



City of Appleton

100 North Appleton Street
Appleton, WI 54911-4799
www.appletonwi.gov

Meeting Agenda - Final Common Council

Wednesday, February 5, 2025

7:00 PM

Council Chambers

- A. CALL TO ORDER
- B. INVOCATION
- C. PLEDGE OF ALLEGIANCE TO THE FLAG
- D. ROLL CALL OF ALDERPERSONS
- E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS
- F. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES
[25-0033](#) Common Council Meeting Minutes of January 15, 2025
Attachments: [CC Minutes 1-15-25.pdf](#)
- G. BUSINESS PRESENTED BY THE MAYOR
[25-0041](#) Confirmation of Committee Appointments
Attachments: [APA Appt Memo 2-5-2025.pdf](#)
[Sustainability & Climate Panel Appt 2-5-2025.pdf](#)
- H. PUBLIC PARTICIPATION
- I. PUBLIC HEARINGS
- J. SPECIAL RESOLUTIONS
- K. ESTABLISH ORDER OF THE DAY
- L. COMMITTEE REPORTS
- 1. **MINUTES OF THE MUNICIPAL SERVICES COMMITTEE**

[24-1616](#) Approve Hilton Appleton Paper Valley Permanent Occupancy Permit and Sign Permit

Attachments: [Hilton Occupancy Permit Application.pdf](#)
[Hilton Skywalk Parking Signs Application.pdf](#)
[Hilton Occupancy Permit Application-Condition of Approval.pdf](#)
[Hilton Skywalk Parking Signs Application-Condition of Approval.pdf](#)

Legislative History

1/6/25	Municipal Services Committee	held
1/20/25	Municipal Services Committee	recommended for approval

[25-0016](#) Request to accept Wisconsin Department of Transportation Signals and ITS Standalone Program (SISP) grant in the amount of \$576,000.

Attachments: [SISP Grant Acceptance Request_RidgeviewRichmond 01-20-2025.pdf](#)

Legislative History

1/20/25	Municipal Services Committee	recommended for approval
1/20/25	Finance Committee	recommended for approval

[25-0017](#) Approve Parking changes on Emmers Dr and Schaefer St by East High School (follow-up to a 6-month evaluation)

Attachments: [East HS Parking Changes on Emmers & Schaefer \(post eval\).pdf](#)

Legislative History

1/20/25	Municipal Services Committee	recommended for approval
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[25-0018](#) Approve Parking changes on Lightning Dr by Fire Station 6 (follow-up to a 6-month evaluation)

Attachments: [Station 6 Parking Changes on Lightning Dr \(post eval\).pdf](#)

Legislative History

1/20/25	Municipal Services Committee	recommended for approval
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2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[24-1126](#) Operator License for Kelly Arndt.

Attachments: [Kelly Arndt Application.pdf](#)
[Kelly Arndt Clerk Letter.pdf](#)
[Kelly Arndt PD Letter.pdf](#)
[Kelly Arndt Appeal Memo.pdf](#)
[UPDATE Operator License Renewal Application of Kelly Arndt.pdf](#)
[Kelly Arndt Additional Documentation.pdf](#)

Legislative History

12/11/24	Safety and Licensing Committee	held
	<i>Kelly Arndt was present and requested the item be held until the next regularly scheduled meeting on January 8, 2025.</i>	
1/8/25	Safety and Licensing Committee	held
	<i>Kelly Arndt was present and addressed the committee. The Operator License was held until the January 22nd meeting to allow the applicant to provide documentation of rehabilitation.</i>	
1/22/25	Safety and Licensing Committee	recommended for denial

[24-1496](#) Operator License for Katherine Neubert.

Attachments: [Katherine Neubert Application.pdf](#)
[Katherine Neubert Clerk's Letter.pdf](#)
[Katherine Neubert denial letter.pdf](#)
[Operator License Application of Katherine Neubert.pdf](#)
[Katherine Neubert Additional Documentation.pdf](#)

Legislative History

1/8/25	Safety and Licensing Committee	held
	<i>Katherine Neubert was present and addressed the committee. The Operator License was held until the January 22nd meeting to allow the applicant to provide documentation of rehabilitation.</i>	
1/22/25	Safety and Licensing Committee	recommended for denial
	<i>The Motion to deny was withdrawn by Alderpersons Siebers and Fenton</i>	
1/22/25	Safety and Licensing Committee	held
	<i>The Motion to hold was withdrawn by Alderpersons Fenton and Schultz</i>	
1/22/25	Safety and Licensing Committee	recommended for approval

[25-0002](#) Cigarette, Tobacco, and Electronic Vaping Device License application for A-Z Tobacco Inc, Safwan Alboushi Aldabbagh, Agent, located at 201 W. Northland Ave Ste K.

Attachments: [A-Z Tobacco Inc.CTV.1.8.25.REDACTED.pdf](#)

Legislative History

1/22/25 Safety and Licensing recommended for approval
Committee

[25-0003](#) Cigarette, Tobacco, and Electronic Vaping Device License application for Rehan Grocery LLC d/b/a Halal International Market, Siyar Abdullah, Agent, located at 2310 W. College Ave Ste D.

Attachments: [Halal Intl Market.CTV.1.9.25.REDACTED.pdf](#)

Legislative History

1/22/25 Safety and Licensing recommended for approval
Committee

[25-0004](#) Secondhand Article Dealer License renewal application for Heid Music, Todd Heid, Agent, located at 308 E. College Ave, contingent upon approval from the Health department.

Attachments: [Heid Music.Secondhand Article Renewal.1.10.25.pdf](#)

Legislative History

1/22/25 Safety and Licensing recommended for approval
Committee

[25-0005](#) Class "B" Beer and Reserve "Class B" Liquor License application for La Bodega Nightclub LLC d/b/a La Bodega Lounge, Juan Santiago-Hernandez, Agent, located at 531 W. College Ave, contingent upon approval from the Health and Inspections departments.

Attachments: [La Bodega Lounge.Alcohol.Class B Beer Reserve Liquor.12.20.24.REDACTED.pdf](#)

Legislative History

1/22/25 Safety and Licensing recommended for approval
Committee

[25-0011](#) Cigarette, Tobacco, and Electronic Vaping Device License application for Top Dogz Vape Shop LLC d/b/a Top Dogz Vape Shop, Jennifer Peters, Agent, located at 208 E Wisconsin Ave, for new location.

Attachments: [Top Dogs Vape Shop.CTV.1.15.25.pdf](#)

Legislative History

1/22/25 Safety and Licensing recommended for approval
Committee

3. MINUTES OF THE CITY PLAN COMMISSION
4. MINUTES OF THE PARKS AND RECREATION COMMITTEE
5. MINUTES OF THE FINANCE COMMITTEE

[25-0040](#)

Request to approve resolution for Emergency Sodium Hypochlorite Tank Replacement at Appleton Water Treatment Facility.

Attachments: [RESOLUTION AWTF HypochloriteTankReplacement FINAL.pdf](#)

[250128 Finance Memo - Emergency Hypochlorite Tank Replacement FINAL.p0046 - Tank Repair - DG Memo to Finance 01-25-2025.pdf.pdf](#)

[25-0023](#)

Request to award Sole Source Purchase of Appleton Water Treatment Facility Emergency Generator Control Equipment to Fabick Power Systems for a cost of \$653,837 with a contingency of \$46,163 for a total not to exceed \$700,000.

Attachments: [Fabick CAT Sole Source - Finance.pdf](#)

[250115_SoleSource_Fabick_Generator_Controls.pdf](#)

Legislative History

1/20/25 Finance Committee recommended for approval

[25-0020](#)

Request to approve the following 2025 Budget amendment:

CEA Capital Projects

Federal Grants	+\$134,180
Vehicles	+\$134,180

To record EECGB grant award and associated expense (2/3 vote of council required).

Attachments: [2025 Grant Budget Transfer.pdf](#)

Legislative History

1/20/25 Finance Committee recommended for approval

[25-0021](#)

Request to accept Non-State Grant Award of \$274,000 and approve the following 2025 Budget Amendment:

Facilities Capital Projects

Misc State Aids	+\$274,000
Library Project	+\$274,000

To record the grant funds and associated project expense (2/3 vote of council required).

Attachments: [NSG Request for Approval 1-8-2025.pdf](#)

Legislative History

1/20/25 Finance Committee recommended for approval

[25-0022](#)

Request to award Sole Source Contract to Groome Industrial Services for WWTP Hydroblasting service in the amount not to exceed \$30,000.

Attachments: [Groome 2025 Sole Source - Finance.pdf](#)

[250115 SoleSource Groome Hydroblasting.pdf](#)

Legislative History

1/20/25 Finance Committee recommended for approval

[25-0024](#)

Request to award Unit H-25 Lawe Street Bridge over Fox River Repairs project to Norcon Corporation in the amount of \$203,946 with a 10% contingency of \$20,394.60, for a project total not to exceed \$224,340.60.

Attachments: [H-25 Contract Award Form and Bid Tabs.pdf](#)

Legislative History

1/20/25 Finance Committee recommended for approval

6. **MINUTES OF THE COMMUNITY 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
- N. ITEMS HELD
- O. ORDINANCES
- P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION
- Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION
- R. OTHER COUNCIL BUSINESS
- S. CLOSED SESSION

[25-0042](#)

The Common Council may go into closed session according to State Statute §19.85(1)(e) (deliberating or negotiating the purchasing of public properties, investing of public funds or conducting other specific public business when competitive or bargaining reasons require a closed session) for the purpose of deliberating or negotiating items related to the potential investment of public funds for a development project on the city's north side. Upon conclusion of the closed session, the Common Council will then reconvene into open session.

T. 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
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Meeting Minutes - Final Common Council

Wednesday, January 15, 2025

7:00 PM

Council Chambers

A. CALL TO ORDER

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

B. INVOCATION

The Invocation was offered by Alderperson Schultz.

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

Alderperson Alfheim appeared virtually.

Present: 13 - Alderperson William Siebers, Alderperson Brad Firkus, Alderperson Martyn Smith, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Patrick Hayden, Alderperson Patti Heffernan, Alderperson Alex Schultz, Alderperson Vaya Jones, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim and Mayor Jake Woodford

Excused: 3 - Alderperson Vered Meltzer, Alderperson Christopher Croatt and Alderperson Chad Doran

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

All Departments were represented.

F. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[24-1650](#)

Common Council Meeting Minutes of December 18, 2024

Attachments: [CC Minutes 12-18-24.pdf](#)

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

Aye: 12 - Alderperson William Siebers, Alderperson Brad Firkus, Alderperson Martyn Smith, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Patrick Hayden, Alderperson Patti Heffernan, Alderperson Alex Schultz, Alderperson Vaya Jones, Alderperson Kristin Alfheim, Alderperson Nate Wolff and Alderperson Sheri Hartzheim

Excused: 3 - Alderperson Vered Meltzer, Alderperson Christopher Croatt and Alderperson Chad Doran

Abstained: 1 - Mayor Jake Woodford

G. BUSINESS PRESENTED BY THE MAYOR

[25-0010](#)

Confirmation of Appointment Amendment for CDBG Advisory Committee

Attachments: [Memo CDBG Appt.pdf](#)

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

Aye: 11 - Alderperson William Siebers, Alderperson Brad Firkus, Alderperson Martyn Smith, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Patrick Hayden, Alderperson Patti Heffernan, Alderperson Alex Schultz, Alderperson Kristin Alfheim, Alderperson Nate Wolff and Alderperson Sheri Hartzheim

Excused: 3 - Alderperson Vered Meltzer, Alderperson Christopher Croatt and Alderperson Chad Doran

Abstained: 2 - Alderperson Vaya Jones and Mayor Jake Woodford

H. PUBLIC PARTICIPATION

The following spoke regarding Item 21-0420 Alcohol License Application for Delaire's, LLC:

Jaime Pappenfuss, 627 S Mueller St

Elice Ronsman, 901 Saunders Rd, Kaukauna

I. PUBLIC HEARINGS

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

[24-0420](#)

Class "B" Beer and Reserve "Class B" Liquor License application for Delaires LLC d/b/a Delaire's, David Boulanger, Agent, located at 823 W. College Ave, contingent upon approval from the Health and Inspections departments.

- Attachments:**
- [Delaire's.Alcohol.Class](#)
 - [B Beer Reserve Liquor.4.10.24.REDACTED.pdf](#)
 - [Delaire's Attachment.pdf](#)
 - [Documents distributed by Alder Van Zeeland 10.23.24.pdf](#)
 - [APD Delaire's letter to S&L 11.27.24.docx](#)
 - [OEO to Appleton City Clerk re Holding Licensing Hearing - Delaire's LLC.pdf](#)
 - [2025 Delaire's Business Plan.pdf](#)
 - [Delaire's 2025 Alcohol License Questionnaire \(Updated\) - signed.pdf](#)

This Item was referred to the Safety and Licensing Committee by Alderperson Siebers.

L. COMMITTEE REPORTS

:

Balance of the action items on the agenda.

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

Aye: 12 - Aldersperson William Siebers, Aldersperson Brad Firkus, Aldersperson Martyn Smith, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Patrick Hayden, Aldersperson Patti Heffernan, Aldersperson Alex Schultz, Aldersperson Vaya Jones, Aldersperson Kristin Alfheim, Aldersperson Nate Wolff and Aldersperson Sheri Hartzheim

Excused: 3 - Aldersperson Vered Meltzer, Aldersperson Christopher Croatt and Aldersperson Chad Doran

Abstained: 1 - Mayor Jake Woodford

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[24-1613](#)

Award 2025 Illicit Discharge Detection and Elimination Ongoing Field Screening Services Contract to Westwood Infrastructure, Inc. in an amount not to exceed \$35,000

- Attachments:**
- [MSC Award Memo 2025 IDDE Field Screening Services 01-06-2024.pdf](#)

This Report Action Item was approved.

[24-1614](#) Award M-25 2025 Materials Testing & Contaminated Soils Contract to Westwood Infrastructure, Inc. in an amount not to exceed \$100,000

Attachments: [MSC M-25 Contract Award Memo 01-06-2025.pdf](#)

This Report Action Item was approved.

[24-1615](#) Approve Long Term Temporary Occupancy Permit to Integrity Environmental Services for dumpster in parking lane of Superior St north of College Ave, from 2/6/2025 through 11/30/2025.

Attachments: [MSC LTT Occupancy Permit Integrity Enviro Superior St Dumpster 01-06-2025.pdf](#)

This Report Action Item was approved.

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[24-1611](#) Secondhand Article Dealer License renewal application for T&S Sports d/b/a Play It Again Sports, Michael Milloy, Agent, located at 611 W Northland Ave, contingent upon approval from the Health department.

Attachments: [Play It Again Sports.Secondhand Article Renewal.12.10.24.REDACTED.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

[24-1623](#) Request to approve Contract Amendment #1 with Restoration Systems Inc. for Green Ramp Barrier Panel Emergency Repairs Phase 1, in an increase of \$17,225, for a new not-to-exceed contract total of \$64,455.

Attachments: [Finance Memo Green Ramp Phase 1 Repairs Contract Amend 1 01-06-2025.pdf](#)

This Report Action Item was approved.

[24-1624](#) Request to award the 2025 Interior Finishes and Furniture Project - Community Development to Chet Wesenberg Architect, LLC. for a sole-source contract not-to-exceed \$67,400.

Attachments: [2025 Community Development AE Services.pdf](#)
[Sole Source Community Dev.pdf](#)

This Report Action Item was approved.

6. MINUTES OF THE COMMUNITY DEVELOPMENT COMMITTEE

[24-1607](#)

Request to approve City Program Funding for 2025 Community Development Block Grant (CDBG) Funding as specified in the attached document

Attachments: [CDBG City Allocations Prelim Rec Memo to CDC 1-8-25.pdf](#)

This Report Action Item was approved.

7. MINUTES OF THE UTILITIES COMMITTEE

[24-1635](#)

Approve Contract Amendment #1 to Applied Technologies Inc. as a part of the AWWTP Column and Plank Storage Upgrades for additional design and construction management services in the amount of \$4,900 increasing the contract amount from \$25,500 to \$30,400.

Attachments: [250103 ATI SSB WallPlankModif Contract Amendment #1.pdf](#)

This Report Action Item was approved.

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

10. MINUTES OF THE BOARD OF HEALTH

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

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. CLOSED SESSION

[25-0001](#)

The Common Council may go into closed session according to State Statute §19.85(1)(e) (deliberating or negotiating the purchasing of public properties, investing of public funds or conducting other specific public business when competitive or bargaining reasons require a closed session) for the purpose of deliberating or negotiating items related to the disposition of land in the Downtown District. Upon conclusion of the closed session, the Common Council will then reconvene into open session.

Aldersperson Hartzheim moved, seconded by Aldersperson Van Zeeland that the Common Council convene into Closed Session at 7:20 p.m. Roll Call. Motion carried by the following vote:

Aye: 12 - Aldersperson William Siebers, Aldersperson Brad Firkus, Aldersperson Martyn Smith, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Patrick Hayden, Aldersperson Patti Heffernan, Aldersperson Alex Schultz, Aldersperson Vaya Jones, Aldersperson Kristin Alfheim, Aldersperson Nate Wolff and Aldersperson Sheri Hartzheim

Excused: 3 - Aldersperson Vered Meltzer, Aldersperson Christopher Croatt and Aldersperson Chad Doran

Abstained: 1 - Mayor Jake Woodford

T. ADJOURN

Aldersperson Hartzheim moved, seconded by Aldersperson Wolff to reconvene into open session at 7:47 p.m. Roll Call. Motion carried 11/0.

No action was taken in Closed Session.

Aldersperson Hartzheim moved, seconded by Aldersperson Siebers, that the meeting be adjourned at 7:47 p.m. Roll Call. Motion carried by the following vote:

Aye: 11 - Aldersperson William Siebers, Aldersperson Brad Firkus, Aldersperson Martyn Smith, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Patrick Hayden, Aldersperson Patti Heffernan, Aldersperson Alex Schultz, Aldersperson Vaya Jones, Aldersperson Nate Wolff and Aldersperson Sheri Hartzheim

Excused: 4 - Aldersperson Vered Meltzer, Aldersperson Kristin Alfheim, Aldersperson Christopher Croatt and Aldersperson Chad Doran

Abstained: 1 - Mayor Jake Woodford


Kami Lynch, City Clerk



CITY OF APPLETON

Date: February 5th, 2025

To: Members of the Common Council

From: Mayor Jacob A. Woodford 

Subject: Confirmation of Appointments

It is with pleasure that I present the following recommendations for your confirmation at the February 5th, 2025, Common Council meeting.

Appleton Public Art Committee – Appointment

Jake Jeffery Bauer Term Ends December 2028

Jake is a multifaceted artist and entrepreneur with a technical degree in Welding and Metal Fabrication from Bay College. As the owner of Light Craft Events, he specializes in event lighting design, creating unforgettable atmospheres. Additionally, as the founder of 4th Wall Productions, he brings art to life at events through live art performances, blending creativity with audience engagement.

With a strong background in welding, CNC laser engraving, router cutting, woodworking, and metalworking, Jake seamlessly merges technical precision with artistic vision. His skills extend to graphic design, lighting design, video editing, and industry networking, making him a versatile force in both the creative and technical realms. Whether crafting intricate designs or illuminating events with dynamic visuals, Jake is passionate about sharing the arts with our community.



CITY OF APPLETON

Date: February 5th, 2025

To: Members of the Common Council

From: Mayor Jacob A. Woodford

Subject: Confirmation of Appointments

It is with pleasure that I present the following recommendations for your confirmation at the February 5th, 2025, Common Council meeting.

Advisory Panel on Sustainability and Climate Resilience – Appointment

Imogen Ruth Gillard Term Ends December 2026

Imogen is an environmental professional with a strong academic foundation and diverse experience in sustainability and leadership. She holds a Master's in Environmental Science and Policy from the University of Wisconsin-Green Bay and a Bachelor's degree in Environmental Studies from Connecticut College. Her experience includes serving as a Sustainability Fellow and Project Leader in Connecticut College's Office of Sustainability, where she led initiatives to promote sustainable practices, and as an Environmental Science and Policy Department Assistant. In her current role as a Production Associate, Imogen excels in teamwork, training, and safety management, collaborating with others to produce high-quality outcomes. Passionate about integrating science, policy, and practice, she is committed to advancing environmental responsibility and sustainability.



PERMIT TO OCCUPY THE PUBLIC RIGHT-OF-WAY

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

Rev. 05-2024

Applicant Information

Name (print): Linda Garvey Company: Hilton Appleton Paper Valley
Address: 333 W.College Ave Telephone: 920-733-8000 x 1660
Appleton, WI 54956 E-mail: lgarvey@appletonpvh.com
Applicant Signature: Linda Garvey Date: 12-11-24

Occupancy Information

General Description/Reason: Directional Signage on Superior St. skywalk pointing to public parking and hotel entrance
Street Address: Superior St. side of 333 W. College Ave Sidewalk/roadway obstruction requested Y or N
Date(s) From: 2/1/25 To: 35 days or < 35 days or > (Requires Committee and Council Approval)

(Department use only)

Table with columns: Occupancy Type, Sub-Type, Location. Includes options like Permanent - Obstruction, Awning, Sandwich Board, etc.

Additional Requirements

Plan/Sketch Certificate of Insurance Bond Committee and Council Approval
Other : Date:

Traffic Control Requirements

Type of Street: Proposed Traffic Control: Contact Traffic Division (920-832-2379) 1 business day prior to any lane closure...
Arterial/CBD City Manual Page(s)
Collector State Manual Page(s)
Local Other (attach plan)

This permit approval is subject to the following conditions:

- 1. Permittee is responsible to obtain any further permits that may be required as part of this occupancy.
2. Permittee shall adhere to any plan(s) that were submitted to the City of Appleton as part of this application.
3. This permit is subject to IMMEDIATE REVOCATION and/or issuance of a MUNICIPAL CITATION if conditions of the permit are not met.
4. This permit is subject to IMMEDIATE REVOCATION if unfavorable traffic conditions develop during the period the occupancy is permitted.
5. Dumpsters/PODs/Containers shall be located within 12" of face of curb.
6.

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

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

APPROVED BY: DATE: (Department of Public Works)

City of Appleton
100 North Appleton Street, Appleton WI 54911
Phone: (920) 832-6411 Fax: (920) 832-6464

Permit No.:	_____
Key No.:	_____
Receipt No.:	_____
Date:	_____

SIGN PERMIT

A separate permit is required for each proposed sign.

Permit Fee:	<input type="checkbox"/> Penalty Fee
Estimated Cost:	\$2,350

Site Address: 333 W. College Ave.

Single Tenant

Business Name: Hilton Paper Valley Hotel

Multi- Tenant

Type of Sign		
<input type="checkbox"/> Ground Sign	<input type="checkbox"/> Awning Sign	<input type="checkbox"/> Changeable Copy Sign (No animation)
<input checked="" type="checkbox"/> Wall Mounted Sign (2)	<input type="checkbox"/> Temporary Sign (Sandwich, Etc.)	<input type="checkbox"/> Painted Wall Sign
<input type="checkbox"/> Projecting Sign	<input type="checkbox"/> Canopy Sign	<input type="checkbox"/> Other
<input type="checkbox"/> Window Sign	<input type="checkbox"/> Portable Sign	

Zoning District		
<input type="checkbox"/> C2- General Commercial	<input type="checkbox"/> M1- Industrial Park	<input type="checkbox"/> PI- Public Institution
<input type="checkbox"/> CO- Commercial Office	<input type="checkbox"/> M2- General Industrial	<input type="checkbox"/> P- Park District
<input type="checkbox"/> AG- Agriculture		<input type="checkbox"/> CBD- Central Business District

Dimensions/Other Information	
Width of Sign: 96	Height of Sign: 48
Height Above Normal Grade:	Underclearance:
Projecting into ROW:	Distance to Side Lot Line (5' Min):
Setback from R-O-W:	Setback from Driveway:
Design Exception (Sec. 23-529):	Material: ACM Panels

WALL SIGN DETAILS (Wall/Painted Signs Only)					
	Proposed Size Width x Height (ft)	Proposed Area of Sign (sq. ft.)	Existing Size Width x Height (ft)	Existing Area of Sign (sq. ft.)	Area of Entire Wall
Wall North	96 X 48	32	X	64sqft ish	370sqft
Wall East	X		X		
Wall West	X		X		
Wall South	96 X 48	32	X	64sqft ish	370sqft

Electrical Information of Sign N/A			
<input type="checkbox"/> Internal	<input type="checkbox"/> Florescent	<input type="checkbox"/> LED	<input type="checkbox"/> Message Center
<input type="checkbox"/> External	<input type="checkbox"/> Incandescent	<input type="checkbox"/> Electronic	<input type="checkbox"/> Neon

UL Design No:	Electrical Contractor:
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Office Information	
BZA Variance Date:	Street Occupancy Permit No.:

Sign Contractor	Contractor Address	Contractor Phone	Contractor Email
Fastsigns of Appleton	135 S. Casaloma Dr.	920.954.9778	ariele.mcgin@fastsigns.com

Applicant hereby agrees to comply with all laws and regulations of the State of Wisconsin and of the Ordinances of the City of Appleton. Applicant further agrees in consideration of the issuance of the permit to save the City of Appleton harmless for any injury or damage caused by reason of the erection or maintenance of the sign or signboard. If any sign erected pursuant to the permit occupies public street right-of-way, it is subject to all of the provisions of Wis. State. 60.045, but without charge or bond. This permit as applied for is granted subject to revocation when any law or regulation of the State of Wisconsin or the Ordinance of the City of Appleton is violated or when inspection reveals that the sign or signboard creates a hazard. Permit fee is nonrefundable.

Name of Applicant: Ariele McGinn	Phone: 920.954.9778
Address: 135 S. Casaloma Dr.	Inspector Approval:

white- office

yellow- applicant

Quantity
1

SKYWALK PANEL SIGN

Client:	HILTON
Contact:	Linda Garvey
Date:	3.21.23
Sales:	Ariele McGinn
Designer:	Becky Knuth
File:	150428 Hilton Parking
Revision:	5

JOB SPECIFICATIONS

POLYMETAL SIGN

- Digital Print
- IJ40C Standard Gloss Vinyl
- 8520 Premium Matte Laminate
- 3mil polymetal

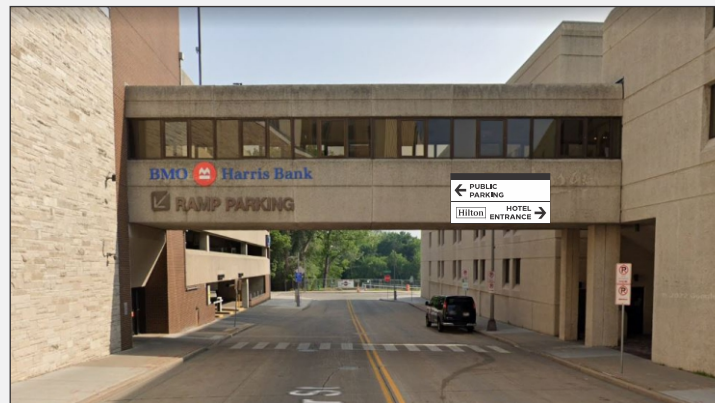
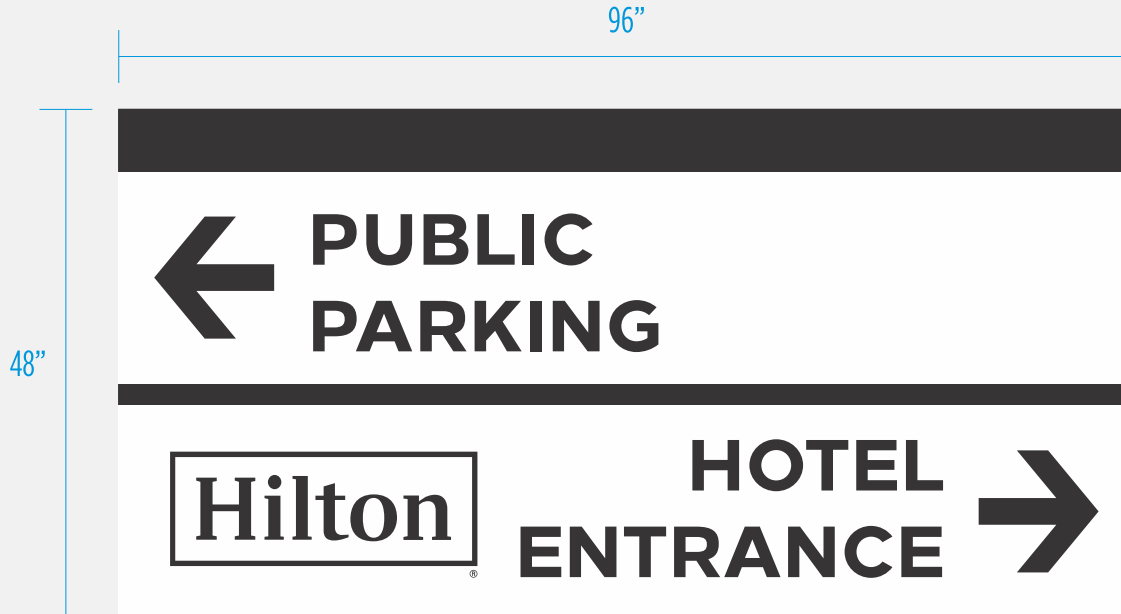
Job Spot Colors:

<input type="checkbox"/> PMS	<input type="checkbox"/> PMS
<input type="checkbox"/> PMS	<input type="checkbox"/> PMS
<input type="checkbox"/> PMS	<input type="checkbox"/> PMS

Other requirements: [Installation](#)

Square Footage:

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Client signature for approval: **X** _____ Date: ____/____/____
 By signing this release, you are approving production of the work as specified on this document. Please examine all proofs carefully for accuracy.

Quantity

1

SKYWALK PANEL SIGN

Client:	HILTON
Contact:	Linda Garvey
Date:	3.21.23
Sales:	Ariele McGinn
Designer:	Becky Knuth
File:	150428 Hilton Parking
Revision:	5

JOB SPECIFICATIONS

POLYMETAL SIGN

- Digital Print
- IJ40C Standard Gloss Vinyl
- 8520 Premium Matte Laminate
- 3mil polymetal

Job Spot Colors:

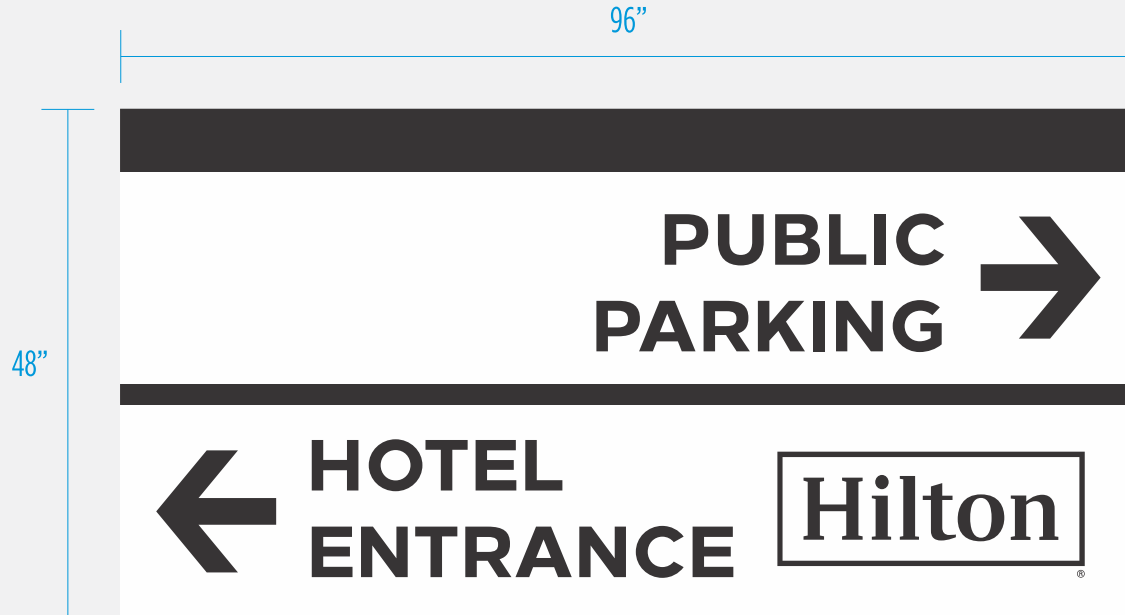
<input type="checkbox"/> PMS	<input type="checkbox"/> PMS
<input type="checkbox"/> PMS	<input type="checkbox"/> PMS
<input type="checkbox"/> PMS	<input type="checkbox"/> PMS

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Date: ___/___/___

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PERMIT TO OCCUPY THE PUBLIC RIGHT-OF-WAY

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

Rev. 05-2024

Applicant Information

Name (print): Linda Garvey Company: Hilton Appleton Paper Valley
Address: 333 W.College Ave Telephone: 920-733-8000 x 1660
Appleton, WI 54956 E-mail: lgarvey@appletonpvh.com
Applicant Signature: Linda Garvey Date: 12-11-24

Occupancy Information

General Description/Reason: Directional Signage on Superior St. skywalk pointing to public parking and hotel entrance
Street Address: Superior St. side of 333 W. College Ave Sidewalk/roadway obstruction requested Y or N
Date(s) From: 2/1/25 To: 35 days or < 35 days or > (Requires Committee and Council Approval)

(Department use only)

Table with columns: Occupancy Type, Sub-Type, Location. Includes options like Permanent - Obstruction, Awning, Sandwich Board, etc.

Additional Requirements

Plan/Sketch Certificate of Insurance Bond Committee and Council Approval Date:

Traffic Control Requirements

Type of Street: Proposed Traffic Control: Contact Traffic Division (920-832-2379) 1 business day prior to any lane closure...

This permit approval is subject to the following conditions:

- 1. Permittee is responsible to obtain any further permits that may be required as part of this occupancy.
2. Permittee shall adhere to any plan(s) that were submitted to the City of Appleton as part of this application.
3. This permit is subject to IMMEDIATE REVOCATION and/or issuance of a MUNICIPAL CITATION if conditions of the permit are not met.
4. This permit is subject to IMMEDIATE REVOCATION if unfavorable traffic conditions develop during the period the occupancy is permitted.
5. Dumpsters/PODs/Containers shall be located within 12" of face of curb.
6.

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

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

APPROVED BY: DATE: (Department of Public Works)

*Condition of approval: Reconsideration of the Street Occupancy and Sign Permits shall be made upon completion of the Parking Utility Wayfinding, Marketing and Strategic Planning study and may result in possible revocation of the Sign and Street Occupancy Permits and removal of the sign.

City of Appleton
100 North Appleton Street, Appleton WI 54911
Phone: (920) 832-6411 Fax: (920) 832-6464

Permit No.:	_____
Key No.:	_____
Receipt No.:	_____
Date:	_____

SIGN PERMIT

A separate permit is required for each proposed sign.

Site Address: 333 W. College Ave.
 Business Name: Hilton Paper Valley Hotel

- Single Tenant
 Multi- Tenant

Permit Fee:	<input type="checkbox"/> Penalty Fee
Estimated Cost:	<u>\$2,350</u>

Type of Sign		
<input type="checkbox"/> Ground Sign	<input type="checkbox"/> Awning Sign	<input type="checkbox"/> Changeable Copy Sign (No animation)
<input checked="" type="checkbox"/> Wall Mounted Sign (2)	<input type="checkbox"/> Temporary Sign (Sandwich, Etc.)	<input type="checkbox"/> Painted Wall Sign
<input type="checkbox"/> Projecting Sign	<input type="checkbox"/> Canopy Sign	<input type="checkbox"/> Other
<input type="checkbox"/> Window Sign	<input type="checkbox"/> Portable Sign	

Zoning District		
<input type="checkbox"/> C2- General Commercial	<input type="checkbox"/> M1- Industrial Park	<input type="checkbox"/> PI- Public Institution
<input type="checkbox"/> CO- Commercial Office	<input type="checkbox"/> M2- General Industrial	<input type="checkbox"/> P- Park District
<input type="checkbox"/> AG- Agriculture		<input type="checkbox"/> CBD- Central Business District

Dimensions/Other Information	
Width of Sign: 96	Height of Sign: 48
Height Above Normal Grade:	Underclearance:
Projecting into ROW:	Distance to Side Lot Line (5' Min):
Setback from R-O-W:	Setback from Driveway:
Design Exception (Sec. 23-529):	Material: ACM Panels

WALL SIGN DETAILS (Wall/Painted Signs Only)					
	Proposed Size Width x Height (ft)	Proposed Area of Sign (sq. ft.)	Existing Size Width x Height (ft)	Existing Area of Sign (sq. ft.)	Area of Entire Wall
Wall North	96 X 48	32	X	64sqft ish	370sqft
Wall East	X		X		
Wall West	X		X		
Wall South	96 X 48	32	X	64sqft ish	370sqft

Electrical Information of Sign N/A			
<input type="checkbox"/> Internal	<input type="checkbox"/> Florescent	<input type="checkbox"/> LED	<input type="checkbox"/> Message Center
<input type="checkbox"/> External	<input type="checkbox"/> Incandescent	<input type="checkbox"/> Electronic	<input type="checkbox"/> Neon

UL Design No:	Electrical Contractor:
----------------------	-------------------------------

Office Information	
BZA Variance Date:	Street Occupancy Permit No.:

Sign Contractor	Contractor Address	Contractor Phone	Contractor Email
Fastsigns of Appleton	135 S. Casaloma Dr.	920.954.9778	ariele.mcgin@fastsigns.com

Applicant hereby agrees to comply with all laws and regulations of the State of Wisconsin and of the Ordinances of the City of Appleton. Applicant further agrees in consideration of the issuance of the permit to save the City of Appleton harmless for any injury or damage caused by reason of the erection or maintenance of the sign or signboard. If any sign erected pursuant to the permit occupies public street right-of-way, it is subject to all of the provisions of Wis. State. 60.045, but without charge or bond. This permit as applied for is granted subject to revocation when any law or regulation of the State of Wisconsin or the Ordinance of the City of Appleton is violated or when inspection reveals that the sign or signboard creates a hazard. Permit fee is nonrefundable.

Name of Applicant: <u>Ariele McGinn</u>	Phone: <u>920.954.9778</u>
Address: <u>135 S. Casaloma Dr.</u>	Inspector Approval*:

***Condition of approval: Reconsideration of the Street Occupancy and Sign Permits shall be made upon completion of the Parking Utility Wayfinding, Marketing and Strategic Planning study and may result in possible revocation of the Sign and Street Occupancy Permits and removal of the sign.**

Quantity
1

SKYWALK PANEL SIGN

Client:	HILTON
Contact:	Linda Garvey
Date:	3.21.23
Sales:	Ariele McGinn
Designer:	Becky Knuth
File:	150428 Hilton Parking
Revision:	5

JOB SPECIFICATIONS

POLYMETAL SIGN

- Digital Print
- IJ40C Standard Gloss Vinyl
- 8520 Premium Matte Laminate
- 3mil polymetal

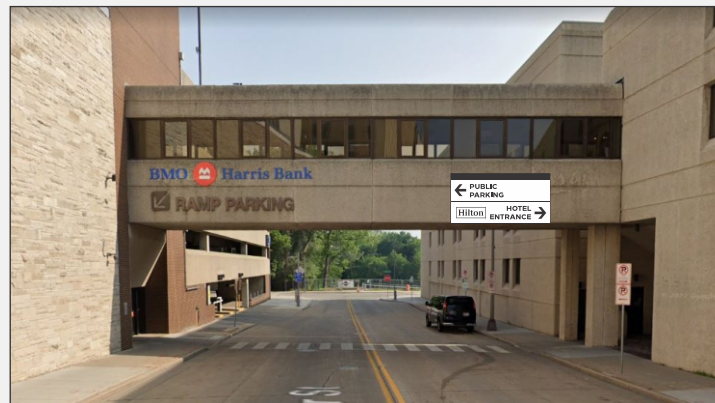
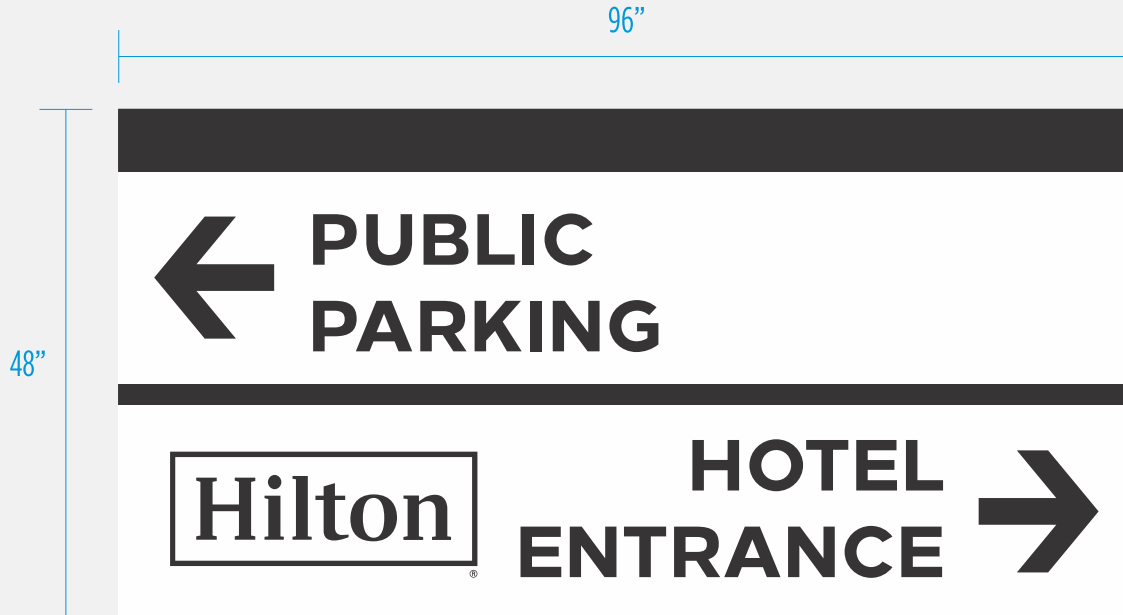
Job Spot Colors:

<input type="checkbox"/> PMS	<input type="checkbox"/> PMS
<input type="checkbox"/> PMS	<input type="checkbox"/> PMS
<input type="checkbox"/> PMS	<input type="checkbox"/> PMS

Other requirements: [Installation](#)

Square Footage:

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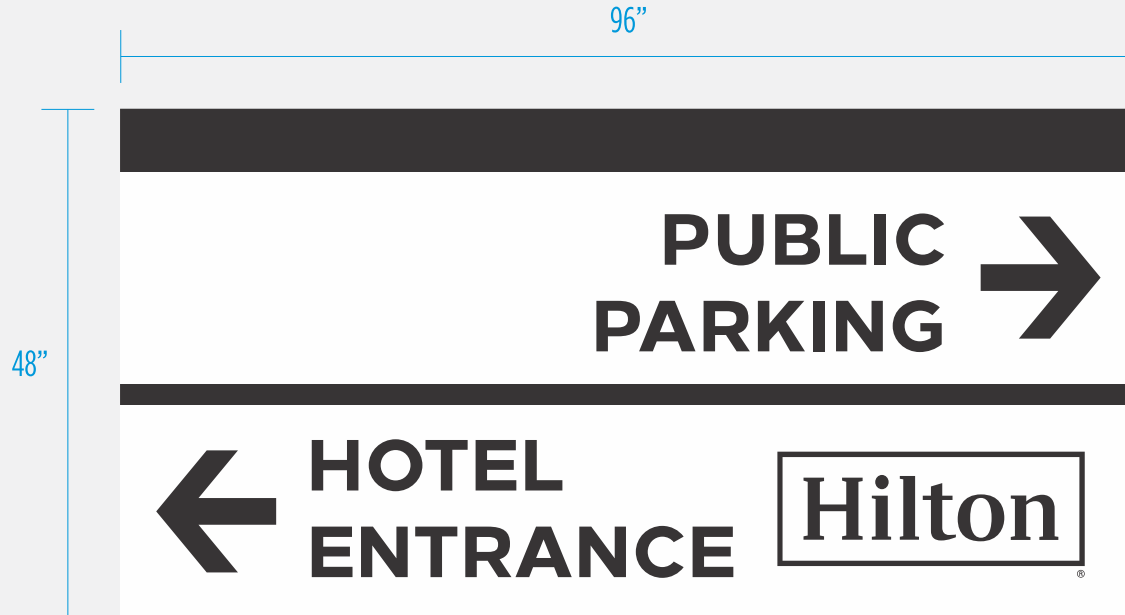
<input type="checkbox"/> PMS	<input type="checkbox"/> PMS
<input type="checkbox"/> PMS	<input type="checkbox"/> PMS
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Client signature for approval: **X**

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Date: ___/___/___



CITY OF APPLETON

MEMORANDUM

Date: 01/20/2025
To: Municipal Services Committee
Finance Committee
From: Mike Hardy, P.E., PTOE, Traffic Engineer
Subject: Grant acceptance request for new traffic signal at the Richmond Street (STH 47) / Ridgeview Drive intersection

Grant Acceptance Request

At the August 26, 2024, Municipal Services Committee (MSC) meeting, approval was given to apply for grant funds through the Wisconsin Department of Transportation (WisDOT) Signals and ITS Standalone Program (SISP). We received notice on December 17, 2024, that our application was approved. We are now requesting approval to accept the grant funds and proceed with the project.

Our grant application is to install a new permanent traffic signal (and related improvements) at the intersection of State Trunk Highway (STH) 47 (Richmond Street) and Ridgeview Drive in 2026. The total estimated project cost is \$640,000, of which the local cost share would be 10% (\$64,000). Any real estate acquisition would be the City's responsibility, separate from the SISP program (\$25,000).

The City will be the project lead and pay for all upfront costs of the estimated \$640,000, with up to 90% (\$576,000) being eligible for reimbursement. The net balance of cost to the City would be 10% (\$64,000) plus any real estate acquisition. Reimbursements from WisDOT are eligible after July 1, 2026, with a reimbursement deadline of December 1, 2026.

The City will enter into an agreement with the Town of Grand Chute to split evenly the net balance and any real estate acquisition costs through a separate agreement.

There is \$75,000 in the approved 2025 DPW budget for design and real estate. Construction-related costs will be included in the 2026 DPW budget. Construction would be in summer 2026, concurrent with the WisDOT Interstate-41 & Richmond interchange reconstruction.

Project Background

Based on ongoing complaints, the Traffic Section reviewed the operations of the Richmond Street (STH 47) / Ridgeview Drive intersection. The complaints include the prevalence of crashes, long waits on Ridgeview Drive, difficult sight lines for northbound/southbound left turns, and challenges crossing Richmond Street for bicyclists and pedestrians.

Our review determined the traffic volumes are approaching the warrant thresholds, and the crash threshold was met in 2021. The recent development in the Town to the east is a contributing factor. Once the remaining green space in that area is developed, we anticipate the volume threshold will be met.

The scope of the proposed project will include a new permanent traffic signal, geometric improvements to sidewalks to achieve compliance with standards, and aligned left turn lanes for optimal visibility and safety.

Perhaps more pressing, WisDOT will be implementing a temporary traffic signal (with overhead span wire) at this intersection in April 2025 to mitigate traffic rerouting for the I-41 & Ballard Road interchange closure. We feel the temporary traffic signal will establish a precedent and expectation by the public that traffic signal control should remain. We also feel this temporary signal will induce additional traffic on Ridgeview Drive, resulting in additional signal warrants being met. WisDOT has agreed to keep their temporary signal in operation through the summer of 2026 to allow for construction of this new, permanent signal.

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)

APPLICANT DEPARTMENT: DPW

DATE: 08/14/2024

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

COMMITTEE OF JURISDICTION: Municipal Services Committee

NAME OF GRANT/FUNDING SOURCE: SISP / Wisconsin DOT

AMOUNT OF GRANT REQUEST: \$ 640,000

LOCAL MATCH REQUIREMENT: \$ 64,000

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

TIMEFRAME OF GRANT: 07/01/2025 through 06/30/2026

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

PURPOSE OF GRANT (summary): New permanent traffic signal control at State Hwy 47 & Ridgeview Drive

How does the grant meet City/Department/Program goals? Safe and reliable transportation

What are the personnel requirements (include both existing and new staff) of the grant? 0.5 FTE

DEPARTMENT HEAD SIGNATURE: _____

PART #2: Request to Accept Grant Funds

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

AMOUNT OF GRANT AWARD: \$ 640,000

FEDERAL/STATE ID #: 3700-30-71

LOCAL MATCH REQUIREMENT: \$ 64,000

Please describe the source of match, if applicable: 2025 & 2026 DPW CIP Budget

Please describe any major changes in proposed grant-funded activities: Up to 90% Reimbursement with proof of payment

Reimbursements are eligible after July 1, 2025, with a reimbursement deadline of December 01, 2026



**Original
STATE/MUNICIPAL FINANCIAL
AGREEMENT FOR A SIGNALS &
ITS STANDALONE PROGRAM
PROJECT**

Date: December 17, 2024
 I.D.: 3700-30-71
 Road Name: STH 47 & Ridgeview Rd
 Title: City of Appleton
 Limits: STH 47
 County: Outagamie
 Roadway Length: 0.1 mile

The signatory **city of Appleton**, hereinafter called the Municipality, through its undersigned duly authorized officers or officials, hereby requests the State of Wisconsin Department of Transportation, hereinafter called the State, to initiate and affect the highway or street improvement hereinafter described.

The authority for the Municipality to enter into this agreement with the State is provided by Section 86.25(1), (2), and (3) of the Statutes.

NEEDS AND ESTIMATE SUMMARY:

Existing Facility - Describe and give reason for request: No current traffic signal exist.

Proposed Improvement - Nature of work: Install a new signal with monotubes (signal per lane and FYA), TS2 cabinet, Iteris NEXT detection system, Cobalt controller, and fiber communications at the following intersection: State Highway 47 (Richmond Street) and Ridgeview Drive. Geometric changes are necessary for sidewalks to achieve ADA and MUTCD compliance, along with increasing the NB/SB left turn lane storage necessary for permanent traffic signal control. Additional geometric changes involve tapering the Highway 47 median angle of the left turn lanes for optimal visibility and safety.

Describe non-participating work included in the project and other work necessary to finish the project completely which will be undertaken independently by the municipality:

Phase	Total Est. Cost	Federal/State Funds	%	Municipal Funds	%
ID 3700-30-71	\$ 640,000	\$ 576,000	90%	\$ 64,000	10%
Total Cost Distribution	\$ 640,000	\$ 576,000	90%	\$ 64,000	10%

*Construction ID 3700-30-71 state funding is limited to \$576,000 (State fiscal year 2026)

This request shall constitute agreement between the Municipality and the State; is subject to the terms and conditions that follow (pages 2 – 4); is made by the undersigned under proper authority to make such request for the designated Municipality, upon signature by the State, and delivery to the Municipality. The initiation and accomplishment of the improvement will be subject to the applicable federal and state regulations. No term or provision of neither the State/Municipal Financial Agreement nor any of its attachments may be changed, waived or terminated orally but only by an instrument in writing executed by both parties to the State/Municipal Financial Agreement.

Signed for and in behalf of the city of Appleton (please sign in blue ink)	
Name (print)	Title
Signature	Date
Signed for and in behalf of the State (please sign in blue ink)	
Name	Title
Signature	Date

TERMS AND CONDITIONS:

1. The Municipality shall pay to the State all costs incurred by the State in connection with the improvement which exceeds federal/state financing commitments or are ineligible for federal/state financing. Local participation shall be limited to the items and percentages set forth in the Summary of Costs table, which shows Municipal funding participation. In order to guarantee the Municipality’s foregoing agreements to pay the State, the Municipality, through its above duly authorized officers or officials, agrees and authorizes the State to set off and withhold the required reimbursement amount as determined by the State from General Transportation Aids or any moneys otherwise due and payable by the State to the Municipality.
2. Funding of each project phase is subject to inclusion in an approved program and per the State’s Facility Development Manual (FDM) standards. Federal aid and/or state transportation fund financing will be limited to participation in the costs of the following items as specified in the Summary of Costs:
 - (a) Design engineering and state review services.
 - (b) Real Estate necessitated for the improvement.
 - (c) Compensable utility adjustment and railroad force work necessitated for the project.
 - (d) The grading, base, pavement, curb and gutter, and structure costs to State standards, excluding the cost of parking areas.
 - (e) Storm sewer mains, culverts, laterals, manholes, inlets, catch basins, and connections for surface water drainage of the improvement; including replacement and/or adjustments of existing storm sewer manhole covers and inlet grates as needed.
 - (f) Construction engineering incidental to inspection and supervision of actual construction work, except for inspection, staking, and testing of sanitary sewer and water main.
 - (g) Signing and pavement marking necessitated for the safe and efficient flow of traffic, including detour routes.

- (h) Replacement of existing sidewalks necessitated by construction and construction of new sidewalk at the time of construction. Sidewalk is considered to be new if it's constructed in a location where it has not existed before.
 - (i) Replacement of existing driveways, in kind, necessitated by the project.
 - (j) New installations or alteration resulting from roadway construction of standard State street lighting and traffic signals or devices. Alteration may include salvaging and replacement of existing components.
3. Work necessary to complete the improvement to be financed entirely by the Municipality or other utility or facility owner includes the following items:
- (a) New installations of or alteration of sanitary sewers and connections, water, gas, electric, telephone, telegraph, fire or police alarm facilities, parking meters, and similar utilities.
 - (b) New installation or alteration of signs not necessary for the safe and efficient flow of traffic.
 - (c) Coordinate, clean up, and fund any hazardous materials encountered during construction. All hazardous material cleanup work shall be performed in accordance to state and federal regulations.
 - (d) Damages to abutting property due to change in street or sidewalk widths, grades, or drainage.
 - (e) Conditioning, if required, and maintenance of detour routes.
 - (f) Repair of damages to roads or streets caused by reason of their use in hauling materials incidental to the improvement.
 - (g) Maintain all portions of the project that lie within its jurisdiction for such maintenance through statutory requirements, in a manner satisfactory to the state and shall make ample provision for such maintenance each year.
 - (h) Use the WisDOT Utility Accommodation Policy unless the Municipality adopts a policy which has equal or more restrictive controls.
4. State Disbursements:
- (a) Payment by the State to the Municipality shall be made on a regular basis upon presentation of vouchers for expenditures incurred during prior periods of the project duration subject to the allowable maximum payment. Exceptions to this schedule will be made as appropriate. In general, State reimbursements will be made after sufficient proof of payment is sent to the State.
 - (b) A final adjustment of state payments will be made upon completion of the State's audit of the project. If the State's audit establishes that the State paid more than its share of the eligible project costs, the Municipality shall refund to the State upon demand a sum equal to the overpayment.
5. If the Municipality should withdraw the project, it shall reimburse the State for any costs incurred by the State in behalf of the project.
6. The Municipality shall assume general responsibility for all public information and public relations for the project and to make a fitting announcement to the press and such outlets as would generally alert the affected property owners and the community of the nature, extent, and timing of the project and arrangements for handling traffic within and around the projects.
7. Basis for local participation:
- (a) Construction: Cost for construction are 90% Federal/State and 10% Municipal up to a maximum of \$640,000. Any overages shall be funded by the Municipality.

Comments and Clarification: This agreement is an active agreement that may need to be amended as the project is designed. It is understood that these amendments may be needed as some issues have not been fully evaluated or resolved. The purpose of this agreement is to specify the local and state involvement in funding the project. A signed agreement is required before the State will prepare or participate in the preparation of detailed designs, acquire right-of-way, or participate in construction of a project that merits local involvement.



CITY OF APPLETON

MEMORANDUM

Date: 1/20/25
To: Municipal Services Committee
From: Eric Lom, P.E., City Traffic Engineer
Subject: Parking changes on Emmers Dr and Schaefer St by East High School
(follow-up to a 6-month evaluation)

At the request of the AASD, the City's Traffic Section recently assessed the possibility of making two minor changes on Emmers Street and Schaefer Street, adjacent to East High School, as a means of improving traffic safety and operations. Based on our evaluation, we initiated an evaluation period in March of 2024.

The evaluation generally included adding a small *No Parking* zone near a driveway (to ensure buses could safely enter) and adding a small *No Stopping* zone at the Schaefer/Bluebird intersection (to facilitate safe bus loading). See *Figure 1* below.

This arrangement has had the desired effect, and we have not received any feedback from the community. Based on this, we recommend the changes be made permanent. To accomplish this, the following ordinance changes are necessary:

1. **Create:** "Stopping/standing/parking be prohibited on the east side of Schaefer Street from Bluebird Lane to a point 50 feet north of Bluebird Lane."
2. **Create:** "Parking be prohibited on the south side of Emmers Drive a point 105 feet east of Schaefer Street to a point 122 feet north of Bluebird Lane."

Figure 1





CITY OF APPLETON

MEMORANDUM

Date: 1/20/25
To: Municipal Services Committee
From: Eric Lom, P.E., City Traffic Engineer
Subject: Parking changes on Lightning Dr by Fire Station 6
(follow-up to a 6-month evaluation)

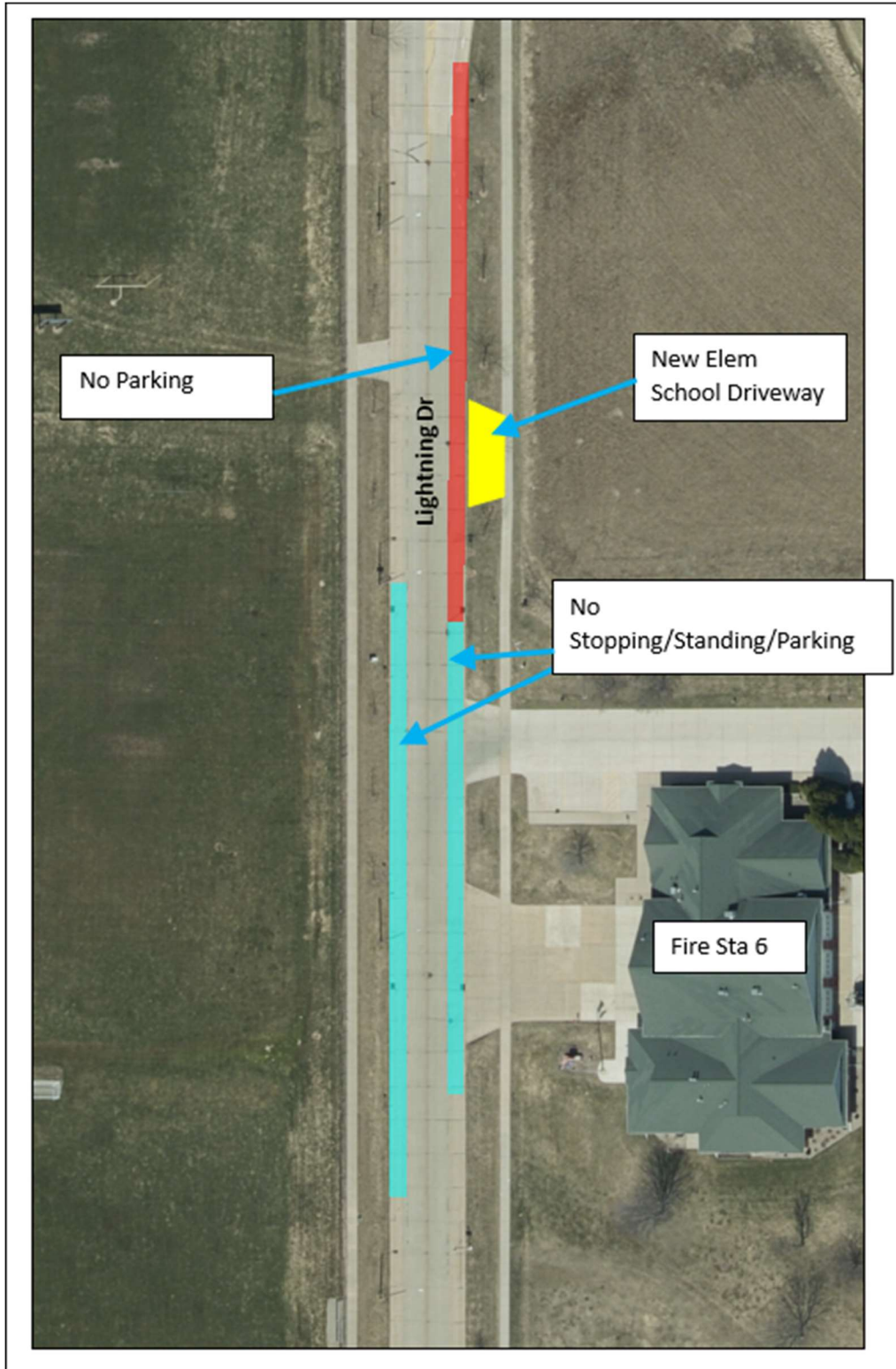
At the request of the AFD, the City's Traffic Section recently assessed the possibility of adding additional parking restrictions on Lightning Dr, adjacent to Fire Station 6. On-street parking demand in the area greatly increased after the opening of the nearby park, which raised concerns about Fire Department vehicles being able to safely pass through the area. Based on our evaluation, we initiated an evaluation period in July of 2024.

Parking restriction changes generally included adding *No Stopping* zones near Fire Station 6's driveway. See *Figure 1* below.

This arrangement has had the desired effect, and we have not received any feedback from the community. Based on this, we recommend the changes be made permanent. To accomplish this, the following ordinance changes are necessary:

1. **Create:** "Stopping/standing/parking be prohibited on the east side of Lightning Drive from a point 777 feet north of Ashbury Drive to a point 1004 feet north of Ashbury Drive."
2. **Create:** "Parking be prohibited on the east side of Lightning Drive from Edgewood Drive (CTH JJ) to a point 1004 feet north of Ashbury."
3. **Create:** "Stopping/standing/parking be prohibited on the west side of Lightning Drive from a point 722 feet north of Ashbury Drive to a point 1022 feet north of Ashbury Drive."

Figure 1





Application for Operator's/Bartender's License

CASH OR CHECK ONLY!

New Applicant

Renewal License
#: 184-24

FEES ARE NON-REFUNDABLE

Operator License - \$72.00

Operator License plus a provisional - \$87.00

Date Received: 7/9/24

Receipt #: 7103-1

Note: Please allow approximately 3 weeks for application processing.

SECTION 1 - APPLICANT INFORMATION

Legal Name (First name, MI, Last name) <u>Kelly Arndt</u>		Maiden or Previous <u>DORN</u>	
Street Address <u>1518 Midway Rd</u>		City <u>Hortonville WI</u>	State <u>WI</u>
Driver's License Number/State Identification Number		Driver's License State <u>WI</u>	
Date of Birth	Gender <u>F</u>	Phone # (Required)	Email Address:

Name and Address of Establishment you will be selling alcohol - *(verify establishment is within City of Appleton limits)*
Chester's Pub - Pub & Grille

SECTION 2 - NEW APPLICANT ONLY: You are required to list each and every violation and/or offense for which you have been convicted in or out of state. Failure to provide complete answers may result in a denial of your application.

Have you EVER had an Operator's (Bartender's) License? YES NO
If Yes; which Municipality and what year? _____

Have you EVER been convicted of a felony? YES NO
If Yes; when, where and what type of violation? (Please be specific) _____

Have you EVER been convicted of a misdemeanor or ordinance violation? YES NO
If Yes; when, where and what type of violation? (Example: speeding, OWI) _____

SECTION 3 - RENEWAL APPLICANT ONLY: List any pending charges, citations, tickets, and all convictions since last license application in or out of state. Failure to provide complete answers may result in a denial of your application.

Have you EVER had an Operator's (Bartender's) License? YES NO
If Yes; which Municipality and what year? _____

Have you been convicted of a felony since last license application? YES NO
If Yes; when, where and what type of violation? (Please be specific) _____

Have you been convicted of a misdemeanor or ordinance violation since last license application? YES NO
If Yes; when, where and what type of violation? (Example: speeding, OWI) _____

SECTION 4 - NEW APPLICANT ONLY

Must provide proof of completion of a Responsible Beverage Server Course.

SECTION 5- PENALTY NOTICE

Under penalty of law, I swear that the information provided in this application is true and correct to the best of my knowledge and belief.

Signature: [Signature] Date: 7/9/24

FOR OFFICE USE ONLY

Current License in Other Municipality?	Class Completion Date: ____/____/____	Date Sent to Appleton Police Department: <u>JUL 10 2024</u>
Date Approved: ____/____/____	Issue Date: ____/____/____	Expiration Date: ____/____/____
		License Number:



DEPARTMENT OF
**LEGAL AND
ADMINISTRATIVE
SERVICES**

OFFICE OF THE CITY CLERK

100 North Appleton Street
Appleton, WI 54911
p: 920.832.6443
f: 920.832.5823
www.appleton.org

August 13th, 2024

CERTIFIED MAIL

Kelly Arndt
N1518 Midway Rd
Hortonville WI 54944

This letter is to notify you that we are in receipt of your application for an Operator's License. The Police Department has conducted a criminal background investigation and has recommended that your application for an Operator's License be denied based upon the statutory qualifications listed in Wisconsin Statutes §125.04(5). Unless failure to grant the license would constitute unlawful employment discrimination as defined by Wisconsin Law (See Wisconsin Statutes §111.335), Operator/Bartender License may not be granted to individuals with arrest or conviction records, "habitual law offenders," or individuals convicted of a felony who have not been pardoned.

You have the right to appear before the Safety and Licensing Committee to contest this recommendation. To do so, **please contact the City Clerk's Office within 30 days of receipt of this letter** in order to be placed on the Agenda of the Safety and Licensing Committee. Failure to contact the City Clerk's Office within 30 days will result in your license being denied. At the time of appeal, you may provide the Safety and Licensing Committee competent evidence of sufficient rehabilitation and fitness to perform the licensed activity.

Regular meetings of the Safety and Licensing Committee take place on the second and fourth Wednesday of each month at 5:30 p.m. in the Council Chambers, 6th floor of City Hall, 100 N Appleton St., Appleton, Wisconsin.

Again, should you choose not to appeal this recommendation, your application will be considered denied and an Operator's License will not be issued.

If you have specific questions relating to the background investigation please contact Lt. Ben Goodin Appleton Police Department, at 920-832-5500.

Respectfully,

Kami Lynch
City Clerk



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

TO: Safety and Licensing Committee
Common Council

FROM: Lt. Ben Goodin

DATE: 8/09/2024

RE: Police Department’s Recommendation for Denial of Kelly Arndt’s Bartender
Renewal License Application

Committee Members:

The police department is requesting that the Safety and Licensing Committee recommend to the Common Council to deny Kelly Arndt’s application for a bartender renewal license based upon her criminal and / or arrest record, her unpardoned felony conviction(s), and her status as a “habitual law offender.”

Pursuant to Wis. Stat. §111.335(2)(b) and (3)(a), it is not employment discrimination for a licensing agency to deny an applicant based on an arrest or conviction record where the circumstances of the conviction substantially relate to the circumstances of the particular licensed activity.

Pursuant to Wis. Stat. §125.04(5)(a)1., no license or permit related to alcohol beverages may be issued to an individual with an arrest or conviction record where the circumstances of the record(s) substantially relate to the circumstances of the particular licensed activity.

Pursuant to Wis. Stat. §125.04(5)(b), no license or permit related to alcohol beverages may be issued to a “habitual law offender” where the circumstances of the habitual law offenses substantially relate to the circumstances of the particular licensed activity.

Also pursuant to Wis. Stat. §111.335(4)(c), if the licensing agency refuses to license an individual based upon arrest or conviction record, the applicant is allowed an opportunity to show “evidence of rehabilitation and fitness to engage in the licensed activity,” *unless the conviction(s) are for “exempt offenses.”* Wis. Stat. §111.335(4)(d) provides the following options that the applicant may produce to conclusively demonstrate their rehabilitation and fitness from a given conviction:

- A copy of the local, state, or federal release document; and either
- (1) a copy of the relevant department of corrections document showing completion of probation, extended supervision, or parole; or

(2) other evidence that at least one year has elapsed since release from any local, state, or federal correctional institution without subsequent conviction of a crime along with evidence showing compliance with all terms and conditions of probation, extended supervision, or parole.

Additionally, the licensing agency must consider any of the following evidence if presented by the individual:

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

STATEMENT ON SUBSTANTIAL RELATIONSHIP

As part of any denial of licensing, the police department must determine if crimes are substantially related to the sale of alcohol. During the 2023-2024 fiscal licensing year, Ms. Arndt was arrested and formally charged with the following:

2023CF000224 in Calumet County

9/26/2023

- Possess w/Intent-Cocaine (>15-40 grams), a Class D Felony

2024CF000338 in Outagamie County

4/15/2024

- Bail Jumping, a Class H Felony

- Possession of Cocaine, a criminal Misdemeanor offense

While Ms. Arndt held an Operator/Bartender license during the 2023-2024 fiscal year, she was arrested for cocaine related offenses twice. The first arrest involved a substantial amount of cocaine and pertaining to drug dealing activity. Ms. Arndt was arrested for Possession of Cocaine a few months later and also violated the conditions of her bond by committing a new crime. Additionally, the renewal Operator/Bartender license application clearly instructs the applicant to:

“List any pending charges, citations, tickets, and all convictions since last license application in or out of state. Failure to provide complete answers may result in a denial of your application.”

Directly under that section, Ms. Arndt failed to disclose her two recent drug arrests. Ms. Arndt has displayed poor decision-making skills during this last year while she held a City of Appleton Operator/Bartender license. While working at a bar, Ms. Arndt will undoubtedly come into

contact with individuals who are in a vulnerable, intoxicated state. Some of these individuals may suffer from addiction, whether it's to alcohol or drugs. Ms. Arndt must show the ability to make sound decisions when it comes to knowing when to stop serving a patron. Her being arrested twice in the last year for drug possession/drug dealing shows she does not possess the proper decision-making skills to responsibly serve alcohol to members of the public. Also, bars and taverns have frequently been locations where drugs are bought/sold/exchanged based on my experience as a police officer. Given Ms. Arndt's recent troubles with possessing and selling cocaine, granting her an Operator/Bartender license would only increase the likelihood of her reoffending.

Based upon the information provided, it is the Appleton Police Department's opinion that Kelly Arndt's Operator/Bartender's renewal license application be denied.

Very Respectfully:

Lt. Ben Goodin
Appleton Police Department



DEPARTMENT OF
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CITY ATTORNEY'S OFFICE
100 North Appleton Street
Appleton, WI 54911
p: 920.832.6423
f: 920.832.5962
www.appleton.org

TO: Safety and Licensing Committee, Common Council

From: ACA Zak Buruin

Date: September 23, 2024

RE: Operator Licensing Renewal Application of Kelly Arndt

Kelly Arndt has applied for an Operator License and is appealing the initial denial of that application. Below is a summary of the relevant Chapter 125 eligibility requirements and an analysis of their application.

Summary

Insufficient grounds currently exist to conclude that the applicant is statutorily ineligible for the license renewal being sought. Renewal should therefore be granted at this time.

As the applicant's pending criminal matters conclude, it remains possible that the situation will change. If or when sufficient evidence becomes available to demonstrate that the applicant is no longer eligible for the license she currently seeks or then holds, revocation proceedings would be available and appropriate.

§125.04(5) Licensing Requirements

According to §125.04(5)(a)1, in order to be granted a license or permit under Wisconsin Statutes Chapter 125, the applicant may not have an arrest or conviction record. This prohibition is subject to the requirements of various statutes prohibiting certain types of employment discrimination, which will be discussed in relevant part below. These statutes are §111.321, §111.322, §111.335 and §125.12 (1) (b).

§125.04(5)(b) states that "No license or permit related to alcohol beverages may, subject to §111.321, 111.322 and 111.335, be issued under this chapter to any person who has habitually been a law offender *or* has been convicted of a felony unless the person has been duly pardoned."

In summary, §125.04(5) prohibits the issuance of alcohol related licenses under chapter 125 to anybody with an arrest or conviction record, anybody with an unpardoned felony conviction, or

anybody “who has habitually been a law offender,” regardless of whether any arrests or convictions exist (see State ex rel. Smith v. City of Oak Creek, 139 Wis. 2d 788, 407 N.W.2d 901 (1987)), unless failing to grant that license would constitute prohibited discrimination.

§125.04(3)(j) – False Application Information

It is a violation of the law to provide false information on an application for any type of alcohol beverage license. §125.04(3)(j) provides that the penalty for any person who knowingly provides materially false information on an application for a license or permit under Chapter 125 may be required to forfeit not more than \$1,000.

A review of the general licensing requirements as well as the bases for revocations, suspensions, and refusals to issue or renew licenses reveals what may be an unexpected fact. The provision of false, misleading, or incomplete information on an alcohol license application does not, in and of itself, provide an independent justification to deny, revoke, or suspend an alcohol beverage license under Chapter 125.

Whether this is intentional or an oversight by the legislature is not known. It is undoubtedly a proper consideration in a retail licensing application decision in situations where the licensing authority has more discretion. However, operator licenses are required by statute to be granted if the applicant is eligible for the license applied for. Absent an undiscovered statutory exclusion that might apply to someone who knowingly provides false information on their operator license application, doing so does not make someone statutorily ineligible for an operator license by itself.

Prohibited Discrimination

§111.321 – Prohibited Bases of Discrimination

Arrest or conviction (among other bases not relevant to consideration here) are not permitted to be used as a basis for employment discrimination by a licensing agency.

§111.335 – Arrest or Conviction Record; Exceptions and Special Cases

§111.335(3)(a)1 states that it is not employment discrimination because of a conviction record to refuse to license an individual where that person has been convicted of “any felony, misdemeanor, or other offense the circumstances of which substantially relate to the circumstances of the particular job or licensed activity.” In evaluating the existence of a substantial relationship, it is the circumstances that provide the opportunity for criminal behavior, the reaction to responsibility, or the character traits of the applicant that are the proper considerations. It is not relevant whether the applicant has the ability to perform the work to an employer’s standards. (See Milwaukee Cnty. v. Lab. & Indus. Rev. Comm'n, 139 Wis. 2d 805, 407 N.W.2d 908 (1987)).

Regarding pending charges, it is considered employment discrimination for a licensing agency to refuse to license an individual or suspend an individual from licensing “solely because the individual is subject to a pending criminal charge.” The exception to this general rule is when the circumstances of the charge substantially relate to the circumstances of the licensed activity in question, *and* the offense is either an exempt offense or a violent crime against a child. (See §111.335(2)(b) and (4)(a)). However, even though the fact of a pending charge may not be the sole basis for denial, this does not appear to prohibit the underlying conduct from being considered, to the extent it can be proved with sufficient evidence.

Each offense must be evaluated under the above criteria for determination of whether or not it is substantially related to the activity for which a license is sought. Any arrest (subject to the above), conviction, or other offense which is substantially related to the licensed activity is to be considered in the licensing decision.

Applicability to Kelly Arndt

Ms. Arndt currently has criminal court matters pending in Calumet County and in Outagamie County. As of this writing, both matters are pending. Neither matter alleges an offense that would be considered exempt. Therefore, the fact that either of these matters are pending is not something which can be properly considered as a sole basis for denial.

The facts leading to an arrest remain a proper consideration when determining if an applicant is someone “who has habitually been a law offender.” To be considered a “habitual law offender,” one need not be convicted of or even arrested for a crime. Findings of guilt by a court are the typical way in which this is demonstrated, but they are not the only way in which law violations can be shown. The full scope of the evidence in the pending criminal matters is not generally available at this point in Ms. Arndt’s proceedings. Whether this impacts the ability to determine someone’s status as a “habitual law offender” must be determined on a case-by-case basis.

In at least one of Ms. Arndt’s pending matters, a recent change in the procedural posture of the case indicates that there is at least the possibility of additional relevant factual developments before it is concluded. The posture of the cases at the time of Lt. Goodin’s memorandum recommending the denial of the application was premised upon the (then) well-founded belief that the applicant was statutorily ineligible in fact, and that this fact could be sufficiently demonstrated to the Committee and Council. The change in the posture of the criminal matters is something that occurred after the original memorandum submitted by Lt. Goodin. It is not something he could have predicted based on the status of the cases at that time. Predictable or not, the change does appear to now preclude a fair and full consideration of the facts *at this time*.

There is sufficient evidence by which it might be shown that the applicant violated the law by providing materially false information on her renewal application. This does not, by itself, allow for the conclusion that the applicant is a “habitual law offender,” or render her statutorily

ineligible for the license applied for. It remains a consideration with respect to future license renewals, new applications, and other eligibility determinations under Chapter 125.

Based on the above, it is premature to conclude whether or not Ms. Arndt is a “habitual law offender” and therefore ineligible for the license applied for. In the absence of a determination that she is a “habitual law offender,” Ms. Arndt remains eligible for licensure, at least with respect to that specific qualification.

Conclusion

The defendant’s application should be granted, as it cannot be shown that she is ineligible at this time.

The outcome of Ms. Arndt’s pending criminal matters remains to be seen both legally and factually. Both could potentially have impacts upon whether Ms. Arndt remains statutorily eligible for an operator’s license. The situation can and will be monitored. Changes to eligibility would be addressed in accordance with Wisconsin Statutes §125.12, which governs revocations, suspensions, and refusals to issue or renew alcohol beverage licenses under Chapter 125.



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f: 920.832.5962
www.appleton.org

TO: Safety and Licensing Committee, Common Council

From: ACA Zak Buruin

Date: December 13, 2024

RE: UPDATE – Operator License Renewal Application of Kelly Arndt

Kelly Arndt has applied for an Operator License and is appealing the denial of that application. Below is a summary of the relevant Chapter 125 eligibility requirements and an analysis of their application in this case, accounting for updated information brought up during the meeting of the Safety and Licensing Committee Meeting on December 11, 2024.

This memorandum does not include sections or analysis which remains unchanged from the original submission. This memorandum is a supplement and should be read in conjunction with the memorandum previously submitted.

Summary

Ms. Arndt's recent conviction leaves her ineligible for the license sought. This ineligibility is subject to her ability to provide competent evidence of sufficient rehabilitation. It will be up to the Committee and Council to weigh that evidence and utilize sound discretion to determine whether any such evidence is competent to show sufficient rehabilitation. If so, the license must be granted. If not, it may not be granted.

It remains premature to determine what impact Calumet County case 23CF224 will have upon Ms. Arndt's future eligibility for licensure.

Consideration of Rehabilitation

§111.335(4)(c)1 requires that if a license is denied *based upon §111.335(3)(a)1* (as discussed in the preceding section), the licensing agency typically has two further obligations. It must state the reasons for denial in writing, including a statement of how the circumstances of the offense(s) relate to the licensed activity. It must also allow the person to show evidence of rehabilitation. According to §111.335(4)(c)1.b, if the individual "shows competent evidence of sufficient rehabilitation and fitness to perform the licensed activity under par. (d), the licensing agency may

not refuse to license the individual or bar or terminate the individual from licensing based *on that conviction.*" (Emphasis added).

The statute specifically notes documentation that can demonstrate rehabilitation "on that conviction." As such, rehabilitation is to be considered with respect to each offense individually, rather than the applicant in totality. Where denial is based upon §111.335(3)(a)1, and competent evidence of sufficient rehabilitation shown, that offense may not be considered as part of a denial decision.

Competent Evidence of Sufficient Rehabilitation

For denials *based upon §111.335(3)(a)*¹, competent evidence of sufficient rehabilitation may be shown. As indicated above in §111.335(4)(c)1.b, where such evidence is shown, the related conviction may not be the basis for a denial of a license.

§111.335(4)(d)1 provides two forms of evidence which are statutorily required to be considered "competent evidence of sufficient rehabilitation," and therefore must be accepted by the licensing agency as such. §111.335(4)(d)1.a. allows one to provide certified documentation of honorable discharge from the US armed forces following the otherwise disqualifying conviction. This documentation is no longer sufficient if there is a criminal conviction following the discharge date.²

§111.335(4)(d)1.b, allows the applicant to provide documentation of their release from custody *and* either completion of probation or release from custody and compliance with all terms and conditions of release, be it extended supervision, probation, or parole.³

Where neither of the above exists, §111.335(4)(d)2 provides additional documentary evidence that may be provided that the licensing agency is bound to consider, but that it is not required to accept conclusively as sufficient evidence of rehabilitation. Evidence which the agency is required to consider include:

- a. evidence of the seriousness of any offense of which he / she was convicted.
- b. evidence of all circumstances relative to the offense including mitigating circumstances or social conditions surrounding the offense.
- c. The age of the individual at the time the offense was committed.
- d. The length of time that has elapsed since the offense was committed.

¹ Denials under other provisions may be subject to other requirements.

² From a practical standpoint, honorable discharge from the armed forces is not related to any particular offense. This section, in conjunction with §111.335(4)(c)1.b. could be interpreted as effectively removing any criminal offenses prior to honorable discharge from licensing consideration. This would be more akin to evaluating the rehabilitation of the person rather than specific offenses, which is not what the other related statutes call for. This arguable inconsistency what my prior, more rigid analysis was based upon.

³ Periods of supervision are attributable to specific offenses, allowing for consideration of individual offenses as §111.335(4)(c)1.b contemplates.

- e. Letters of reference by persons who have been in contact with the individual since the applicant's release from any local, state, or federal correctional institution.
- f. All other relevant evidence of rehabilitation and fitness presented.

Based upon the above, where a denial of a licensed is based upon §111.335(3)(a)1, and there is no evidence presented that is statutorily defined as "competent evidence of sufficient rehabilitation" for a particular offense, it is up to the licensing agency to determine whether the other documentary evidence available constitutes "competent evidence of sufficient rehabilitation and fitness to perform the licensed activity."

Applicability to Kelly Arndt

Since my original memorandum on this subject was submitted, Ms. Arndt has been convicted of Possession of Cocaine, a misdemeanor offense, in Outagamie County case 24CF338 on November 12, 2024. Additionally, one count of Felony Bail Jumping was dismissed but read into the record for consideration at sentencing. Sentence was withheld and Ms. Arndt was placed on probation for a period of 12 months.

If it is determined that this offense is substantially related to the activity to be licensed, Ms. Arndt is ineligible for a license under Chapter 125 unless she is able to provide competent evidence of rehabilitation. There is a basis to conclude that the offense is substantially related to the licensed activity in that it involves the irresponsible and unlawful usage and possession of intoxicating substances, particularly while under enhanced legal obligations. The enhanced legal obligation comes from her status on a criminal bond versus being a holder of an Operator's license, but it is an additional aspect of substantial relation between the offense and the licensed activity.

In light of the time since this conviction, it is not possible for her to demonstrate successful completion of probation or a year of elapsed time since release with compliance with all conditions of supervision. There is no indication that she might show honorable discharge from the US military since the conviction. She appears unable to satisfy either of the showings that the Committee and Council would be required to accept as competent evidence of rehabilitation.

Absent either of the above showings, Ms. Arndt would only be eligible for licensure if she were to provide sufficient evidence to convince the Committee and Council, in their discretion, that she has been sufficiently rehabilitated to be licensed. This is an evaluation that is to be made by the Committee and Council, utilizing their best evaluation of the relevant information available, including but not limited to any of the information under §111.335(4)(d)2 and noted above.

Ms. Arndt's additional criminal matter in Calumet County remains pending, with a Jury Trial scheduled for April of 2025. The evaluation of this matter has not changed since my prior memorandum. When that matter is adjudicated, it can be determined what additional impact it might have on Ms. Arndt's eligibility for licensure.

Conclusion

Ms. Arndt's recent conviction leaves her ineligible for the license sought. This ineligibility is subject to her ability to provide competent evidence of sufficient rehabilitation. It will be up to the Committee and Council to weigh that evidence and utilize sound discretion to determine whether any such evidence is competent to show sufficient rehabilitation. If so, the license must be granted. If not, it may not be granted.

It remains premature to determine what impact Calumet County case 23CF224 will have upon Ms. Arndt's future eligibility for licensure.



ThedaCareTM

12/11/2024

Kelly Rae Arndt
N1518 MIDWAY ROAD
HORTONVILLE WI 54944

To Whom it May Concern,

Kelly has been attending sessions with this writer since 9/17/24. She continues to work on her treatment plan goals with this writer in each session. Kelly has made progress on her recovery goals and will continue to attend sessions. Kelly has attended seven sessions and will continue to be seen biweekly.

Laura Paske SAC

1095 Midway Road Menasha, WI 54952
Tel: 920-720-2300 1-800-501-8247 Fax: 920-720-3719

Cadence
Scheduling

THEDACARE - PRD
MH MIDWAY
Patient Future Appointments

Page: 1
Printed: 10/14/24 11:32 AM

Arndt, Kelly Rae
N1518 MIDWAY ROAD
HORTONVILLE WI
Referral(s): ANTHEM

Birthdate:
Sex: Female
Fin Class:

PCP: SCHACHT, MICHELLE L
Reg Date: 12/26/2011

Date	Time	Lng	Dept	Prv/Rsc	Visit Type	Notes
10/15/24	Tue	11:30a	60	SUDMID PASKE, LAURA	M F/U	
10/21/24	Mon	11:30a	60	SUDMID PASKE, LAURA	M F/U	
10/28/24	Mon	11:30a	60	SUDMID PASKE, LAURA	M F/U	
11/04/24	Mon	11:30a	60	SUDMID PASKE, LAURA	M F/U	
11/11/24	Mon	11:30a	60	SUDMID PASKE, LAURA	M F/U	

Arndt, Kelly Rae -
N1518 MIDWAY ROAD
HORTONVILLE WI
Referral(s): ANTHEM

Birthdate:
Sex: Female
Fin Class:

PCP: SCHACHT, MICHELLE L
Reg Date: 12/26/2011

Date	Time	Lng	Dept	Prv/Rsc	Visit Type	Notes
09/17/24	Tue 8:45a	15	BHWALK	KAZIK, FAITHE*	IE-Adult	AODA
09/23/24	Mon 2:00p	60	SUDMID	PASKE, LAURA M	A-IOP/PD *	
09/23/24	Mon 4:00p	120	SUDMID	PASKE, LAURA M	Grp-Adult*	
09/24/24	Tue 4:00p	120	SUDMID	PASKE, LAURA M	Grp-Adult*	
09/25/24	Wed 4:00p	120	SUDMID	PASKE, LAURA M	Grp-Adult*	
09/26/24	Thu 4:00p	120	SUDMID	PASKE, LAURA M	Grp-Adult*	
09/30/24	Mon 2:00p	60	SUDMID	PASKE, LAURA M	A-IOP/PD *	
09/30/24	Mon 4:00p	120	SUDMID	PASKE, LAURA M	Grp-Adult*	
10/01/24	Tue 4:00p	120	SUDMID	PASKE, LAURA M	Grp-Adult*	
10/02/24	Wed 4:00p	120	SUDMID	PASKE, LAURA M	Grp-Adult*	
10/03/24	Thu 4:00p	120	SUDMID	PASKE, LAURA M	Grp-Adult*	
10/07/24	Mon 2:00p	60	SUDMID	PASKE, LAURA M	A-IOP/PD *	
10/07/24	Mon 4:00p	120	SUDMID	PASKE, LAURA M	Grp-Adult*	
10/08/24	Tue 4:00p	120	SUDMID	PASKE, LAURA M	Grp-Adult*	
10/09/24	Wed 4:00p	120	SUDMID	PASKE, LAURA M	Grp-Adult*	
10/10/24	Thu 4:00p	120	SUDMID	PASKE, LAURA M	Grp-Adult*	
10/14/24	Mon 2:00p	60	SUDMID	PASKE, LAURA M	A-IOP/PD *	
10/14/24	Mon 4:00p	120	SUDMID	PASKE, LAURA M	Grp-Adult*	
10/15/24	Tue 4:00p	120	SUDMID	PASKE, LAURA M	Grp-Adult*	
10/16/24	Wed 4:00p	120	SUDMID	PASKE, LAURA M	Grp-Adult*	
10/17/24	Thu 4:00p	120	SUDMID	PASKE, LAURA M	Grp-Adult*	
10/21/24	Mon 2:00p	60	SUDMID	PASKE, LAURA M	A-IOP/PD *	
10/21/24	Mon 4:00p	120	SUDMID	PASKE, LAURA M	Grp-Adult*	
10/22/24	Tue 4:00p	120	SUDMID	PASKE, LAURA M	Grp-Adult*	
10/23/24	Wed 4:00p	120	SUDMID	PASKE, LAURA M	Grp-Adult*	
10/24/24	Thu 4:00p	120	SUDMID	PASKE, LAURA M	Grp-Adult*	
10/28/24	Mon 2:00p	60	SUDMID	PASKE, LAURA M	A-IOP/PD *	
10/28/24	Mon 4:00p	120	SUDMID	PASKE, LAURA M	Grp-Adult*	
10/29/24	Tue 4:00p	120	SUDMID	PASKE, LAURA M	Grp-Adult*	
10/30/24	Wed 4:00p	120	SUDMID	PASKE, LAURA M	Grp-Adult*	
10/31/24	Thu 4:00p	120	SUDMID	PASKE, LAURA M	Grp-Adult*	

SAFETY AND LICENSING COMMITTEE RECONSIDERS BARTENDER LICENSE RENEWAL FOR APPLICANT WITH HISTORY OF MULTIPLE ALCOHOL RELATED VIOLATIONS – VOTES 3-2 TO RECOMMEND LICENSE RENEWAL BE DENIED

ALL THINGS APPLETON

OCTOBER 11, 2024

SAFETY AND LICENSING

The Safety and Licensing Committee met 10/09/2024. One of the items that they took up was the bartender/operator license renewal application from Cindy.

[Cindy Reed Operator License Application.PDF](#) Download

[Cindy Reed Clerk Letter.PDF](#) Download

[Cindy Reed PD Letter.PDF](#) Download

[Cindy Reed Denial Appeal Memo.PDF](#) Download



TO: Safety and Licensing Committee
Common Council

FROM: Lt. Ben Goodin

DATE: 7/13/2024

RE: Police Department's Recommendation for Denial of Cindy Reed's Bartender
Renewal License Application

Committee Members:

The police department is requesting that the Safety and Licensing Committee recommend to the Common Council to deny Cindy Reed's application for a bartender renewal license based upon her criminal and / or arrest record, her unpardoned felony conviction(s), and her status as a "habitual law offender."

Pursuant to Wis. Stat. §111.335(2)(b) and (3)(a), it is not employment discrimination for a licensing agency to deny an applicant based on an arrest or conviction record where the circumstances of the conviction substantially relate to the circumstances of the particular licensed activity.

Pursuant to Wis. Stat. §125.04(5)(a)1., no license or permit related to alcohol beverages may be issued to an individual with an arrest or conviction record where the circumstances of the record(s) substantially relate to the circumstances of the particular licensed activity.

Pursuant to Wis. Stat. §125.04(5)(b), no license or permit related to alcohol beverages may be issued to a "habitual law offender" where the circumstances of the habitual law offenses substantially relate to the circumstances of the particular licensed activity.

Also pursuant to Wis. Stat. §111.335(4)(c), if the licensing agency refuses to license an individual based upon arrest or conviction record, the applicant is allowed an opportunity to show "evidence of rehabilitation and fitness to engage in the licensed activity," *unless the conviction(s) are for "exempt offenses."* Wis. Stat. §111.335(4)(d) provides the following options that the applicant may produce to conclusively demonstrate their rehabilitation and fitness from a given conviction:

A copy of the local, state, or federal release document; and either
(1) a copy of the relevant department of corrections document showing completion of probation, extended supervision, or parole; or

Between 1995 and 2007, Cindy was convicted 3 times for driving while intoxicated. In 2024 she received a felony conviction for driving with a prohibited alcohol concentration level. While not legally intoxicated, her blood did test at a .026 blood alcohol content level which was higher than state law

allowed someone with 3 OWI convictions to drive at. The Police Department recommended that her bartender license not be renewed.

Cindy claimed to the Safety and Licensing Committee that the initial interaction that led to her testing at an elevated blood alcohol content level was due to having darkened license plates; however, a search of the Wisconsin Circuit Court Access website indicates that there was a dismissed speeding charge associated with the prohibited blood alcohol content level charge. She also told the committee that the elevated alcohol level was caused by having taken some NyQuil. 3 of 4 committee members seemed to believe these assertions. Finally, the committee members seemed to hold the understanding that Cindy had had no interactions with the law between her 2007 OWI conviction and her 2024 conviction for driving with a prohibited blood alcohol content level; however, a search of the Wisconsin Circuit Court Access website indicates that an Appleton resident with the same name, middle initial, and date of birth as Cindy did have multiple non-alcohol-related interactions with the legal system between 2007 and 2024.

The renewal application was initially recommended for approval by a vote of 3-1 at the 09/25/2024 committee meeting but was then referred back to the committee for further discussion and another vote by Alderperson Denise Fenton (District 6).

This time around, the full committee was in attendance and they ended up voting 3-2 to recommend the license for denial with Alderpersons Fenton, Chris Croatt (District 14), and Chad Doran (District 15) voting to deny the license renewal and Alderpersons William Siebers (District 1) and Alex Schultz (District 9) opposing that denial.

I've prepared a transcript of the discussion for download:

Download

Aldersperson Fenton had initially voted in favor of renewing the bartender license. She explained that after the meeting on 09/25/2024 she discovered that the original traffic stop was not necessary because of a darkened licensed plate but, according to the court record, was for a speeding violation that was dismissed in favor of the prohibited blood alcohol content charge. She also found a couple other encounters with law enforcement in between Cindy's third OWI conviction and the most recent conviction for having a prohibited blood alcohol content level. Per Aldersperson Fenton, this "gave me a lot of concern about the truthfulness of the applicant."

She went on to say, "I am one of those people who the default is giving somebody the benefit of the doubt, and I still—I don't care for the policy that if someone has three previous convictions, the blood alcohol level being that low forever, but that's not something that we're dealing with here. That's this—that's a state function. So, with what I've heard, and what I looked at, I have changed my mind from our last meeting, and can't, in good conscience, vote to approve this license."

Aldersperson Schultz had voted to approve the application at the September meeting and he went on to vote against denial again at this meeting; however, he said, "One of our challenges as this committee is to look at what's presented to us, including the recommendations to deny from APD based on what we're supplied, and it's really not incumbent or not our job to look in any deeper than that when we're trying to make that decision. But I too, have some reservations, having found out that that the reason for that stop was for



DEPARTMENT OF
**LEGAL AND
ADMINISTRATIVE
SERVICES**

CITY ATTORNEY'S OFFICE
100 North Appleton Street
Appleton, WI 54911
p: 920.832.6423
f: 920.832.5962
www.appleton.org

TO: Safety and Licensing Committee, Common Council
From: ACA Zak Buruin
Date: September 12, 2024
RE: Operator (Bartender) License Renewal Denial Appeal of Cindy Reed

Cindy Reed has applied to renew an operator's (bartender) license and is appealing the denial of that renewal application. Per §125.17(1) of the Wisconsin statutes, the City is required to issue an operator's license any applicant that is qualified under §125.04(5). The Appleton Police Department has learned of information it contends leaves the applicant unable eligibility requirements, and that the application must be denied.

Summary

Ms. Reed was convicted of a 4th offense OWI in January of 2024. This felony offense, along with her prior OWI offenses leaves her ineligible for license renewal as both an unparoled felon and a "habitual law offender."

This disqualification leaves her with the ability to provide evidence of rehabilitation. It does not appear that any documentation that the Committee and Council would be *required* to accept as sufficient evidence of rehabilitation and fitness exists.

Ms. Reed may provide evidence and documentation to show she has been rehabilitated from the disqualifying offenses. The Committee and Council must each consider all relevant evidence provided. The Committee and Council must utilize their judgment to determine if the evidence provided constitutes "competent evidence of sufficient rehabilitation and fitness to perform the licensed activity."

If the Committee and Council find that competent evidence of sufficient rehabilitation and fitness to perform the license activity has been presented, the license must be granted (renewed). If it is found that competent evidence of sufficient rehabilitation and fitness has not been provided, the license may not be granted (renewed).

Discussion:
§125.04(5) Licensing Requirements

According to §125.04(5)(a)1, in order to be granted a license or permit under Wisconsin Statutes Chapter 125, the applicant may not have an arrest or conviction record. This prohibition is subject to the requirements of various statutes prohibiting certain types of employment discrimination,

which will be discussed below, in relevant part.

§125.04(5)(b) states that “No license or permit related to alcohol beverages may, subject to §111.321, 111.322 and 111.335, be issued under this chapter to any person who has habitually been a law offender or has been convicted of a felony unless the person has been duly pardoned.”

In summary, §125.04(5) prohibits the issuance of alcohol related licenses under chapter 125 to anybody with an arrest or conviction record, anybody with an unpardoned felony conviction, or anybody “who has habitually been a law offender,” regardless of whether any arrests or convictions exist (see State ex rel. Smith v. City of Oak Creek, 139 Wis. 2d 788, 407 N.W.2d 901 (1987)), unless failing to grant that license would constitute prohibited discrimination.

§111.335 – Arrest or Conviction Record; Exceptions and Special Cases

§111.335(3)(a)1 states that it is not employment discrimination because of a conviction record to refuse to license an individual where that person has been convicted of “any felony, misdemeanor, or other offense the circumstances of which substantially related to the circumstances of the particular job or licensed activity.” In evaluating the existence of a substantial relationship, it is the circumstances that provide the opportunity for criminal behavior, the reaction to responsibility, or the character traits of the applicant that are the proper considerations. It is not relevant whether the applicant has the ability to perform the work to an employer’s standards. (See Milwaukee Cnty. v. Lab. & Indus. Rev. Comm’n, 139 Wis. 2d 805, 407 N.W.2d 908 (1987)).

Each offense must be evaluated under the above criteria for determination of whether or not it is substantially related to the activity for which a license is sought. Any arrest, conviction, or other offense which is substantially related to the licensed activity is to be considered in the licensing decision.

Consideration of Rehabilitation

§111.335(4)(c)1 requires that if a license is denied *based upon §111.335(3)(a)1* as discussed above, the licensing agency typically has two further obligations. It must state the reasons for denial in writing, including a statement of how the circumstances of the offense(s) relate to the licensed activity. It typically must also allow the person to show evidence of rehabilitation. According to §111.335(4)(c)1.b, if the individual “shows competent evidence of sufficient rehabilitation and fitness to perform the licensed activity under par. (d), the licensing agency may not refuse to license the individual or bar or terminate the individual from licensing based on that conviction.”

Competent Evidence of Sufficient Rehabilitation

§111.335(4)(d)1 provides two forms of evidence which are statutorily required to be considered “competent evidence of sufficient rehabilitation,” and therefore must be accepted by the licensing agency as such. §111.335(4)(d)1.a. allows one to provide certified documentation of honorable discharge from the US armed forces following the otherwise disqualifying conviction. This documentation is no longer sufficient if there is a criminal conviction following the discharge date.

§111.335(4)(d)1.b, allows the applicant to provide documentation of their release from custody

and either completion of probation or release from custody and compliance with all terms and conditions of release, be it extended supervision, probation, or parole.

Where neither of the above exists, §111.335(4)(d)2 provides additional documentary evidence that may be provided that the licensing agency is bound to consider, but that it is not required to accept conclusively as sufficient evidence of rehabilitation. Evidence which the agency is required to consider includes:

- a. evidence of the seriousness of any offense of which he / she was convicted.
- b. evidence of all circumstances relative to the offense including mitigating circumstances or social conditions surrounding the offense.
- c. The age of the individual at the time the offense was committed.
- d. The length of time that has elapsed since the offense was committed.
- e. Letters of reference by persons who have been in contact with the individual since the applicant's release from any local, state, or federal correctional institution.
- f. All other relevant evidence of rehabilitation and fitness presented.

Based upon the above, where a denial of a license is based upon §111.335(3)(a)1, and there is no evidence presented that is statutorily defined as "competent evidence of sufficient rehabilitation" for a particular offense, it is up to the licensing agency to determine whether the other documentary evidence available constitutes "competent evidence of sufficient rehabilitation and fitness to perform the licensed activity."

Applicability to the Application of Cindy Reed

Investigation by the Appleton Police Department has yielded information about offenses which Lt. Goodin advises are substantially related to the activity for which the instant license has been sought. By the nature of the offenses, this is a sound assessment. The offense of Operating a Motor Vehicle While Intoxicated necessarily involves either the failure to recognize over-consumption of alcohol (i.e. intoxication), or the decision to disregard the fact that one has over-consumed alcohol. Those licensed to serve alcohol commercially are called upon with each transaction to determine whether the person they are about to serve is intoxicated. Wis. Stat. §125.07(2)(a). Their judgement potentially impacts the safety of that customer, as well as anybody that customer may subsequently encounter before any effects of the alcohol recede.

Lt. Goodin notes convictions for OWI in 2007, 2002, and 1995. These would be either misdemeanor or non-criminal convictions for OWI offenses prior to the approval of Ms. Reed's prior operator license application. However, Lt. Goodin takes note of a recent conviction occurring since Ms. Reed's prior application was approved.

On January 30, 2024, Ms. Reed was convicted of OWI 4th offense, a felony, in Winnebago County Case 2023CF277. According to Wisconsin Circuit Court Access records accessed on September 12, 2024, Ms. Reed was sentenced to a combination of jail (with work release), monetary penalties, and a combination of judicial and administrative penalties against her driving privileges.

Her sentence did not subject her to supervision through probation, extended supervision, or parole. Therefore, she would be unable to provide any documentation of rehabilitation and fitness that the Committee and Council would be *required* to accept as "competent evidence of sufficient rehabilitation," unless she has been honorably discharged from the United States armed forces since the date of the offense on March 23, 2023.

However, she is still able to provide additional information and evidence to show competent

evidence of sufficient rehabilitation such as that contained in the list above. The Committee and Council are bound to consider that evidence. Whether evidence presented is sufficient to show rehabilitation and fitness to perform the licensed activity is committed to the sound discretion of the Committee and Council. Should the Committee and Council find the evidence sufficient to demonstrate rehabilitation and fitness, state law requires that the license must be granted because failure to do so would constitute unlawful discrimination. Should the Committee and Council find the evidence to be insufficient to demonstrate rehabilitation and fitness, state law prohibits the license from being granted, as the applicant would not meet eligibility criteria.

Conclusion

Ms. Reed's most recent conviction for OWI 4th offense is a disqualifying offense. It is an unpardoned felony. It is also the latest in a series of convictions which qualify Ms. Reed as a Habitual Law Offender. This is also a disqualifying fact. All of the relevant offenses are substantially related to the licensed activity. Therefore, denial based upon these factors is not unlawful discrimination. The staff recommendation that the application to renew Ms. Reed's operator's license be denied is supported by the relevant law and available facts.

Ms. Reed is afforded the opportunity to demonstrate to the Committee and Council that she has been rehabilitated. Subject to one exception discussed above, the Committee and Council will be tasked with exercising its judgement and discretion in evaluating whether Ms. Reed has shown competent evidence of rehabilitation. As the statutes require granting an operator's license to eligible applicants, and prohibits granting a license to ineligible applicants, the decision of whether or not Ms. Reed's license is to be renewed will rest upon the Committee and Council's sound assessment of the evidence and documentation of rehabilitation Ms. Reed is able to provide, and the conclusions drawn therefrom.



**Ascension
St. Elizabeth
Hospital**

Ascension St. Elizabeth's Hospital
Behavioral Health- Outpatient- Substance Use
1531 S. Madison Street
Appleton, WI 54915
Phone: (920) 738-2257
Fax: (920) 738-2021

7/31/24

RE: Substance Abuse Treatment
Cindy Reed

You were seen in this office on 4/2/24 for an initial assessment regarding your substance use.

It was recommended that you participate in individual sessions. You completed treatment services on 6/28/24.

Please contact this office if you have any questions or concerns.

Sincerely,

Brandi Andrews, CSAC

This information has been disclosed to you from records whose confidentiality is protected by Federal Law. Federal regulations (42 CFR Part 2) prohibit you from making any further disclosure of it without the specific written consent of the individual to whom it pertains, or as otherwise permitted by such regulations. A general authorization for the release of medical or other information is not sufficient for this purpose.

Ascension Behavioral Health AODA Out Pt
1531 S Madison St
Appleton, WI 54915

920-223-8570
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DRIVER SAFETY PLAN STATUS REPORT

Wisconsin Department of Transportation
s.343.16, 343.30(1q), or 343.305(10) Wis. Stats.
MV3631 10/2004

General Information

Name (Last, First, MI) REED, CINDY, JOAN		Birth Date	Sex F	Driver License Number	State WI
Address 3425 N MARCOS LN		City, State, ZIP Code APPLETON, WI 54911		County of Residence OUTAGAMIE	Area Code - Telephone
Judge	Court Address (Street, City, ZIP Code)			Client Occupation	
Citation Number BI663415-4	Court Case Number 2023CF000277	Non-UTC Number	Most Recent Conviction Date(s) 01-30-2024		

Arrest Information

Arrest Date(s) 03-23-2023/WI	Arrested For				
Blood Alcohol Level .026	<input type="checkbox"/> Controlled Substance and/or Other Impairing Drug: <input type="checkbox"/> Implied Consent <input checked="" type="checkbox"/> OWI - Operating While Intoxicated <input checked="" type="checkbox"/> Repeat Offense <input type="checkbox"/> OWI - Injury <input type="checkbox"/> OWI - Great Bodily Harm <input type="checkbox"/> OWI - Homicide				
Total Lifetime OWI Arrests: 4					

Referred Information:

Court DOT Voluntary

Assessment Finding Information

Alcohol Other Drug(s) Controlled Substances

Final Diagnosis

Driver Safety Plan Information - Program Recommendation

<input type="checkbox"/> Group Dynamics	<input type="checkbox"/> Multiple Offender Program	Provider Name
<input checked="" type="checkbox"/> Outpatient Treatment	Regimen and Provider Name ST ELIZABETH HOSPITAL #40870198	
<input type="checkbox"/> Inpatient Treatment	Regimen and Provider Name	
<input type="checkbox"/> Victim Impact Panel		

For any of the 6 choices below, please give provider name and explanation

Medical Exam Psychiatric Detoxification Residential Day Treatment Other

Provider Name

Explanation

Follow all rules and recommendations

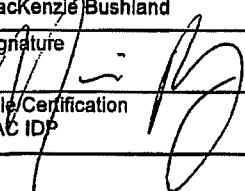
Plan Completion Date 07-16-2024	Plan Extended Through - Total Assessment Period Cannot Exceed 16 Months
In Compliance Date(s) Plan Assessment Fee Treatment Fee N/C Report Sent in Error	Non-Compliance Date(s) Assessment Interview Plan Assessment Fee Treatment Fee

(Provide date(s) only for the action(s) being taken for this report filing.)

Description, Prognosis or Comments

Completed

Assessment Facility/Assessor Information

Agency Outagamie County Health and Human Services		Name - Please Print MacKenzie Bushland	
Address 320 S. Walnut Street	Area Code - Telephone 920 832 5270	Signature 	Date 7-16-2024
City, State, ZIP Code Appleton WI 54911		Title/Certification SAC IDP	

Distribution: 1 - Assessment; 2 - Plan Provider; 3 - DOT; 4 - Client

KENDRA KAUL, MSW



3425 N. Marcos Ln, Appleton WI 54911 . Kkaul@Kendrakaulllc.com . 920-841-6688

September 25nd, 2024

City Of Appleton

Safety and Licensing Committee

100 N Appleton St, Appleton, WI 54911

To the Committee, I am Kendra Kaul, the daughter of Cindy Reed, and I am writing to request your consideration in retaining my mother's employment as a bartender in the City of Appleton. With a bachelor's degree in Criminal Justice and a master's in Social Work, I have experience working with the courts and judges in various counties. Recognizing the gravity of an OWI offense, I can attest to my mother's unwavering responsibility in all aspects of her life. It is important to note that her last OWI offense was 17 years ago, and since then, she has exemplified outstanding citizenship. I kindly seek your grace in allowing Cindy Reed to retain her bartender's license and place of employment.

Thank you for your attention to this matter.

Sincerely,

Kendra Kaul

To Whom it May Concern,

Cindy Reed is a conscientious co worker. She is very willing to help out any individual that is in need. Cindy has a great rapport with the customers she meets each time she works. She is very conscious of her job duties and fulfills them to the fullest.

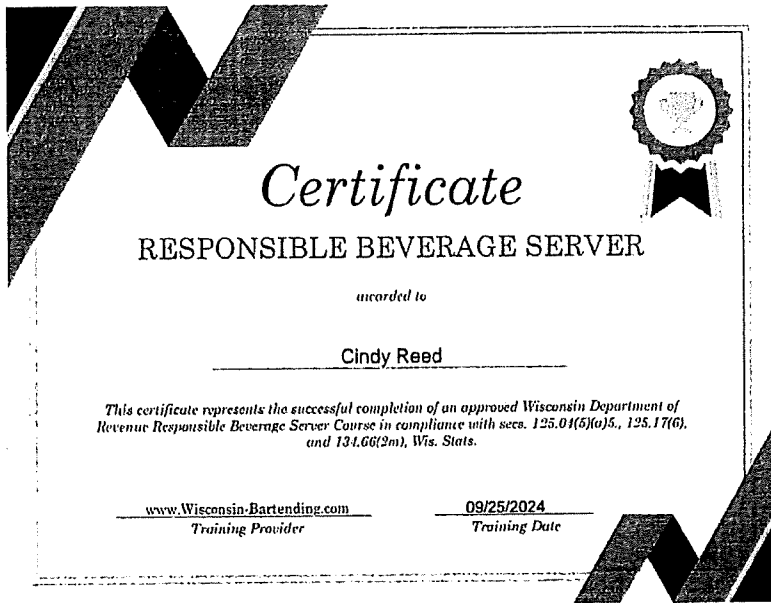
Cindy has a personable attitude and treats every person she meets with the respect they are deemed.

Thank you for your time,
Crystal Liesch

4:49 [notification icons]

[signal icons]

← Cindy-Reed-Fi... [search icon] [menu icon]



DEPARTMENT OF HEALTH SERVICES
Division of Public Health
F-2259 (Rev. 01/2020)

STATE OF WISCONSIN
Wis. Stat. § 134.66(2m)

**EMPLOYEE TRAINING ACKNOWLEDGEMENT
LEGAL RESTRICTION ON TOBACCO SALES TO MINORS**

Use of form: This is a required form. Personally identifiable information on this form is collected to determine compliance with the statutes and will only be used for that purpose.

Instructions: Sign form and retain on premises in personnel file.

Employee - Name (print) Cindy Reed		Driver's License Number
Address		City, State, Zip
Online		Statewide, WI
Home Telephone		Date of Birth (Day, Month, Year)
Store Name Wisconsin Bartending		Store Number (if applicable)
Name - Supervisor		

I acknowledge (Choose one):

- I have successfully completed a responsible beverage server training course at a technical college that conforms to curriculum guidelines specified by the technical college system board or a comparable training course that is approved by the department or the educational approval board. (Wis. Stat. § 125.04)
- I have received training from my employer on compliance with Wis. Stat. § 134.66.

I further acknowledge:

- I understand that federal law prohibits selling tobacco products to any person under the age of 21. Failure to comply with these restrictions may result in a citation.

SIGNATURE - Employee

Date Signed

SIGNATURE - Supervisor

Date Signed





Submitted By: WISCONSIN STATE PATROL--DISTRICT #3 [402960]
ATTN: SGT H GLICK V

Report Date:
4/18/2023

WISCONSIN STATE PATROL--DISTRICT #3
851 S ROLLING MEADOWS DR
FOND DU LAC WI 54937-8200

Subject: Reed, Cindy J
Address: N1478 HIGHGREEN CT
GREENVILLE WI 54942
DOB: **Sex:** Female

Specimen Details

	Collected	Type	Collector
23FX005711	3/23/2023 1735	Blood, Whole	Traci Laneve

Date Received: 4/3/2023

Label/Seal: LABELED AND SEALED

Alcohol Analysis Date: 4/14/2023

Subject Number:

Case Number: 000243-2994

	Result	Units
Ethanol	0.026	g/100 mL

Comments:

Additional test results will be reported below when all laboratory analyses have been completed.

Lab Comments

Specimen(s) are retained for six months from the date that testing is reported unless otherwise requested by agency or subject.

ETHANOL ANALYST: *Ben Mullins*

Benjamin Mullins, M.S., #AP-570

As designee of the Director, I do hereby certify this document to be a true and correct report of the findings of the Wisconsin State Laboratory of Hygiene.

 Kayla Neuman
Kayla Neuman, M.S., D-ABFT-FT, Forensic Scientist Supervisor

END OF REPORT



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Consumer Safety Technology, LLC.

(877) 777-5020 www.intoxalock.com

Consumer Safety Technology, LLC. 11035 Aurora Ave, Urbandale, IA 50322

State of Wisconsin
Certificate of Intoxalock Installation

Customer Name: Cindy Reed
Customer Address: 3108 Stonemeadow Way Apt 6 Appleton, WI 54915



EALERT
-Camera, GPS-

County: Winnebago

Customer ID: 1910263

Date of Birth:

Drivers License #

Case Number:

Original Install Date:

Original Install

Vehicle: 2011 FORD Focus

Plate # / Color: 551ZJW (WI)

Registered Owner: Cindy Reed

Vin#: 1FAHP3HNOBW161101

Service Center: R&S Auto Artists Inc 945 Edgar Drive

Oneida, WI 54155

Contact Person: Ron Smet

Phone Number: (920) 621-5160

Email Address: rnsautoa@netnet.net

Handheld Serial Nbr: 1AF2C299

Intoxalock® Model Nbr: 11001A

Camera Serial Nbr: CD102BBE

Relay Serial Nbr: 130B51E

Confirmed Date:

Next Calibration Date: 3/26/2024

CUSTOMER COPY

Service Technician:

[Signature]
Signature

RON SMET
Print Name

Customer:

[Signature]
Signature

Print Name

Date:

1-26-24

FILED
01-30-2024
Clerk of Circuit Court
Winnebago County, WI
2023CF000277

BY THE COURT:

DATE SIGNED: January 30, 2024

Electronically signed by John A. Jorgensen, Circuit Court, Branch 5
Circuit Court Judge

STATE OF WISCONSIN **CIRCUIT COURT BRANCH 5** **WINNEBAGO COUNTY**

State of Wisconsin vs. CINDY JOAN REED

Judgment of Conviction
and Sentence to the County Jail/Fine/Forfeiture

Date of Birth: _____

Case No. 2023CF000277

List Aliases: Also known as CINDY J JESKE; Also known as CINDY J SMITH

The defendant was found guilty of the following offense(s):

Ct.	Description	Violation	Plea	Severity	Date(s) Committed	Trial To	Date(s) Convicted
1	Operating w/ PAC (4th)	346.63(1)(b)	No Contest	Felony H	03-23-2023		01-30-2024

The defendant is guilty as convicted and sentenced as follows:

Ct.	Sent. Date	Sentence	Length	Begin Date	Begin Time	Agency	Comments
1	01-30-2024	Local jail	60 DA				Consecutive to any other sentence. Granted Huber if in compliance with jail regulations. Granted Good Time. Defendant taken into custody immediately to start serving sentence.
1	01-30-2024	Forfeiture / Fine					1 day credit for time served. Forfeiture and costs to be paid within 60 days from sentence date, unless payment plan is approved. Penalty for non-payment shall be entry of civil judgment. Clerk of Courts shall docket without fees. Send payments to: Clerk of Courts, Room 110, 415 Jackson Street, P O Box 2808, Oshkosh WI 54903-2808.
1	01-30-2024	Costs					IID requirement applies to all vehicles which are registered in your name and any vehicles you operate. During your IID requirement period, you may not operate any motor vehicle without an IID installed.
1	01-30-2024	Ignition interlock	24 MO				
1	01-30-2024	DOT License Revoked	24 MO				
1	01-30-2024	Alcohol assessment					

Sentence Concurrent With/Consecutive Information

Ct.	Sentence	Concurrent With/Consecutive To	Comments
1	Local jail	Consecutive	any other sentence

Obligation Detail:

Ct.	Schedule	Amount	Days to Pay	Due Date	Failure to Pay Action	Victim
1	Felony Driving Violations	1569.00	60	04-01-2024	Judgment	
1	Blood Test Cost - State	39.39	60	04-01-2024	Judgment	
1	DNA Analysis Surcharge	250.00	60	04-01-2024	Judgment	

Obligation Summary:

Fine & Forfeiture	Court Costs	Attorney Fees	<input type="checkbox"/> Joint and Several Restitution	Mandatory Victim/Wit. Other Surcharge	5% Rest. Surcharge	DNA Anal. Surcharge	Totals
766.00	687.39			63.00	92.00	250.00	1,858.39

Total Obligations: 1858.39

It is adjudged that 1 days sentence credit are due pursuant to §973.155, Wisconsin Statutes.

It is ordered the Sheriff take the defendant into custody

THIS IS A FINAL ORDER FOR THE PURPOSE OF APPEAL.

DISTRIBUTION:

Court
Ryan Scott Ulrich
CINDY JOAN REED
Adam Joseph Levin, District Attorney
WRU
Jail



Application for Operator's/Bartender's License

CASH OR CHECK ONLY!

New Applicant

Renewal License
#: _____

FEES ARE NON-REFUNDABLE

Operator License - \$72.00

Operator License plus a provisional - \$87.00

Date Received: 10/3/24

Receipt #: 7461-2

Note: Please allow approximately 3 weeks for application processing.

SECTION 1 - APPLICANT INFORMATION			
Legal Name (First name, MI, Last name) <u>Katherine A Neubert</u>			Maiden or Previous
Street Address <u>5138 N mayflower Dr</u>		City <u>Appleton</u>	State <u>WI</u>
Zip <u>54913</u>		Driver's License Number/State Identification Number <u>[REDACTED]</u>	Driver's License State <u>WI</u>
Date of Birth <u>[REDACTED]</u>	Gender <u>F</u>	Phone # (Required) <u>[REDACTED]</u>	Email Address: <u>[REDACTED]</u>
Name and Address of Establishment you will be selling alcohol - <u>(verify establishment is within City of Appleton limits)</u> <u>Cold Shot</u>			
SECTION 2 - NEW APPLICANT ONLY: You are required to list each and every violation and/or offense for which you have been convicted in or out of state. Failure to provide complete answers may result in a denial of your application.			
Have you EVER had an Operator's (Bartender's) License? <u>YES</u> NO			
If Yes; which Municipality and what year? <u>Appleton, Grand</u>			
Have you EVER been convicted of a felony? YES <u>NO</u>			
If Yes; when, where and what type of violation? (Please be specific) _____			
Have you EVER been convicted of a misdemeanor or ordinance violation? <u>YES</u> NO			
If Yes; when, where and what type of violation? (Example: speeding, OWI) <u>OWI Feb 2011 OWI Dec 2012</u> <u>OWI 2022</u>			
SECTION 3 - RENEWAL APPLICANT ONLY: List any pending charges, citations, tickets, and all convictions since last license application in or out of state. Failure to provide complete answers may result in a denial of your application.			
Have you EVER had an Operator's (Bartender's) License? YES NO			
If Yes; which Municipality and what year? _____			
Have you been convicted of a felony since last license application? YES NO			
If Yes; when, where and what type of violation? (Please be specific) _____			
Have you been convicted of a misdemeanor or ordinance violation since last license application? YES NO			
If Yes; when, where and what type of violation? (Example: speeding, OWI) _____			
SECTION 4 - NEW APPLICANT ONLY			
<input type="checkbox"/> Must provide proof of completion of a Responsible Beverage Server Course.			
SECTION 5- PENALTY NOTICE			
Under penalty of law, I swear that the information provided in this application is true and correct to the best of my knowledge and belief.			
Signature: <u>[Signature]</u>			Date: <u>10/2/24</u>
FOR OFFICE USE ONLY			
Current License in Other Municipality? <u>Hortonville 25'</u>	Class Completion Date: ____/____/____	Date Sent to Appleton Police Department: <u>OCT 04 2024</u>	
Date Approved: ____/____/____	Issue Date: ____/____/____	Expiration Date: ____/____/____	License Number: _____



DEPARTMENT OF
**LEGAL AND
ADMINISTRATIVE
SERVICES**

OFFICE OF THE CITY CLERK
100 North Appleton Street
Appleton, WI 54911
p: 920.832.6443
f: 920.832.5823
www.appleton.org

October 11th, 2024

CERTIFIED MAIL

Katherine Neubert
5138 N Mayflower Dr
Appleton WI 54913

This letter is to notify you that we are in receipt of your application for an Operator's License. The Police Department has conducted a criminal background investigation and has recommended that your application for an Operator's License be denied based upon the statutory qualifications listed in Wisconsin Statutes §125.04(5). Unless failure to grant the license would constitute unlawful employment discrimination as defined by Wisconsin Law (See Wisconsin Statutes §111.335), Operator/Bartender License may not be granted to individuals with arrest or conviction records, "habitual law offenders," or individuals convicted of a felony who have not been pardoned.

You have the right to appear before the Safety and Licensing Committee to contest this recommendation. To do so, **please contact the City Clerk's Office within 30 days of receipt of this letter** in order to be placed on the Agenda of the Safety and Licensing Committee. Failure to contact the City Clerk's Office within 30 days will result in your license being denied. At the time of appeal, you may provide the Safety and Licensing Committee competent evidence of sufficient rehabilitation and fitness to perform the licensed activity.

Regular meetings of the Safety and Licensing Committee take place on the second and fourth Wednesday of each month at 5:30 p.m. in the Council Chambers, 6th floor of City Hall, 100 N Appleton St., Appleton, Wisconsin.

Again, should you choose not to appeal this recommendation, your application will be considered denied and an Operator's License will not be issued.

If you have specific questions relating to the background investigation please contact Lt. Ben Goodin Appleton Police Department, at 920-832-5500.

Respectfully,

Kami Lynch
City Clerk



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

TO: Safety and Licensing Committee
Common Council

FROM: Lt. Ben Goodin

DATE: 10/10/2024

RE: Police Department’s Recommendation for Denial of Katherine Neubert’s Bartender License Application

Committee Members:

The police department is requesting that the Safety and Licensing Committee recommend to the Common Council to deny Katherine Neubert’s application for a bartender license.

Pursuant to Wis. Stat. §111.335(2)(b) and (3)(a), it is not employment discrimination for a licensing agency to deny an applicant based on an arrest or conviction record where the circumstances of the conviction substantially relate to the circumstances of the particular licensed activity.

Pursuant to Wis. Stat. §125.04(5)(a)1., no license or permit related to alcohol beverages may be issued to an individual with an arrest or conviction record where the circumstances of the record(s) substantially relate to the circumstances of the particular licensed activity.

Pursuant to Wis. Stat. §125.04(5)(b), no license or permit related to alcohol beverages may be issued to a “habitual law offender” where the circumstances of the habitual law offenses substantially relate to the circumstances of the particular licensed activity.

Also pursuant to Wis. Stat. §111.335(4)(c), if the licensing agency refuses to license an individual based upon arrest or conviction record, the applicant is allowed an opportunity to show “evidence of rehabilitation and fitness to engage in the licensed activity,” *unless the conviction(s) are for “exempt offenses.”* Wis. Stat. §111.335(4)(d) provides the following options that the applicant may produce to conclusively demonstrate their rehabilitation and fitness from a given conviction:

- A copy of the local, state, or federal release document; and either
- (1) a copy of the relevant department of corrections document showing completion of probation, extended supervision, or parole; or
 - (2) other evidence that at least one year has elapsed since release from any local, state, or federal correctional institution without subsequent conviction of a crime along with

evidence showing compliance with all terms and conditions of probation, extended supervision, or parole.

Additionally, the licensing agency must consider any of the following evidence if presented by the individual, though none are required to be accepted as conclusive proof of rehabilitation:

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

STATEMENT ON SUBSTANTIAL RELATIONSHIP

As part of any denial of licensing, the police department must determine if crimes are substantially related to the sale of alcohol. Ms. Neubert is a habitual law offender based on the following convictions:

Operating While Intoxicated (3rd) in Outagamie County case # 2022CT000244.

Operating While Intoxicated (2nd) in Outagamie County case # 2013CT000150.

Operating While Intoxicated (1st) in Outagamie County case # 2011TR002386.

These three Operating While Intoxicated convictions are substantially related to the sale of alcohol for several reasons. Ms. Neubert has shown a pattern of poor decision-making by getting arrested for Operating While Intoxicated in 2011, 2012 (convicted in 2013) and again in 2021 (convicted in 2022).

Drunk driving is a serious offense and a major problem not only in Wisconsin but across the entire country. Ms. Neubert has not shown the ability to make sound decisions by understanding when she has had too much to drink and is unsafe to operate a motor vehicle. A person serving alcohol to members of the public must be aware of when a patron has had enough to drink and should not be served any longer. If Ms. Neubert cannot understand when she is too drunk to drive, it's unreasonable to believe she would recognize when a patron she is serving has also consumed too much alcohol.

Having nine years of no OWI arrests from 2012-2021 is commendable. However, it is the police department's belief that Ms. Neubert getting arrested a third time for OWI as recently as 2021 clearly indicates she does not understand the seriousness of drunk driving. Ms. Neubert has not shown she has learned her lesson from the first two arrests, and her pattern of drunk driving behavior is concerning.

As a person who wants to be responsible to serve alcohol, Ms. Neubert has not shown the ability to make good decisions related to her own sobriety. The service of alcohol includes coming into contact with individuals in a very vulnerable state and the Appleton Police Department feels that through Ms. Neubert's prior OWI convictions that she has not demonstrated the necessary maturity and decision-making capacity to be allowed a bartender's license in the City of Appleton.

Ms. Neubert's repeated OWI convictions qualify her as a habitual law offender and the Appleton Police Department recommends her bartender application be denied.

Very Respectfully:

Lt. Ben Goodin
Appleton Police Department



DEPARTMENT OF
**LEGAL AND
ADMINISTRATIVE
SERVICES**

CITY ATTORNEY'S OFFICE
100 North Appleton Street
Appleton, WI 54911
p: 920.832.6423
f: 920.832.5962
www.appleton.org

TO: Safety and Licensing Committee, Common Council

From: ACA Zak Buruin

Date: January 3, 2025

RE: Operator's License Application of Katherine Neubert

Katherine Neubert has applied for an Operator's (Bartender) License and is appealing the denial of that application. Below is a summary of the relevant Chapter 125 eligibility requirements and an analysis of their application in this case.

Summary

The Appleton Police Department's recommendation that the applicant's application be denied based upon Lt. Goodin's conclusion that applicant is a habitual law offender is well-grounded in the relevant and facts and law currently available. She is ineligible for licensure unless she provides "competent evidence of sufficient rehabilitation."

§125.04(5) Licensing Requirements

According to §125.04(5)(a)1, in order to be granted a license or permit under Wisconsin Statutes Chapter 125, the applicant may not have an arrest or conviction record. This prohibition is subject to the requirements of various statutes prohibiting certain types of employment discrimination, which will be discussed below. These statutes are §111.321, §111.322, §111.335 and §125.12 (1) (b).

§125.04(5)(b) states that "No license or permit related to alcohol beverages may, subject to §111.321, 111.322 and 111.335, be issued under this chapter to any person who has habitually been a law offender or has been convicted of a felony unless the person has been duly pardoned."

In summary, §125.04(5) prohibits the issuance of alcohol related licenses under chapter 125 to anybody with an arrest or conviction record, anybody with an unpardoned felony conviction, or anybody "who has habitually been a law offender," regardless of whether any arrests or convictions exist (see State ex rel. Smith v. City of Oak Creek, 139 Wis. 2d 788, 407 N.W.2d 901 (1987)), unless failing to grant that license would constitute prohibited discrimination.

Prohibited Discrimination

§111.321 – Prohibited Bases of Discrimination

Arrest or conviction (among other bases not relevant to consideration here) are not permitted to be used as a basis for employment discrimination by a licensing agency.

§111.322 – Discriminatory Actions Prohibited

§111.322(1) specifies that refusal to license any individual on any of the bases listed in §111.321, which includes arrest and conviction history. This is subject to exceptions set forth in §111.33 to §111.365, neither of which apply to the instant circumstances.

§111.335 – Arrest or Conviction Record; Exceptions and Special Cases

§111.335(3)(a)1 states that it is not employment discrimination because of a conviction record to refuse to license an individual where that person has been convicted of “any felony, misdemeanor, or other offense the circumstances of which substantially related to the circumstances of the particular job or licensed activity.” In evaluating the existence of a substantial relationship, it is the circumstances that provide the opportunity for criminal behavior, the reaction to responsibility, or the character traits of the applicant that are the proper considerations. It is not relevant whether the applicant has the ability to perform the work to an employer’s standards. (See Milwaukee Cnty. v. Lab. & Indus. Rev. Comm'n, 139 Wis. 2d 805, 407 N.W.2d 908 (1987)).

Each offense must be evaluated under the above criteria for determination of whether or not it is substantially related to the activity for which a license is sought. Any arrest, conviction, or other offense which is substantially related to the licensed activity is to be considered in the licensing decision.

Consideration of Rehabilitation

§111.335(4)(c)1 requires that if a license is denied *based upon §111.335(3)(a)1* (as discussed in the preceding section), the licensing agency typically has two further obligations. It must state the reasons for denial in writing, including a statement of how the circumstances of the offense(s) relate to the licensed activity. It must also allow the person to show evidence of rehabilitation. According to §111.335(4)(c)1.b, if the individual “shows competent evidence of sufficient rehabilitation and fitness to perform the licensed activity under par. (d), the licensing agency may not refuse to license the individual or bar or terminate the individual from licensing based *on that conviction.*” (Emphasis added).

The statute specifically notes documentation that can demonstrate rehabilitation “on that conviction.” As such, rehabilitation is to be considered with respect to each offense individually,

rather than the applicant in totality. Where denial is based upon §111.335(3)(a)1, and competent evidence of sufficient rehabilitation shown, that offense may not be considered as part of a denial decision.

Competent Evidence of Sufficient Rehabilitation

For denials *based upon §111.335(3)(a)¹*, competent evidence of sufficient rehabilitation may be shown. As indicated above in §111.335(4)(c)1.b, where such evidence is shown, the related conviction may not be the basis for a denial of a license.

§111.335(4)(d)1 provides two forms of evidence which are statutorily required to be considered “competent evidence of sufficient rehabilitation,” and therefore must be accepted by the licensing agency as such. §111.335(4)(d)1.a. allows one to provide certified documentation of honorable discharge from the US armed forces following the otherwise disqualifying conviction. This documentation is no longer sufficient if there is a criminal conviction following the discharge date.²

§111.335(4)(d)1.b, allows the applicant to provide documentation of their release from custody *and* either completion of probation or release from custody and compliance with all terms and conditions of release, be it extended supervision, probation, or parole.³

Where neither of the above exists, §111.335(4)(d)2 provides additional documentary evidence that may be provided that the licensing agency is bound to consider, but that it is not required to accept conclusively as sufficient evidence of rehabilitation. Evidence which the agency is required to consider include:

- a. evidence of the seriousness of any offense of which he / she was convicted.
- b. evidence of all circumstances relative to the offense including mitigating circumstances or social conditions surrounding the offense.
- c. The age of the individual at the time the offense was committed.
- d. The length of time that has elapsed since the offense was committed.
- e. Letters of reference by persons who have been in contact with the individual since the applicant’s release from any local, state, or federal correctional institution.
- f. All other relevant evidence of rehabilitation and fitness presented.

Based upon the above, where a denial of a licensed is based upon §111.335(3)(a)1, and there is no evidence presented that is statutorily defined as “competent evidence of sufficient

¹ Denials under other provisions may be subject to other requirements.

² From a practical standpoint, honorable discharge from the armed forces is not related to any particular offense. This section, in conjunction with §111.335(4)(c)1.b. could be interpreted as effectively removing any criminal offenses prior to honorable discharge from licensing consideration. This would be more akin to evaluating the rehabilitation of the person rather than specific offenses, which is not what the other related statutes call for. This arguable inconsistency what my prior, more rigid analysis was based upon.

³ Periods of supervision are attributable to specific offenses, allowing for consideration of individual offenses as §111.335(4)(c)1.b contemplates.

rehabilitation” for a particular offense, it is up to the licensing agency to determine whether the other documentary evidence available constitutes “competent evidence of sufficient rehabilitation and fitness to perform the licensed activity.”

Applicability to Katherine Neubert

Operating While Intoxicated offenses are unquestionably substantially related to the activity for which Ms. Neubert seeks a license. Ms. Neubert’s history of repeated Operating While Intoxicated offenses makes her a habitual law offender. The criminal conviction for her most recent offense, a third offense, was on July 15, 2022. Sentence was withheld and she was placed on probation. Probation records could be particularly determinative evidence in this case, but they are not the only source of information which either must or should be considered. Should she provide “competent evidence of sufficient rehabilitation” as described above, the requested license must be granted. It is up to her to provide any such evidence.

Should she fail to provide “competent evidence of sufficient rehabilitation” as described above, Ms. Neubert would remain statutorily ineligible for the requested license, and it may not be granted.

Conclusion

The Appleton Police Department’s recommendation that the applicant’s application be denied based upon Lt. Goodin’s conclusion that applicant is a habitual law offender is well-grounded in the relevant facts and law currently available. She is ineligible for licensure unless she provides “competent evidence of sufficient rehabilitation.”

Name: NEUBERT, KATHERINE A.

DOC #: 711955 PID #: 1210753

OTCS022B

Sentence Component

Tuesday January 21, 2025 02:48:45 PM

Commitment Prefix*:	01	JOC Seq. #:	001
County:	<input type="text" value="Outagamie"/>	Case #:	<input type="text" value="22CT244"/>
Sentence Count*:	001	Sentence Type*:	Probation (Withheld)
Offense Began Date*:	12/31/2021	Offense Ended Date:	12/31/2021

Offense Date Notes:

None

Conviction Date*:	07/15/2022	Sentencing Date*:	07/15/2022
Sentence Credit:	<input type="text" value="0"/> Days		
Custody/Supervision Start Date:		Custody Credits:	0 Days
Resentenced-Prior Cmt/Cnt:		Prior Sentence Credit Days:	<input type="text" value="0"/>

Offense Statute*: 346.63(1)(A) [11]-Operating While under Influence (3rd)
 NCIC Code: 9999
 Modifiers/Enhancers:
 346.65(2)(G)3-Modifier-Alcohol Concentration (>=.25)

Felony Class*:	Not Applicable	Misdemeanor Class*:	Unclassified
Earned Release (ERP) Eligible*:	Unknown	PMR Sentence:	No
Challenge Incarceration (CIP) Eligible*:	Unknown		
Risk Reduction Sentence (RRS) Eligible*:	No		

Probation Term:	0 Years	12 Months	0 Days
Probation Extension Term:	0 Years	0 Months	0 Days
1st Reason Extended:			
2nd Reason Extended:			

Total Sentence Term*:	0 Years	0 Months	0 Days
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TIS Confinement Term*: 0 Years 0 Months 0 Days
 TIS Extended Supervision*: 0 Years 0 Months 0 Days
 Time Comp. Flag*: Not Eligible [N]
 Court Ordered Parole Eligibility Date:

Sentence Relationship*: Initial to Cmt/Cnt: /
 CS to Other Sentence/Probation Start Date:
 Scheduled Discharge/Termination Date: 07/15/2023 UOP:
 Termination File #: 1209199 T# Effective Date: 07/15/2023
 Institution Termination File Number:

Sentence Status Changes (1 - 2 of 2)

Recorded Date	CACU Seq #	Scheduled Discharge/Termination Date	Sentence Status	Effective Date	Comments
07/19/2023	02	07/15/2023	Terminated - Regular	07/15/2023	
08/08/2022	01	07/15/2023	JOC Entered	07/15/2022	

Comments

None

Court Ordered Conditions

Type	Placed By	Begin Date	End Date	Status
No Conditions for this Sentence Component				

[Show "Last Updated By" Information](#)

Form
CTV-100

Cigarette, Tobacco, and Electronic Vaping Device Retail License Application

FOR CLERKS ONLY	
Municipality	Appleton
License Period	24-25

Part A: Premises/Business Information			
1. Legal Business Name (individual name if sole proprietor) A-Z Tobacco Inc			
2. Business Trade Name or DBA A-Z Tobacco Inc			
3. FEIN		4. Wisconsin Seller's Permit Number 456-1028413827-02	
5. Entity Type (check one) <input type="checkbox"/> Sole Proprietor <input type="checkbox"/> Partnership <input type="checkbox"/> Limited Liability Company <input checked="" type="checkbox"/> Corporation			
6. State of Organization WI		7. Date of Organization 05/15/2014	8. Wisconsin DFI Registration Number
9. Premises Address (do not use PO Box) 201 West Northland Avenue Suit K			
10. City Appleton		11. State WI	12. Zip Code 54911
13. County Outagamie	14. Governing Municipality: <input checked="" type="checkbox"/> City <input type="checkbox"/> Town <input type="checkbox"/> Village of: <u>Appleton</u>		15. Aldermanic District
16. Mailing Address (if different from premises address)			
17. City		18. State	19. Zip Code
20. Premises Phone		21. Premises Email	22. Website N/A
23. Premises Description - Describe the building or buildings where cigarettes, tobacco products, and electronic vaping devices are to be sold and stored. Describe all rooms including living quarters, if used, for the sales and/or storage of cigarettes, tobacco products, and electronic vaping devices and records. Cigarettes, tobacco products, and electronic vaping devices may be sold and stored ONLY on the premises described in this application. Attach a floor plan if possible. The product are stored on shelves and showcases in the back room. Sales are over the counter.			

Part B: Questions	
1. What products will be sold at this business location? (check all that apply) <input checked="" type="checkbox"/> Cigarettes <input checked="" type="checkbox"/> Tobacco Products <input checked="" type="checkbox"/> Electronic Vaping Devices	
2. How will cigarettes, tobacco, and/or electronic vaping devices be sold? (check all that apply) <input checked="" type="checkbox"/> Over the counter <input type="checkbox"/> Vending machine	
3. Is the applicant business owned by another business entity? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, provide the name and FEIN of the parent company below, identify parent company members in Part C, and attach Form CTV-101 for all of the parent company's members, partners, or officers. 3a. Name of Parent Company: _____ 3b. FEIN of Parent Company: _____	

Part C: Individual Information

An Individual Questionnaire, Form CTV-101, must be completed and attached to this application for each person involved in the applicant business and any parent company indicated in Part B. Such persons include: sole proprietor, all officers and agents of a corporation, all partners of a partnership, and all members and agents 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
Sati	Khalidon	Owner	

Part D: Attestation

One of the following must sign and attest to this application:

- sole proprietor • one general partner of a partnership • one corporate officer • one managing member of an LLC

READ CAREFULLY BEFORE SIGNING:

I understand and agree to the following:

- I will only purchase cigarettes, tobacco, and vapor products from distributors, jobbers, or subjobbers permitted by the Wisconsin Department of Revenue, unless I also hold the proper distributor's permit and pay all applicable excise taxes.
- I will not purchase or exchange products from another retailer, including transferring existing stock to a new owner.
- I will provide tobacco sales training that has been approved by the Wisconsin Department of Health Services to my employees. (<https://witobaccocheck.org>).
- I will not sell single cigarettes.
- I will not sell, give, or otherwise provide cigarettes, tobacco, or any nicotine products to minors.
- I will keep product invoices on the licensed premises for two years and ensure the records are available for inspection by law enforcement. Failure to comply with this will result in criminal penalties, including loss of inventory.
- I will not sell cigarettes or roll-your-own (RYO) tobacco products unless listed on the Wisconsin Department of Justice's directory of certified tobacco manufacturers and brands.

Further, under penalty provided by law, I state that this application has been truthfully answered to the best of my knowledge. I agree to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, cannot be assigned to another. Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.

Signature <i>Kh. Sati</i>	Date 01/07/2025	
Name (Last, First, M.I.) Sati Khalidon		
Title Owner	Email	Phone

Part E: For Clerk Use Only

Date application was filed with clerk 1/8/25	Date license issued	Date license expires	License number
License fees	Signature of Clerk/Deputy Clerk		

Form
CTV-102

Cigarette, Tobacco, and Electronic Vaping Device Appointment of Agent

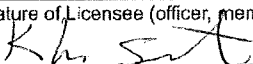
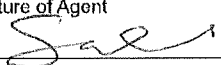
Date

Agent Type (check one): Original Change

Part A: Agent Information		
1. Last Name Alboushi Aldabbagh	2. First Name Safwan	3. M.I.
4. Email	5. Phone	
6. Home Address 574 Trudell Ct		
7. City Combined Locks	8. State WI	9. Zip Code 54113
10. Date of Birth	11. Drivers License/State ID Number	12. Drivers License/State ID State of Issuance

Part B: Questions
1. Have you completed Form CTV-101, <i>Cigarette, Tobacco, and Electronic Vaping Device License - Individual Questionnaire</i> ? Submit a completed Form CTV-101 with this form. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. If this is a change of agent, please describe the reason for the agent change. Attach additional sheets if necessary.

Part C: Business Information		
1. Legal Business Name (individual name if sole proprietor) A-Z Tobacco Inc		
2. Business Trade Name or DBA A-Z Tobacco Inc		
3. Entity Type (check one) <input type="checkbox"/> Limited Liability Company <input checked="" type="checkbox"/> Corporation		
4. Premises Address 201 West Northland Avenue Suit K		
5. City Appleton	6. State WI	7. Zip Code 54911

Part D: Attestations	
READ CAREFULLY BEFORE SIGNING: I, the Licensee, authorize the above-named individual to act for the above-named corporation or limited liability company with full authority and control of the premises and of all business relative to cigarettes, tobacco products, and/or electronic vaping devices conducted therein. I certify that I am authorized by the entity to authorize this individual to act on behalf of the entity. If I am appointing a successor agent, I rescind all previous agent appointments for this premises. Further, I 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 of Licensee (officer, member, or authorized signatory) 	Date 01-08-2025
Name of Person Signing for Licensee Khalidon Sati	Title Owner
READ CAREFULLY BEFORE SIGNING: I, the Agent, herby accept this appointment as agent for the above-named corporation or limited liability company and assume full responsibility for the conduct of all business relative to sales of cigarettes, tobacco products, and/or electronic vaping devices conducted on the premises for the above-named business. I further understand that I may be prosecuted for submitting false statements and affidavits in connection with this form, and that any person who knowingly provides materially false information on this form may be required to forfeit not more than \$1,000 if convicted.	
Signature of Agent 	Date 01/07/2025

Form
CTV-100

**Cigarette, Tobacco, and Electronic Vaping
Device Retail License Application**

FOR CLERKS ONLY	
Municipality	Appleton
License Period	24-25

Part A: Premises/Business Information

1. Legal Business Name (individual name if sole proprietor) Rehan Grocery LLC		
2. Business Trade Name or DBA Halal International Market		
3. FEIN	4. Wisconsin Seller's Permit Number	
5. Entity Type (check one) <input type="checkbox"/> Sole Proprietor <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Limited Liability Company <input type="checkbox"/> Corporation		
6. State of Organization WI	7. Date of Organization 01/09/2025	8. Wisconsin DFI Registration Number
9. Premises Address (do not use PO Box) 2310 W College Ave Suite D		
10. City Appleton	11. State WI	12. Zip Code 54914
13. County Outagamie	14. Governing Municipality: <input checked="" type="checkbox"/> City <input type="checkbox"/> Town <input type="checkbox"/> Village of: Appleton	15. Aldermanic District
16. Mailing Address (if different from premises address)		
17. City	18. State	19. Zip Code
20. Premises Phone 920 512 2761	21. Premises Email musemitabish2005@icloud.com	22. Website
23. Premises Description - Describe the building or buildings where cigarettes, tobacco products, and electronic vaping devices are to be sold and stored. Describe all rooms including living quarters, if used, for the sales and/or storage of cigarettes, tobacco products, and electronic vaping devices and records. Cigarettes, tobacco products, and electronic vaping devices may be sold and stored ONLY on the premises described in this application. Attach a floor plan if possible. approx. 1600 ft sold back to the counter		

Part B: Questions

1. What products will be sold at this business location? (check all that apply) <input type="checkbox"/> Cigarettes <input checked="" type="checkbox"/> Tobacco Products <input type="checkbox"/> Electronic Vaping Devices		
2. How will cigarettes, tobacco, and/or electronic vaping devices be sold? (check all that apply) <input checked="" type="checkbox"/> Over the counter <input type="checkbox"/> Vending machine		
3. Is the applicant business owned by another business entity? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, provide the name and FEIN of the parent company below, identify parent company members in Part C, and attach Form CTV-101 for all of the parent company's members, partners, or officers. 3a. Name of Parent Company: _____ 3b. FEIN of Parent Company: _____		

Part C: Individual Information

An Individual Questionnaire, Form CTV-101, must be completed and attached to this application for each person involved in the applicant business and any parent company indicated in Part B. Such persons include: sole proprietor, all officers and agents of a corporation, all partners of a partnership, and all members and agents 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
Abdullah Abdullah	Siyaar	owner	

Part D: Attestation

One of the following must sign and attest to this application:

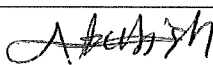
- sole proprietor
- one general partner of a partnership
- one corporate officer
- one managing member of an LLC

READ CAREFULLY BEFORE SIGNING:

I understand and agree to the following:

- I will only purchase cigarettes, tobacco, and vapor products from distributors, jobbers, or subjobbers permitted by the Wisconsin Department of Revenue, unless I also hold the proper distributor's permit and pay all applicable excise taxes.
- I will not purchase or exchange products from another retailer, including transferring existing stock to a new owner.
- I will provide tobacco sales training that has been approved by the Wisconsin Department of Health Services to my employees. (<https://witobaccocheck.org>).
- I will not sell single cigarettes.
- I will not sell, give, or otherwise provide cigarettes, tobacco, or any nicotine products to minors.
- I will keep product invoices on the licensed premises for two years and ensure the records are available for inspection by law enforcement. Failure to comply with this will result in criminal penalties, including loss of inventory.
- I will not sell cigarettes or roll-your-own (RYO) tobacco products unless listed on the Wisconsin Department of Justice's directory of certified tobacco manufacturers and brands.

Further, under penalty provided by law, I state that this application has been truthfully answered to the best of my knowledge. I agree to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, cannot be assigned to another. Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.

Signature 	Date 01/09/2025	
Name (Last, First, M.I.) Abdullah Siyaar		
Title owner	Email	Phone

Part E: For Clerk Use Only

Date application was filed with clerk 1/9/25	Date license issued	Date license expires	License number
License fees	Signature of Clerk/Deputy Clerk		

Form
CTV-102

Cigarette, Tobacco, and Electronic Vaping Device Appointment of Agent

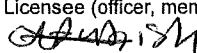
Date

Agent Type (check one): Original Change

Part A: Agent Information		
1. Last Name Si Abdullah	2. First Name Siyar	3. M.I. M
4. Email	5. Phone	
6. Home Address 520 E Winnabego St Apt 16		
7. City Appleton	8. State WI	9. Zip Code 54911
10. Date of Birth	11. Drivers License/State ID Number	12. Drivers License/State ID State of Issuance

Part B: Questions
1. Have you completed Form CTV-101, <i>Cigarette, Tobacco, and Electronic Vaping Device License - Individual Questionnaire</i> ? Submit a completed Form CTV-101 with this form. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. If this is a change of agent, please describe the reason for the agent change. Attach additional sheets if necessary.

Part C: Business Information		
1. Legal Business Name (individual name if sole proprietor) Rena Grocery LLC		
2. Business Trade Name or DBA Halal International market		
3. Entity Type (check one) <input checked="" type="checkbox"/> Limited Liability Company <input type="checkbox"/> Corporation		
4. Premises Address 2310 W College Ave		
5. City Appleton	6. State WI	7. Zip Code 54914

Part D: Attestations	
READ CAREFULLY BEFORE SIGNING: I, the Licensee, authorize the above-named individual to act for the above-named corporation or limited liability company with full authority and control of the premises and of all business relative to cigarettes, tobacco products, and/or electronic vaping devices conducted therein. I certify that I am authorized by the entity to authorize this individual to act on behalf of the entity. If I am appointing a successor agent, I rescind all previous agent appointments for this premises. Further, I 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 of Licensee (officer, member, or authorized signatory) 	Date 01/09/2025
Name of Person Signing for Licensee Siyar Abdullah	Title owner
READ CAREFULLY BEFORE SIGNING: I, the Agent, hereby accept this appointment as agent for the above-named corporation or limited liability company and assume full responsibility for the conduct of all business relative to sales of cigarettes, tobacco products, and/or electronic vaping devices conducted on the premises for the above-named business. I further understand that I may be prosecuted for submitting false statements and affidavits in connection with this form, and that any person who knowingly provides materially false information on this form may be required to forfeit not more than \$1,000 if convicted.	
Signature of Agent	Date



Application for Secondhand Article Dealer License

Applies to: Secondhand Mall/Flea Market, Pawnbroker, Secondhand Article Dealer, Secondhand Jewelry Dealer

**License Period Is One
Calendar Year***

*Except Secondhand Mall/Flea Market Licenses

NOTE: Please allow approx. 4 weeks for application processing

Individual license – Complete Sections 1, 2, 3 and 5
Corporate/Partnership/LLC license – Complete Sections 1 - 5

FEEES ARE NON-REFUNDABLE

CASH OR CHECK ONLY!

- Pawnbroker - \$217.00
- Secondhand Mall/Flea - \$172.00
- Secondhand Article/Jewelry:
 - Original - \$107.00
 - Renewal - \$82.00

Date Recv'd 1/10/25

Total \$ 82

Receipt #: 7868-3

SECTION 1 – APPLICANT INFORMATION

Applicant Name (First, MI, Last) <u>Todd P. Heid</u>		Date of Birth	
Home Address <u>540 W. River Rd.</u>	City <u>App.</u>	State <u>WI.</u>	Zip Code <u>54915</u>
Applicant Drivers License/State ID Number		DL /ID State of Issuance	
Phone Number (Required)	Email Address		

Has the applicant ever resided outside of Wisconsin? If so, please list previous state(s) of residence.

SECTION 2 – BUSINESS INFORMATION

Individual/Business	Street Address	City	State	Zip Code	Phone Number
Business Name <u>Heid MUSIC</u>	<u>308 E. College Ave.</u>	<u>Appleton</u>	<u>WI.</u>	<u>54911</u>	
Owner's Name <u>Todd Heid</u>	<u>540 W. River Rd.</u>	<u>Appleton</u>	<u>WI.</u>	<u>54915</u>	
Business Manager's Name <u>Shannon Waterworth</u>					
Building Owner's Name <u>BGO / Todd Heid</u>	<u>same</u>				

SECTION 3 – CONVICTION RECORD

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

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

Within the last ten (10) years of:

A misdemeanor? YES NO

A statutory violation punishable by forfeiture? YES NO

A county or municipal ordinance violation? YES NO

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

SECTION 4 – PARTNERSHIP/CORPORATION/LIMITED LIABILITY COMPANY INFORMATION

Check the box that applies to your business: Partnership Corporation Limited Liability Company (LLC)

Partnership/Corporation/LLC name: S.CORP State of Incorp. (if applicable)

List information for all additional partners/members. Attach additional sheets, if necessary

Name (First, MI, Last) <u>Todd P. Heid</u>	Date of Birth	Home Address <u>540 W. River Rd.</u>	City <u>Appleton</u>	State <u>WI.</u>	Zip Code <u>54915</u>
Drivers License/State ID Number		DL/ID State of Issuance			
Name (First, MI, Last)	Date of Birth	Home Address	City	State	Zip Code
Drivers License/State ID Number		DL/ID State of Issuance			
Name (First, MI, Last)	Date of Birth	Home Address	City	State	Zip Code
Drivers License/State ID Number		DL/ID State of Issuance			

Form
AB-200

Alcohol Beverage License Application

For Municipal Use Only	
Municipality	Appleton
License Period	24-25

License(s) Requested: (up to two boxes may be checked)

- Class "A" Beer \$ _____ Class "B" Beer \$ 160
 "Class A" Liquor \$ _____ "Class B" Liquor \$ _____
 "Class A" Liquor (cider only) \$ _____ Reserve "Class B" Liquor \$ 16,500
 "Class C" Liquor (wine only) \$ _____ Deposit \$50

Fees	
License Fees	\$10,600
Background Check Fee	\$ 7
Publication Fee	\$ 60
Total Fees	\$10,667

Part A: Premises/Business Information

1. Legal Business Name (individual name if sole proprietorship) <u>La Bodega Nightclub LLC</u>			
2. Business Trade Name or DBA <u>La Bodega lounge</u>			
3. FEIN		4. Wisconsin Seller's Permit Number	
5. 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			
6. State of Organization <u>Wisconsin</u>		7. Date of Organization <u>12/16/2024</u>	8. Wisconsin DFI Registration Number
9. Premises Address <u>531 W College Ave</u>			
10. City <u>Appleton</u>		11. State <u>WI</u>	12. Zip Code <u>54911</u>
13. County <u>Outagamie</u>		14. Governing Municipality: <input checked="" type="checkbox"/> City <input type="checkbox"/> Town <input type="checkbox"/> Village of: <u>Appleton</u>	15. Aldermanic District
16. Premises Phone <u>920-450-8592</u>		17. Premises Email <u>SantiJuaco@gmail.com</u>	18. Website
19. Premises Description - Describe the building or buildings where alcohol beverages are produced, sold, stored, or consumed, and related records are kept. Describe all rooms within the building, including living quarters. Authorized alcohol beverage activities and storage of records may occur only on the premises described in this application. Attach a map or diagram and additional sheets if necessary. <u>The building is 2800 sqft. The Alcohol is stored down stairs on north side of building. Alcohol will be served upstairs. At the bar lounge Area. The Alcohol will only be consumed upstairs.</u>			
20. Mailing Address (if different from premises address) <u>531 W College Ave</u>			
21. City <u>Appleton</u>		22. State <u>WI</u>	23. Zip Code <u>54911</u>

Part B: Questions

1. Has the business (sole proprietorship, partnership, limited liability company, or corporation) been convicted of violating federal or state laws or local ordinances? Exclude traffic offenses unless related to alcohol beverages. Yes No

If yes, list the details of violation below. Attach additional sheets if necessary.

Law/Ordinance Violated	Location	Trial Date
Penalty Imposed	Was sentence completed? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Law/Ordinance Violated	Location	Trial Date
Penalty Imposed	Was sentence completed? <input type="checkbox"/> Yes <input type="checkbox"/> No	

2. Are charges for any offenses pending against the business? Exclude traffic offenses unless related to alcohol beverages. Yes No

If yes, describe the nature and status of pending charges using the space below. Attach additional sheets as needed.

3. Is the applicant business or any of its officers, directors, members, agent, employees, owners, or other related individuals or entities a restricted investor with any interest in an alcohol beverage producer or distributor? Yes No

If yes, provide the name of the restricted investor and describe the nature of the interest.

4. Is the applicant business owned by another business entity? Yes No

If yes, provide the name(s) and FEIN(s) of the business entity owners below. Attach additional sheets as needed.

4a. Name of Business Entity	4b. Business Entity FEIN
-----------------------------	--------------------------

5. Have the partners, agent, or sole proprietor satisfied the responsible beverage server training requirement for this license period? Submit proof of completion. Yes No

6. Is the applicant business indebted to any wholesaler beyond 15 days for beer or 30 days for liquor/wine? Yes No

7. Does the applicant business owe past due municipal property taxes, assessments, or other fees? Yes No

Part C: Individual Information

List the name, title, and phone number for each person or entity holding the following positions in the applicant business or businesses listed in Part B, Question 4: sole proprietor, all officers, directors, and agent of a corporation or nonprofit organization, all partners of a partnership, and all members, managers, and agent of a limited liability company. Attach additional sheets if necessary.

Include Form AB-100 for each person listed below. Corporations and LLCs must appoint an agent by including Form AB-101.

Last Name	First Name	Title	Phone
Santiago - Hernandez	Juan	Owner	

Part D: Attestation

One of the following must sign and attest to this application:

- sole proprietor
- one general partner of a partnership
- one corporate officer
- one 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.

Last Name Santiago - Hernandez	First Name Juan	M.I. A
Title Owner	Email	Phone
Signature 	Date 12-09-24	

Part E: For Clerk Use Only

Date Application Was Filed With Clerk 12/20/24	License Number	Date License Granted	Date License Issued
Signature of Clerk/Deputy Clerk		Date Provisional License Issued (if applicable)	

Alcohol Beverage Appointment of Agent

Date

Agent Type (check one)	
<input checked="" type="checkbox"/> Original (no fee)	<input type="checkbox"/> Successor (\$10 fee for municipal licensees only)

Part A: Business Information	
1. Legal Business Name (individual name if sole proprietor) <i>La Bodega Nightclub LLC</i>	
2. Business Trade Name or DBA <i>LA Bodega Lounge</i>	
3. Entity Type (check one) <input checked="" type="checkbox"/> Limited Liability Company <input type="checkbox"/> Corporation <input type="checkbox"/> Nonprofit Organization	
4. Alcohol Beverage Business Authorization (check one) <input checked="" type="checkbox"/> Municipal Retail License <input type="checkbox"/> State Permit	5. If successor agent, provide State Permit or Municipal Retail License Number
6. Describe the reason for appointing a successor agent, if successor is checked above. <i>New business</i>	

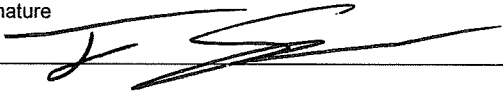
Part B: Agent Information			
1. Last Name <i>Santiago-Hernandez</i>	2. First Name <i>Juan</i>	3. M.I. <i>A</i>	
4. Email		5. Phone	
6. Home Address <i>1301 Maller St</i>			
7. City <i>Menasha</i>	8. State <i>WI</i>	9. Zip Code <i>54952</i>	10. Age
11. Drivers License/State ID Number		12. Drivers License/State ID State of Issuance	

Part C: Agent Questions	
1. Have you satisfied the responsible beverage server training requirement? Submit proof of completion.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. Have you completed Form AB-100, <i>Alcohol Beverage Individual Questionnaire</i> ? Submit a completed Form AB-100 with this form.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
3. Have you been a Wisconsin resident for at least 90 continuous days? See instructions for exceptions.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Continued →


Part D: Business Attestation

READ CAREFULLY BEFORE SIGNING: I, the **Undersigned**, authorize the above-named individual to act for the above-named corporation, nonprofit organization, or limited liability company with full authority and control of the premises and of all alcohol beverage activities on such premises. I certify that I am authorized by the above-named entity to authorize this individual to act on behalf of the entity. If I am appointing a successor agent, I rescind all previous agent appointments for this premises. Further, I 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.

Last Name Santiago - Hernandez		First Name Juan		M.I. A
Title Owner	Email		Phone	
Signature 			Date 12-06-24	

Part E: Agent Attestation

READ CAREFULLY BEFORE SIGNING: I, the **Agent**, hereby accept this appointment as agent for the above-named corporation, nonprofit organization, or limited liability company and assume full responsibility for the conduct of all alcohol beverage activities on the premises for the above-named business. 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.

Last Name Santiago - Hernandez		First Name Juan		M.I. A
Signature 			Date 12-06-24	



City of Appleton

Alcohol License Questionnaire

1. Applicant Name: Juan A. Santiago Hernandez

2. Business Name: La Bodega Nightclub LLC

3. Business Address: 531 W College Ave, Appleton WI 54911

4. Primary Business Activity:

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

5. Select the type of business premises: Existing Building New Construction

If existing building, please indicate the primary nature of the previous business that operated at this location. Night club, dance place, lounge

Anticipated date of opening? January 20th 2025

6. Will your business sell or serve food?

Yes If yes, please describe the type of food offerings available _____

No

7. Fill in the information about operational details listed below. Attaching a copy of the floor plan is encouraged.

Seating Capacity: Inside: 245
Outside: _____
Operating Days/Hours: Inside: Thursday - Sunday 8-2:30
Outside: _____
Employees/Staff (per shift/day) Number of Personnel: 5

Approximate floor building area of the premises to be licensed: 2800 sq. ft.
Approximate outdoor area of the premises to be licensed: 0 sq. ft.

Summarize the day-to-day operations of the business in the space below:
Lounge area & Drinks Available
Dance spot for community.
This will be available from Thursday - Sunday

Signature [Handwritten Signature]

Date 12-10-24

**Cigarette, Tobacco, and Electronic Vaping
Device Retail License Application**

FOR CLERKS ONLY	
Municipality	Appleton
License Period	24-25

Part A: Premises/Business Information

1. Legal Business Name (individual name if sole proprietor) Top Dogz Vape Shop LLC			
2. Business Trade Name or DBA Top Dogz Vape Shop			
3. FEIN		4. Wisconsin Seller's Permit Number	
5. Entity Type (check one) <input type="checkbox"/> Sole Proprietor <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Limited Liability Company <input type="checkbox"/> Corporation			
6. State of Organization WISCONSIN		7. Date of Organization 2-29-2024	8. Wisconsin DFI Registration Number T107525
9. Premises Address (do not use PO Box) 208 E WISCONSIN AVE			
10. City Appleton		11. State WI	12. Zip Code 54911
13. County Outagamie	14. Governing Municipality: <input checked="" type="checkbox"/> City <input type="checkbox"/> Town <input type="checkbox"/> Village of: Appleton		15. Aldermanic District
16. Mailing Address (if different from premises address)			
17. City		18. State	19. Zip Code
20. Premises Phone 920-740-5065		21. Premises Email jenny@topdogzvapeshop.com	22. Website www.topdogzvapeshop.com
23. Premises Description - Describe the building or buildings where cigarettes, tobacco products, and electronic vaping devices are to be sold and stored. Describe all rooms including living quarters, if used, for the sales and/or storage of cigarettes, tobacco products, and electronic vaping devices and records. Cigarettes, tobacco products, and electronic vaping devices may be sold and stored ONLY on the premises described in this application. Attach a floor plan if possible. Rectangle with 1750 square feet with small storage space included in square footage.			

Part B: Questions

1. What products will be sold at this business location? (check all that apply) <input type="checkbox"/> Cigarettes <input checked="" type="checkbox"/> Tobacco Products <input checked="" type="checkbox"/> Electronic Vaping Devices		
2. How will cigarettes, tobacco, and/or electronic vaping devices be sold? (check all that apply) <input checked="" type="checkbox"/> Over the counter <input type="checkbox"/> Vending machine		
3. Is the applicant business owned by another business entity? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, provide the name and FEIN of the parent company below, identify parent company members in Part C, and attach Form CTV-101 for all of the parent company's members, partners, or officers. 3a. Name of Parent Company: _____ 3b. FEIN of Parent Company: _____		

Part C: Individual Information

An Individual Questionnaire, Form CTV-101, must be completed and attached to this application for each person involved in the applicant business and any parent company indicated in Part B. Such persons include: sole proprietor, all officers and agents of a corporation, all partners of a partnership, and all members and agents 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
Peters	Jennifer	Owner	
Williams	Jason	Owner	

Part D: Attestation

One of the following must sign and attest to this application:

- sole proprietor • one general partner of a partnership • one corporate officer • one managing member of an LLC

READ CAREFULLY BEFORE SIGNING:

I understand and agree to the following:

- I will only purchase cigarettes, tobacco, and vapor products from distributors, jobbers, or subjobbers permitted by the Wisconsin Department of Revenue, unless I also hold the proper distributor's permit and pay all applicable excise taxes.
- I will not purchase or exchange products from another retailer, including transferring existing stock to a new owner.
- I will provide tobacco sales training that has been approved by the Wisconsin Department of Health Services to my employees. (<https://witobaccocheck.org>).
- I will not sell single cigarettes.
- I will not sell, give, or otherwise provide cigarettes, tobacco, or any nicotine products to minors.
- I will keep product invoices on the licensed premises for two years and ensure the records are available for inspection by law enforcement. Failure to comply with this will result in criminal penalties, including loss of inventory.
- I will not sell cigarettes or roll-your-own (RYO) tobacco products unless listed on the Wisconsin Department of Justice's directory of certified tobacco manufacturers and brands.

Further, under penalty provided by law, I state that this application has been truthfully answered to the best of my knowledge. I agree to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, cannot be assigned to another. Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.

Signature <i>Jennifer Peters</i>	Date 1-15-2025
Name (Last, First, M.I.) Peters, Jennifer, L	
Title Owner	Email
	Phone

Part E: For Clerk Use Only

Date application was filed with clerk 1/15/25	Date license issued	Date license expires	License number
License fees	Signature of Clerk/Deputy Clerk		

**Cigarette, Tobacco, and Electronic Vaping Device
Appointment of Agent**

Date
1-15-2025

Agent Type (check one): Original Change

Part A: Agent Information		
1. Last Name Peters	2. First Name Jennifer	3. M.I. L
4. Email		5. Phone
6. Home Address 220 Frances St		
7. City Kaukauna	8. State WI	9. Zip Code 54130
10. Date of Birth	11. Drivers License/State ID Number	12. Drivers License/State ID State of Issuance

Part B: Questions	
1. Have you completed Form CTV-101, <i>Cigarette, Tobacco, and Electronic Vaping Device License - Individual Questionnaire</i> ? Submit a completed Form CTV-101 with this form. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
2. If this is a change of agent, please describe the reason for the agent change. Attach additional sheets if necessary.	

Part C: Business Information		
1. Legal Business Name (individual name if sole proprietor) Top Dogz Vape Shop LLC		
2. Business Trade Name or DBA Top Dogz Vape Shop		
3. Entity Type (check one) <input checked="" type="checkbox"/> Limited Liability Company <input type="checkbox"/> Corporation		
4. Premises Address 208 E Wisconsin Ave		
5. City Appleton	6. State WI	7. Zip Code 54911

Part D: Attestations	
<p>READ CAREFULLY BEFORE SIGNING: I, the Licensee, authorize the above-named individual to act for the above-named corporation or limited liability company with full authority and control of the premises and of all business relative to cigarettes, tobacco products, and/or electronic vaping devices conducted therein. I certify that I am authorized by the entity to authorize this individual to act on behalf of the entity. If I am appointing a successor agent, I rescind all previous agent appointments for this premises. Further, I 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.</p>	
Signature of Licensee (officer, member, or authorized signatory) 	Date 1-15-2025
Name of Person Signing for Licensee Jennifer Peters	Title Owner
<p>READ CAREFULLY BEFORE SIGNING: I, the Agent, herby accept this appointment as agent for the above-named corporation or limited liability company and assume full responsibility for the conduct of all business relative to sales of cigarettes, tobacco products, and/or electronic vaping devices conducted on the premises for the above-named business. I further understand that I may be prosecuted for submitting false statements and affidavits in connection with this form, and that any person who knowingly provides materially false information on this form may be required to forfeit not more than \$1,000 if convicted.</p>	
Signature of Agent 	Date 1-15-2025

RESOLUTION
Emergency Sodium Hypochlorite Tank Replacement at Appleton Water Treatment Facility

WHEREAS, one of three 11,000 gallon sodium hypochlorite tanks at the Appleton Water Treatment Facility has failed; and

WHEREAS, the structural damage caused by chemical deterioration of the fiberglass tank is so significant that interior or exterior in-situ repairs will not effectively address all potential failure points; and

WHEREAS, the structural damage caused by chemical exposure and deterioration of the fiberglass tank is so significant that in-situ repairs will not effectively address all other potential failure points; and

WHEREAS, all existing tanks are of the same vintage and the failure of another hypochlorite bulk storage tank would jeopardize disinfection treatment processes presenting an immediate and significant danger to the public health and safety without emergency replacement; and

WHEREAS, Wisconsin State Statute § 62.15(1b) allows for the Finance Committee, as a board of public works, to determine that an emergency has been created by the damage or threatened damage to a public facility in which the public health or welfare is endangered; and

WHEREAS, City staff have identified a qualified contractor that can immediately begin addressing the emergency replacement of the bulk storage tanks through emergency procurement; and

NOW THEREFORE, BE IT RESOLVED, that the Finance Committee determines that the danger to the public health and welfare from the damage to all three 11,000 gallon sodium hypochlorite bulk storage tanks at the Appleton Wastewater Treatment Facility creates an emergency for repair and reconstruction to a public facility pursuant to Wis. Stat. § 62.15(1b).

Adopted this 5th day of February 2025.

CITY OF APPLETON | FINANCE COMMITTEE

By: _____
Alderson Brad Firkus
Finance Committee Chair

Attest: _____
Kami Lynch
City Clerk



DEPARTMENT OF
UTILITIES

Department of Utilities
Water Treatment Facility
2281 Manitowoc Rd.
Menasha, WI 54952
p: 920-997-4200
f: 920-997-3240

www.appleton.org/government/utilities

MEMORANDUM

Date: January 28, 2025
To: Chairperson Brad Firkus and Members of the Finance Committee
CC: Assistant City Attorney Darrin Glad
Kelli Rindt, Enterprise Accounting Fund Manager
From: Chris Stempa, Director of Utilities *CFS*
Subject: **Finance Committee Emergency Authorization: Appleton Water Treatment Plant Bulk Hypochlorite Tank Replacement**

BACKGROUND:

Sodium hypochlorite is used at the Appleton Water Treatment Facility (AWTF) as regulatory approved disinfection process chemical. Sodium hypochlorite is housed in three (3) 11,000-gallon fiberglass-reinforced plastic (FRP) bulk storage tanks that were originally commissioned in 2001. Tank manufacturers typically expect up to 15 years of life when storing 12.5% sodium hypochlorite in an FRP tank before relining is necessary to restore the interior protective coating layers.

In early January, staff discovered a sizeable leak in one of the three sodium hypochlorite (also known as bleach) bulk storage tanks. Sodium hypochlorite is the primary disinfection chemical used in drinking water treatment and is mandated for use by the EPA and WDNR. The inside of all three bulk storage tanks were relined in 2022 and 2023. That marked the second time they were relined since original installation. Relining fiberglass tanks is an accepted industry practice to extend their useful life (typically up to 25 years, depending on the chemical). Unfortunately, pin leaks had been observed in all three tanks since the last relining event but located in areas where relining can be challenging because of limited space (e.g. tank penetration gussets). Those leaks were immediately and successfully repaired within the contract warranty period. However, one of the bulk tanks had more extensive repairs completed on it prior to failing again in early January 2025 and on January 28th a leak was observed on a second bulk tank which has elevated the need for action.

Relining the inside does not effectively add structural strength but is intended to only reestablish the interior corrosion barrier. The leaks that have been experienced since the last relining event directly coincides to the tanks being loaded or filled as part of routine chemical deliveries. It is suspected that the tanks flex when subjected to lateral force during fill/drain cycles which forms microcracks in the protective barrier that bleed through the underlying structural layer. The intent now is to replace the bulk storage tanks given the

structural integrity concerns in all the tanks. Management staff is presently taking steps contract with an area contractor to repair one of the offline tanks. This would only be considered a temporary repair to ensure that the treatment operations had two reliable tanks in service while replacement tanks are being fabricated.

RECOMMENDATION:

Disinfection processes can be maintained with two bulk storage tanks but would be extremely hampered if required to only operate on one tank. There would be no redundancy or backup storage capacity if another tank were to fail. Given the similar age of these tanks, it is in the city's best interest to authorize emergency procurement that would take steps to replace the bulk storage tanks.

If you have any questions, please contact Chris Stempa at 920-832-5945.


Encl: Emergency Resolution



DEPARTMENT OF
**LEGAL AND
ADMINISTRATIVE
SERVICES**

CITY ATTORNEY'S OFFICE
100 North Appleton Street
Appleton, WI 54911
p: 920.832.6423
f: 920.832.5962
www.appletonwi.gov

TO: Members of the Finance Committee

FROM: Assistant City Attorney Darrin Glad 

DATE: January 28, 2025

RE: Emergency Sodium Hypochlorite Tank Replacement at Appleton Water Treatment Facility Resolution
Our File No. A25-0046

This memo accompanies the Emergency Sodium Hypochlorite Tank Replacement at Appleton Water Treatment Facility Resolution. Wis. Stat. § 62.15(1b) allows a public emergency exception to certain requirements for public works contracts, stating:

The provisions of sub. (1) ... are not mandatory for the repair and reconstruction of public facilities when damage or threatened damage thereto creates an emergency, as determined by resolution of the board of public works¹ ... , in which the public health or welfare of the city is endangered.

If the Finance Committee determines through resolution that the damage to the bulk sodium hypochlorite tanks at the Appleton Water Treatment Facility create an emergency in which the public health or welfare of the City is endangered, the City can immediately proceed to contract to alleviate the deteriorated facilities.

¹ In 2013, the Charter Ordinances of the Municipal Code of the City of Appleton were changed to repeal the Board of Public Works and assign all their previous duties to the Finance Committee.



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

PROPOSED DETAILS

Requesting dept: Appleton Water Treatment Facility
Product/service: 2025 Emergency Generator Controls Upgrade
Vendor name: Fabick CAT
Total cost: \$653,837

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



Purchasing Manager

Date 1/13/2025



DEPARTMENT OF
UTILITIES

Department of Utilities
Water Treatment Facility
2281 Manitowoc Rd.
Menasha, WI 54952
p: 920-997-4200
f: 920-997-3240

www.appleton.org/government/utilities

MEMORANDUM

Date: January 15, 2025
To: Chairperson Brad Firkus and Members of the Finance Committee
CC: Chris Stempa, Director of Utilities
John Pogrant, Water Operations Supervisor
Kelli Rindt, Enterprise Accounting Fund Manager
From: Ryan Rice, Deputy Director of Utilities
Subject: **Finance Committee Action: Award Sole Source Purchase of Appleton Water Treatment Facility Emergency Generator Control Equipment to Fabick Power Systems for a cost of \$653,837 with a contingency of \$46,163 for a total not to exceed \$700,000.**

BACKGROUND:

The Appleton Water Treatment Facility (AWTF) has two Caterpillar (CAT) diesel powered generators that are utilized for emergency backup power. Each generator is 2,500 horsepower and can generate up 1,850 kilowatts of electricity (each). One generator can supply enough electricity to satisfy all the AWTF operational needs when a disruption of grid power occurs. In May 2024, one of the generators developed an issue within the controls which caused it to fail and couldn't operate. The local CAT dealer and servicer, Fabick Power Systems (Fabick CAT) completed a repair and successfully returned the generator to operation. However, Fabick CAT stated that availability for replacement parts of this equipment vintage is minimal and that our risk exposure would be high if a major component were to fail.

The city has been engaged in contract for capacity with WPPI Energy for nearly 20 years which provides a monthly payment to have our generators "standby ready" when called upon to provide power back to the grid. The type of circumstances that result in us being called upon are related to a loss of power caused by extreme weather-related events or electrical capacity constraints caused by extremely high customer demand. The payment to the city ranges from \$7,400 to \$8,700 each month. It is critical to have the generators fully functional for treatment plant emergency operation but also to satisfy capacity contract obligations and preserve associated revenue that is generated from it each year.

The 2025 AWTF budget approved by Common Council included \$700,000 for replacement of AWTF generator control panels.

QUOTATION

Fabick CAT provided a quote of \$653,837 for replacement of the generators control system which includes:

- System Generator Paralleling Switchgear Controls
- Medium Voltage Switchgear Protective Relays
- Generator Controls
- Integration
- Commissioning & Testing

JUSTIFICATION

Failure of the generators control system in the absence of grid power jeopardizes treatment and risks interruption of City water supply, along with the continuing WPPI payments.

As the original equipment manufacturer (OEM) Fabick CAT, has provided maintenance related contract services on the CAT generators at the Water and Wastewater facilities. Fabick CAT's familiarity with these units and their expertise with the equipment ensures the successful completion of the project and continued reliability of operation.

The quote by Fabick CAT employs the current mechanism of the switchgear and replaces the programming and controls with new equipment.

As part of our due diligence, Fabick CAT was asked to also provide an estimate for new generators, controls, and associated equipment of the same capacity as the current system. If a new installation was chosen, all new wiring, switchgear, and facility considerations would be needed. The estimate is between \$2.7M and \$3.2M not including installation by a mechanical/electrical contractor.

RECOMMENDATION:

I am recommending the approval of a sole source purchase of Appleton Water Treatment Facility Emergency Generator Control Equipment to Fabick Power Systems for a cost of \$653,837 with a contingency of \$46,163 for a total not to exceed \$700,000.

If you have any questions regarding this project, please contact Ryan Rice at 920-832-5945.

Encl: Finance Department Sole Source Request Form



CITY OF APPLETON

Department of Parks & Recreation
1819 East Witzke Blvd.
Appleton, WI 54911
p: 920-832-5905
f: 920-993-3103
www.appletonparkandrec.org

TO: Finance Committee
FROM: Dean Gazza
DATE: 1-20-25
RE: EECGB Grant Budget Amendment

The Infrastructure Investment and Jobs Act of 2021 included grant funding allocations for the Energy Efficiency and Conservation Block Grant. The City of Appleton was awarded \$134,180. The grant was approved by the City Council in 2024 and is to be used for seed funding to encourage sustainable actions, create strategies, renewable energy, etc. to government facilities.

Request to approve the following budget amendment:

CEA Capital Projects Fund	
Federal Grants	+ \$134,180
Vehicles	+ \$134,180

Please contact me at 832-5572 or at dean.gazza@appleton.org with any questions.



CITY OF APPLETON

Appleton Public Library
3000 E. College Ave., Suite B
Appleton, WI 54915
p: 920.832.6173
www.apl.org

Memo

To: Appleton Public Library Board of Trustees; City of Appleton Finance Committee

From: Colleen Rortvedt, Library Director

Date: January 8, 2025

Subject: Approval to accept Non-State Grant Award of \$274,000

The Wisconsin Department of Administration (State), through the State Building Commission and the Non-State Grant Award, has awarded a \$274,000 grant to the Appleton Public Library (Library) project to support the transformative renovation of the library building and enhance its role as a community and cultural hub, providing modernized facilities to meet the evolving needs of the Appleton community (Project). Trustee approval is required to accept this grant.

Key Terms of the Agreement:

- The State will reimburse construction expenses up to \$274,000.
- The Library has secured non-state revenue sources covering at least half of the \$40,400,000 total project cost.
- Beyond the grant payment, the State assumes no responsibility for the facility.
- The Library indemnifies the State against liabilities related to the Project.
- The Library accepts a 20-year land use restriction ensuring the property serves the purposes of the Project. If the library building ceases to serve a public purpose, the State retains an ownership interest proportional to the grant amount.
- The Library must adhere to non-discrimination and equal employment opportunities.
- Payments are contingent upon the submission of requisition forms and proof of incurred expenses.

Upon approval, the agreement will be signed, staff will complete the requirements of the grant, and request reimbursement of funds.




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

PROPOSED DETAILS
Requesting dept: Wastewater Treatment Plant
Product/service: 2025 hydroblasting service
Vendor name: Groome Industrial Service
Total cost: \$2,550 daily rate, not to exceed \$30,000

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


Purchasing Manager

1/7/2025
Date



DEPARTMENT OF
UTILITIES

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

www.appleton.org/government/utilities

MEMORANDUM

Date: January 15, 2025
To: Chairperson Brad Firkus and Members of the Finance Committee
CC: Chris Stempa, Director of Utilities
Kelli Rindt, Enterprise Accounting Fund Manager
From: Ryan Rice, Deputy Director of Utilities
Subject: **Finance Committee Action: Award Sole Source Contract to Groome Industrial Services for WWTP Hydroblasting service in the amount not to exceed \$30,000.**

BACKGROUND:

The Appleton wastewater treatment plant (AWWTP) accepts lime softening residuals from the Appleton water treatment facility (AWTF) which are primarily calcium carbonate. The residuals are transported via forcemain between plants and enter the WWTP at the head of the liquid treatment train where it comingles with influent wastewater from the city sewerage collection system. The comingled waste stream flows through preliminary treatment and then enters the primary clarification process where heavier solids like lime residuals settle out and are pumped into the anaerobic primary digesters with the settled primary sludge.

The residuals continue through the solids treatment process until the digested sludge is dewatered by belt filter press. The dewatered sludge is stored in the sludge storage building and the filtrate water from the belt filter press is captured and piped to the filtrate storage tank for flow equalization before entering the aeration process of the liquid treatment train (approximately 1,200 feet of 12-inch diameter and 10-inch diameter pipe).

The calcium carbonate in the digested sludge forms lime scale on the dewatering equipment and inside the filtrate piping/tank. The progressive formation of lime scale slowly restricts flow through filtrate piping which must be removed every one to two years to maintain effective treatment operations. The primary method of removal is by 10,000 PSI water jetting of the piping, also known as hydroblasting.

The 2025 AWWTP budget approved by Common Council included \$30,000 for contracted hydroblasting service.

PROPOSAL:

Groome Industrial Services provided a quote for hydroblasting services for 2025 with a daily (8 hour) rate of \$2,550.00.

JUSTIFICATION:

Groome (formerly known as H2O Underpressure) has the equipment and experienced personnel necessary to perform this work and successfully performed hydroblasting in 2024 and was asked to provide a quote for hydroblasting in 2025. Groome has consistently been the least cost quote when hydroblasting service has been solicited and their rate quoted for 2025 hydroblasting service is unchanged from the rate quoted in 2023 and 2024.

RECOMMENDATION:

I am recommending the award of a sole source contract to Groome Industrial Services for hydroblasting service in the amount not to exceed \$30,000.

If you have any questions regarding this project, please contact Ryan Rice at 920-832-5945.

Encl: Finance Department Sole Source Request Form

CITY OF APPLETON
Department of Public Works
MEMORANDUM

TO: Finance Committee
 Municipal Services Committee
 Utilities Committee

SUBJECT: Award of Contract

The Department of Public Works recommends that the following described work:

Unit H-25 Lawe Street Bridge over Fox River Repairs

Be awarded to:

Name: Norcon Corporation

Address: 5600 Municipal St.

Schofield, WI 54476

In the amount of : \$203,946.00

With a 10 % contingency of : \$20,394.60

For a project total not to exceed : \$224,340.60

**** OR ****

In an amount Not To Exceed : _____

Budget: \$330,000.00

Estimate: \$275,000.00

Committee Date: 01/20/25

Council Date: 01/29/25

H-25 Lawe Street bridge over Fox River repairs (#9448329)

Owner: Appleton WI, City of

Solicitor: Appleton WI, City of

12/30/2024 01:45 PM CST

Section Title	Line Item	Item Code	Item Description	UofM	Norcon Corporation			LUNDA CONSTRUCTION		Zenith Tech, INC. bridge	
					Quantity	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension
H-25 BASE BID							\$203,946.00		\$228,822.00		\$298,245.00
	1	202.011	Roadside Clearing	sq. yd	40	\$40.00	\$1,600.00	\$37.00	\$1,480.00	\$30.00	\$1,200.00
	2	203.026	Removing Structure over Waterway Minimal Debris	each	1	\$2,865.00	\$2,865.00	\$2,500.00	\$2,500.00	\$5,000.00	\$5,000.00
	3	203.0335	Debris Containment over Waterway (P-44-717)	each	1	\$1,975.00	\$1,975.00	\$1,000.00	\$1,000.00	\$15,000.00	\$15,000.00
	4	502.01	Concrete Masonry Bridges	cu. yd.	2	\$1,550.00	\$3,100.00	\$500.00	\$1,000.00	\$1,500.00	\$3,000.00
	5	502.0180.S	Bridge Deck Crack Sealing	lin. ft.	500	\$6.00	\$3,000.00	\$3.00	\$1,500.00	\$4.50	\$2,250.00
	6	502.3215	Protective Surface Treatment Reseal	sq. yd	2144	\$4.50	\$9,648.00	\$3.00	\$6,432.00	\$12.50	\$26,800.00
	7	509.0301	Preparation Decks Type 1	sq. yd	150	\$210.00	\$31,500.00	\$230.00	\$34,500.00	\$205.00	\$30,750.00
	8	509.0302	Preparation Decks Type 2	sq. yd	38	\$230.00	\$8,740.00	\$325.00	\$12,350.00	\$240.00	\$9,120.00
	9	509.0310.S	Sawing Pavement Deck Preparation Areas	lin. ft.	600	\$12.00	\$7,200.00	\$1.00	\$600.00	\$5.50	\$3,300.00
	10	509.06	Curb Repair	lin. ft.	35	\$86.00	\$3,010.00	\$165.00	\$5,775.00	\$125.00	\$4,375.00
	11	509.15	Concrete Surface Repair	sq. ft.	60	\$362.00	\$21,720.00	\$235.00	\$14,100.00	\$275.00	\$16,500.00
	12	509.2100.S	Concrete Masonry Deck Repair	cu. yd.	15	\$1,250.00	\$18,750.00	\$300.00	\$4,500.00	\$1,500.00	\$22,500.00
	13	509.25	Concrete Masonry Overlay Decks	cu. yd.	2	\$1,250.00	\$2,500.00	\$300.00	\$600.00	\$1,000.00	\$2,000.00
	14	509.9025.S	Epoxy Injection Crack Repair	lin. ft.	200	\$138.00	\$27,600.00	\$102.00	\$20,400.00	\$80.00	\$16,000.00
	15	514.2625	Downspout 6-inch	lin. ft.	24	\$245.00	\$5,880.00	\$233.00	\$5,592.00	\$325.00	\$7,800.00
	16	619.1	Mobilization	each	1	\$27,848.00	\$27,848.00	\$87,985.00	\$87,985.00	\$85,000.00	\$85,000.00
	17	643.5	Traffic Control	each	1	\$6,200.00	\$6,200.00	\$8,480.00	\$8,480.00	\$20,000.00	\$20,000.00
	18	SPV.0060.01	Cleaning and Painting Bearings	each	10	\$625.00	\$6,250.00	\$614.80	\$6,148.00	\$1,000.00	\$10,000.00
	19	SPV.0060.02	Embedded Galvanic Anodes	each	60	\$46.00	\$2,760.00	\$35.50	\$2,130.00	\$65.00	\$3,900.00
	20	SPV.0060.03	Watermain Hanger Relocation	each	1	\$1,450.00	\$1,450.00	\$5,000.00	\$5,000.00	\$2,500.00	\$2,500.00
	21	SPV.0165.01	Fiber Wrap Reinforcing Non-Structural	sq. ft.	75	\$138.00	\$10,350.00	\$90.00	\$6,750.00	\$150.00	\$11,250.00
Base Bid Total:							\$203,946.00		\$228,822.00		\$298,245.00