parts and installations shall comply with all applicable state and local codes as adopted by §4-341.

(Ord 79-08, §1, 4-22-08)

Cross reference(s) – Electrical code, §4-311, et seq.

Sec. 11-79. Off-street parking spaces.

A minimum of two (2) off-street parking spaces surfaced with bituminous concrete or Portland cement concrete capable of carrying a gross vehicle weight of three thousand (3,000) pounds shall be provided for each manufactured and mobile home space for new areas.

(Ord 79-08, §1, 4-22-08)

Sec. 11-80. Pad; tie-downs.

Each manufactured and mobile home stand shall be provided with an asphalt or concrete pad, concrete footings, or the equivalent, complete with approved tie-downs, which shall be connected when the manufactured or mobile home is placed upon the lot and shall remain connected until the manufactured or mobile home unit is removed from the lot, as determined by the Inspections Supervisor, to provide for solid footing of the unit.

(Ord 79-08, §1, 4-22-08)

Sec. 11-81. Topography of site; exposure to adverse conditions.

The condition of the soil, groundwater level, drainage and topography of the site shall not create hazards to the property, health or safety of occupants of manufactured or mobile home spaces or living unit. The site shall not be exposed to objectionable smoke, noise, odors or other adverse influences, and no portion subject to unpredictable or sudden flooding, subsidence or erosion shall be used for any purpose which would expose persons or property within or outside of the community to hazards.

(Ord 79-08, §1, 4-22-08)

Sec. 11-82. Erosion and dust control.

Exposed ground surfaces in all parts of every manufactured and mobile home community shall be maintained in such a way as to prevent soil erosion and eliminate objectionable dust.

(Ord 79-08, §1, 4-22-08)

Sec. 11-83. Drainage of surface water.

The ground surface in all parts of every manufactured and mobile home community shall be graded and equipped to drain all surface water in a safe, sanitary and efficient manner.

(Ord 79-08, §1, 4-22-08)

Sec. 11-84. Lighting.

All communities shall be furnished with lighting so spaced and equipped with luminaries placed at such heights as will provide the following average maintained levels of illumination for the safe movement of pedestrians and vehicles at night:

- (1) All parts of community street systems shall be illuminated at an average level of six-tenths (0.6) foot-candle, with a minimum of one-tenth (0.1) foot-candle.
- (2) Potentially hazardous locations such as major community street intersections and steps or stepped ramps shall be individually illuminated with a minimum of three-tenths (0.3) foot-candle.

(Ord 79-08, §1, 4-22-08)

Sec. 11-85. Streets generally.

All unit spaces shall abut upon a community street. Widths of streets shall be in accordance with Wisconsin Administrative Code, SPS 326. All community streets shall be constructed in a manner that is consistent with standards established by the Department of Public Works. (Ord 28-03, §1, 1-21-03; Ord 79-08, §1, 4-22-08; Ord 25-12, §1, 3-7-12)

Cross reference(s) – Streets, §16-36 et seq.

Sec. 11-86. Marking of streets and parking areas.

Streets shall be clearly marked by signing at appropriate corners or intersections. Signs should be of standard size and be reflectorized. All fire lanes and restricted parking, standing or stopping areas should be clearly marked with pavement markings and signed according to city ordinance or state law.

Sec. 11-87. Numbering of units.

Each unit shall have a separate or distinct number for ease of identification. Numbers shall meet the size and placement requirements set forth in §4-3.

(Ord 79-08, §1, 4-22-08)

Cross reference(s) – Building marking system, §4-3.

Sec. 11-88. Pedestrian walkways.

All communities shall be provided with pedestrian walks not less than three (3) feet in width between individual manufactured and mobile homes, community streets and facilities.

(Ord 79-08, §1, 4-22-08)

Cross reference(s) – Sidewalks, §16-56 et seq.

Sec. 11-89. Buffer strip.

In addition to standard lot setbacks, all manufactured and mobile home communities shall have a greenbelt or buffer strip not less than fifteen (15) feet wide along all boundaries. Unless adequately screened by existing vegetative cover, all manufactured and mobile home communities shall be provided within such greenbelt or buffer strip with a screening of natural growth. Permanent plantings shall be grown and maintained at a height of not less than six (6) feet. Screening or planting requirements may be waived or modified by the Common Council if it finds that the exterior, architectural appeal, concerns for public safety or functional plan of the community, when completed, will be materially enhanced by modification or elimination of such screen planting requirements.

(Ord 79-08, §1, 4-22-08)

Sec. 11-90. Recreation area.

All manufactured and mobile home communities shall contain one (1) or more recreation areas easily accessible to all community residents. Such areas shall be a minimum of one-half (½) acre for each fifty (50) spaces. Recreation areas shall be so located as to be free of traffic hazards.

(Ord 79-08, §1, 4-22-08)

Cross reference(s) – Parks and recreation, ch 13.

Sec. 11-91. Signs.

No signs more than two (2) square feet in area shall be erected in manufactured and mobile home communities except traffic signs, street signs and markings, signs pertaining to the lease, hire or sale of individual units, and one (1) community identification sign not more than forty-eight (48) square feet in area at each community entrance.

(Ord 79-08, §1, 4-22-08)

Cross reference(s) – Signs, §23-500.

Sec. 11-92. Entrances.

Entrances to manufactured and mobile home communities shall be designed to minimize congestion and traffic hazards and allow free movement of traffic on adjacent streets.

(Ord 79-08, §1, 4-22-08)

Cross reference(s) – Traffic and vehicles, ch. 19

Sec. 11-93. Accessory storage buildings.

Accessory storage buildings shall be placed at least three (3) feet from the rear line of each lot and not closer than three (3) feet to any unit. Persons or parties not in compliance shall be issued a sixty- (60-) day notice to properly place the accessory storage buildings or structures by the Inspections Division.

(Ord 176-93, §1, 10-19-93; Ord 125-96, §1, 12-18-96; Ord 79-08, §1, 4-22-08)

(The next page is 813.)



TO: Members of the Board of Health

FROM: Charles E. Sepers, Jr., Health Officer
Darrin M. Glad, Assistant City Attorney

DATE: September 1, 2023

RE: Chapter 9 Updates Relating to Tattoo and Body Piercing Licenses

The Health Department serves as an agent for the Wisconsin Department of Safety and Professional Services (DSPS) Body Art Program. As mandated by Wisconsin state law, we are responsible for issuing permits, as well as establishing enforcement and appeal mechanisms for the permitting process. These responsibilities are outlined in the Municipal Code of the City of Appleton, specifically Sections 9-850 to 9-870.

State oversight of tattoo and body piercing businesses is governed by the Wisconsin Administrative Code SPS 221. Before the introduction of this state regulation, the City of Appleton had its own localized rules to oversee these establishments. Although we have updated our local ordinances to align with the state regulations, some legacy language remains. This outdated language leads to redundancy and, in certain cases, conflicts with SPS 221.

This need for revision has come to light following a request by a practitioner to operate a Temporary Establishment during an event at the Fox Cities Exhibition Center. Under the current local code, Temporary Establishments are prohibited. However, Assistant City Attorney Glad has advised that this prohibition conflicts with state regulation SPS 221. Consequently, we must revise our ordinances to accommodate such licenses.

In addition to this, other amendments aim to remove lingering language from the time when we used to issue practitioner licenses along with establishment licenses. It is important to note that DSPS now exclusively manages the licensing of all practitioners.

Below, you will find the revised ordinance language as well as details regarding the newly introduced license categories and corresponding fees for Temporary Establishments.

Environmental Health Fee Schedule Additions

Activity Code	Description	Fee
364	Temporary Body Piercing Establishment	\$ 180.00
365	Temporary Combined Tattoo and Body Piercing Establishment	\$ 220.00
366	Temporary Tattoo Establishment	\$ 180.00

Thank you for your attention to these critical updates. We strive to maintain a coherent and streamlined regulatory framework that aligns with state law.

If you have any questions or concerns, please do not hesitate to get in touch.

Charles E Sepers, Jr, PhD, MPH
Health Officer | Director Appleton Health Department

ARTICLE XVIII. TATTOO AND BODY PIERCING ESTABLISHMENTS

Sec. 9-850. Authority and purpose

(a) This ~~chapter-article~~ is promulgated under the authority of Wis. ~~consin~~ ~~Stats.ute~~ §463.16 (2021-22), as amended from time to time, for the purpose of regulating tattooists, tattoo establishments, body piercers and body piercing establishments in order to protect public health and safety.

(b) *State sanitation regulations adopted.* All tattoo and body piercing establishments, practitioners, and licenses under this division shall be subject to and comply with the provisions of Wis. Admin. Code, ~~ChapterSees.~~ SPS §221 (2021-22) as amended from time to time, which are hereby adopted by reference and incorporated as part of this ~~division article~~.

(Ord 90-16, §1, 11-8-16)

~~Sec. 9-851. Definitions.~~

~~—Agent means a local health department serving a population greater than five thousand (5,000) which is designated by the Wisconsin Department of Safety and Professional Services under a written agreement authorized by Wis. Stat. §252.245(1), to issue licenses to and make investigations or inspections of tattooists, tattoo establishments, body piercers and body piercing establishments.~~

~~(Ord 91-16, §1, 11-8-16)~~

~~—Antiseptic means a chemical that kills or inhibits the growth of organisms on skin or living tissue.~~

~~—Approved means acceptable to the department based on its determination of conformance to this chapter and good public health practices.~~

~~—Autoclave means an apparatus that is registered and listed with the Federal Food and Drug Administration for sterilizing articles by using superheated steam under pressure.~~

~~—Body pierce, as a verb, means to perforate any human body part or tissue, except an ear, and to place a foreign object in the perforation to prevent the perforation from closing.~~

~~—Body piercer means a person who performs body piercing on another person at that person's request.~~

~~—Body piercing means perforating any human body part of tissue, except an ear, and placing a foreign object in the perforation to prevent the perforation from closing.~~

~~—Body piercing establishment means the permanent premises where a body piercer performs body piercing and is in business for more than seven (7) consecutive days in a license year.~~

~~—Cleaning means the removal of foreign material from objects, normally accomplished with detergent, water and mechanical action.~~

~~—Department means the Wisconsin Department of Safety and Professional Services.~~

~~—Disinfectant means a chemical that is capable of destroying disease causing organisms on inanimate objects, with the exception of bacterial spores.~~

~~—Health Officer means and includes the Health Officer or authorized agent of the Health Officer.~~

~~—Hot water means water at a temperature of 110°F, or higher.~~

~~—Local health department means an agency of local government that takes any of the forms specified in Wis. Stats. §250.01(4), specifically the City of Appleton Health Department.~~

~~—**Operator** means the owner or person responsible to the owner for the operation of a tattoo or body piercing establishment.~~

~~—**Patron** means a person receiving a tattoo or body piercing.~~

~~—**Practitioner** means a tattooist or body piercer.~~

~~—**Premises** means a building, structure, area or location where tattooing or body piercing is performed.~~

~~—**Sharps waste** means waste that consists of medical equipment or clinical laboratory articles that may cause punctures or cuts, such as hypodermic needles, syringes with attached needles and lancets, whether contaminated, unused or disinfected.~~

~~—**Single-use** means a product or item that is disposed of after one use, such as a razor, a needle, a cotton swab, a tissue or paper product, a paper or soft plastic cup, or gauze or other sanitary covering.~~

~~—**Sterilization** means the killing of all organisms and spores through use of an autoclave operated at a minimum of 250°F (121°C) at a pressure of at least fifteen (15) pounds per square inch for not less than thirty (30) minutes or through use of an autoclave approved by the department that is operated at different temperature and pressure levels but is equally effective in killing all organisms and spores.~~

~~—**Tattoo**, as a verb, means to insert pigment under the surface of the skin of a person, by pricking with a needle or otherwise, so as to produce an indelible mark or figure through the skin.~~

~~—**Tattoo establishment** means the permanent premises where a tattooist applies a tattoo to another person and is in business for more than seven (7) consecutive days in a license year.~~

~~—**Tattooist** means a person who tattoos another person at that person's request.~~

~~—**Tempered water** means water ranging in temperature from 85°F to less than 110°F.~~

~~—**Temporary establishment** means a single building, structure, area or location where a tattooist or body piercer performs tattooing or body piercing for a maximum of seven (7) days per license year.
(Ord 64-18, §1, 7-24-18)~~

Sec. 9-852. Scope.

(a) **Applicability.** This chapter applies to all tattooists, body piercers, tattoo establishments, and body piercing establishments.

~~(b) **Approved comparable compliance.** When it appears to the Department that strict adherence to a provision of this chapter is impractical for a particular tattooist, tattoo establishment, body piercer or body piercing establishment, the Department may approve a modification in that requirement for that person or establishment if the Department is provided with satisfactory proof that the grant of a variance will not jeopardize the public's health, safety or welfare.~~

Sec. 9-853. Right of entry.

The Health Officer may enter any establishment required to be licensed in this article at all reasonable times to inspect the premises, view the practice (with patron's permission), secure samples or specimens, examine and copy documents, obtain photographs or take any other action deemed necessary to properly enforce the provisions of applicable laws regulating such business or activity.

Sec. 9-854. Responsibility of the operator.

(a) Every act or omission by an employee or practitioner constituting a violation of the provisions of this ordinance

shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, the operator shall be liable for such act or omission in the same manner as if the operator committed the act or caused the omission.

(b) Any act or omission of any employee constituting a violation of the provisions of this ordinance shall be deemed an act or omission of the operator for purposes of determining whether the license shall be suspended, revoked, or not renewed.

Sec. 9-855. Correction of violations, citations.

Whenever the Health Officer finds that any establishment, tattooist or body piercer required to obtain a license in this article is not operating or equipped in any manner required by ordinances or laws regulating such establishment or activity, the Health Officer may notify, in writing, the person operating the premises, or performing the activity, specifying the requirements of such ordinance or law, and requiring that such business or practitioner comply with the provisions of such ordinance or law, and specify the time limits within which compliance shall take place. If the time limit or any extension thereof set forth in the notification is not met, the license may be suspended or revoked by the Health Officer. The Health Officer may also issue citations for any such violations pursuant to the provisions of Appleton Municipal Code Sec. 1-17(c).

Secs. 9-856 — 9-859. Reserved.

~~DIVISION 2. LICENSES~~

Sec. 9-860. Generally.

~~(a) — (a) — No person shall operate a tattoo establishment, body piercing establishment or combination tattoo and body piercing establishment without first obtaining a license from the Health Department.~~
~~(a) —~~

~~Any person, partnership, or corporation desiring to secure a tattoo establishment, body piercing establishment, combination tattoo/body piercing establishment, tattooist and/or body piercer license shall make application to the local health department.~~

~~(b) — The application shall be on a form provided by the local health department and shall include, at a minimum, the following information:~~

~~(1) — The name(s) (including aliases), addresses, dates of birth and driver's license number, of the applicant, any partner or limited partner in a partnership application, any shareholder holding more than ten percent (10%) of the stock of a corporate applicant and each corporate officer and director.~~

~~(2) — Written proof that each person required to be identified under this section is at least eighteen (18) years of age.~~

~~(3) — The address of the establishment to be licensed.~~

~~(4) — Whether the applicant or any person required to be identified is currently operating or has previously operated, in this or any other municipality or state, under a tattoo or body piercing establishment license, whether the applicant or person required to be named in this section has ever had such a license or permit suspended or revoked, or has been convicted of a violation of state or local laws governing the practice of tattoo or body piercing, the reason therefore, and the business entity or trade name under which the applicant operated that was subject to the suspension, revocation or conviction.~~

~~(c) — Failure or refusal of the applicant to completely and truthfully provide responses to the application questions, to give any information relevant to the investigation of the application, or refusal to appear at any reasonable time and place for examination regarding said application shall constitute an admission by the applicant that the applicant is~~

~~ineligible for such license and shall be grounds for denial thereof.~~

~~(b)~~ ~~(d)~~ Application for a license required in this article shall be made to the local health department upon a form furnished by the local health department and shall contain such information that the local health department may prescribe and require and shall be accompanied by payment of the application fee. In addition, the applicant must pay any state administrative fees, the amount of which is on file with the local health department.

~~(b)~~

~~(e)~~ ~~(e)~~ Within thirty (30) days after receiving a completed application for a license, the local health department or its agent shall either approve the application and issue a license or deny the application. If an application for a license is denied, the local health department shall give the applicant reasons, in writing, for the denial and provide information about how the applicant may appeal that decision.

~~(c)~~

~~(d)~~ ~~(f)~~ A license will not be granted under this article to an operator of a new establishment or to a new operator of an existing establishment without a preinspection. A preinspection fee will be assessed for each establishment according to the schedule on file with the local health department.

~~(d)~~

~~(e)~~ ~~(g)~~ The operator of a tattoo or body-piercing establishment shall promptly notify the local health department of his or her intention to cease operations and shall supply the local health department with the name and mailing address of any new operator. A license is not transferable. A new operator will submit an application for a new license. No license shall be issued to or used by any person acting as agent for or in the employ of another.

Sec. 9-861. ~~Application for establishment license.~~

~~(a) Requirements.~~

~~(1) No person may operate a tattoo establishment or body piercing establishment or a combined tattoo and body piercing establishment unless he or she has obtained a license for the establishment from the local health department by application made upon a form furnished by the local health department. All applications submitted to the local health department shall be accompanied by a fee under (b).~~

~~(2) No person shall engage in the practice of tattooing and/or body piercing except in a permanent licensed tattoo and/or body piercing establishment.~~

~~(3) Reciprocity within the State of Wisconsin will be recognized upon receipt of proof that the local requirements as set forth in this chapter are met by the applicant.~~

~~(b) Expiration and renewal of license.~~

- (1) Except where otherwise provided, every Health Department license shall terminate or expire on June 30th of each year and may be renewed annually thereafter.
- (2) The application for renewal shall be filed with the Health Department on or before June 30th, together with payment of the required fee. The fee for said license shall be on file with the local health department.
- (3) In addition, the applicant must pay any state administrative fees, the amount of which is on file with the local health department. If the annual renewal fee has not been paid on or before June 30th, an additional late payment fee shall be required; the amount of which is also on file with the local health department. Establishments operating on July 15th without a proper license shall be ordered closed by the Health Officer. ~~Practitioners operating on July 15th without a proper license shall be ordered to cease operations by the Health Officer.~~ Failure to comply will result in the issuance of a uniform citation with current bond as set forth in §1-18, Appleton Municipal Code. Each violation and each day a violation continues or occurs shall constitute a separate offense.

(Ord 64-18, §1, 7-24-18)

Sec. 9-862. Suspension or revocation of license.

The Health Officer may suspend or revoke any license issued pursuant to this article for violations of ordinances or laws regulating activity and for other good cause.

(Ord 64-18, §1, 7-24-18)

Sec. 9-863. Emergency powers of health officer.

Whenever the Health Officer has reasonable or probable cause to believe that the premises or method of operation thereof creates a danger to public health, the Health Officer may issue a temporary order prohibiting continued operation of the premises or any part thereof which creates the immediate danger to health. The Health Officer may suspend any license without notice whenever the licensed premises, tattooist, and/or body piercer constitute an immediate health hazard.

Sec. 9-864. Appeals.

Any person aggrieved by the denial of a license or by suspension or revocation of a license required under this article by the Health Officer or by any temporary suspension or any other order may appeal any such order to the Board of Health within thirty (30) days of denial, suspension or revocation of a license or issuance of the order. The Board of Health shall provide the appellant a hearing or opportunity for hearing on the matter and may either suspend or continue any such order pending determination of appeal. The Board may affirm, modify or set aside the order of the Health Officer after a hearing on the matter. The Board of Health shall make and keep a record of all proceedings related to any such appeal and the record and actions of the Board of Health shall be subject to review by certiorari by a court of record

Secs. 9-865 – 9-~~9869~~79. Reserved.

~~DIVISION 3. HEALTH AND SANITARY REQUIREMENTS~~

~~Sec. 9-870. Physical examinations of practitioners.~~

~~—(a) The Health Officer shall have the power to require any practitioner to submit to a practicing physician for a physical examination whenever the practitioner is suspected of having any infectious or contagious disease that may be transmitted by the practice of tattooing or body piercing. The expenses of the physical examination shall be paid by the practitioner.~~

~~—(b) Any practitioner notified to appear for a physical examination as may be required by the preceding subsection shall immediately cease working as a practitioner of tattoo or body piercing and shall not be allowed to work thereafter as a practitioner of tattoo or body piercing until he or she shall have first received a certificate in writing from a practicing physician that he or she is not inflicted with any infectious or contagious condition or disease that may be transmitted by the practice of tattoo or body piercing.~~

~~(Ord 64-18, §1, 7-24-18)~~

~~Sec. 9-871 – 8-879. Reserved.~~

RE: Conditional Noise Variance

Zachary Whitney <Zachary.Whitney@Boldt.com>

Thu 8/17/2023 7:32 AM

To: Charles E. Sepers <Charles.Sepers@appleton.org>

Cc: Megan A. Ehlert <Megan.Ehlert@appleton.org>; Wade Knorr <Wade.Knorr@boldt.com>; Bradley Winkel <Bradley.Winkel@boldt.com>

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Chuck-

We will be starting the Madison Middle School project next week with mobilizing to the site and preparing for the work.

- Project schedule September 2023 through May 2024.
 - We are only looking at being able to adjust the start times for the school year to cut down on the amount of people and activities happening at the end of the day with school dismissal at 3:20pm. **Our usual work hours are 7:00- 3:30 but are looking to shift our hours to 6:30 -3:00**
 - We have 2 additions being build, one adjacent to Calumet St and the other on the SE corner of the building near the road around the school.
 - Work will start on the addition near Calumet St first with work starting on the other addition mid-September.
 - Tasks being completed will be excavation for concrete footings at the beginning of the project
 - Most noise will come from equipment alarms while backing up (Concrete Trucks, Forklift) – I'm not sure that we would schedule a concrete pour at 6:30 due to the traffic at drop off times from 7:30-8:00 each morning.
 - There may be times where loads of stone would be delivered and dumped for backfilling purposes- We would try and limit these to the 7:00 time frame the best we can.
 - Once foundations are completed, we will begin work on the masonry walls which shouldn't have much of a noise impact.
 - We would limit any block cutting to 7:00 or after to help with any noise
 - Most of the noise would be back up alarms from a forklift or two.
 - Once the structure is up everything will be inside for the winter months with little to no noise impact to the surrounding neighborhoods.
 - In the spring time when weather allows there would also be a start up of exterior activities that may have some noise impacts. We will do our best to limit noise to the 7:00 time frame.

Let me know if this all makes sense or if I need to add more clarifications.

Zach Whitney

Project Manager

BOLDT.
BUILD BOLDLY

920.450.1590 | Cell

Zachary.Whitney@Boldt.com

2525 N. Roemer Road

P.O. Box 419
Appleton, WI 54912-0419



Boldt is an equal opportunity employer

From: Charles E. Sepers <Charles.Sepers@appleton.org>
Sent: Wednesday, August 16, 2023 10:52 AM
To: Zachary Whitney <Zachary.Whitney@Boldt.com>
Cc: Megan A. Ehlert <Megan.Ehlert@appleton.org>
Subject: Conditional Noise Variance

You don't often get email from charles.sepers@appleton.org. [Learn why this is important](#)

Zach,

As discussed, if you can send me those dates for the complete project, we can get this on the Board of Health agenda on September 13th. Additionally, if you could attend the September 13 meeting to answer any questions for the Board, that would be greatly appreciated. This item will go up as an action item to be voted on by the entire Board of Health.

If you would also prepare a brief memo describing the project for context, and specifically, the activity occurring during the 6:30 to 7:00am time period that would require a variance, we will include it as a formal Conditional Variance request in the Board packet.

Thanks again for reaching out.

Best,
Chuck

Charles E Sepers, Jr, PhD, MPH
Health Officer | Director
Appleton Health Department
100 N Appleton Street
Appleton, WI 54911
Direct: 920- 832-6433
Main: 920- 832-6429



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86-23

AN ORDINANCE AMENDING CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON AND THE OFFICIAL ZONING MAP WHICH IS A PART THEREOF, BY MAKING THE FOLLOWING CHANGES IN THE DISTRICT AS NOW PROVIDED.

(City Plan Commission 09-06-2023)

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

Section 1: That Zoning Ordinance, Chapter 23 of the Municipal Code of the City of Appleton and the Official Zoning Map, which is a part thereof, is amended by making the following changes:

To rezone lands generally located along the extension of East Sweetwater Way, south of East Spartan Drive and east of North Haymeadow Avenue (Tax Id #31-6-6201-00 and part of #31-6-6200-00) from AG Agricultural District to R-1B Single-family District. (Rezoning #5-23 – 4th Addition to Clearwater Creek)

LEGAL DESCRIPTION:

PART OF LOT 2 OF CERTIFIED SURVEY MAP NO. 3927 FILED IN VOLUME 21 OF CERTIFIED SURVEY MAPS ON PAGE 3927 AS DOCUMENT NO. 1388606, BEING PART OF THE SOUTHWEST 1/4 OF THE FRACTIONAL NORTHEAST 1/4; AND UNPLATTED LANDS BEING PART OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4; ALL IN SECTION 2, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 2; THENCE NORTH 89 DEGREES 40 MINUTES 21 SECONDS WEST, ALONG THE NORTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION, A DISTANCE OF 1300.89 FEET TO THE POINT OF BEGINNING;
THENCE SOUTH 00 DEGREES 07 MINUTES 09 SECONDS EAST, ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION, A DISTANCE OF 19.71 FEET; THENCE SOUTH 50 DEGREES 55 MINUTES 11 SECONDS WEST, ALONG THE NORTHERLY LINE OF OUTLOT 2, FIRST ADDITION TO CLEARWATER CREEK, A DISTANCE OF 880.71 FEET; THENCE SOUTH 41 DEGREES 17 MINUTES 35 SECONDS WEST, CONTINUING ALONG THE NORTHERLY LINE OF SAID OUTLOT 2, A DISTANCE OF 209.90 FEET; THENCE NORTH 39 DEGREES 21 MINUTES 44 SECONDS WEST, ALONG THE NORTHEASTERLY LINE OF OUTLOT 1, CERTIFIED SURVEY MAP NO. 7827, A DISTANCE OF 227.58 FEET; THENCE 88.74 FEET ALONG AN ARC OF A CURVE TO THE LEFT, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SWEETWATER WAY, SAID CURVE HAVING A RADIUS OF 280.00 FEET AND A CHORD THAT BEARS

NORTH 59 DEGREES 43 MINUTES 01.5 SECONDS EAST, 88.37 FEET; THENCE NORTH 50 DEGREES 38 MINUTES 16 SECONDS EAST, CONTINUING ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SWEETWATER WAY, A DISTANCE OF 22.82 FEET; THENCE NORTH 29 DEGREES 14 MINUTES 54 SECONDS WEST, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SWEETWATER WAY, A DISTANCE OF 60.95 FEET; THENCE THE FOLLOWING SIX CALLS ARE ALONG THE SOUTHERLY LINE OF THE THIRD ADDITION TO CLEARWATER CREEK AND CERTIFIED SURVEY MAP NO. 8106: THENCE NORTH 39 DEGREES 21 MINUTES 44 SECONDS WEST, 59.84 FEET; THENCE NORTH 00 DEGREES 15 MINUTES 15 SECONDS EAST, 100.20 FEET; THENCE NORTH 73 DEGREES 01 MINUTES 34 SECONDS EAST, 49.11 FEET; THENCE NORTH 50 DEGREES 38 MINUTES 16 SECONDS EAST, 190.00 FEET; THENCE NORTH 43 DEGREES 34 MINUTES 56 SECONDS EAST, 95.72 FEET; THENCE NORTH 50 DEGREES 38 MINUTES 16 SECONDS EAST, 290.53 FEET; THENCE SOUTH 00 DEGREES 19 MINUTES 45 SECONDS WEST, ALONG THE EAST LINE OF LOT 2, CERTIFIED SURVEY MAP NO. 3927, A DISTANCE OF 87.84 FEET; THENCE SOUTH 89 DEGREES 40 MINUTES 21 SECONDS EAST, ALONG THE NORTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 2, A DISTANCE OF 455.83 FEET TO THE POINT OF BEGINNING. CONTAINING 312,063 SQ.FT. [7.164 ACRES].

COMMON DESCRIPTION:

Along the extension of East Sweetwater Way, south of East Spartan Drive and east of North Haymeadow Avenue, for the Fourth Addition to Clearwater Creek (Tax Id #31-6-6201-00 and part of #31-6-6200-00)

Section 2: This Ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication the Director of Community and Economic Development is authorized and directed to make the necessary changes to the Official Zoning Map in accordance with this Ordinance.

89-23

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.

(Municipal Services Committee 09-06-2023)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Stopping/standing/parking be prohibited, except for police-authorized vehicles, on the west side of Elm Street from a point 40 feet north of Eighth Street to a point 85 feet north of Eighth Street.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.