



# City of Appleton

100 North Appleton Street  
Appleton, WI 54911-4799  
[www.appleton.org](http://www.appleton.org)

## Meeting Agenda - Final Common Council

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Wednesday, September 6, 2023

7:00 PM

Council Chambers

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- A. CALL TO ORDER
- B. INVOCATION
- C. PLEDGE OF ALLEGIANCE TO THE FLAG
- D. ROLL CALL OF ALDERPERSONS
- E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS
- F. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES  
[23-1025](#) Common Council Meeting Minutes of August 16, 2023  
**Attachments:** [CC Minutes 8-16-23.pdf](#)
- 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

- [23-1059](#) Appleton Public Art Committee Appointment

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

H. 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](#)

- [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](#)

J. SPECIAL RESOLUTIONS

- [23-1026](#) Final Resolution for the Circle St. Street Vacation

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

K. ESTABLISH ORDER OF THE DAY

L. COMMITTEE REPORTS

**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](#)

**Legislative History**

8/21/23	Municipal Services Committee	recommended for approval
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[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](#)

**Legislative History**

8/21/23	Municipal Services Committee	recommended for approval
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**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 Pruchase Radio Equipment.docx](#)

**Legislative History**

8/23/23	Safety and Licensing Committee	adjourned
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8/23/23	Safety and Licensing Committee	recommended for approval
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*This item was moved to an action item without objection.*

[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](#)

**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](#)

**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.*

[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](#)

**Legislative History**

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

[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](#)

**Legislative History**

8/23/23 City Plan Commission recommended for approval

[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](#)

**Legislative History**

8/23/23 City Plan Commission recommended for approval

#### 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](#)

**Legislative History**

8/21/23	Parks and Recreation Committee	recommended for approval
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**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](#)

**Legislative History**

7/24/23	Finance Committee	recommended for approval
8/2/23	Common Council	referred to the Finance Committee
8/21/23	Finance Committee	recommended for denial

[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](#)

**Legislative History**

8/21/23	Finance Committee	recommended for approval
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[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](#)

**Legislative History**

8/21/23	Finance Committee	recommended for approval
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[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](#)

**Legislative History**

8/21/23 Finance Committee recommended for approval

[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](#)

**Legislative History**

8/21/23 Finance Committee recommended for approval

[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](#)

**Legislative History**

8/21/23 Finance Committee recommended for approval

[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](#)

**Legislative History**

8/21/23 Finance Committee recommended for approval

[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.p](#)

**Legislative History**

8/21/23 Finance Committee recommended for approval

[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](#)

**Legislative History**

8/21/23 Finance Committee recommended for approval

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](#)

**Legislative History**

8/21/23	Finance Committee	recommended for approval
8/21/23	Municipal Services Committee	recommended for approval

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](#)

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

R. OTHER COUNCIL BUSINESS

S. ADJOURN

Kami Lynch, City Clerk

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

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





# City of Appleton

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

## Meeting Minutes - Final Common Council

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Wednesday, August 16, 2023

7:00 PM

Council Chambers

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A. CALL TO ORDER

*The meeting was called to order at 7:05 p.m. by Council President Van Zeeland.*

B. INVOCATION

*The Invocation was offered by Alderperson Jones.*

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 Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim and Alderperson Chad Doran

**Excused:** 2 - Alderperson Christopher Croatt and Mayor Jake Woodford

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

*All Departments were represented.*

F. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[23-0984](#)

Common Council Meeting Minutes of August 2, 2023

**Attachments:** [CC Minutes 8-2-23.pdf](#)

**Alderperson Fenton moved, seconded by Alderperson Meltzer, that the Minutes be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 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 Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim and Alderperson Chad Doran

**Excused:** 2 - Alderperson Christopher Croatt and Mayor Jake Woodford

G. BUSINESS PRESENTED BY THE MAYOR

[23-0988](#)

Confirmation of Board of Review Alternate Appointments

**Attachments:** [Aug 16 2023 Board of Review Appt Memo.pdf](#)

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

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

**Excused:** 2 - Aldersperson Christopher Croatt and Mayor Jake Woodford

**Abstained:** 1 - Aldersperson Vered Meltzer

H. PUBLIC PARTICIPATION

*There was no one signed up to speak during Public Participation.*

I. PUBLIC HEARINGS

J. SPECIAL RESOLUTIONS

[23-0987](#)

Resolution authorizing and providing for the sale and issuance of General Obligation Promissory Notes, Series 2023 and all related details.

**Attachments:** [FINAL Appleton 2023 G.O. Promissory Notes - Award Resolution.pdf](#)

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

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

**Excused:** 2 - Aldersperson Christopher Croatt and Mayor Jake Woodford

K. ESTABLISH ORDER OF THE DAY

[23-0949](#)

Request from Colleen Vanden Heuvel at 1007 N. Badger Avenue for a Terrace Occupancy Permit to keep an existing 4' fence, lilacs, landscaping stone and pavers in the street terrace along W. Commercial Street.

**Attachments:** [1007 Badger Ave memo.pdf](#)  
[1007 Badger Ave application.pdf](#)

**Aldersperson Hartzheim moved, seconded by Aldersperson Meltzer, that the Terrace Occupancy Permit 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 Joss Thyssen, Aldersperson Alex Schultz, Aldersperson Vaya Jones, Aldersperson Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim and Aldersperson Chad Doran

**Nay:** 1 - Aldersperson Patrick Hayden

**Excused:** 2 - Aldersperson Christopher Croatt and Mayor Jake Woodford

[23-0982](#)

Alcohol License Suspension Hearing for BT & DAVE, LLC DBA: Speakeasy Ultra Lounge, Theodore Suess, Agent

**Attachments:** [Complaint - Speakeasy 8-4-23.pdf](#)  
[Summons - Speakeasy 8-4-23.pdf](#)  
[Speakeasy Stipulation.pdf](#)  
[Speakeasy Stipulation 8-2023 Signed.pdf](#)

**Aldersperson Schultz moved, seconded by Aldersperson Wolff, that the Stipulation be approved. Roll Call. Motion carried by the following vote:**

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

**Excused:** 2 - Aldersperson Christopher Croatt and Mayor Jake Woodford

[23-0959](#)

Request for Finance Director to sell \$20,200,000 of General Obligation Promissory Notes

**Aldersperson Firkus moved, seconded by Aldersperson Meltzer, that the Note Sale be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 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 Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim and Alderperson Chad Doran

**Excused:** 2 - Alderperson Christopher Croatt and Mayor Jake Woodford

[23-0960](#)

Request to Award the 2023 Lundgaard Park Development Project contract to Vinton Construction Company in the amount of \$911,177.70 with a 15% contingency of \$137,000 for a project not to exceed \$1,048,177.70.

**Attachments:** [Lundgaard Park Development Project Finance Memo .pdf](#)

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

**Aye:** 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 Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim and Alderperson Chad Doran

**Excused:** 2 - Alderperson Christopher Croatt and Mayor Jake Woodford

## L. COMMITTEE REPORTS

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

**Alderperson Firkus moved, Alderperson Meltzer seconded, to approve the balance of the agenda. The motion carried by the following vote:**

**Aye:** 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 Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim and Alderperson Chad Doran

**Excused:** 2 - Alderperson Christopher Croatt and Mayor Jake Woodford

## 1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[23-0950](#)

Approve modification to the parking restrictions in the downtown business area, the southside of the 400 and 500 block of W. College Avenue.

**Attachments:** [College Av 400W 500W - APD memo.pdf](#)

**This Report Action Item was approved.**

[23-0951](#) Request from OB's Brau Haus for a street occupancy permit to place tables and chairs in the College Avenue beautification strip at 523/525 W. College Avenue.

**Attachments:** [Table and Chairs Ob Brau Haus.pdf](#)

This Report Action Item was approved.

[23-0967](#) Request from The Boldt Company for a permanent street occupancy permit for the Appleton Library construction site perimeter fencing and staging on N. Oneida Street, W. Franklin Street, N. Appleton Street and W. Washington Street for a period ending on October 24, 2024.

**Attachments:** [Occupancy Permit Appleton Public Library.pdf](#)

This Report Action Item was approved.

## 2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

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

**Attachments:** [Service Agreement for Gold Cross Ambulance.pdf](#)  
[Amended GOLD CROSS - SHARED SERVICES AND OPERATING AGRM - 08-10-2023.pdf](#)

This Report Action Item was approved.

[23-0916](#) Reserve "Class B" Liquor License application for El Guadalajara Mexican Restaurant LLC d/b/a El Guadalajara Mexican Restaurant, Lucelia Guzman, Agent, located at 1003 W Northland Ave Suite B.

**Attachments:** [El Guadalajara Mexican Restaurant-Reserve Liquor app.pdf](#)

This Report Action Item was approved.

[23-0918](#) Class "B" Beer License application for Newell Company Inc, d/b/a Lumberjack Johnny's, David Oshefsky, Agent, located at 2701 N Oneida St Ste E, contingent upon approval from the Health and Inspections departments.

**Attachments:** [Lumberjack Johnnys.pdf](#)

This Report Action Item was approved.

[23-0983](#)

Fire Department contract with Department of Military Affairs for Radiological Field Team Services

**Attachments:** [Radiological Field Team Services Appleton 2023-2027 \(DMA 7-12-2023 Legal Edits\).pdf](#)

This Report Action Item was approved.

**3. MINUTES OF THE CITY PLAN COMMISSION**

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

**5. MINUTES OF THE FINANCE COMMITTEE**

[23-0969](#)

Request to approve Dental Associates, Manos Holding North Appleton LLC request for partial refund of 2021 and 2022 real estate property taxes in the amount of \$21,326.18 for 2115 E Evergreen Dr, Appleton, WI (parcel 31-1-6510-39)

**Attachments:** [8-2-23Dental Associates Summary Memo.pdf](#)

This Report Action Item was approved.

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

**7. MINUTES OF THE UTILITIES COMMITTEE**

[23-0944](#)

Award Engineering Services Contract for the AWTF Clearwells and Lindbergh Standpipe Project to McMahon Associates, Inc., in the amount of \$39,100 with a 10% contingency of \$3,910 for a project total not to exceed \$40,010.

**Attachments:** [Clearwells and Lindbergh Project - Engineering Award 07-31-23.pdf](#)

This Report Action Item was approved.

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

[23-0927](#)

Department of Public Works Traffic Table of Organization Change.

**Attachments:** [Memo - HR Committee Traffic Engineer Position.pdf](#)  
[Public Works TO.pdf](#)

This Report Action Item was approved.

[23-0928](#)

Valley Transit Table of Organization Change 1.0 FTE Utility Worker Position.

**Attachments:** [Valley Transit Memo.pdf](#)  
[Valley Transit DRAFT 7.24.23.pdf](#)

This Report Action Item was approved.

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

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

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

[23-1012](#)

Resolution #9-R-23 Mental Health Awareness & Services

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

[23-1013](#)

Resolution #10-R-23 Allocation of State Shared Revenue Aid

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

R. OTHER COUNCIL BUSINESS

S. ADJOURN

Aldersperson Hartzheim moved, seconded by Aldersperson Fenton, that the meeting be adjourned at 7:27 p.m. Roll Call. Motion carried by the following vote:

**Aye:** 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 Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim and Alderperson Chad Doran

**Excused:** 2 - Alderperson Christopher Croatt and Mayor Jake Woodford

Kami Lynch, City Clerk



# PROCLAMATION



## Office of the Mayor

**WHEREAS**, the International Day of Peace, also known as World Peace Day, was established in 1981 by the United Nations General Assembly, is dedicated to world peace and specifically the absence of war and violence and observed annually on September 21; and

**WHEREAS**, in 2001 the General Assembly unanimously voted to designate September 21 annually as a day of non-violence and ceasefire; and

**WHEREAS**, the Day of Peace aligns with the International Charter for Compassion, which the City of Appleton joined in 2010 and brings diverse groups together to foster connections and communication among faith communities and local organizations; and

**WHEREAS**, this year's theme, Actions for Peace: Our Ambition for the #Global Goals, is a call to action that recognizes our individual and collective responsibility to foster peace; and

**WHEREAS**, a local community event is planned at Erb Park on Appleton's Day of Peace, where a variety of activities are available for children and adults, including music, a meditation for peace, a dance of universal peace, arts, crafts, and games, co-sponsored by Unity of Appleton, Fox Valley Unitarian Universalist Fellowship, ESTHER, and other community organizations.

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

## Day of Peace

in Appleton and encourage all citizens to participate in community events in celebration of the Day of Peace and to promote peace in our communities.

Signed and sealed this 28<sup>th</sup> day of August 2023.



**JACOB A. WOODFORD**  
MAYOR OF APPLETON

# PROCLAMATION



## Office of the Mayor

**WHEREAS**, the National Society Daughters of the American Revolution (NSDAR) petitioned Congress in 1955 with a resolution to dedicate September 17-23 annually for the observance of Constitution Week, a celebration that was established when President Dwight D. Eisenhower signed it into law on August 2, 1956; and

**WHEREAS**, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States designating September 17-23 as Constitution Week; and

**WHEREAS**, September 17, 2023, marks the two hundred and thirty-sixth anniversary of the drafting of the Constitution of the United States by the Constitutional Convention; and

**WHEREAS**, it is fitting and proper to officially recognize our nation's foundational document and its memorable anniversary, and to the patriotic celebrations which will commemorate the occasion; and

**WHEREAS**, the NSDAR, and our local chapter of the Daughters of the American Revolution is committed to encouraging study and educating the public about the Constitution and the framers of the document, and to enlighten our community about the historical events surrounding the establishment of the Constitution.

**NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD**, Mayor of the City of Appleton, Wisconsin, do hereby proclaim September 17-23, 2023 as

## Constitution Week

in Appleton and encourage all citizens to acquaint themselves with our Constitution, by vigilantly protecting and defending the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

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



**JACOB A. WOODFORD**  
MAYOR OF APPLETON

# PROCLAMATION



## Office of the Mayor

**WHEREAS**, senior centers are a vital resource for healthy aging, and for communities to properly support older adults; and

**WHEREAS**, over the past three and a half years senior centers across the country adapted and transformed into virtual spaces to provide continued social engagement, activities, support, encouragement, and countless meals to our aging community members; and

**WHEREAS**, the Fox Cities' Thompson Center on Lourdes is a senior center organization dedicated to the mental, physical, and emotional well-being for those over 50 focusing on fighting the effects of loneliness, isolation, and depression by offering opportunities for education, socialization, and wellness; and

**WHEREAS**, the Thompson Center on Lourdes provides relevant and important programs to change the perception of aging and enhance the social, physical, emotional, and intellectual well-being in our community.

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

## Senior Center Month

and encourage all citizens to recognize the important contributions of senior centers in the Fox Cities, and to support the efforts of senior centers through philanthropy and volunteerism.

Signed and sealed this 28<sup>th</sup> day of August 2023.



**JACOB A. WOODFORD**  
MAYOR OF APPLETON

# PROCLAMATION



## Office of the Mayor

**WHEREAS**, diaper need, the condition of not being able to afford a sufficient supply of clean diapers to keep babies and toddlers clean, dry, and healthy, can adversely affect the health and wellbeing of children and their families; and

**WHEREAS**, national surveys and research studies report that nearly one in two families struggle with diaper need, and 48 percent of families delay changing a diaper to extend the available supply; and

**WHEREAS**, a daily or weekly supply of diapers is generally an eligibility requirement for babies and toddlers to participate in child care programs and quality early-education programs that enable children to thrive and parents to work, and many parents struggling with diaper need report missing an average of five days of work each month due to an insufficient supply of diapers, thereby destabilizing the family's economic prospects and wellbeing; and

**WHEREAS**, diaper need is a public health issue, and addressing diaper need will result in improved health for children, ensuring all children and families have access to the necessities required to thrive and reach their full potential; and

**WHEREAS**, diaper banks play a critical role in supporting families, improving infant health and wellbeing, and advancing our local and state economic growth; and

**WHEREAS**, Appleton is proud to be home to trusted community-based organizations including the Kimberly-Clark Diaper Bank, a program of United Way Fox Cities, Eastern Wisconsin Diaper Bank, and Jake's Network of Hope, that recognize the importance of providing economic stability for families and thus distribute diapers to families through various channels.

**NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD**, Mayor of the City of Appleton, Wisconsin, do hereby proclaim September 18-24, 2023 as

## Diaper Need Awareness Week

in Appleton and encourage citizens to donate generously to diaper banks, diaper drives, and support those organizations that collect and distribute diapers to families struggling with diaper need.



Signed and sealed this 20<sup>th</sup> day of August 2023.

**JACOB A. WOODFORD**  
MAYOR OF APPLETON

# PROCLAMATION



## Office of the Mayor

**WHEREAS**, Rail Safety Week is to be held across the United States from September 18-24, 2023; and

**WHEREAS**, 2,194 rail grade crossing collisions resulted in 803 personal injuries and were responsible for 274 fatalities in the United States during 2022; and

**WHEREAS**, 1,208 pedestrian trespassing casualties have occurred in the United States resulting in 658 pedestrians being killed and another 550 injured while trespassing on railroad property rights of way during 2022; and

**WHEREAS**, educating and informing the public about rail safety, reminding the public that railroad right of ways are private property, enhancing public awareness of the dangers associated with highway rail grade crossings; ensuring pedestrians and motorists are looking and listening while near railways, and obeying established traffic laws will reduce the number of avoidable fatalities and injuries caused by incidents involving trains and citizens; and

**WHEREAS**, the International Association of Chiefs of Police, National Operation Lifesaver, United States Department of Transportation, and all local, state, county, and railroad law enforcement officers, first responders, and railroad corporations commit to partnering together to educate at a national level all aspects of railroad safety, to enforce applicable laws in support of National Rail Safety Week.

**NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD**, Mayor of the City of Appleton, Wisconsin, do hereby proclaim September 18-24, 2023 as

## Rail Safety Week

in Appleton and encourage all residents to recognize the importance of rail safety education.

Signed and sealed this 28<sup>th</sup> day of August 2023.



**JACOB A. WOODFORD**  
MAYOR OF APPLETON

# PROCLAMATION



## Office of the Mayor

**WHEREAS**, childhood cancer remains the leading cause of death by disease in children and too many children are affected by this deadly disease and more must be done to raise awareness and find a cure; and

**WHEREAS**, 1 in 285 children in the United States will be diagnosed by their 20<sup>th</sup> birthday, the average age of diagnosis is 10 years old, and 15,190 children in the United States will be diagnosed with cancer this year; and

**WHEREAS**, 80% of childhood cancer patients are diagnosed late and with metastatic disease and there are approximately 40,000 children on active treatment at any given time; and

**WHEREAS**, although incidence rates have been rising slightly over the past few decades, death rates have declined by 32% between 1991 and 2019 due to improved treatment and clinical trials; and

**WHEREAS**, the National Cancer Institute recognizes the unique research needs of childhood cancer and the associated need for increased funding to carry this out; and

**WHEREAS**, researchers and healthcare professionals work diligently dedicating their expertise to treat and cure children with cancer and hundreds of non-profit organizations at the local and national level including the American Childhood Cancer Organization are helping children with cancer and their families cope through education, emotional, and financial support.

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

## Childhood Cancer Awareness Month

in Appleton and encourage all citizens to observe Childhood Cancer Awareness Month and support research to cure this disease that so deeply impacts families in every community.

Signed and sealed this 28<sup>th</sup> day of August 2023.



**JACOB A. WOODFORD**  
MAYOR OF APPLETON

\*Pursuant to this Proclamation and in accordance with the Special Flag Policy, a special flag will be flown at City Hall on Friday, September 1, 2023.

Proc #46-189

# PROCLAMATION



## Office of the Mayor

**WHEREAS**, the Hispanic community makes up the largest ethnic minority group in the United States and is the fastest-growing constituency within Wisconsin; and

**WHEREAS**, Hispanic Heritage Month has been celebrated across the United States for the past 35 years; and

**WHEREAS**, recognizing Hispanic Heritage Month provides us with the opportunity to recognize the contributions of our Hispanic community that add to the diversity and vitality of the Fox Cities by fueling our culture and economy through entrepreneurship and industry, the arts, agriculture, education, healthcare services, and beyond; and

**WHEREAS**, our Hispanic neighbors make a tremendous impact on Appleton, our state, and our county, and are valued members of our community.

**NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD**, Mayor of the City of Appleton, do hereby proclaim September 15 through October 15 as

## Hispanic Heritage Month

in Appleton and call upon residents to reflect on and honor the traditions and countless artistic, scientific, political, and cultural contributions of all Hispanic residents.

Signed and sealed this 28<sup>th</sup> day of August 2023.



**JACOB A. WOODFORD**  
MAYOR OF APPLETON

# PROCLAMATION



## Office of the Mayor

**WHEREAS**, the City of Appleton has an interest in promoting the social and economic wellbeing of its citizens; and

**WHEREAS**, more than 90% of the 40 million Americans struggling with addiction started use before the age of 18, putting our next generation at risk and creating an unprecedented public health crisis; and

**WHEREAS**, staff in our schools are seeking ways to reduce chronic absence, achievement gaps, and disruptive behavior, while increasing graduation rates; and teachers, counselors, social workers, school nurses, psychologists, school administrators, and families are struggling to support young adults in this crisis; and

**WHEREAS**, our communities, and specifically our schools, are working to identify and secure the resources needed to address and engage at-risk young people and their families, leading to those in need obtaining the services required to combat the issues; and

**WHEREAS**, as a community we must encourage our relatives and friends to guide those in need so that they may achieve a healthy lifestyle; and

**WHEREAS**, over the past decade, Rise Together has educated, engaged, and empowered over two-hundred seventy-five thousand youth in Wisconsin to promote mental health awareness and provide opportunities to fight back against addiction; and

**WHEREAS**, these types of efforts are especially important now as our communities face an addiction pandemic.

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

## Recovery Month

in Appleton and encourage citizens to join in reaffirming our commitment to support prevention and recovery efforts. I also encourage students, faculty, and staff to participate in prevention education and activities, making a visible statement that our community is committed to our youth and their wellbeing.

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

  
**JACOB A. WOODFORD**  
MAYOR OF APPLETON







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

---

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

**TO:** Members of the Common Council  
**FROM:** Mayor Jacob A. Woodford *JW*  
**DATE:** August 30, 2023  
**RE:** Confirmation of Appointment

---

It is with pleasure that I present the following recommendations for your confirmation at the September 6, 2023, Common Council meeting.

**APPLETON PUBLIC ART COMMITTEE**– Appointment

Laura Hoekstra

Term Ends December 2026

Laura is a native of the Fox Cities who has recently moved back to the area. She currently lives in downtown Appleton with her husband and works as the career advisor for students in the visual and performing arts at Lawrence University. Laura holds an MA in Art History from UW-Madison and is pursuing a PhD in the same program. While living in Madison, Laura worked as a student employee who managed UW's public art collection. She is also a painter who enjoys portraiture. Laura is very excited to help the City of Appleton manage its public art.

## **NOTICE OF PROPOSED STREET VACATION**

(Pursuant to Section 66.1003, Wisconsin Statutes 2021-2022)

Notice is hereby given that a written resolution has been filed with the Common Council of the City of Appleton for the discontinuance of:

### **LEGAL DESCRIPTION OF AREA TO BE VACATED:**

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

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

A map is available in the City Clerk's office upon request.

### **COMMON DESCRIPTION:**

Portion of E. Circle Street, located west of N. Drew Street and east of N. Durkee Street

**ALDERMANIC DISTRICT:** 14 – Alderperson Christopher Croatt

### **PARTIAL STREET VACATION REQUEST:**

A Street Vacation request has been initiated by the applicant, City of Appleton. The applicant requests to vacate and discontinue a portion of E. Circle Street. The area being vacated has not been used for public street purposes for over 50 years. The street vacation will create accurate public records for future expansion plans of the Kaleidoscope Academy. The adjoining property owner (Appleton Area School District) will acquire ownership to the afore-described and vacated portion of E. Circle Street right-of-way.

Notice is further given that a hearing of said resolution will be held at a regular meeting of the Common Council to be held at 7:00 p.m. or as soon thereafter as can be heard, on Wednesday, September 6, 2023, in the Council Chambers at the City Hall in said City of Appleton.

By Order of the Common Council.

July 20, 2023

KAMI LYNCH  
City Clerk

RUN: July 23, 2023

July 30, 2023

August 6, 2023

**REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES WILL BE MADE UPON REQUEST AND IF FEASIBLE.**

## NOTICE OF PUBLIC HEARING

#5-23

### RE: Proposed Zone Change

A public hearing will be held in the Council Chambers, City Hall, Appleton, Wisconsin, on Wednesday, September 6, 2023, at 7:00 P.M., or as soon thereafter as can be heard, to consider the following proposed zone change:

**Rezoning #5-23:** A rezoning request has been initiated by the owner, Clearwater Creek, LLC, and applicant, Jeff Schultz of Martenson & Eisele, in the matter of amending Chapter Twenty-three (Zoning Ordinance) of the Municipal Code of the City of Appleton for the above-described real estate, which is currently zoned AG Agricultural District. The owner & applicant propose to rezone the property to R-1B Single-family District. The R-1B Single-family District is intended 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.

**Purpose of the Request:** Facilitate the construction of a residential subdivision called the Fourth Addition to Clearwater Creek Subdivision along the extension of East Sweetwater Way and east of North Haymeadow Avenue.

#### 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].

August 10, 2023

RUN: August 15, 2023  
August 22, 2023

**KAMI LYNCH**  
**City Clerk**

# FINAL RESOLUTION

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

**WHEREAS**, notice was given when and where the resolution would be acted on, as required by law; and

**WHEREAS**, hearing was had on said Resolution on the 6<sup>th</sup> day of September, 2023, at City Hall, in and for the City of Appleton, Wisconsin.

**BE IT RESOLVED**, that the Common Council of the City of Appleton, Wisconsin, hereby determines that the public interest requires that:

## **LEGAL DESCRIPTION**

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

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

See also attached Exhibit "A" for illustration.

## **EASEMENTS**

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

It is further agreed that this easement shall be a permanent easement. It is further agreed that Grantee shall have the right to install, regrade, replace, relocate, operate, maintain, resize and repair the sanitary sewer and associated appurtenances. It is further agreed that after installing, regrading, replacing, relocating, operating, maintaining, resizing or repairing of this utility and associated appurtenances Grantee shall restore unimproved surfaces such as grass, gravel and dirt on said property, as closely as possible, to the condition previously existing. Grantee shall not be required to restore or compensate for any improvements or improved surfaces such as, but not limited to, curb and gutter, hard pavements, trees, shrubs and landscaping, disturbed as a result of the maintenance activities described herein. This easement includes the right to operate any and all equipment deemed necessary by Grantee to perform said activities. Grantee agrees that it shall give timely notice to the Grantor of routine maintenance work.

Record and return to:

City of Appleton | City Attorney's Office  
100 North Appleton Street  
Appleton, WI 54911-4799

Tax Key Nos.: 31-6-0571-00, 31-6-0545-00

**COMMON DESCRIPTION:**

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

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

**FURTHER RESOLVED**, that according to §66.1005, Wisconsin Statutes, upon vacation and discontinuance of said portion of East Circle Street, from North Durkee Street to North Drew Street, title to the above-described area shall belong to the adjoining property owner and shall acquire an ownership interest in the entire area being vacated (as deemed necessary).

**City of Appleton**

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

Jacob A. Woodford, Mayor

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

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

Kami Lynch, City Clerk

STATE OF WISCONSIN )

: ss.

OUTAGAMIE COUNTY )

The foregoing Agreement was acknowledged before me this \_\_\_\_\_ day of September, 2023 by Jacob A. Woodford, Mayor and Kami Lynch, City Clerk.

\_\_\_\_\_  
Jamie L. Griesbach

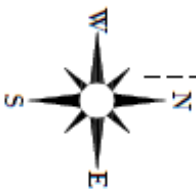
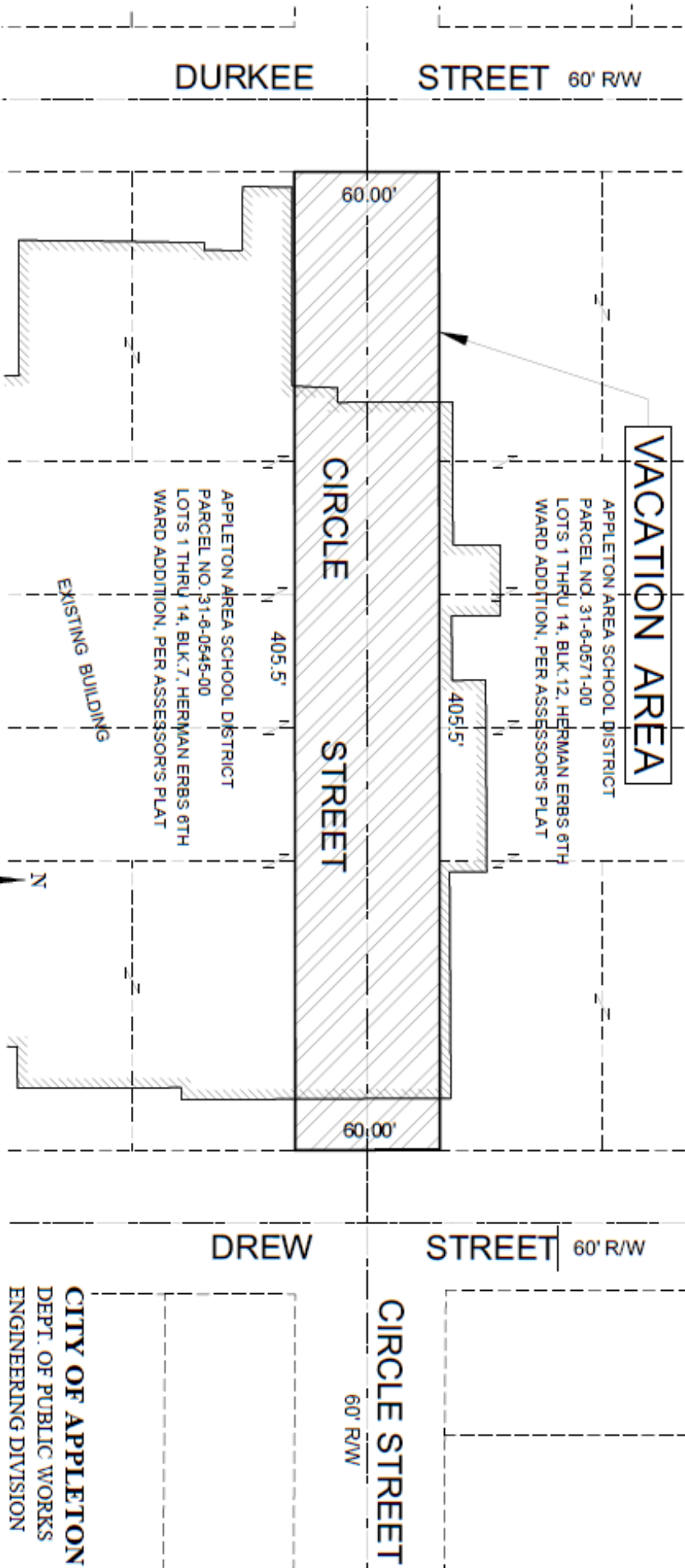
Notary Public, State of Wisconsin

My commission expires 11/11/2025

This instrument was drafted by:  
City Attorney Christopher R. Behrens

# EXHIBIT "A"

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



**CITY OF APPLETON**  
 DEPT. OF PUBLIC WORKS  
 ENGINEERING DIVISION  
 100 NORTH APPLETON STREET  
 APPLETON, WI 54911  
 920-832-6474  
 DRAFTED BY: T. KRONAM  
 H:\Add\1\cadd\2023\Circle Street\_0609\_2023

# Appleton Police Department

INTEROFFICE MEMORANDUM



Date: August 10, 2023

To: Municipal Services Committee

From: Captain Gary Lewis

Subject: Request for parking in the 200blk of S. Elm St.

The Appleton Police Department has recently purchased three Ford Transit 150 vans for the Community Service Officer program. The Ford Transit 150 provides greater functionality for the daily activities and responsibilities of the Community Service Officers. The negative of moving to this vehicle platform is that the wheelbase and overall handling of the vehicle will be different than the Dodge Caravan and Plymouth Voyager minivan platform. An identified concern with this vehicle will be backing and parking operations within areas of limited space.

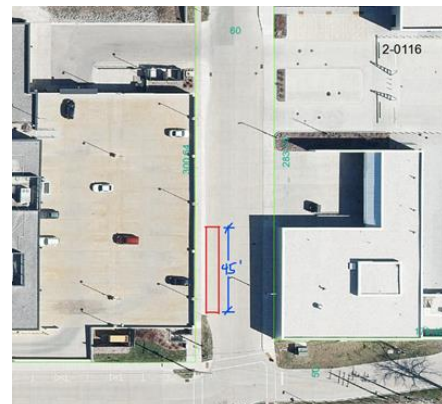
To minimize Community Service Officers exposure to backing and parking situations which could lead to a backing accident, the Appleton Police Department is requesting that 45 feet along the west side of Elm St north of Eighth St be designated as Community Service Van parking. Currently this area of Elm St along the east side of the police department is designated as, "No Parking". Signage would indicate, "Community Service Van parking only". The remaining portion of Elm St. would remain designated as no parking.

This parking change would allow for the on-duty CSO vans to be parked outside of the south lot and avoid any potential backing issues that may occur within the limited space of this parking area. On street parking will decrease the number of daily backing movements by allowing the Community Service Officers the opportunity to pull into and out of a designated area without backing.

Thank you for your consideration,

*Gary Lewis*

Captain Gary Lewis 9221  
Appleton Police Department



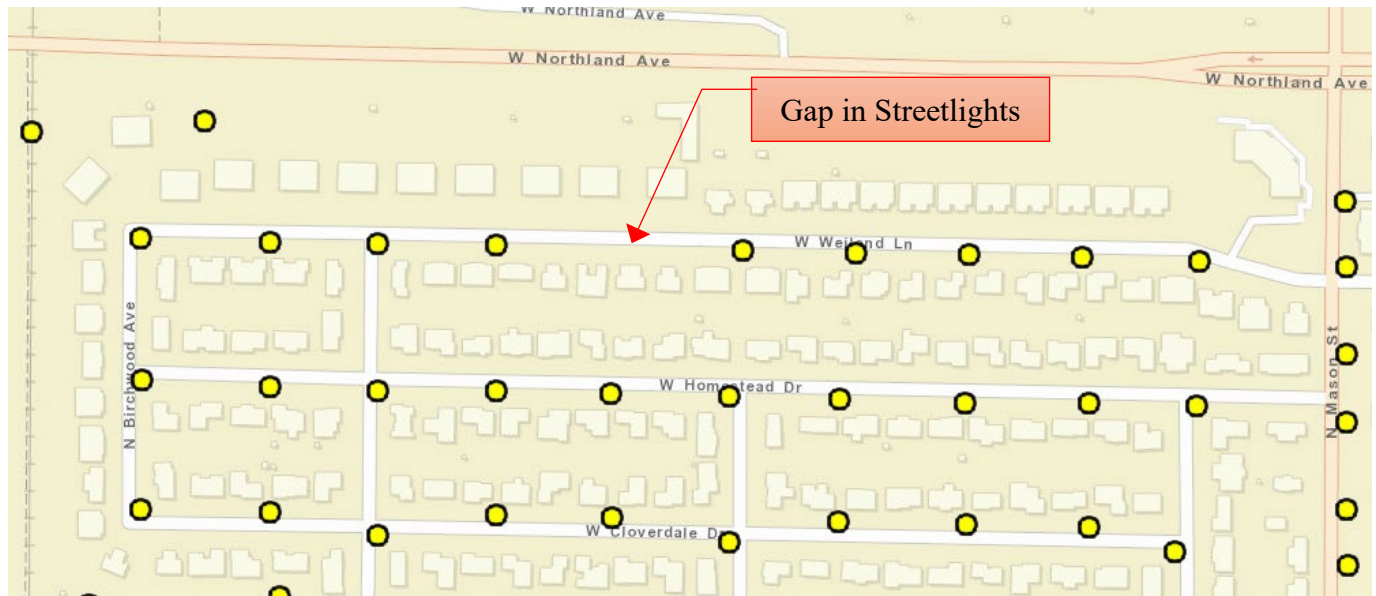




DEPARTMENT OF PUBLIC WORKS  
Engineering Division – Traffic Section  
2625 E. Glendale Avenue  
Appleton, WI 54911  
TEL (920) 832-5580  
FAX (920) 832-5570

**To:** Municipal Services Committee  
**From:** Mike Hardy, Assistant City Traffic Engineer  
**Date:** July 19, 2023  
**Re:** New Streetlight – 1617/1625 W Weiland Lane

The Traffic Section was contacted by the District 12 Alderperson regarding a citizen requesting additional streetlights on the 1600 block of W. Weiland Lane. A closer review by our office identified an unusual gap in the existing WE Energies streetlights. Street lighting is typically added at the developer’s expense when subdivisions are constructed, with the City assuming the ongoing expense for energy and maintenance. WE Energies has no record of a light ever being added or removed at this location. We can only speculate that this gap was missed at the time of construction.




WE Energies was asked to prepare a design and cost estimate to add a new streetlight that fills the gap, matching the style and spacing of existing streetlights. We propose a wood pole with light be added between the properties of 1617 and 1625 W. Weiland Avenue. The power would be fed underground from the existing power pedestal along the back lot utility easement, same as other lights on the street.


Upon our review, staff recommends adding this new streetlight at a cost of \$4,673.49, which would be borne by the City streetlighting account (17023).




# CITY OF APPLETON

## FIRE DEPARTMENT

 700 N. Drew Street  
Appleton, WI 54911

 (920) 832-5810

 (920) 832-5830

 [jeremy.hansen@appleton.org](mailto:jeremy.hansen@appleton.org)

### MEMORANDUM

August 23, 2023

To: Safety & Licensing Committee and Common Council  
 From: Jeremy Hansen, Fire Chief  
 Cc: Ryan Weyers, Deputy Chief  
 Re: Request Approval to Purchase Radio Equipment from Recommended Vendor

Last August, the Appleton Department (AFD) was awarded \$1,807,911.80 for a regional Assistance to Firefighter Grant. AFD is the host agency in the regional effort to replace portable radios. The following Fire/EMS departments are included in the grant: Little Chute, Town of Vandebroek/Kaukauna, City of Kaukauna, Freedom, Kimberly, Ellington, Seymour City, Rural, and Rescue, Buchanan, Dale, Bear Creek, Combined Locks, Greenville, Appleton Airport, Hortonville/Hortonia, and Grand Chute.

AFD along with Outagamie County Fire Department partners put together a subcommittee to score and select a portable radio to be purchased. The process included vendor presentations, hands-on application, and the sealed quote submittal. On June 9, 2023, a request for quotes (RFQ) was sent out. Vendor quotes were due on July 10, 2023. We had two vendors submit a quote. The sealed quotes provided by the vendors were disseminated to the subcommittee to score. Six fire department, including career, combination, and volunteer organizations, independently scored the quotes. After the scoring was completed the subcommittee unanimously selected Motorola (Baycom) as the preferred portable radio and vendor. Here is the scoring chart:

Request for Quotation Scoring for Portable Radio Project																	
	Intent 5 Points		General 10 Points		Acceptable 10 Points		Quantities 5 Points		Delivery 5 Points		Product Sample 5 Points		Portable Radio 10 Points		Collar 10 Points		
Scorer	Baycom	Nielson	Baycom	Nielson	Baycom	Nielson	Baycom	Nielson	Baycom	Nielson	Baycom	Nielson	Baycom	Nielson	Baycom	Nielson	
1	5	5	10	10	10	10	5	5	5	5	5	5	10	10	5	10	
2	5	5	10	10	10	10	5	5	5	5	5	5	5	10	5	10	
3	5	5	10	10	9	10	10	10	5	5	0	0	8	10	10	10	
4	5	5	10	10	10	10	3	5	5	5	0	0	8	5	10	8	
5	5	5	10	10	10	10	5	5	5	5	5	5	10	10	5	10	
6	5	5	10	10	10	10	5	5	5	5	5	5	10	5	10	10	
	Battery 20 Points		Charger 10 Points		Trade-In 10 Points		Warranty 5 Points		Service & Repair 5 Points		Multi-Year Price 20 Points		Overall Total 130 Points				
Scorer	Baycom	Nielson	Baycom	Nielson	Baycom	Nielson	Baycom	Nielson	Baycom	Nielson	Baycom	Nielson	Baycom	Nielson	Baycom	Nielson	
1	20	10	10	10	9	10	1	5	5	5	20	0	120	100			
2	20	10	10	10	10	10	2	5	5	5	20	5	117	105			
3	20	10	10	10	5	5	3	5	5	5	5	5	105	100			
4	15	7	7	5	4	5	2	5	5	5	15	5	99	80			
5	10	10	10	5	5	5	0	5	5	0	20	0	105	85			
6	20	5	10	10	10	10	5	5	5	5	20	20	130	110			
													<b>Total:</b>	<b>113</b>	<b>97</b>		

We are requesting approval to purchase the radio equipment through Motorola (Baycom).

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 ..... \$ \_\_\_\_\_     "Class B" Liquor ..... \$ \_\_\_\_\_  
 "Class C" Wine ..... \$ \_\_\_\_\_     "Class A" Liquor (Cider Only) \$ 0  
 Reserve "Class B" Liquor \$ 10,500     "Class B" (Wine Only) Winery \$ \_\_\_\_\_

License Fees	\$ 10,500
Publication Fee	\$ 60
Background Check	\$ - PD 7-18-23
<b>Total Fees</b>	<b>\$ 10,560</b>

Part A: Premises/Business Information		
1. Legal Business Name (registered entity name or individual's name if sole proprietorship) <u>Dairyland Brewing Co LLC / Dorri Schmidt</u>		
2. Trade Name or DBA <u>Dairyland Brew Pub</u>		
3. Premises Address <u>1216 E Wisconsin Ave, Appleton, WI 54911</u>		
4. County <u>Outagamie</u>	5. Municipality <u>City</u>	6. Aldermanic District
7. Mailing Address (if different from premises address)		
8. FEIN <u>REDACTED</u>	9. Wisconsin Seller's Permit Number <u>REDACTED</u>	
10. Premises Phone <u>920 441 1140</u>	11. Premises Email <u>dairylandbrewpub@gmail.com</u>	
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. <u>Restaurant holds 80 seating 1300 ft.</u> <u>Bar holds about 20 seating 1300 ft.</u> <u>Kitchen 1300 ft.</u> <u>outside patio for serving 15ft x 6ft. on</u> <u>southeast corner and southside of building</u>		

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.....	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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)?..... If yes, please explain using the space below. Attach additional sheets if necessary.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**Part C: For Corporate/LLC Applicants Only**

1. State of Registration <i>Wisconsin</i>		2. Date of Registration <i>2015 - June</i>	
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 <i>Schmidt</i>		Agent's First Name <i>Dorri</i>	Phone <b>REDACTED</b>

**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
<i>Schmidt</i>	<i>Dorri</i>	<i>owner</i>	<b>REDACTED</b>

**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>Dorri Schmidt</i>		Date <i>8-15-23</i>	
Name (Last, First, M.I.) <i>Schmidt, Dorri M</i>			
Title <i>owner</i>	Email <b>REDACTED</b>	Phone <b>REDACTED</b>	

**Part F: For Clerk Use Only**

Date application was filed with clerk <i>8-15-23</i>	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: Dorri Schmidt

2. Name of Business: Dairyland Brew Pub

(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: 1216 E. Wisconsin Ave, Appleton, WI 54911

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

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

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

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

<u>Dorri</u>	<u>m</u>	<u>Schmidt</u>	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
			/ /
First name	M.I.	Last name	Date of Birth

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

Name: N/A

First name                      Middle Initial                      Last name

Address: \_\_\_\_\_

City                      State      ZIP

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

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

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

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

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

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

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

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

0 months ago.

10. Seating capacity: Inside 90 Outside 15

11. Operating hours (Inside the building): Tue-Thur 3-close Fr-Sunday 11-close  
Operating hours (Outdoor seating areas): same

12. Employees/Staff

Number of floor personnel 3-4 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: 2400 ft. square feet.

b. Gross outdoor seating areas of the premises to be licensed: 90 square feet.


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

serving, selling food and alcohol

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

  
Signature

8.15-23  
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 Dairyland Brewing Co LLC / Dorri Schmidt  
(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  
Dairyland Brew Pub  
(Trade Name)

located at 1216 E. Wisconsin Ave, Appleton, WI 54911.

appoints Dorri M. Schmidt  
(Name of Appointed Agent)  
1225 E. Amelia St Appleton, WI 54911  
(Home Address of Appointed Agent)

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

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

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

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 60 yrs.

Place of residence last year 1225 E. Amelia St, Appleton WI 54911

For: Dairyland Brewing Co LLC  
(Name of Corporation / Organization / Limited Liability Company)

By: Dorri Schmidt  
(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, Dorri Schmidt, 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.

Dorri Schmidt 8-15-23 Agent's age REDACTED  
(Signature of Agent) (Date)

1225 E. Amelia St, Appleton, WI 54911 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)





## 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**

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**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.*

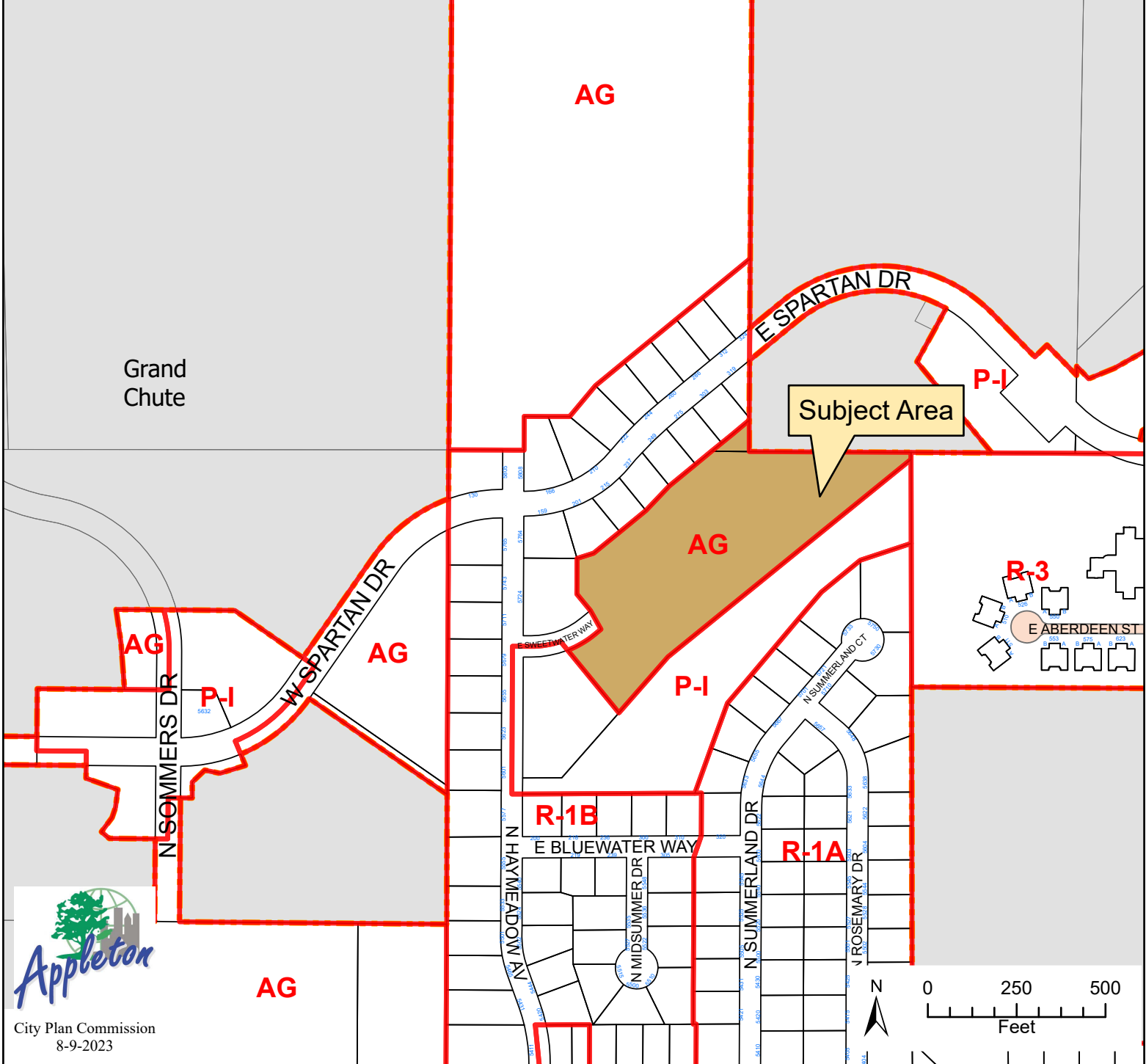
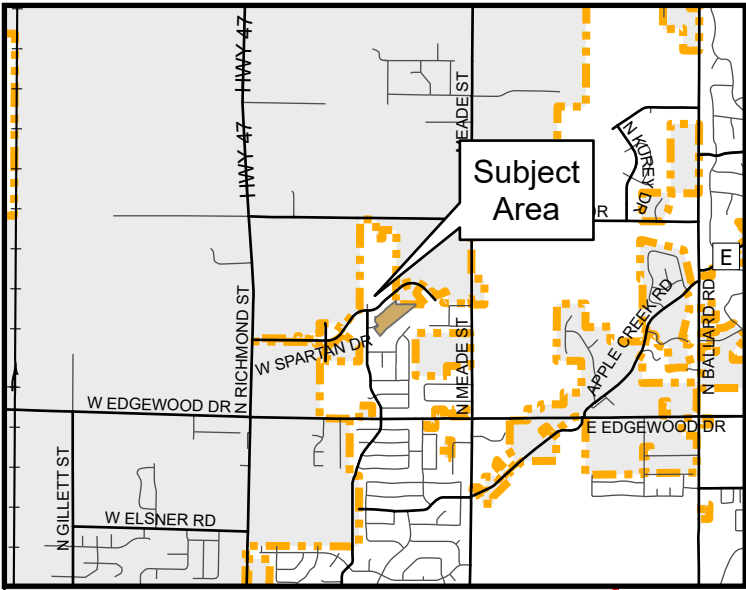
**Technical Review Group Report (TRG):** This item appeared on the July 18, 2023 TRG Agenda. No negative comments were received from participating departments.

**RECOMMENDATION**

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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**.

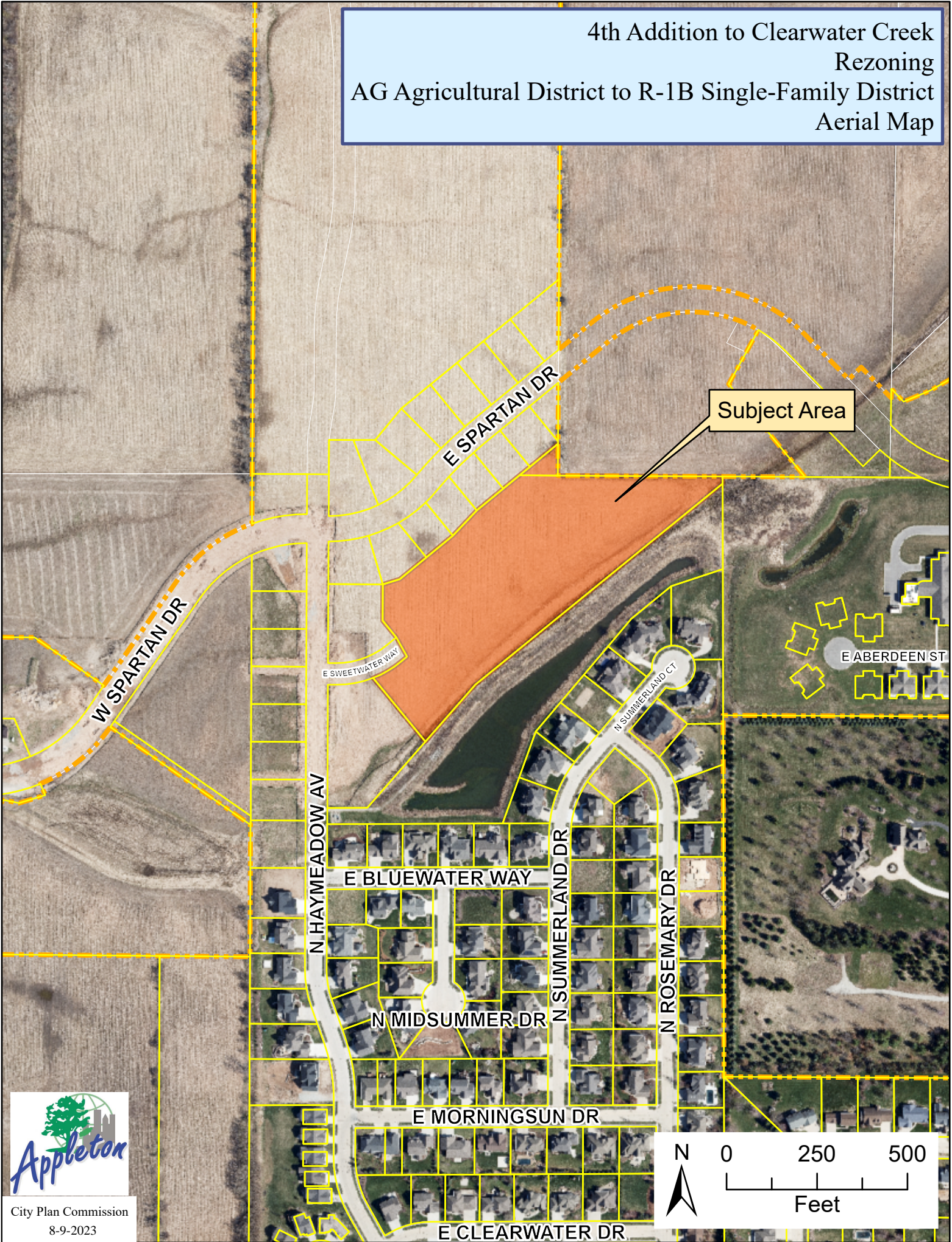
4th Addition to Clearwater Creek  
Rezoning  
AG Agricultural District to  
R-1B Single-Family District  
Vicinity Map



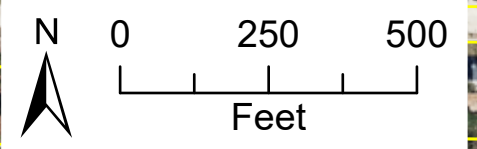
Grand Chute



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



Subject Area



E CLEARWATER DR



## 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.



# 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 into 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**

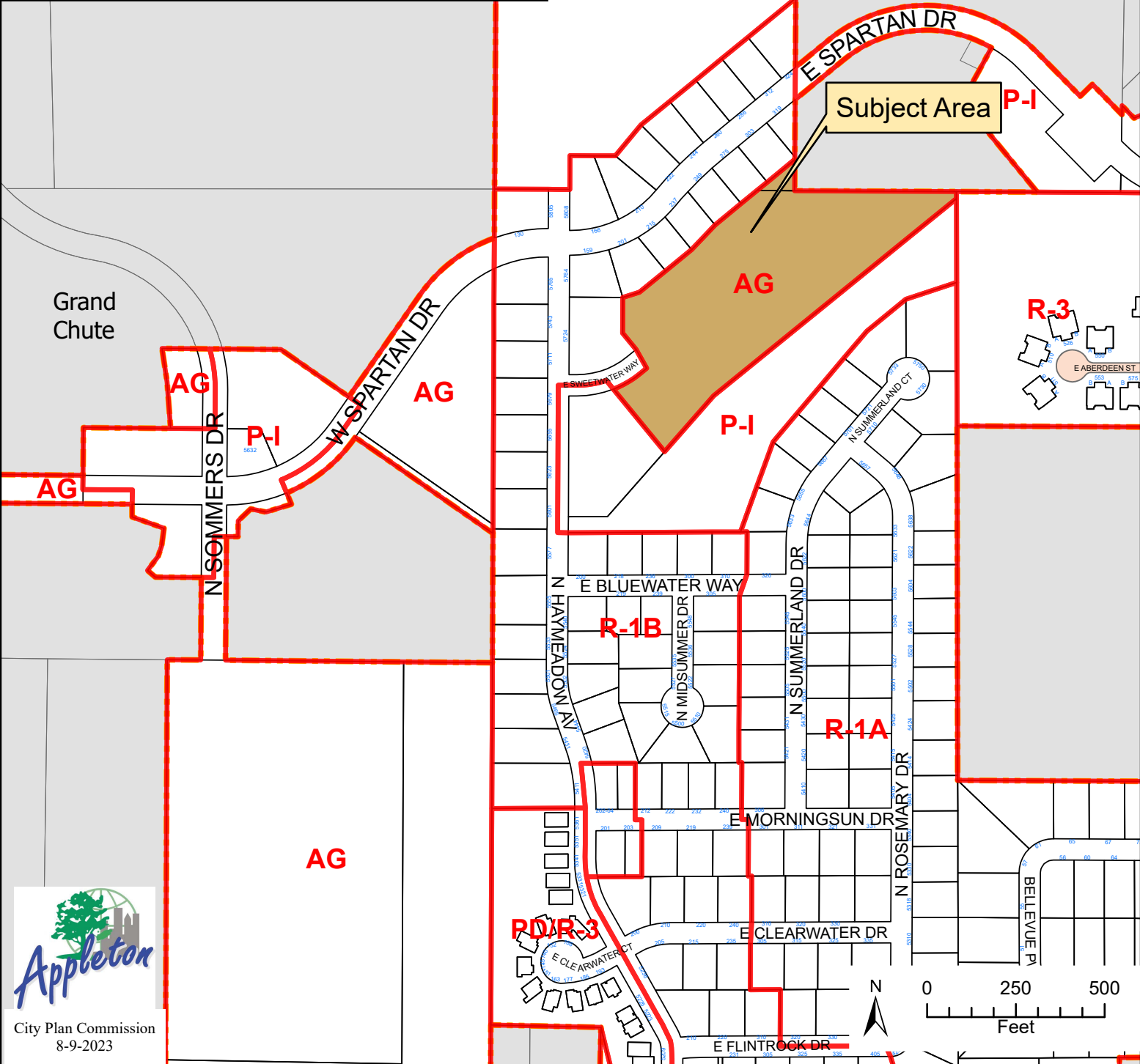
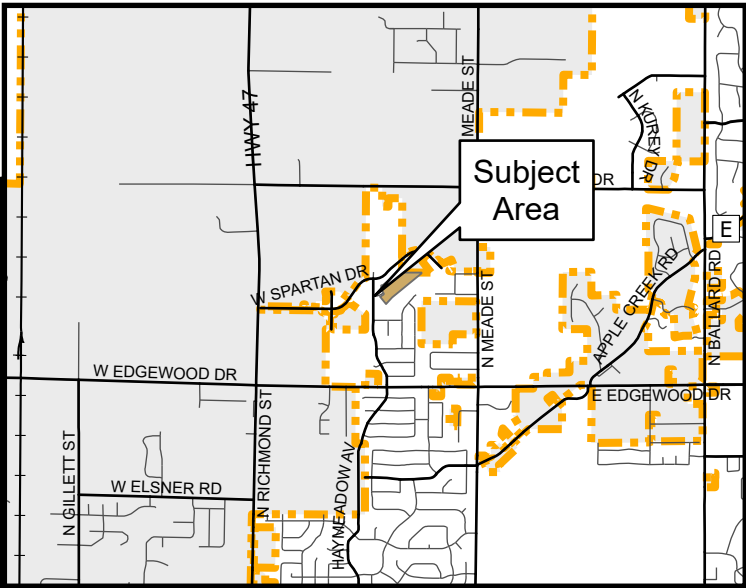
**August 9, 2023**

**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.

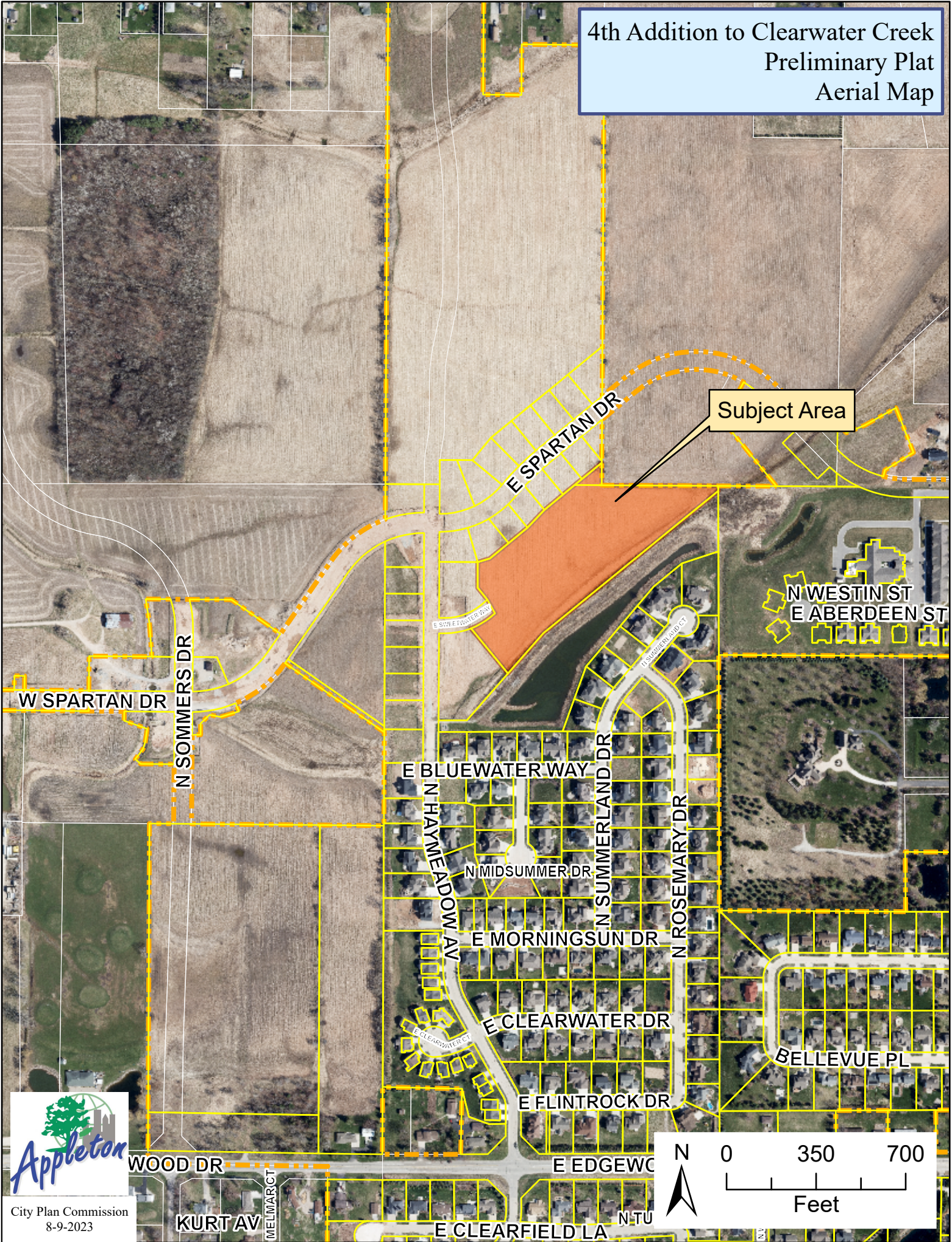
**NOTE:** If approved, the Preliminary Plat for the Fourth Addition to Clearwater Creek and Rezoning #5-23 from AG Agricultural District to R-1B Single-family District will be reported out at the same Common Council meeting on September 6, 2023.

# 4th Addition to Clearwater Creek Preliminary Plat Vicinity Map



4th Addition to Clearwater Creek  
Preliminary Plat  
Aerial Map

Subject Area

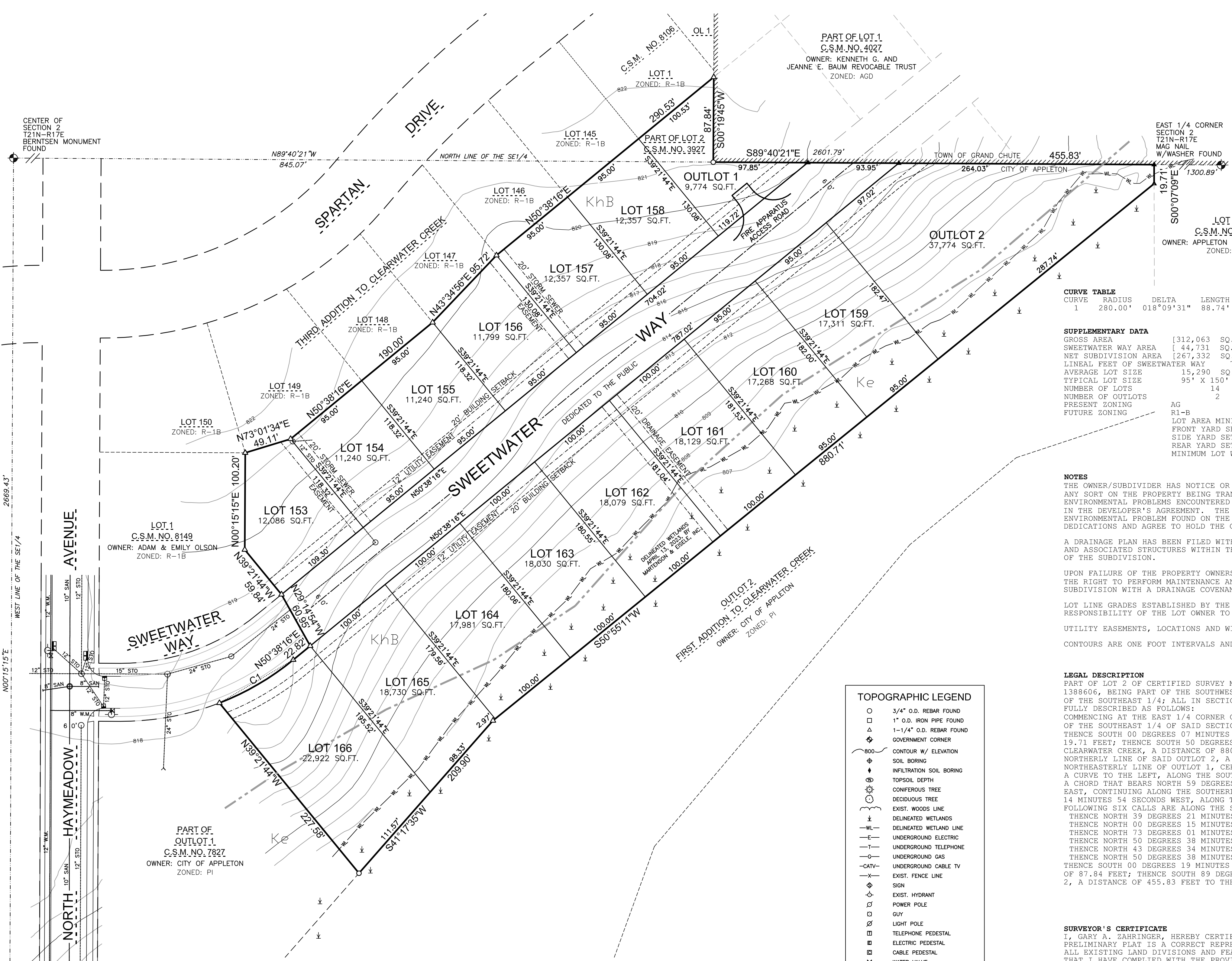
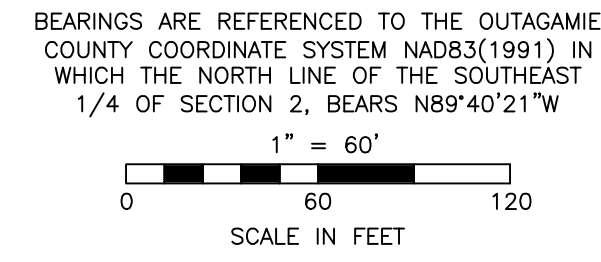
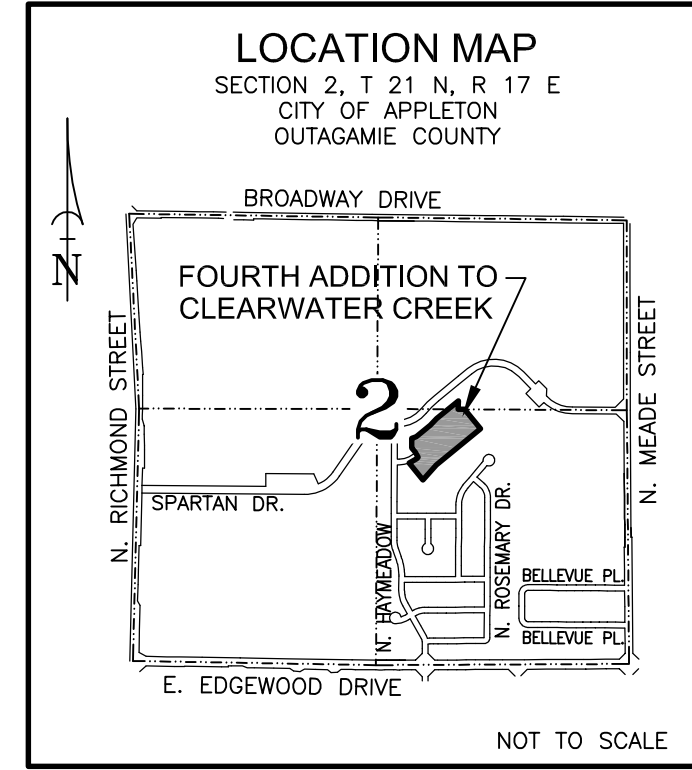


City Plan Commission  
8-9-2023



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	

**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

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	

**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

DRAWN BY	CRC	DATE	NO.	CHECKED	GAZ	APPROVED
						GAZ



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Meeting Date:** August 23, 2023

**Common Council Meeting Date:** September 6, 2023

**Item:** Petition for Direct Annexation by Unanimous Approval –  
Prospera Credit Union Annexation

**Case Manager:** Lindsey Smith, Principal Planner

### GENERAL INFORMATION

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**Owner:** Prospera Credit Union, Sheila Schinke, CEO

**Town Where Property is Located:** Town of Grand Chute

**Address/ Parcel Number:** 101160700 - Town of Grand Chute, 4704 N. Ballard Road

**Petitioner's Request:** Owner is requesting direct annexation by unanimous approval pursuant to Section 66.0217(2), Wisconsin State Statutes of land currently located in the Town of Grand Chute, Outagamie County.

**Purpose for Annexation:** To allow for the future development on the subject property and adjacent parcels already in the City, which are also owned by the petitioner.

**Population of Such Territory:** 0

**Annexation Area:** 0.98 acres m/l

### BACKGROUND

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On March 16, 1992, the City of Appleton and the Town of Grand Chute agreed to and entered into an Intermunicipal Boundary Agreement pursuant to Section 66.027 and 66.30 of the Wisconsin State Statutes for the purpose of defining and expanding the provision of governmental services, including water and sewer services, by establishing the City's growth area and establishing provisions for annexation of land within the Town of Grand Chute to the City of Appleton.

Neighboring parcels #31-1-8006-00 (4830 N. Ballard Road) and #31-1-8007-00, which are also owned by the petitioner, were annexed to the City of Appleton in 1993. At that time, the newly annexed parcels were assigned a zoning classification of C-2 General Commercial District and R-1A Single Family District. Site Plan #03-16 was approved in 2003 to allow the construction of Prospera Credit Union located on parcel #31-1-8006-00 (4830 N. Ballard Road). Future development is anticipated on the subject

## **Prospera Credit Union Annexation**

**August 23, 2023**

**Page 2**

property and these adjacent parcels; however, prior to development, a rezone will be required for the subject property and parcel #31-1-8007-00.

Before Common Council approves the annexation ordinance, the City must allow a 20-day statutory review period, which starts when the Wisconsin Department of Administration (DOA) receives the annexation application materials and fee. The DOA received the annexation application materials and fee on July 26, 2023. On August 15, 2023 the DOA found the annexation to be in the public interest, attached is the review letter.

### **STAFF ANALYSIS**

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The Community and Economic Development Department staff has reviewed the annexation petition and identifies the following:

- Currently, the subject property has a residential home that is vacant. No electors reside in the annexation area.
- The area proposed for annexation is contiguous to the existing City boundary located to the west of the annexation area. The subject property connects to the City of Appleton at the Ballard Road right-of-way, land locked parcel to the east, and adjacent property located along Ballard Road.
- Annexation of the site in question is consistent with the Intermunicipal Boundary Agreement with the Town of Grand Chute.
- City sanitary sewer and water infrastructure is already installed along Ballard Road. Annexation to the City of Appleton is required before the subject property could connect to the City water.
- The City can provide Police and Fire services to the subject property.
- The owner is not requesting that the Plan Commission initiate a rezoning for the subject property, so the temporary AG Agricultural District will be assigned. If the temporary zoning classification is not amended within 90 days, the zoning will revert to AG Agricultural District

#### **Surrounding Zoning Classification and Land Uses:**

North: C-2 General Commercial District. The adjacent land use to the north is currently developed as a financial institution.

South: Town of Grand Chute. The adjacent land use to the south is currently developed as single-family residential.

East: C-2 General Commercial District and R-1A Single Family District. The adjacent land use to the east is currently undeveloped and developed as financial institution.

West: R-2 Two-Family District. The adjacent land use to the west is currently undeveloped and Ballard Road.

**Appleton Comprehensive Plan 2010-2030:** The City of Appleton 2010-2030 Comprehensive Plan Map identifies the subject area as future Commercial Development. The proposed annexation is consistent with the following goals and objectives of the *Comprehensive Plan 2010-2030*.

## Prospera Credit Union Annexation

August 23, 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 8 – Economic Development*

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

#### *OBJECTIVE 9.5 Economic Development:*

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

*Policy 9.5.1 Ensure a continued adequate supply of industrial and commercial land to sustain new business development.*

#### *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 July 18, 2023 TRG Agenda. No negative comments were received from participating departments.

## **FUTURE ACTIONS**

Per Section 23-65(e) of the Municipal Code, a temporary zoning classification is assigned to newly annexed territory, with permanent zoning taking place following the annexation process. In this case, the owner is not requesting a rezoning for the subject property, so the temporary AG Agricultural District will be assigned. Permanent zoning, perhaps C-2 General Commercial District, will be determined at a later date. A rezoning request would be processed in accordance with Section 23-65(d) Zoning Map Amendments, which includes action by Plan Commission and Common Council.

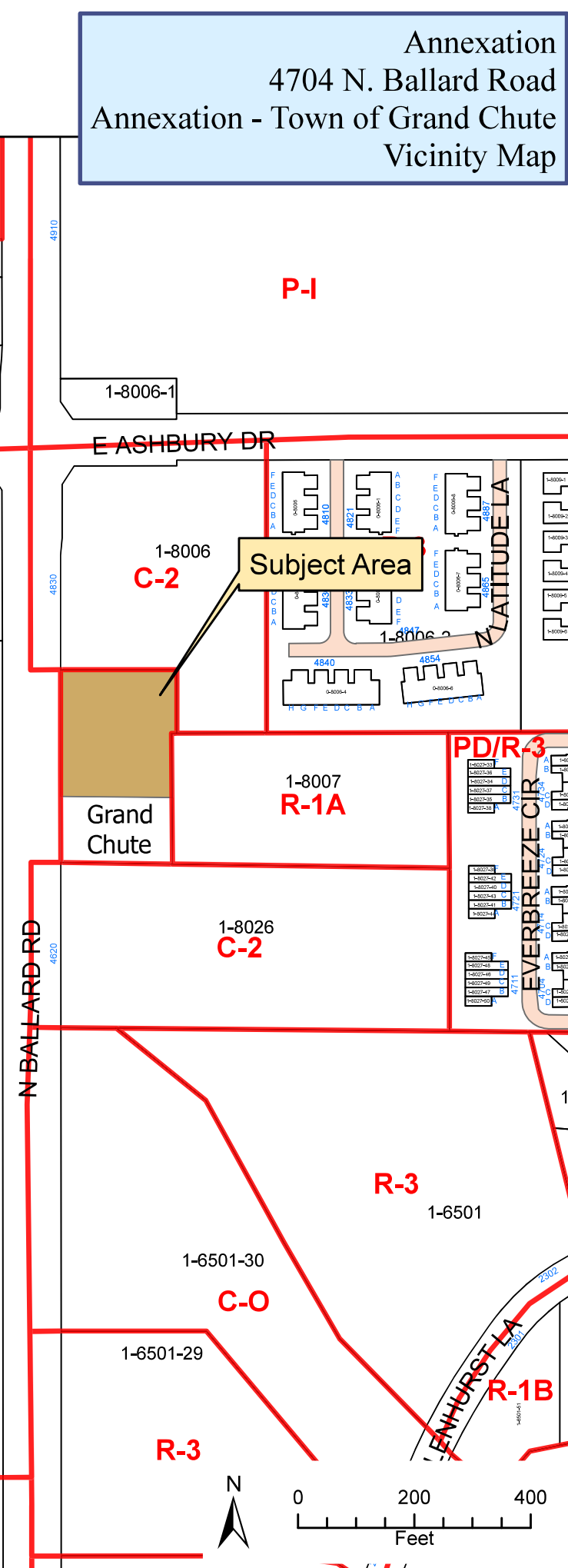
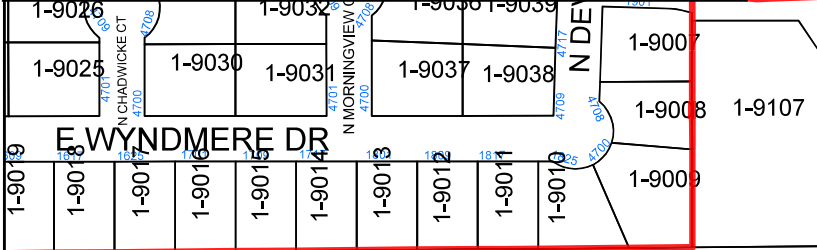
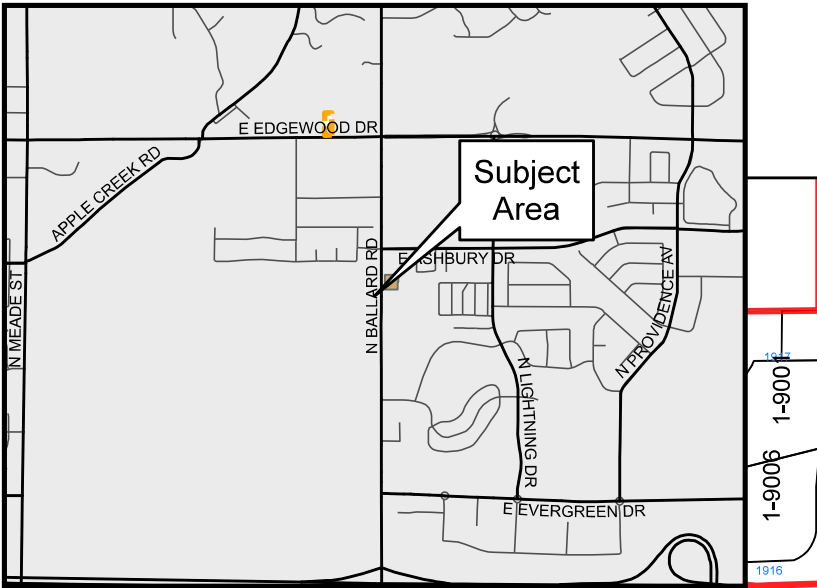
Review and approval of a Certified Survey Map will be submitted to combine the subject property and adjacent parcels owned by the petitioner. Certified Survey Maps are reviewed and approved by City staff.

## **RECOMMENDATION**

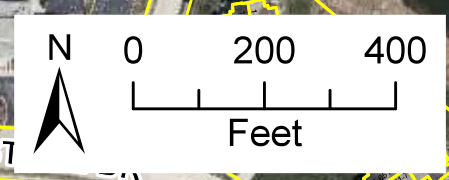
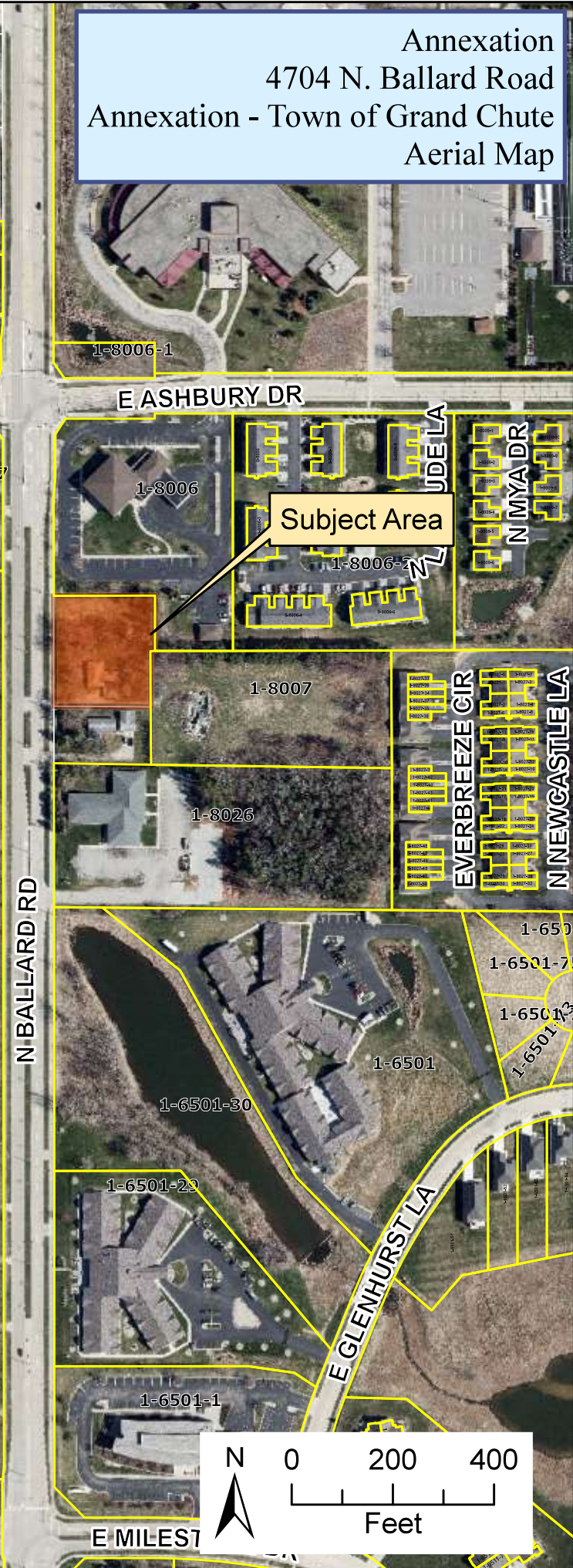
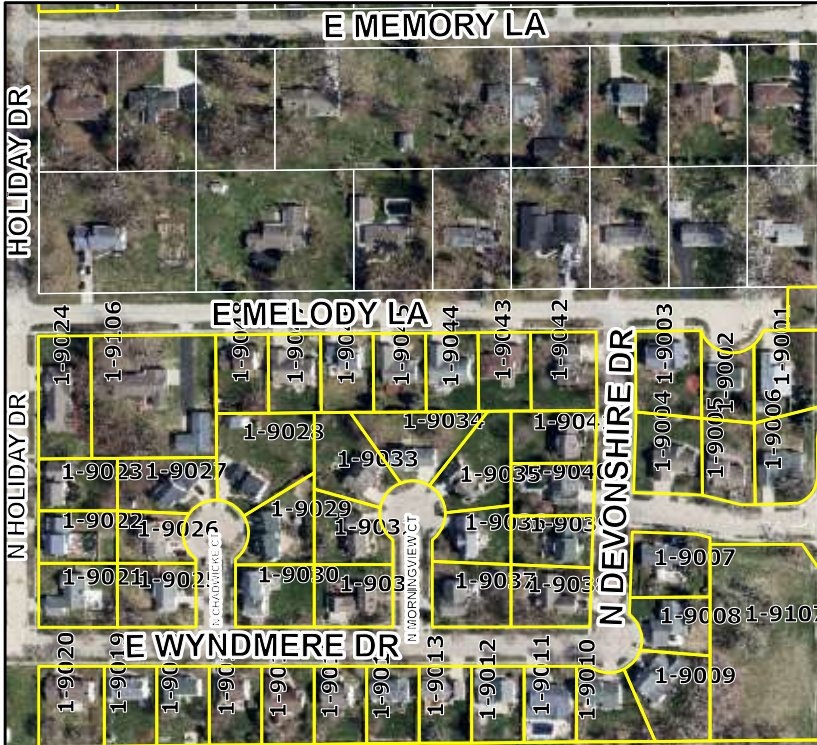
Staff recommends that the Prospera Credit Union Annexation, as shown on the attached maps, **BE APPROVED** with the following stipulation:

1. The Plan Commission assign a zoning classification of temporary AG Agricultural District for the subject property, pursuant to Section 23-65(e) of the Municipal Code.

Annexation  
4704 N. Ballard Road  
Annexation - Town of Grand Chute  
Vicinity Map



Annexation  
 4704 N. Ballard Road  
 Annexation - Town of Grand Chute  
 Aerial Map





**PETITION FOR DIRECT ANNEXATION BY UNANIMOUS APPROVAL  
PURSUANT TO SECTION 66.0217(2), WISCONSIN STATUTES  
WHERE NO ELECTORS RESIDE IN TERRITORY**

I/We, the undersigned, constituting all of the owners of the real property in which no electors reside in the following territory of the Town of Grand Chute, Outagamie County, Wisconsin, lying contiguous to the City of Appleton petition the Common Council of the City of Appleton to annex the territory described below and shown on the attached scaled map to the City of Appleton, Outagamie County, Wisconsin.

Legal description of proposed territory to be annexed:

A part of the South Fractional ½ of the Northwest ¼ of Section 7, Township 21 North, Range 18 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 0.98 Acres of land m/l and described as follows:  
Commencing at the West ¼ corner of said Section 7;  
Thence North 00°03'10" West 397.00 feet along the West line of the Northwest ¼ of said Section 7;  
Thence South 89°11'07" East 50.01 feet to the East line of Ballard Road to the point of beginning;  
Thence North 00°03'10" West 218.13 feet m/l to a South line of Lot 1 of C.S.M. No. 6239;  
Thence North 89°57'00" East 200.00 feet along a South line of said Lot 1;  
Thence South 00°03'10" East 109.43 feet along a West line of said Lot 1 to the most South line of said Lot 1;  
Thence South 89°49'09" West 8.02 feet;  
Thence South 00°03'10" East 111.58 feet;  
Thence North 89°11'07" West 192.00 feet to the Point of Beginning.  
Area of lands to be annexed contains 0.98 acres m/l.

Town of Grand Chute Tax Parcel to be annexed: 101160700

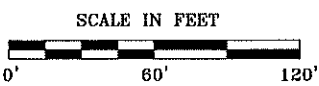
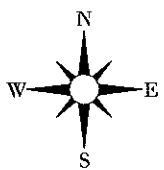
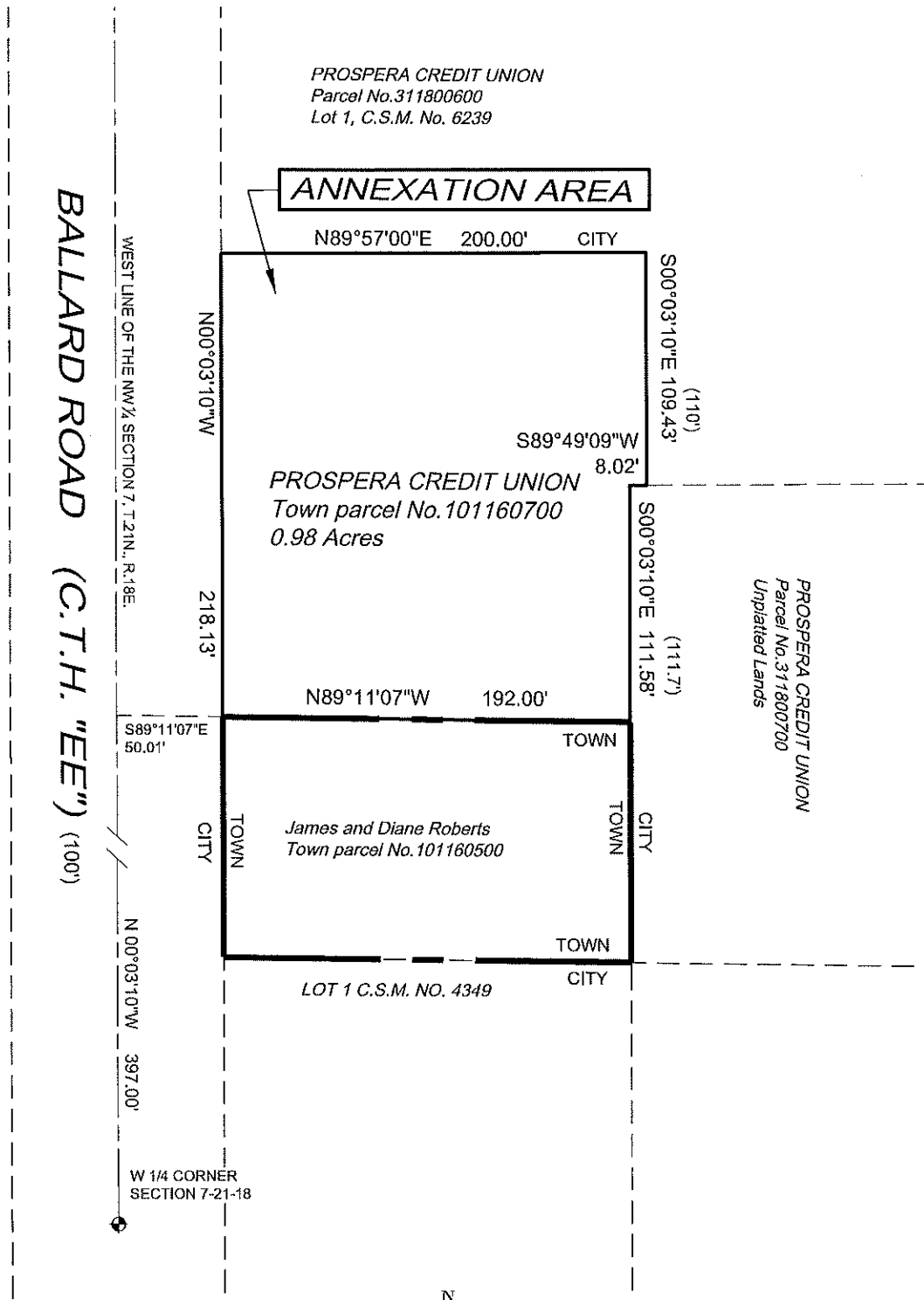
The current population of such territory is 0.

I/We, the undersigned, elect that this annexation shall take effect to the full extent consistent with outstanding priorities of other annexation, incorporation, or consolidation proceedings, if any.

<b>Signature of Petitioner</b>	<b>Owner</b>	<b>Date of Signing</b>	<b>Address of Petitioner (Include Zip Code)</b>
	Prospera Credit Union, Sheila Schinke, CEO	7-10-23	4830 N. Ballard Road Appleton, WI 54913
Sheila Schinke			

# ANNEXATION EXHIBIT

Part of the South Fractional 1/2 of the Northwest 1/4 of Section 7, Township 21 North, Range 18 East, Town of Grand Chute, Outagamie County, Wisconsin.



BEARINGS ARE REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM, OUTAGAMIE COUNTY, WEST LINE OF NW 1/4 SECTION 7, T.21N., R.18E.; RECORDED AS N.00°03'10"W.  
H:\Acad\Annex\2023\Prospera\_BallardRd\_0705\_2023

**CITY OF APPLETON**  
DEPT. OF PUBLIC WORKS  
ENGINEERING DIVISION  
100 NORTH APPLETON STREET  
APPLETON, WI 54911  
920-832-6474  
DRAFTED BY: T. KROMM





TONY EVERS

GOVERNOR

KATHY BLUMENFELD

SECRETARY

**Municipal Boundary Review**

PO Box 1645, Madison WI 53701

Voice (608) 264-6102 Fax (608) 264-6104

Email: [wimunicipalboundaryreview@wi.gov](mailto:wimunicipalboundaryreview@wi.gov)

Web: <http://doa.wi.gov/municipalboundaryreview>

August 15, 2023

PETITION FILE NO. 14610

KAMI LYNCH, CLERK  
CITY OF APPLETON  
100 N APPLETON ST  
APPLETON, WI 54911-4702

KAYLA RAATZ, CLERK  
TOWN OF GRAND CHUTE  
1900 W GRAND CHUTE BOULEVARD  
GRAND CHUTE, WI 54913-9613

Subject: PROSPERA CREDIT UNION ANNEXATION

The proposed annexation submitted to our office on July 26, 2023, has been reviewed and found to be in the public interest. In determining whether an annexation is in the public interest, s. 66.0217 (6), Wis. Stats. requires the Department to examine "[t]he shape of the proposed annexation and the homogeneity of the territory with the annexing village or city..." so as, to ensure the resulting boundaries are rational and compact. The statute also requires the Department to consider whether the annexing city or village can provide needed municipal services to the territory. The subject petition is for territory that is reasonably shaped and contiguous to the City of Appleton, which is able to provide needed municipal services.

The Department reminds clerks of annexing municipalities of the requirements of s. 66.0217 (9)(a), Wis. Stats., which states:

"The clerk of a city or village which has annexed shall file immediately with the secretary of administration a certified copy of the ordinance, certificate and plat, and shall send one copy to each company that provides any utility service in the area that is annexed. The clerk shall record the ordinance with the register of deeds and file a signed copy of the ordinance with the clerk of any affected school district..."

State and federal aids based on population and equalized value may be significantly affected through failure to file with the Department of Administration. Please file a copy of your annexing ordinance, including a statement certifying the population of the annexed territory. **Please include your MBR number 14610 with your ordinance.** Ordinance filing checklist available at <http://mds.wi.gov/>, click on "Help on How to Submit Municipal Records". Email scanned copy of required materials (color scan maps with color) to [mds@wi.gov](mailto:mds@wi.gov) or mail to: Wisconsin Department of Administration, Municipal Boundary Review, PO Box 1645, Madison WI 53701-1645.

The petition file is available for viewing at: <http://mds.wi.gov/View/Petition?ID=2684>

Please call me at (608) 264-6102, should you have any questions concerning this annexation review.

Sincerely,

Erich Schmidtke, Municipal Boundary Review

cc: petitioner



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Meeting Date:** August 23, 2023

**Common Council Meeting Date:** September 6, 2023

**Item:** Certified Survey Map #10-23

**Case Manager:** Jessica Titel, Principal Planner

### GENERAL INFORMATION

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**Owner:** City of Appleton

**Applicant:** Ruekert & Mielke, Inc. c/o Colin Meisel, PE

**Address/Parcel:** S. Alliance Drive (Tax Id #'s 31-9-5712-26, 31-9-5712-27, 31-9-5712-28, 31-9-5712-29 and 31-9-5712-00)

**Petitioner's Request:** The applicant is requesting approval of a 2-Lot Certified Survey Map (CSM) that crosses a plat boundary.

### BACKGROUND

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Typically, CSMs are administratively reviewed and approved by City staff. However, the subject properties were originally platted in different plats. Parcel #'s 31-9-5712-26, 31-9-5712-27, 31-9-5712-28, and 31-9-5712-29 were included in the Southpoint Commerce Park Plat No. 3, and parcel #31-9-5712-00 was included in Certified Survey Map #3609. In order to satisfy the requirements of Chapter 236 of the Wisconsin State Statutes, the proposed CSM must be approved in the same manner as a Final Plat, which includes Plan Commission and Common Council approval.

This CSM will re-configure/combine the five existing parcels into two parcels, proposed Lots 1 and 2.

### STAFF ANALYSIS

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**Existing Conditions:** Proposed Lots 1 and 2 are currently undeveloped. A Site Plan application (Site Plan #17-23) is currently under review for the construction of an industrial building and associated loading area and off-street parking lot on Proposed Lot 1. All parcels have a zoning designation of M-1 Industrial Park District. The total land area included in the CSM is approximately 30.44 acres.

**Subdivision Ordinance Requirements:** Per Section 17-26(b)(1) of the Municipal Code, widths and areas of lots shall not be less than that provided in the City's Zoning Ordinance. For the M-1 Industrial Park District, the minimum lot width is 150 feet and the minimum lot area is 43,560 square feet, per Section 23-131(h) of the Municipal Code. Proposed lots satisfy these lot development standards.

**Surrounding Zoning and Land Uses:** The surrounding area is under the jurisdiction of the City of Appleton. The uses are generally industrial in nature.

**Certified Survey Map #10-23**

**August 23, 2023**

**Page 2**

North: M-1 Industrial Park District. The adjacent land use to the north is currently undeveloped industrial park land/agriculture crops.

South: M-1 Industrial Park District. The adjacent land use to the south is currently industrial.

East: M-1 Industrial Park District. The adjacent land use to the east is currently undeveloped/forested land.

West: M-1 Industrial Park District. The adjacent land use to the west is currently undeveloped industrial park land/agriculture crops.

**Appleton Comprehensive Plan 2010-2030:** Community & Economic Development staff has reviewed this proposal and determined it is compatible with the Business/Industrial designation shown on the City's *Comprehensive Plan 2010-2030* Future Land Use Map.

*Goal 8 – Economic Development*

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

**Technical Review Group (TRG) Report:** This item appeared on the August 1, 2023 TRG agenda. No negative comments were received from participating departments.

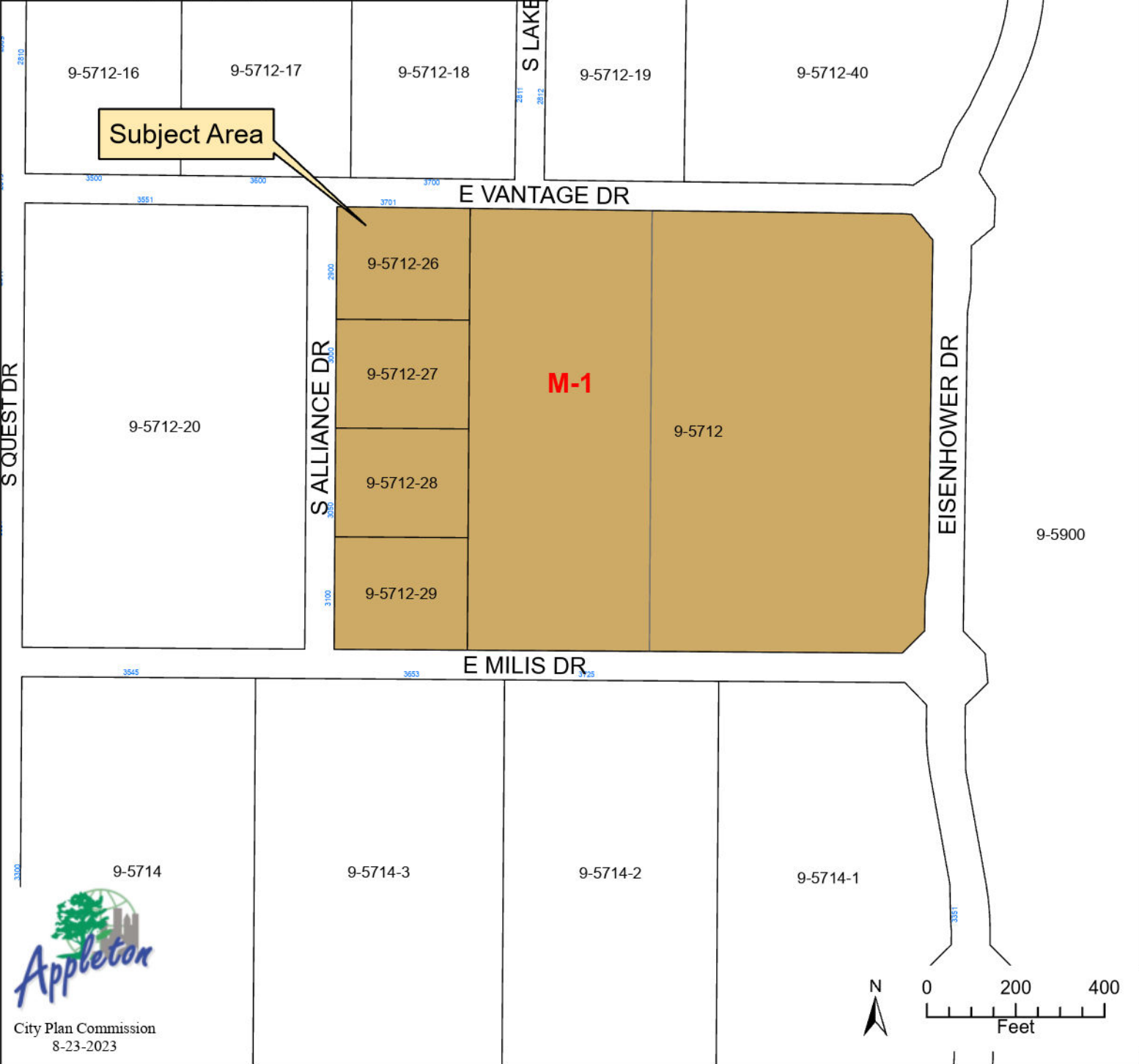
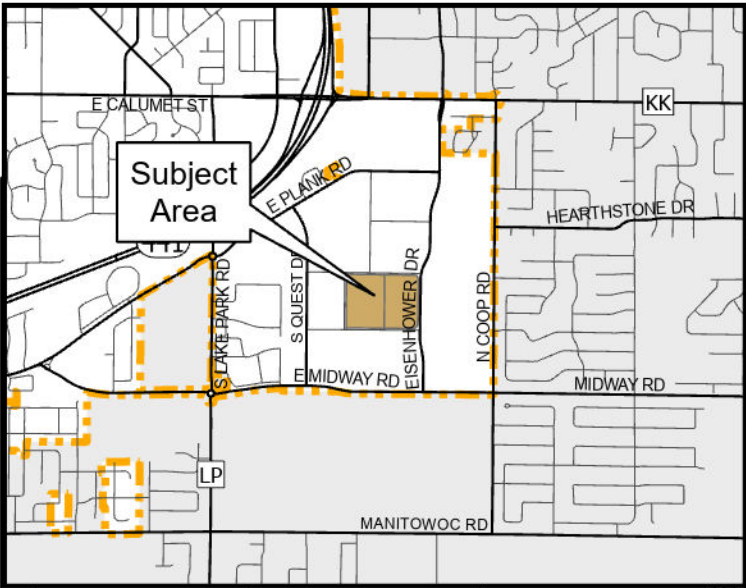
**RECOMMENDATION**

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Based on the above, staff recommends that Certified Survey Map #10-23, as shown on the attached map, **BE APPROVED** subject to the following conditions:

1. Applicant shall address all staff technical review comments prior to City signatures being affixed to the CSM.
2. The drainage plan requirement for this CSM is waived and will be reviewed with the Site Plan submittals.
3. Provide notation indicating the parcel is precluded from access to Eisenhower Drive.

F Street 5  
 Certified Survey Map #10-23  
 Vicinity Map



HWY 441  
HWY 441 OFF RAMP

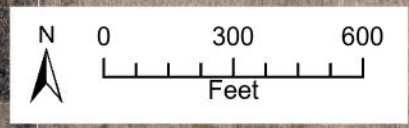
F Street 5  
Certified Survey Map #10-23  
Aerial



Subject Areas

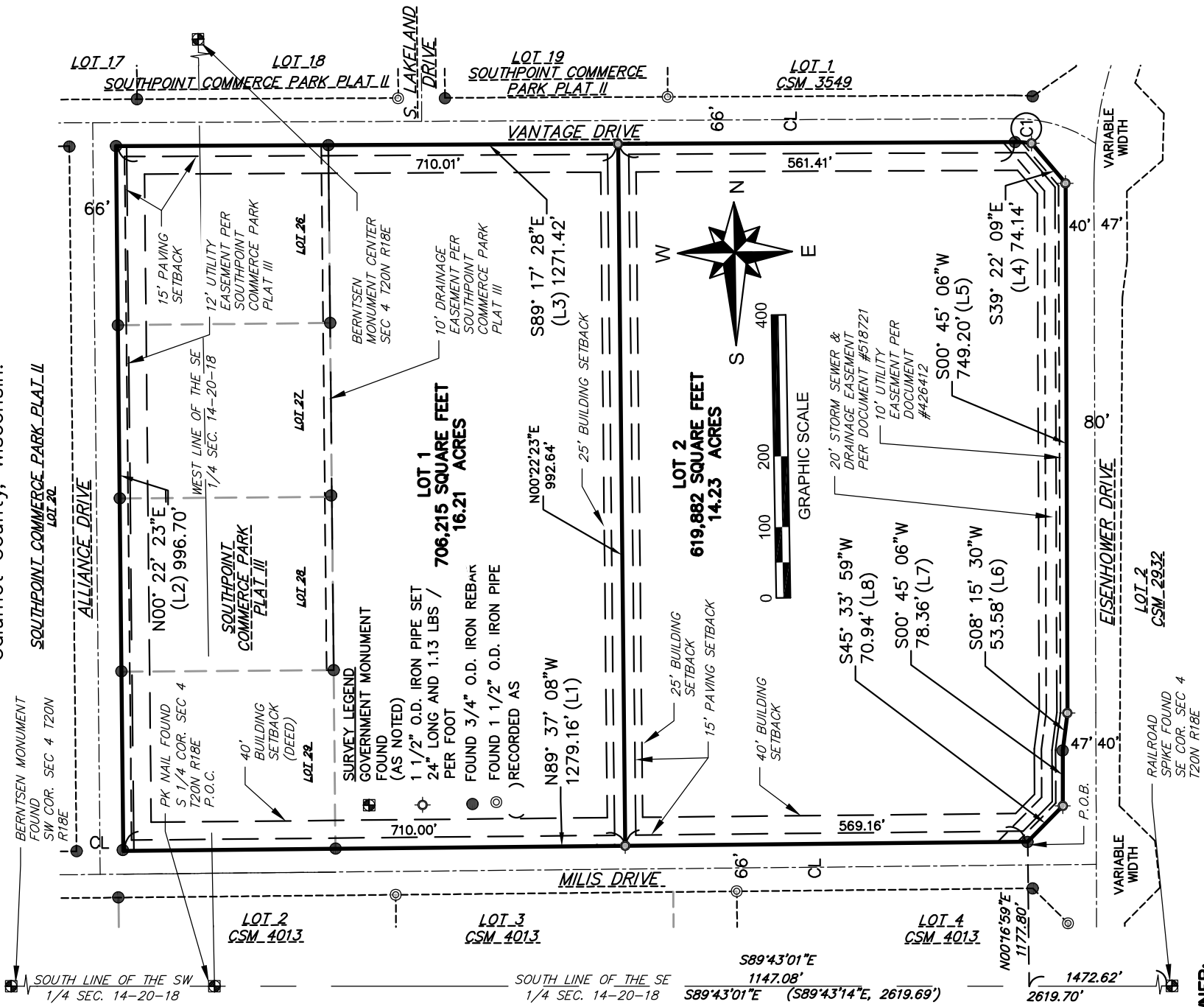


City Plan Commission  
8-23-2023



# CERTIFIED SURVEY MAP -

Being all of Lot 1 of Certified Survey Map #3609, and all of Lots 26, 27, 28 and 29 of the Southpoint Commerce Park Plat No. 3, located in and being part of the Southwest 1/4 and Northwest 1/4 of the Southeast 1/4, and part of the Northeast 1/4 and the Southeast 1/4 of the Southwest 1/4 of Section 4, Township 20 North, Range 18 East, City of Appleton, Calumet County, Wisconsin.



CURVE TABLE							
CURVE #	RADIUS	DELTA	CHORD	CHORD BRG.	ARC TANGENT	TANGENT BRG. IN	TANGENT BRG. OUT
C1	167.00'	08°06'01"	23.59'	S85°14'28"E (S65°14'40"E)	23.61'	N89°17'26"E	N81°11'26"E

**OWNER:**  
City of Appleton St.  
100 N. Appleton St.  
Appleton, WI 54911  
920-832-6443

**SUBDIVIDERS:**  
Hayden Properties LLC.  
1134 N. 9TH STREET, SUITE  
200  
MILWAUKEE, WI 53233  
414-315-3190

**PREPARED BY:**  
Ruekert & Mielke, Inc.  
W233 N2080 Ridgeview  
Pkwy.  
Waukesha, WI 53188  
262-542-5733

BEARINGS ARE REFERENCED TO  
THE WISCONSIN COUNTY  
COORDINATE SYSTEM, CALUMET  
COUNTY, SOUTH LINE OF THE  
SE 1/4 OF 4-20-18,  
MEASURED AS S89°43'01"E.



**DRAFT**

John M. Schulz, P.L.S. 3253  
Dated this 25th day of July, 2023

THIS INSTRUMENT WAS DRAFTED BY: JOHN SCHULZ, P.L.S. (7/25/23)

SHEET 1 OF 4

## CERTIFIED SURVEY MAP -

Being all of Lot 1 of Certified Survey Map #3609, and all of Lots 26, 27, 28 and 29 of the Southpoint Commerce Park Plat No. 3, located in and being part of the Southwest 1/4 and Northwest 1/4 of the Southeast 1/4, and part of the Northeast 1/4 and the Southeast 1/4 of the Southwest 1/4 of Section 4, Township 20 North, Range 18 East, City of Appleton, Calumet County, Wisconsin.

### SURVEYOR'S CERTIFICATE

I, John M. Schulz, of Ruekert & Mielke, Professional Land Surveyor, do hereby certify that at the direction of the Hayden Properties LLC. that I have surveyed, divided and mapped a division of Lot 1 of Certified Survey Map Number 3609, and Lots 26, 27, 28 and 29 of the Southpoint Commerce Plat No. 3, located in and being part of the Southwest 1/4 and Northwest 1/4 of the Southeast 1/4, and part of the Northeast 1/4 and the Southeast 1/4 of the Southwest 1/4 of Section 4, Town 20 North, Range 18 East, City of Appleton, Calumet County, Wisconsin, bounded and described as follows:

Commencing at the Southwest corner of the Southeast 1/4 of Section 4; thence S89°43'01"E along the South line of said Southeast 1/4, 1147.08 feet; thence bearing N00°16'59"E, a distance of 1177.80 feet to the Northerly Right-of-Way (ROW) line of Millis Drive and the POINT OF BEGINNING (POB); thence bearing N89°37'08"W along said line, a distance of 1279.16 feet to the to the Easterly ROW line of Alliance Drive; thence N00°22'23"E along said line, a distance of 996.70 feet to the Southerly ROW line of Vantage Drive; thence bearing S89°17'28"E, a distance of 1271.42 feet to a point of curvature; thence 23.61 feet along the arc of a curve to the right, whose radius is 167.00 feet, and whose chord bears S85°14'26"E, 23.59 feet to a point of tangency and the Westerly ROW line of Eisenhower Drive; thence along said line over the next five courses ;thence bearing S39°22'09"E, a distance of 74.14 feet; thence bearing S00°45'06"W, a distance of 749.20 feet; thence bearing S08°15'30"W, a distance of 53.58 feet; thence bearing S00°45'06"W, a distance of 78.36 feet; thence bearing S45°33'59"W, a distance of 70.94 feet to the Point of Beginning. Containing 30.04 acres (1,326,097 Sq. Ft.) more or less of land. Subject to covenants, conditions, restrictions and easements of record.

That I have made this survey, land division and map by the direction of the City of Appleton., owners of said land.

That such map is a correct representation of all the exterior boundaries of the land surveyed and the division thereof made.

That I have fully complied with the provisions of Chapter 236 or the Wisconsin Statutes and the City of Appleton ordinances in surveying, dividing and mapping of the same.

#### GENERAL NOTES:

- A. This Certified Survey Map is all of tax parcels key numbers: 319571226, 319571227, 319571228, 319571229 and 319571200 .
- B. All of the land within this Certified Survey Map is currently Zoned M-1 (Industrial Park District).
- C. The adjoining properties are currently zoned M-1.
- D. This Certified Survey Map is fully contained within the property described in the following Instrument: Doc #518721.
- E. All Lots are vacant of buildings.
- F. The property owners of record are listed as the City of Appleton.

**RUEKERT/MIELKE TAKES NO RESPONSIBILITY FOR ANY UNDERGROUND STRUCTURES OR BURIED MATERIALS SUCH AS, BUT NOT LIMITED TO, FOUNDATIONS, WELLS, SEPTIC, HOLDING TANKS, UTILITIES, HAZARDOUS MATERIALS, OR ANY OTHER ITEMS OF WHICH NO EVIDENCE CAN BE FOUND ON THE SURFACE BY A REASONABLE INSPECTION.**

Line Table (Recorded As Bearings)			
Line #	Direction	Line #	Direction
L1	N89° 37' 22"W	L5	S00° 44' 53"E
L2	N00° 22' 38"E	L6	S08° 15' 17"W
L3	S89° 17' 41"E	L7	S00° 44' 53"W
L4	S39° 22' 22"E	L8	S45° 33' 46"W

#### OWNER:

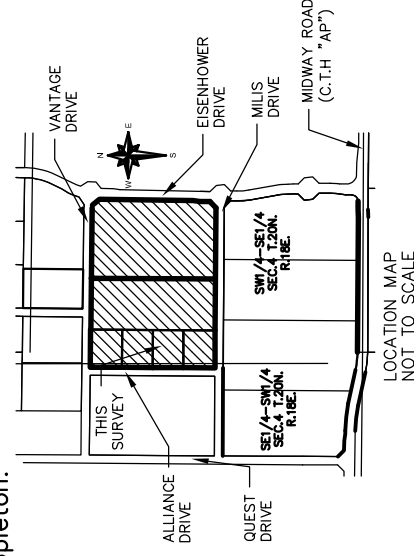
City of Appleton  
100 N. Appleton St.  
Appleton, WI 54911  
920-832-6443

#### SUBDIVIDERS:

Hayden Properties LLC.  
1134 N. 9TH STREET, SUITE  
200  
MILWAUKEE, WI 53233  
414-315-3190

#### PREPARED BY:

Ruekert & Mielke, Inc.  
W233 N2080 Ridgeview  
Pkwy.  
Waukesha, WI 53188  
262-542-5733



**DRAFT**

John M. Schulz, P.L.S. 3253  
Dated this 25th day of July, 2023

 **Ruekert • Mielke**  
www.ruekertmielke.com

THIS INSTRUMENT WAS DRAFTED BY: JOHN SCHULZ, P.L.S. (7/25/23)

SHEET 2 OF 4

**CERTIFIED SURVEY MAP - \_\_\_\_\_**

Being all of Lot 1 of Certified Survey Map #3609, and all of Lots 26, 27, 28 and 29 of the Southpoint Commerce Park Plat No. 3, located in and being part of the Southwest 1/4 and Northwest 1/4 of the Southeast 1/4, and part of the Northeast 1/4 and the Southeast 1/4 of the Southwest 1/4 of Section 4, Township 20 North, Range 18 East, City of Appleton, Calumet County, Wisconsin.

**CORPORATE OWNER'S CERTIFICATE**

City of Appleton, a municipal corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owners, does hereby certify that said corporation caused the land described on this plat to be surveyed, divided, and mapped, as represented on this plat.

Jacob A. Woodford, Mayor \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Kami Lynch, City Clerk \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

STATE OF WISCONSIN }  
\_\_\_\_\_ COUNTY } SS

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, the above named Jacob A. Woodford, and Kami Lynch, to me known to be the persons who executed the foregoing instrument and acknowledge the same.

\_\_\_\_\_  
Notary Public, State of Wisconsin.

My Commission \_\_\_\_\_.

**OWNER:**  
City of Appleton  
100 N. Appleton St.  
Appleton, WI 54911  
920-832-6443

**SUBDIVIDERS:**  
Hayden Properties LLC.  
1134 N. 9TH STREET, SUITE  
200  
MILWAUKEE, WI 53233  
414-315-3190

**PREPARED BY:**  
Ruekert & Mielke, Inc.  
W233 N2080 Ridgerview  
Pkwy.  
Waukesha, WI 53188  
262-542-5733



John M. Schulz, P.L.S. 3253  
Dated this 25th day of July, 2023

**DRAFT**

THIS INSTRUMENT WAS DRAFTED BY: JOHN SCHULZ, P.L.S. (7/25/23)



**CERTIFIED SURVEY MAP - \_\_\_\_\_**

Being all of Lot 1 of Certified Survey Map #3609, and all of Lots 26, 27, 28 and 29 of the Southpoint Commerce Park Plat No. 3, located in and being part of the Southwest 1/4 and Northwest 1/4 of the Southeast 1/4, and part of the Northeast 1/4 and the Southeast 1/4 of the Southwest 1/4 of Section 4, Township 20 North, Range 18 East, City of Appleton, Calumet County, Wisconsin.

**APPLETON COMMON COUNCIL CERTIFICATE**

Resolved that this certified survey map located in the City of Appleton was hereby approved by Enactment Number \_\_\_\_\_, File ID Number \_\_\_\_\_, adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and that said enactment further provided for the acceptance of those lands dedicated and rights conveyed by said Certified Survey Map to the City of Appleton for public use.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Kami Lynch, City Clerk  
City of Appleton, Calumet County Wisconsin

**CITY OF APPLETON PLAN COMMISSION CERTIFICATE**

Approved for recording per the Chairperson of the City of Appleton Plan Commission.

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Jake Woodford, Chairperson of the Plan Commission

**CITY OF APPLETON TREASURER'S CERTIFICATE**

I, being the duly elected, qualified and acting treasurer, do hereby certify that there are no unredemmed tax sales, no unpaid taxes or unpaid special assessments on the lands included in this Certified Survey map as of:

\_\_\_\_\_  
City Treasurer

\_\_\_\_\_  
Date

**CALUMET COUNTY TREASURER'S CERTIFICATE**

I, being the duly elected, qualified and acting treasurer, do hereby certify that there are no unredemmed tax sales, no unpaid taxes or unpaid special assessments on the lands included in this Certified Survey map as of:

\_\_\_\_\_  
Calumet Treasurer

\_\_\_\_\_  
**DRAFT**

**OWNER:**  
City of Appleton  
100 N. Appleton St.  
Appleton, WI 54911  
920-832-6443

**SUBDIVIDERS:**  
Hayden Properties LLC.  
1134 N. 9TH STREET, SUITE  
200  
MILWAUKEE, WI 53233  
414-315-3190

**PREPARED BY:**  
Ruekert & Mielke, Inc.  
W233 N2080 Ridgeview  
Pkwy.  
Waukesha, WI 53188  
262-542-5733



John M. Schulz, P.L.S. 3253  
Dated this 25th day of July, 2023

**Resolution  
R-2023-03**

WHEREAS, the City of Appleton is interested in developing lands for multimodal bicycle and pedestrian purposes as described in the application for the Southpoint Commerce Park Powerline Trail;

WHEREAS, financial aid is required to carry out the project;

THEREFORE, BE IT RESOLVED, that the City of Appleton has budgeted a sum sufficient to complete the project.

HEREBY AUTHORIZES Dean Gazza, Director of Parks, Recreation, and Facilities Management to act on behalf of the City of Appleton to:

- submit an application to the State of Wisconsin Department of Transportation for any financial aid that may be available;
- submit reimbursement claims along with necessary supporting documentation within 6 months of project completion date;
- submit signed documents;
- and take necessary action to undertake, direct and complete the approved project.

BE IT FURTHER RESOLVED that the City of Appleton will:

- comply with state or federal rules for the programs;
- may perform force account work;
- will maintain the completed project in an attractive, inviting and safe manner;
- will keep the facilities open to the general public during reasonable hours consistent with the type of facility;
- and will obtain from the State of Wisconsin Department of Transportation or We Energies approval in writing before any change is made in the use of the project site.

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

I hereby certify that the foregoing resolution was duly adopted by the Appleton Common Council at a legal meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

City of Appleton

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

By: \_\_\_\_\_  
Kami Lynch, City Clerk



NAME OF CEMETERY: St. Joseph Cemetery  
 LOCATION OF CEMETERY: 1815 E. Wisconsin Ave Appleton, WI  
(Street/Road Address and Town, Village or City)  
 CONTACT PERSON: Tina LeFebvre 920-733-1631  
(If questions regarding this submittal) (Name) (Phone)

1. Is perpetual care included in a lot purchase in your cemetery?  
 (Please attach a copy of the perpetual care agreement) YES NO
2. How many of the veteran graves **DO NOT** include a perpetual care agreement? 0
3. If perpetual care is not included, is **care cost charged to all grave lot owners**? YES NO
1. \*Cost per grave upkeep per grave lot  
 (Eligible costs divided by total # of grave lots within entire cemetery) \$ \_\_\_\_\_
2. Number of soldier's graves not covered under perpetual care  
 (Including spouses & women's auxiliary) X \_\_\_\_\_
3. Requested reimbursable expense for care of soldier's graves  
 (Including spouses & women's auxiliary) \$ \_\_\_\_\_
4. Did you provide an up-dated listing of the veteran's names? Yes \_\_\_\_\_ No \_\_\_\_\_

We, the officers of St. Joseph Cemetery Cemetery Association, hereby certify that the upkeep and care of each grave is \$ 18.00, that the assessment is in compliance with ss 157.11(7)(a), and ss157.11(7)(b), and is no more than the charge made for the care of other graves, and that such graves are receiving proper care.

It is further certified that suitable care of said graves has not been provided by perpetual care, private funds, or the cost for grave upkeep has not been collected as part of the funeral expenses, or otherwise.

7-11-2023  
 Date

C. LeFebvre  
 Cemetery Association President

C. LeFebvre  
 Cemetery Association Secretary

C. LeFebvre  
 Cemetery Association Treasurer

OFFICE OF CITY CLERK  
 FILED  
 JUL 14 2023  
 APPLETON, WISCONSIN

At a regular meeting of the Town, Village, City of \_\_\_\_\_ held on \_\_\_\_\_, the above charges were approved for payment.

\_\_\_\_\_  
 Municipal Clerk Date

Send Check to: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\*Cost includes maintenance of grave and tombstone; i.e. grass cutting, weed trimming, leveling of tombstone.



*“Meeting community needs...enhancing quality of life.”*

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Department of Utilities  
Wastewater Treatment Plant  
2006 E Newberry Street  
Appleton, WI 54915-3128  
920-832-5945 tel.  
920-832-5949 fax

**To:** Chairperson Brad Firkus and Members of the Finance Committee

**From:** Utilities Deputy Director, Chris Stempa

**Date:** August 16, 2023

**Re: Finance Committee Action:** Award “AWWTP Grit System & Raw Sludge Pump Replacement Project” Base Bid to August Winter and Sons Inc., in the amount of \$573,355 with 10% contingency of \$57,336 for a project total not to exceed \$630,691

**Finance Committee Action:** Approve positive fund balance transfer of \$405,668 from the AWWTP Sludge Storage Building Addition Project

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The Appleton Wastewater Treatment Plant (AWWTP) preliminary treatment system is comprised by three mechanical bar screens and two vortex grit chambers. Raw wastewater enters the Grit and Screenings Building from which it flows through one of three mechanical bar screens where objects larger than 1/4 inch in diameter are removed. The wastewater then flows into one or both of the vortex grit removal chambers. Air can be diffused into the channels ahead of the grit chambers to keep most of the particulate organic material in suspension. Wastewater enters the vortex chamber tangentially, flows around the conical tank and exits parallel to the inlet. The heavy mineral solids or grit settle out within the lower hopper from which it is transferred by self-priming centrifugal pumps to the washing and classification system located inside of B-Building. With sloping sides and specially arranged impeller, the grit vortex trap provides maximum separation of heavier or denser grit while rejecting larger and lighter solids, which remain in the water flow for further treatment. Removing these heavy solids protects the rest of the downstream plant from wear, ensuring greater efficiency and reduced maintenance for the rest of the plant.

The original grit vortex system drive units are over 25 years old and have reached their useful life. Continuous operation has contributed to wear on interior drive gears and bearings including the exterior of components (i.e. impellor or paddles) that are in direct contact with abrasive grit. The “AWWTP Grit System & Raw Sludge Pump Replacement Project” will replace these components with in-kind original equipment manufacturer (OEM) equipment that has proven to be robust and reliable. The project scope shall also address compromised piping that has deteriorated over the years including various supporting electrical components. The aforementioned project includes the replacement of a 1980’s vintage primary sludge

pump. This piston style primary sludge pump (one of four) removes sludge which settles and is collected at the base of each of the six circular primary clarifiers. The 1980's belt driven style pump slated for replacement will be upgraded with a direct drive motor and enclosed "euro" style gear box. The new pump design is more compact, efficient, and quieter than old belt driven units.

**BIDS:**

On August 2, 2023 the City opened and reviewed the bids from three contractors which are summarized in the Table 1 below. Each bid met the submittal requirements with August Winter and Sons, Inc. being the least cost responsible bidder. August Winter and Sons, Inc. has successfully completed project work for the Department of Utilities in the past.

**Table 1: Grit System & Raw Sludge Pump Replacement Project Bid Tab Summary**

<b>Company</b>	<b>August Winter &amp; Sons</b>	<b>Rhode Brothers, Inc.</b>	<b>Staab Construction Corp.</b>
Base Bid	\$573,355	\$587,300	\$643,000

The 2022 CIP budget originally included \$258,750 for a Grit Trap Vortex System Drive Replacement project. That project scope focused solely on the grit drive units and with no other improvements or upgrades which the current biddable scope includes (e.g., raw sludge pump replacement and new grit system pump). The costs solicited for that equipment were secured in mid-2021 and did not include the inflationary increases seen since then. In 2022, the grit drive replacement work was bundled with the AWWTP Blended Sludge Piping and Preliminary Heat Exchanger Replacement Project with the expectation that economy of scale would help lower costs. The public bids for that project were opened on September 8, 2022 but were rejected because of insufficient available funding. Sustained high demand for products and services elevated the bid amounts last year and most recently and will likely continue to impact future project work over the next few years. The requested budget transfer of \$405,668 in remaining funds from the Sludge Storage Addition Project covers the shortfall between the total bid price and the original 2022 budget so this important work can proceed without additional delay.

**RECOMMENDATION:**

I am requesting the approval to transfer \$405,668 in remaining funds from the AWWTP Sludge Storage Building Addition Project to cover the deficit between the total bid price and the original 2022 CIP budget. The Finance Department was consulted and to help provide this recommendation.

I am requesting an award of the "AWWTP Grit System & Raw Sludge Pump Replacement Project" Base Bid to August Winter and Sons Inc., in the amount of \$573,355 with 10% contingency of \$57,336 for a project total not to exceed \$630,691.

If you have any questions or require additional information regarding this project please contact Chris Stempa at 920-832-5945.





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

**PARKS, RECREATION & FACILITIES  
MANAGEMENT**

**Dean R. Gazza, Director**

1819 East Witzke Boulevard  
Appleton, Wisconsin 54911-8401  
(920) 832-5572 FAX (920) 993-3103  
Email - [dean.gazza@appleton.org](mailto:dean.gazza@appleton.org)

**To:** Finance Committee

**From:** Dean R. Gazza, Director of Parks, Recreation and Facilities Management

**Date:** August 21, 2023

**Re:** Action: Accept 2022 Public Service Commission Energy Innovation Grant for Appleton Waste Heat to Power Project.

Action: Accept Focus on Energy Custom Incentive 1784716 for Appleton Waste Heat to Power Project.

Action: Approve balance transfer of \$350,000 from the "AWWTP Electrical Distribution Project" to the "Appleton Waste to Heat Project"

The Appleton Waste Heat to Power (AWHP) Project will install two waste heat-to-power generators for utilizing methane gas historically flared to the atmosphere. The AWHP Project will produce clean energy while consuming no additional fossil fuels thus lowering emissions. This project utilizes an otherwise flared methane gas in the existing biogas boilers utilizing that heat in the waste heat-to-power generators, and both creates and utilizes a new renewable electricity resource for the Appleton Wastewater Treatment Plant (AWWTP).

AWWTP currently utilizes 43% of the biogas generated to offset natural gas purchases associated with heating the digestion process and the plant's buildings. The large majority of the digester gas that is not beneficially used coincides with the warm summer months where plant and building heating requirements are significantly reduced. This project will put an idle boiler into operation to divert digester gas from the flare to the boiler that will power two Organic Rankin Cycle Generators to produce electricity.

Implementation of the AWHP Project is guided by the following objectives and metrics:

1. **Reduce Grid Provided Energy Consumption:** This project anticipates to reduce the AWWTP purchases of grid provided electricity by 504,087 kWh per year.
2. **Make Appleton more Sustainable and Resilient:** This will be accomplished by expanding the AWWTP's renewable energy assets while expanding beneficial use of existing assets. Electricity generated by the AWHP will be a renewable energy.
3. **Mitigate Rate Increases:** Generation of renewable electricity will offset electrical purchases and keep the costs of operating the AWWTP down.



4. **Improve Air Quality:** This project anticipates to redirect approximately 1,500,000 cubic feet per year from the waste gas burner to an existing boiler to generate the waste heat required for electrical generation. Boiler burner combustion is tuned finer and more controllable than the AWWTP's candlestick style waste gas burners which will result in significant reduction in CO and NOx emissions from the facility.

The AWWTP project is anticipated to reduce electrical purchases by \$44,766 per year with an annual maintenance burden of \$6,250 per year, resulting in a net annual savings of \$38,516 per year. At an installed cost of \$875,000 and a grant funding of \$555,736.20 this results in a simple payback of 8.2 years with the requested grant funding. This simple payback does not include the cost savings associated with demand reduction. AWWTP's current demand charge calculation should be reduced by 58kW.

The cost savings experienced by implementation of this project will lower operational costs at the AWWTP, passing cost savings to Appleton residents through deferred utility rate increases.

**The grant funds include:**

- 2022 Public Service Commission Energy Innovation Grant - *\$498,000.00, or 57% of total eligible cost.*
- Focus on Energy Custom Incentive 1784716 - *\$57,736.20.*

The AWWTP Project is expected to cost \$875,000 and the Public Service Commission Energy Innovation Grant is awarded to pay 57% of the project cost up to \$498,000. The City's cost share would be 43% of the project cost up to \$375,000, however the Focus on Energy incentive can be applied to the City's cost share resulting in a net maximum cost of \$317,263.80.

The City's cost share of \$317,263.80 will be funded with a positive project variance in a current project. The budget transfer request action item will be for \$350,000 which will include \$317,263.80 for the City's cost share amount of the grant and \$32,736.20 for contingency.

Accepting this grant will be contingent on accepting the sole source memo for the two Organic Rankin Cycle Generators purchase and the contract amendment memo for the professional engineering services associated with this project. All memos will be presented at the same time for approval.

The monies are provided on a reimbursement basis, thus upfront funding must pay for the project initially. Upon completion of the work, we would be required to provide proof of eligible expenditures.

We are very excited about this funding as it assists with funding City efforts and commitments to implementation of energy efficiency and renewable energy within the City. Upon your approval we will acknowledge the requirements and accept the funds.

Please feel free to contact me at 832-5572 with any questions, or by email at [dean.gazza@appleton.org](mailto:dean.gazza@appleton.org).



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**PARKS, RECREATION & FACILITIES  
MANAGEMENT**

**Dean R. Gazza, Director**

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Appleton, Wisconsin 54911-8401  
(920) 832-5572 FAX (920) 993-3103  
Email - [dean.gazza@appleton.org](mailto:dean.gazza@appleton.org)

TO: Finance Committee

FROM: Dean R. Gazza

DATE: 8/21/2023

RE: Action: 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 contingency of \$10,125 for a project total not to exceed \$77,000.

Action: Approve budget transfer of \$52,000 from the "2023 Parks Hardscapes - Telulah Project" to "2023 Parks ADA Improvements Project."

The 2023 Capital Improvement Plan includes \$25,000 to make ADA improvements in City of Appleton Parks. The top ADA priority for 2023 was to improve access to the ball diamonds at Appleton Memorial Park. This project will include a new asphalt trail from the Miracle Field to the southwest set of ball diamonds by the Jones Building. This project will allow ADA access to a set of bleachers that currently does not meet ADA standards. The Telulah Hardscapes Improvement Project came in under budget and we are requesting a budget transfer of \$52,000 from that project to fund the Appleton Memorial Park ADA Upgrades Project

The bids were received as follows:

**Northeast Asphalt, Inc. (low bid)                      \$66,875**

Although only one bid was received, the bid was below the engineer's cost estimate.

Our consulting engineer has written the City of Appleton a formal letter of recommendation to award the contract to Northeast Asphalt, Inc. The Parks, Recreation, and Facilities Management Department has also reviewed the bids and is in agreement with the engineer's recommendation. Therefore, we recommend awarding the contract to Northeast Asphalt, Inc. in the amount of \$66,875 plus a contingency of \$10,125 only to be utilized as needed.

Please contact me at 832-5572 or at [dean.gazza@appleton.org](mailto:dean.gazza@appleton.org) with any questions.



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**From:** Dean R. Gazza, Director of Parks, Recreation and Facilities Management

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TO: Finance Committee

FROM: Dean R. Gazza

DATE: 8/21/2023

RE: Action: Approve the Appleton Waste Heat to Power Project Engineering Services Amendment #1, Increasing Donohue and Associates total contract amount by \$94,185 from \$22,950 to \$117,135

The Appleton Waste Heat to Power (AWHP) Project will install two waste heat-to-power generators for utilizing methane gas historically flared to the atmosphere. The AWHP Project will produce clean energy while consuming no additional fossil fuels thus lowering emissions. This project utilizes an otherwise flared methane gas in the existing biogas boilers utilizing that heat in the waste heat-to-power generators, and both creates and utilizes a new renewable electricity resource for the Appleton Wastewater Treatment Plant (AWWTP). The City of Appleton has been awarded two grants in order to complete this project. Donohue and Associates have been instrumental in receiving the grants and are listed in the grants as project team members.

Donohue and Associates has been working on the AWWTP biogas system since 2009 and have completed two biogas utilization studies along with three successful biogas utilization projects. Donohue's knowledge of our biogas system is unmatched. When we were looking at the concept of utilizing the existing biogas boilers to create electricity using organic rankin cycle generators, Donohue was the most logical choice to partner with. Contract #118-22 was issued to Donohue and Associates to complete preliminary engineering and grant writing assistance. With assistance from Donohue, the City submitted two grants (Public Service Commission Energy Innovation (PSC EIG) Grant and Focus on Energy Custom Incentive) and was awarded both grants. As part of the PSC EIG Grant, we had to identify the project team as part of the application, and approval for this grant included Donohue and Associates. Grant award was based in part with us using Donohue and Associates for the professional engineering aspects of the project.

This request is to increase Donohue and Associates contract amount to accommodate the competition of the engineering aspect of the project now that the grants have been awarded. We will work with Donohue and Associates for completing design, specifications, and creating bidding documents during 2023 and the construction administration in 2024.

The cost of additional engineering services outlined as part of the Donohue and Associates Contract Amendment #1 totals \$94,185. This amendment would result in the contract amount increasing from \$22,950 to \$117,135.

Please feel free to contact me at 832-5572 with any questions, or by email at [dean.gazza@appleton.org](mailto:dean.gazza@appleton.org).



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Email - [dean.gazza@appleton.org](mailto:dean.gazza@appleton.org)

TO: Finance Committee

FROM: Dean R. Gazza

DATE: 8/21/2023

RE: Action: 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.

**BACKGROUND:**

The Appleton Waste Heat to Power (AWHP) Project will install two waste heat-to-power generators for utilizing methane gas historically flared to the atmosphere. The AWHP Project will produce clean energy while consuming no additional fossil fuels thus lowering emissions. This project utilizes an otherwise flared methane gas in the existing biogas boilers, and both creates and utilizes a new renewable electricity resource for the Appleton Wastewater Treatment Plant (AWWTP). The City of Appleton has been awarded two grants in order to complete this project. Gulf Coast Green Energy and ElectraTherm have been instrumental in receiving the grants and are listed in the grants as project team members.

The award of both grants were based on the technology and compatibility of the Electrotherm Power Module 75 Units. In order to move forward with accepting the Public Service Commission Energy Innovation Grant (PSC EIG) and the Focus on Energy Custom Incentive for this project, we need to purchase the two Electrotherm Power Module 75 Units. The ElectraTherm Power Module 75 units are proprietary technology, and the project is based on installing these units.

ElectraTherm is the manufacturer of the Power module 75 units and the City cannot directly purchase these through ElectraTherm. ElectraTherm stated that the City will have to purchase the units through their distributor. The ElectraTherm distributor for our project is Gulf Coast Green Energy.

This request is to sole source the purchase of the two Electrotherm Power Module 75 Units only. We will competitively bid out the installation of the units, boiler modifications, and electrical components installation. The memo for the installation of the units and associated work will be submitted early 2024 for approval.

**RECOMMENDATION:**

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

Please feel free to contact me at 832-5572 with any questions, or by email at [dean.gazza@appleton.org](mailto:dean.gazza@appleton.org).





## SOLE SOURCE REQUEST

The undersigned certifies that the commodity/service shown below qualifies as a sole source request and meets one or more of the following requirements. The department has demonstrated, and the Purchasing Manager concurs that only one source exists, the price is equitable, and/or noncompetitive negotiation is in the best interests of the City.

- Unique, proprietary, or one-of-a-kind:** Specific commodity/service is required and available from only one source, giving the City a superior and necessary benefit that cannot be obtained from other sources.
- Inadequate competition:** Purchasing solicitation (bid, proposal, or quote) did not result in any qualified vendor responses and competition is determined to be inadequate.
- Health or Safety Concern:** When a health or safety concern exists that is *not* an immediate threat but needs to be addressed in a period that does not allow for formal competitive procurement procedures.
- Continuity of design:** Consistency with current commodity or service.
- Emergency procurement:** A risk of human suffering or substantial damage to real or personal property exists requiring immediate attention.
- Cooperative purchase:** Purchase from another governmental unit contract or state approved purchasing association.
- Other:** Description provided below.

Grant requires purchase of proprietary units through Gulf Coast Green Energy.

PROPOSED DETAILS
Requesting dept: Facilities Management
Product/service: Electratherm PM75 Organic Rankin Cycle Generators
Vendor name: Gulf Coast Green Energy
Total cost: \$406,000

Justification and price quotation provided by the department, for the items to be considered and approved as a sole source purchase attached for review.

*Jenifer Huss*

08/17/2023

\_\_\_\_\_  
Purchasing Manager

\_\_\_\_\_  
Date



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**DEPARTMENT OF PUBLIC WORKS**  
**Engineering Division – Traffic Section**  
**2625 E. Glendale Avenue**  
**Appleton, WI 54911**  
**TEL (920) 832-5580**  
**FAX (920) 832-5570**

**To:** Municipal Services Committee & Finance Committee  
**From:** Mike Hardy, Assistant City Traffic Engineer  
**Date:** August 15, 2023  
**Re:** Grant Application Request - Signals and ITS Standalone Program (SISP)

The DPW-Traffic Section is requesting authorization to apply for grant funds through the Wisconsin Department of Transportation (WisDOT) SISP program. Our grant application is to replace twenty-one (21) existing traffic signal computers/controllers and software along WisDOT connecting highways through Appleton. The total estimated cost is \$220,750, of which the City's cost share would be 10% (\$22,075). If awarded, the City's matching funds would be included in the 2025 City budget proposal. The deadline for this grant application submission is September 8, 2023.

These grant funds are made available for traffic signal improvements along WisDOT roadway facilities within the City limits that are under Connecting Highway Agreement. In Appleton, this involves State Highways 47, 96 and 125 as detailed in the grant application. Discussions with WisDOT this summer introduced us to this grant opportunity. City of Lacrosse was successfully awarded this grant to replace and upgrade their traffic signal control system.

The DPW-Traffic Section sees this as the start of a much-needed migration to a new traffic signal control system. As recently as the 2021, a CIP sheet was included in the approved City budget to initiate this migration in 2022. It was removed in the subsequent year due to budget constraints.

The basis for this proposed system replacement is our experience with Siemens brand control equipment and software has had a steady decline. The result of this decline is increased time and operational costs. There continues to be a growing number of significant operational concerns, leaving us with diminished functionality and impeding our ability to properly operate our system. More importantly, we have experienced a growing lack of response to the issues we identify and bring to their attention, and little to no updating of the software, which presents a risk that our system could become unstable or unusable.

In recent months, the situation has worsened to the point that a trusted traffic control vendor in our state broke off their agreement with Siemens and has taken on a new product line. Based on this experience and our research, we feel it is in the City's best interest to move away from Siemens as soon as possible to minimize the risk of a system failure. It is worth noting that WisDOT has transitioned away from Siemens to a different manufacturer across the entire state for the same reasons. Many other large communities in Wisconsin have either already made this transition, or in the process of making the change.

The City owns and maintains eighty-two (82) signal-controlled intersections. This grant would procure over half of the software/licensing needs for the city (prorated cost structure), and about twenty-five percent of the intersection computers/controllers. At a cost of \$22,075, this would be a cost-effective way to start this much-needed migration. DPW would include in our 2025 budget proposal the necessary funds for the remaining software licenses and intersection computers/controllers (\$350,000).

# REQUEST TO APPLY FOR/ACCEPT GRANT FUNDS



## **PART #1: Request to Apply for Grant Funds**

(complete before submission of grant application; email to [grants@appleton.org](mailto:grants@appleton.org))

**APPLICANT DEPARTMENT:** DPW

**DATE:** 08/09/2023

**APPLICANT DEPARTMENT GRANT CONTACT NAME/TITLE:** Mike Hardy/Assistant City Traffic Engineer

**COMMITTEE OF JURISDICTION:** Municipal Services Committee

**NAME OF GRANT/FUNDING SOURCE:** SISP / Wisconsin DOT

**AMOUNT OF GRANT REQUEST:** \$ 220,750

**LOCAL MATCH REQUIREMENT:** \$ 22,075

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

**TIMEFRAME OF GRANT:** 07/01/2024 through 06/30/2025

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

**PURPOSE OF GRANT (summary):** This project will replace the 21 existing traffic signal controllers with Econolite controllers and Centrac control software. These 21 locations are along the existing Wisconsin DOT Connecting Highway routes (Hwy 47, 96 & 125) within the Appleton.

**How does the grant meet City/Department/Program goals?** Safe & Reliable Transportation

**What are the personnel requirements (include both existing and new staff) of the grant?** 0.1 FTE

**DEPARTMENT HEAD SIGNATURE:** \_\_\_\_\_

## **PART #2: Request to Accept Grant Funds**

(complete after notification of grant award; email to [grants@appleton.org](mailto:grants@appleton.org))

**AMOUNT OF GRANT AWARD:** \$ \_\_\_\_\_

**FEDERAL/STATE ID #:** \_\_\_\_\_

**LOCAL MATCH REQUIREMENT:** \$ \_\_\_\_\_

**Please describe the source of match, if applicable:** \_\_\_\_\_

**Please describe any major changes in proposed grant-funded activities:** \_\_\_\_\_

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

*COJ = Committee of Jurisdiction*

*FAC = Finance and Administration Committee*

*Wisconsin Department of Transportation (WisDOT)*  
**Signals and ITS Standalone Program Project Application Form**

**GENERAL INSTRUCTIONS**

**MUNICIPAL APPLICATIONS DUE TO REGIONAL LIAISON: September 8, 2023**

**\*\*Municipalities may submit a maximum of two applications per calendar year.\*\***

**REGIONAL APPLICATIONS DUE: September 22, 2023**

The following application will be used to evaluate and determine award of Signals and ITS projects to be funded as budget permits. Each applicant requesting funds from the Signals and ITS Standalone Program must submit the following information:

- Completed Signals and ITS Standalone Program Project Application Form (one for each project request)
- Any supporting materials deemed necessary by the Region or municipalities

**Project Application Form:**

- 1 Project Identification – Fill in those areas that are applicable to your project.
- 2 Project Type – Identify the proposed project type.
- 3 Project Information – Describe the project in as much detail as possible. Detailed descriptions explaining how the project will address the identified need(s) are essential for application review and evaluation.
- 4 Project Cost and Schedule – Provide the project costs in the requested fiscal year. When developing project costs account for additional costs for Accessible Pedestrian Signals (APS), Traffic Signal Detection, and Emergency Vehicle Preemption (EVP) systems if your project is proposing them. Provide anticipated project schedule and proposed resources to accomplish implementation. Geometric improvements must not exceed 50% of the TOTAL COST funded by this appropriation.

**\*\*Maximum project award is limited to \$1,250,000.\*\***

**\*\*Municipal projects require 10% funding commitment from the requesting agency. Requesting municipal agency will also be responsible for any project costs more than the approved appropriation funding amount asked for in this application.\*\***

- 5 Additional Project Information – Complete the various questions as they relate to the proposed project.
- 6 Contact Information and Signature – Provide contact information. Application must be signed by the WisDOT Regional Operations Chief (WisDOT managed projects only) or the Municipal Sponsor to certify application and commit funds.

**Supporting Materials:** Each completed application shall include the following, *if applicable*:

- Map of location or general sketch of project proposal or site photo(s). *An adequate sketch is the minimum requirement. Preliminary plan layout sheets or study reports should be provided if available.*
- Project Evaluation Factor (PEF) worksheet and/or Interactive Highway Safety Design Model (IHSDM) benefit-cost analysis.
- TSMO-TIP package (one for each project request as required based on project type).
- New Traffic Signal – Warrant Documentation, required **only** for proposals to install new traffic signals (example worksheet available upon request. Ref: Manual on Uniform Traffic Control Devices [MUTCD], Chapter 4C). Approved Traffic Control Signal Approval Request [Form DT1199](#) (Required with application for all proposals to install new traffic signals on the State Trunk Highway System, including Connecting Highways and ramp terminals).
- New Pedestrian Hybrid Beacon – Warrant Documentation, required **only** for proposals to install new pedestrian hybrid beacons (example worksheet available upon request. Ref: Manual on Uniform Traffic Control Devices [MUTCD], Chapter 4F). Approved Pedestrian Hybrid Beacon Approval Request [Form DT1196](#) (Required with application for all proposals to install new pedestrian hybrid beacons on the State Trunk Highway System, including Connecting Highways).
- Systems Engineering Analysis. *A SEA may be needed for certain types of projects funded by this Program.*

**Submittal Instructions & General Questions:**

Program Contact – Amy Worzella | Bureau of Traffic Operations | [amy.worzella@dot.wi.gov](mailto:amy.worzella@dot.wi.gov) | 414-224-1947

Projects requested by a municipality should be coordinated with and submitted to their Regional liaisons (found at link below):

<https://wisconsindot.gov/Pages/doing-bus/local-gov/astnce-pgms/highway/sisp.aspx>.

Wisconsin Department of Transportation (WisDOT)  
**Signals and ITS Standalone Program**  
**Project Application Form**

**1. Project Identification**

PROJECT NAME (consistent with TSMO-TIP documentation if applicable) City of Appleton Traffic Signal Controller Replacement		
FUNDING REQUEST TOTAL \$ 01_AppletonCabinetReplacement_SISPAApplication_09082023.docx		
COUNTY <b>Outagamie</b>	CITY/TOWN <b>Appleton</b>	REGION <b>NE Region</b>
STATE TRANSPORTATION IMPROVEMENT PROGRAM (STIP) ELIGIBLE (Is this project eligible to be integrated with an existing STIP project?)		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
MUNICIPAL* <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	MUNICIPAL PRIORITIES (If two (2) applications are submitted, select priority) <input type="checkbox"/> 1 <sup>ST</sup> <input type="checkbox"/> 2 <sup>ND</sup>	
*Municipal projects require a 10% funding commitment from the requesting agency. The requesting municipal agency will also be responsible for any project costs more than the approved appropriation funding amount based on this application.		

**2. Project Type**

Identify the proposed project type: Check boxes that apply below.	
<input type="checkbox"/> 1. New Signal Installation*	Install new traffic signal.
<input checked="" type="checkbox"/> 2. Signal Rehabilitation*	Upgrade or replace existing signal infrastructure (poles, wiring, detection, cabinet, controller, etc.); Construct minor geometric improvements.
<input type="checkbox"/> 3. Signal Retrofit*	Install monotubes, flashing yellow arrows, or other safety improvements at existing traffic signal; Install adaptive signal systems; Replacement of TS1 cabinets, controllers, etc.
<input type="checkbox"/> 4. Signal Retiming	Collect and evaluate data; Develop signal timing plan; Develop and implement corridor coordination plan. <b>Municipal owned signals not eligible for this project type per <a href="#">Form DT1199</a>.</b>
<input type="checkbox"/> 5. Intersection Communication	Construct and integrate fiber communication for signals; Install and integrate wireless communication, including cellular modems and radios for signals.
<input type="checkbox"/> 6. New ITS Device Installation	Install new ITS infrastructure including cameras, backbone fiber, network equipment, etc.
<input type="checkbox"/> 7. ITS Device Rehabilitation	Upgrade, install or replace existing detection, controllers, battery backup, cameras, ramp meter LED's, etc.
<input checked="" type="checkbox"/> 8. System Software	Upgrade, install, or replace software.
<input type="checkbox"/> 9. Life-Cycle Replacement	Replace existing end-of-life signals and/or ITS equipment including cameras, controllers, LED's, etc. <b>Municipal owned signals not eligible for this project type per <a href="#">Form DT1199</a>.</b>
<input type="checkbox"/> 10. Other	Examples include: <ul style="list-style-type: none"> <li>• Performance Measures Applications</li> <li>• Research and Development Projects</li> <li>• CAV Deployments and Applications</li> <li>• Studies, Plans, and Evaluations</li> </ul>
*Items not covered by SISP program funds: all lighting infrastructure, enhanced signs (ex: RRFB, Dynamic Speed Displays), decorative signal poles, decorative cabinets, and decorative signal infrastructure. Other items may also not be covered as deemed appropriate by the SISP evaluation committee.	

### 3. Project Information

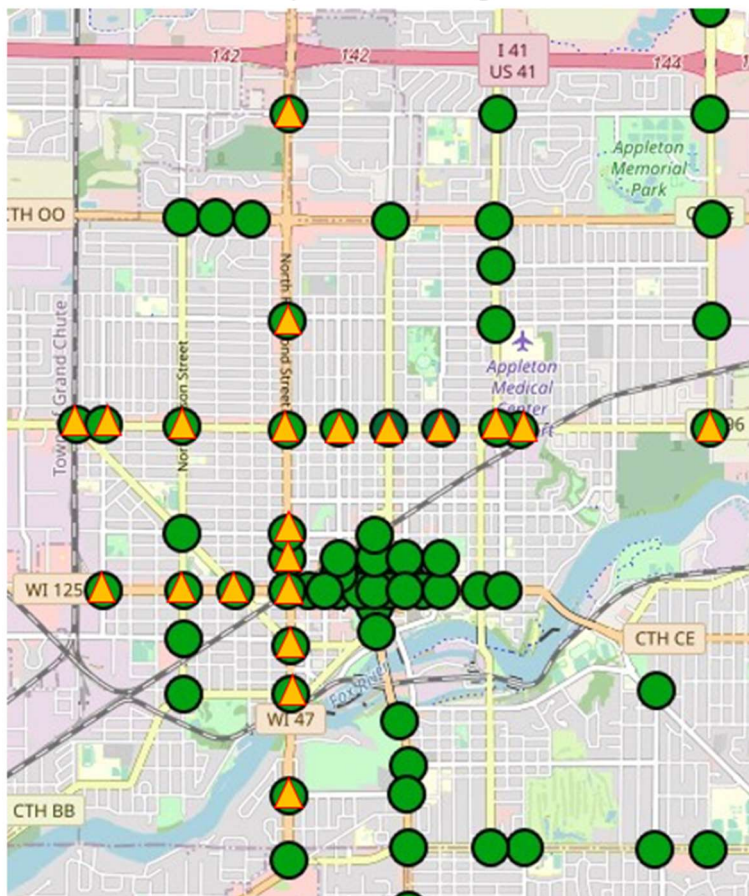
#### 3a. Project Description

Project description should include location specific information.

See attached TSMO-TIP Application

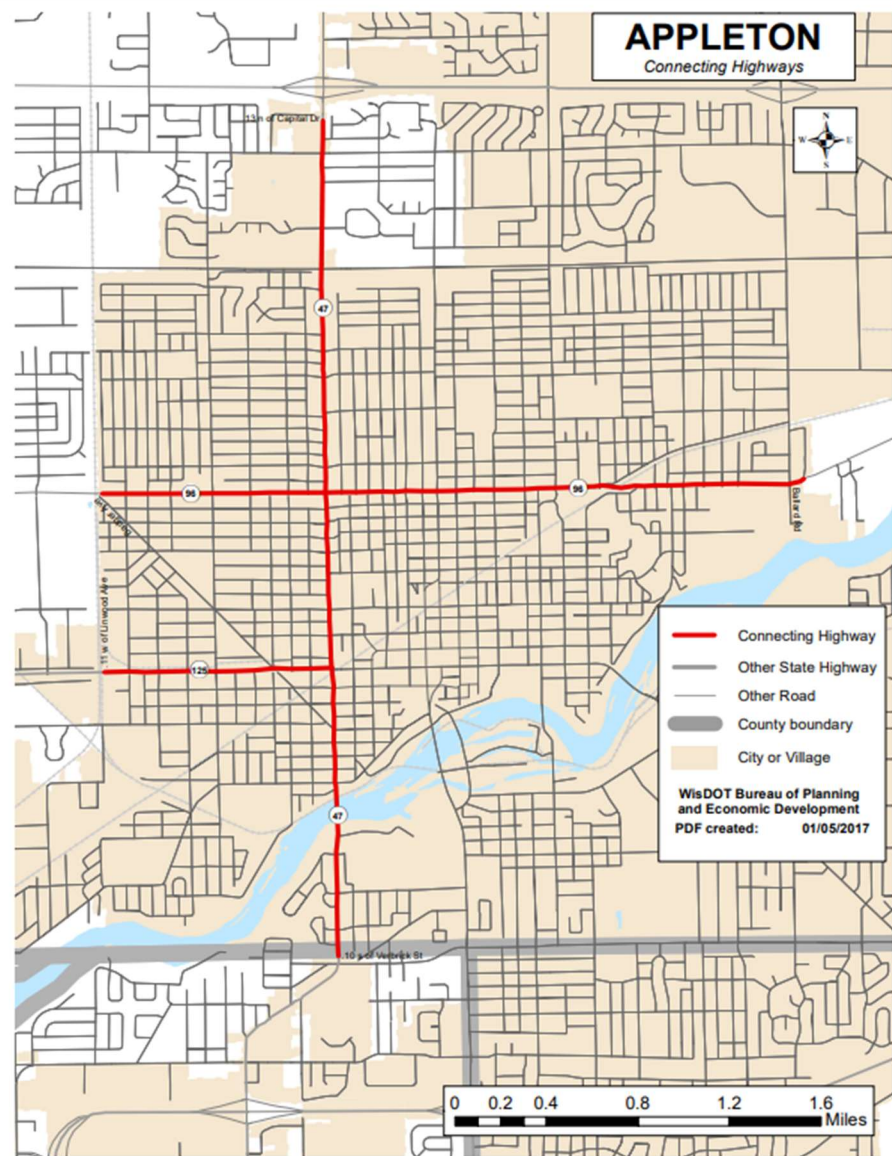
This project will replace the 21 existing controllers with Econolite controllers and Centrac control software. These 21 locations are along the existing Connecting Highway routes within the Appleton. The existing locations are Siemens controllers with Tactics control software. This project is to address the combination of aged equipment and shortcoming for Siemens products, equivalent to Wisconsin DOT's recent transitions to Econolite in the Regions.

Illustration: Proposed Traffic Signal Locations



 Proposed Traffic Signal Locations

# City of Appleton Connecting Highway Limits



### 3b. Mobility Improvements

In some detail, describe the anticipated mobility improvements of the proposed project and how they will be measured (i.e., detection will be used to determine before and after peak hour delay).

See attached TSMO-TIP Application, if applicable.

Indicate your expected benefits below and provide documentation to support your analysis.

Annual mobility benefits are expected to be greater than the capital cost of the project.

Annual mobility benefits are expected to be greater than half of the capital cost of the project.

Annual mobility benefits are expected to be greater than \$0.

No expected mobility improvements.

Although there is not a direct mobility benefit expected, the Centrac software will lead to more robust signal management, specifically a more trusted and stable product for operating and monitoring signal performance.

### 3c. Operations and Maintenance Impacts

In some detail, describe how the proposed project is anticipated to impact operations and maintenance funds. For example, is the project replacing infrastructure that has been regularly out-of-service and has required increased maintenance?

See attached TSMO-TIP Application, if applicable.

There is a demonstrated history of maintenance issues that will be corrected with this project.

Include specific number of knockdowns, service calls, outages, etc., below.

Maintenance may be reduced due to this project.

No expected operations and maintenance impacts.

Signal operations and maintenance will be improved with the more robust and stable capabilities of Econolite equipment and Centrac software. A reliable system will improve operations and allow more prompt response to concerns and complaints.

### 3d. Existing Conditions

Describe the conditions of the existing infrastructure. For example, condition of current infrastructure could be described as fair, disrepair, or out of commission. List any components NOT meeting current WMUTCD standards.

Existing age of the current infrastructure could be described as 5 years past end-of-life, within 5 years past end-of-life, within 3 years of expected end-of-life, or current/new installation. Typical lifecycles of common infrastructure include communications (20 years), signal poles (25 years), controller (16 years), cabinet (20 years), DMS (20 years), CCTV (10 years), and detection (10 years).

Existing Siemens controllers have experienced above average failures, especially the newer M60 units due to supposed power supply issues. The Tactics software has experienced shortcomings, a lack of support for bug fixes, and lack of modern development. The Tactics software notifications and alerts do not work reliably and there are continual flaws with software programming of controllers.



Appleton has been progressive with controller replacements in the interest of having the most advanced features (i.e. phase banks, IP communications) to optimize performance and operations. Numerous controllers have been replaced since cabinet's last construction or upgrade.

Intersection Name	Cabinet (Controller) Age
STH 47 - Memorial Dr & Seymour St (TS1)	1996 (2018)
STH 47 – Memorial Dr & Prospect Av (TS2)	2010 (2010)
STH 47 – Memorial Dr & Badger Av (TS2)	2010 (2010)
STH 47 – Memorial Dr & College Av (TS2)	2002 (2022)
STH 47 – Richmond St & Franklin St (TS1)	1993 (2010)
STH 47 – Richmond St & Packard Av (TS2)	2015 (2015)
STH 47 – Richmond St & Wisconsin Av (TS1)	2003 (2011)
STH 47 – Richmond St & Glendale Av (TS2)	2021 (2021)
STH 47 – Richmond St & Capitol Dr (TS2)	2003 (2010)
STH 96 – Wisconsin Av & Badger Av (TS1)	1998 (2015)
STH 96 – Wisconsin Av & Linwood Av (TS1)	1998 (2012)

Intersection Name	Cabinet (Controller) Age
STH 96 – Wisconsin Av & Mason St (TS1)	1998 (2010)
STH 96 – Wisconsin Av & Division St (TS2)	2011 (2011)
STH 96 – Wisconsin Av & Oneida St (TS2)	2011 (2011)
STH 96 – Wisconsin Av & Drew St (TS2)	2011 (2011)
STH 96 – Wisconsin Av & Meade St (TS2)	2011 (2011)
STH 96 – Wisconsin Av & Appvion Hybrid Beacon (TS2)	2011 (2011)
STH 96 – Wisconsin Av & Ballard Rd (TS2)	2011 (2011)
STH 125 – College Av & Linwood Av (TS2)	2006 (2014)
STH 125 – College Av & Mason St (TS2)	2006 (2014)
STH 125 – College Av & Badger Av (TS2)	2006 (2020)

### 3e. Energy and Environmental Impacts

In some detail, describe the anticipated energy and environmental impacts of the proposed project. For example, is the project expected to replace existing infrastructure with infrastructure that may be accessed from a central location rather than driving to the field location for manual access?

See attached TSMO-TIP Application, if applicable.

Indicate your expected benefits below.

Annual energy and environmental benefits are expected to be greater than the capital cost of the project (provide documentation).

Annual energy and environmental benefits are expected to be greater than \$0.

Project is not expected to impact the natural environment.

Project is expected to negatively impact the natural environment.

Although there is not a direct environmental benefit expected, the Econolite equipment and Centrac software will lead to more robust performance. This will reduce the number of trips and time allocation to each intersection for shortcomings and failures.

### 3f. Safety Improvements

In some detail, describe current safety concerns and the anticipated safety improvements of the proposed project.

See attached TSMO-TIP Application, if applicable.

No expected safety impacts.

Although there is not a direct safety benefit, upgrading to Econolite controllers and Centrac software will result in increased efficiencies in special programming to accommodate various traffic patterns. This will allow the signals to operate more responsive to traffic conditions, which will reduce delays, queues, and ultimately crashes.

#### 4. Project Cost and Schedule

List major construction items and associated estimates such as new traffic signal installation, intersection channelization, etc. When developing project costs account for additional costs for Accessible Pedestrian Signals (APS), Traffic Signal Detection, and Emergency Vehicle Preemption (EVP) systems if your project is proposing them. Project expense is considered during the evaluation of the projects. Therefore, **ALL COSTS** (including design, utilities, and R/E) should be provided regardless of whether awarded project funds will be used for all elements of the project. **Maximum project award is limited to a total of \$1,250,000.**

<b>Cost</b>	FY25 (07/24 – 06/25)	FY26 (07/25 – 06/26)	FY27 (07/26 – 06/27)	FY28 (07/27 – 06/28)
<b>Design:</b>				
WisDOT Staff Delivery/Design				
Consultant Work Order				
<b>Real Estate:</b> (Note: Real estate acquisition CANNOT be funded by this appropriation.) Identify funding source:				
<b>Construction:</b>				
Procurement: State Furnished Materials	\$190,000			
Procurement: Service and Installation	\$30,750			
LET Construction				
<b>Other Costs:</b>				
<b>*TOTAL PROJECT COST PER FY =</b>	<b>\$220,750</b>			
<b>MUNICIPAL FUNDING COMMITMENT (10%) =</b>	<b>\$22,075</b>			

\* Awarded project funds must be encumbered during the FY identified unless coordinated with the Regional Program Liaison. Requested funds will not be increased beyond the amount asked for in this application after the award of the project.

<b>Schedule</b>		
Task	Months (MM/YY – MM/YY)	Anticipated Required Resources (Region PDS, Region Traffic Ops, consultant, procurement contracts, etc.)
1. Design		
2. Real Estate		
3. Procurement	01/25-05/25	State Procurement Contract
4. Construction	05/25-09/25	
5. Other		

## 5. Additional Project Information

### 5a. Performance Improvement Program Goals


<p>Does this project help with achieving WisDOT's performance goals? Refer to <a href="http://dotnet/mapss/index.htm">http://dotnet/mapss/index.htm</a></p> <ul style="list-style-type: none"> <li>– <i>Mobility</i>: Delivering transportation choices that result in efficient trips and no unexpected delays.</li> <li>– <i>Accountability</i>: The continuous effort to use public dollars in the most efficient and cost-effective way.</li> <li>– <i>Preservation</i>: Protecting, maintaining, and operating Wisconsin's transportation system efficiently by making sound investments that preserve and extend the life of our infrastructure, while protecting our natural environment.</li> <li>– <i>Safety</i>: Moving toward minimizing the number of deaths, injuries, and crashes on our roadways.</li> <li>– <i>Service</i>: High quality and accurate products and services delivered in a timely fashion by a professional and proactive workforce.</li> </ul>	<p>Select all that apply:</p> <p><input checked="" type="checkbox"/> Mobility</p> <p><input checked="" type="checkbox"/> Accountability</p> <p><input checked="" type="checkbox"/> Preservation</p> <p><input type="checkbox"/> Safety</p> <p><input checked="" type="checkbox"/> Service</p>
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### 5b. Additional Justification

Provide additional detail that should be considered during the evaluation of this project. This may include the consequences of what would happen should the project not be implemented.

Existing Siemens controllers have experienced above average failures. The Tactics software has experienced shortcomings, a lack of support for bug fixes, and lack of modern development. The city no longer retains active licensing with Siemens for support.

## 6. Contact Information and Signature

PRIMARY CONTACT NAME (Responsible for Project Delivery) Michael Hardy		TITLE Assistant City Traffic Engineer	
EMAIL ADDRESS <a href="mailto:mike.hardy@appleton.org">mike.hardy@appleton.org</a>		TELEPHONE (920)832-6478	
WISDOT REGIONAL LIAISON CONTACT NAME (Municipal Only) Michael Hardy		MUNICIPAL SPONSOR EMAIL ADDRESS <a href="mailto:mike.hardy@appleton.org">mike.hardy@appleton.org</a>	
MUNICIPAL SPONSOR SIGNATURE (Responsible for 10% funding – Municipal Only) 		DATE 09/01/2023	
SIGNATURE OF WISDOT REGIONAL OPERATIONS CHIEF (WisDOT Projects Only)		DATE	

REVISED 07/20/2023

**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 – 4<sup>th</sup> 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.

**87-23**

**AN ORDINANCE ANNEXING TERRITORY  
TO THE CITY OF APPLETON, WISCONSIN.  
(4704 North Ballard Road Annexation)  
MBR Number: 14610**

The Common Council of the City of Appleton does ordain as follows:

**Section 1. Territory Annexed.** In accordance with §66.0217 of the Wisconsin Statutes

for 2021 – 2022 and the *Unanimous Petition for Direct Annexation* filed with the City Clerk on July 20, 2023, the following described territory in the Town of Grand Chute, Outagamie County, Wisconsin, lying contiguous to the City of Appleton, is hereby annexed to the City of Appleton, Wisconsin:

**Owner:** Prospera Credit Union, a Wisconsin Credit Union  
**Parcel No.** 101160700

*A part of the South Fractional ½ of the Northwest ¼ of Section 7, Township 21 North, Range 18 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 0.98 Acres of land m/l and described as follows:*

*Commencing at the West ¼ corner of said Section 7;  
Thence North 00°03'10" West 397.00 feet along the West line of the Northwest ¼ of said Section 7;  
Thence South 89°11'07" East 50.01 feet to the East line of Ballard Road to the point of beginning;  
Thence North 00°03'10" West 218.13 feet m/l to a South line of Lot 1 of C.S.M. No. 6239;  
Thence North 89°57'00" East 200.00 feet along a South line of said Lot 1;  
Thence South 00°03'10" East 109.43 feet along a West line of said Lot 1 to the most South line of said Lot 1;  
Thence South 89°49'09" West 8.02 feet;  
Thence South 00°03'10" East 111.58 feet;  
Thence North 89°11'07" West 192.00 feet to the Point of Beginning.*

*The current population of such territory is 0 people.*

**Section 2. Effect of Annexation.** From and after the date of this ordinance, the territory described in Section 1 shall be a part of the City of Appleton for any and all purposes provided by law and all persons coming or residing within such territory shall be subject to all ordinances, rules and regulations governing the City of Appleton.

**Section 3. Ward Designation.** The territory described in Section 1 of this ordinance is hereby made a part of the Forty-first (41<sup>st</sup>) Ward, attached to the Thirteenth (13<sup>th</sup>) Aldermanic District of the City of Appleton, Outagamie County, subject to the ordinances, rules and regulations of the City governing wards.

**Section 4. Zoning Classification.** The territory described in Section 1 is hereby zoned as follows, pursuant to §66.0217(7)(a), Stats., and §23-65(e), Appleton Municipal Code:

Temporary Agricultural District (Temporary AG District)

**Section 5. Severability.** If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance, which can be given without the invalid or unconstitutional provision or application.

**Section 6. Effective Date.** This ordinance shall take effect upon passage and publication.

**88-23**

**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 8/16/2023)**

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.

Designate a 15-minute loading/unloading zone from 11:00 p.m. to 5:00 a.m. on the south side of College Avenue from State Street to Division Street (Tow Zone).

**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.