City of Appleton

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

Meeting Agenda - Final-revised

Common Council

Wednesday, August 6, 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

25-0881 Common Council Meeting Minutes of July 16, 2025

Attachments: CC Minutes 7-16-25.pdf

G. BUSINESS PRESENTED BY THE MAYOR

25-0886 Proclamations:
- Breastfeeding Awareness Month
- Women's Equality Day
- Voting Rights Act Day

Attachments: Breastfeeding Awareness Month.pdf
Women's Equality Day.pdf
Voting Rights Act Day.pdf

H. PUBLIC PARTICIPATION

I. PUBLIC HEARINGS

25-0735 Public Hearing for Comprehensive Plan Future Land Use Map Amendment #2-25, Hartwig Annexation & additional property generally located west of the CTH OO/USH 441 interchange from Business/Industrial Future Land Use to Commercial Future Land Use

Attachments: Public Hearing Notice Comp Plan Amend #2-25.pdf

J. SPECIAL RESOLUTIONS

25-0882 Initial Resolution for the Street Vacation of N. Oneida Street and Unnamed Historic Alley, North of Washington Street and South of Franklin Street
(Taken up under Consolidated Action Items)

Attachments: N Oneida St and Alley - Initial Resolution (REVISED 07-15-2025).pdf

K. ESTABLISH ORDER OF THE DAY

L. COMMITTEE REPORTS

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

25-0859 Approve Glenmore Park Plat new street design parameters

Attachments: Glenmore Park Plat Road Designs.pdf

Legislative History

7/21/25 Municipal Services Committee recommended for approval

25-0860 Approve Mission Ridge North Plat new street design parameters

Attachments: Mission Ridge North Plat Road Designs.pdf

Legislative History

7/21/25 Municipal Services Committee recommended for approval

25-0861 Approve I-41 STH47/Meade Street State Municipal Finance Agreement

Attachments: IH 41 Richmond Street Interchange SMFA.pdf

Legislative History

7/21/25 Municipal Services Committee recommended for approval

25-0862 Approve I-41 STH47/Meade Street State Municipal Maintenance Agreement

Attachments: IH 41 Richmond Street Interchange SMMA.pdf

Legislative History

7/21/25 Municipal Services Committee recommended for approval

25-0863 Request to revise permanent street occupancy permit #17-018-P

Attachments: Edison ES Revised Permanent Street Occupancy Permit.pdf

Legislative History

7/21/25	Municipal Services Committee	recommended for approval

25-0864 Approve Ordinance changes related to the A-25/A-26 Baldeagle Drive Paving Projects

Attachments: Baldeagle Dr A-25 & A-26 Ordinance Changes.pdf

Legislative History

7/21/25	Municipal Services Committee	recommended for approval

25-0865 Approve Ordinance changes related to the A-25 Providence Av Paving Project

Attachments: Providence Av A-25 Ordinance Changes.pdf

Legislative History

7/21/25	Municipal Services Committee	recommended for approval

25-0866 Approve Vacation of a Portion of N. Oneida Street Right-of-Way and All of Unnamed Historic Alley Right-of-Way as shown on Exhibit "A" .

Attachments: Exhibit A Vacate N Oneida St and Alley.pdf

Legislative History

7/21/25	Municipal Services Committee	recommended for approval

25-0880 Intermunicipal Agreement between the City of Appleton and the Town of Grand Chute for the Construction of New Traffic Signal and Related Roadway Improvements at the Richmond and Ridgeview Intersection

Attachments: Intermunicipal Agreement - Richmond and Ridgeview Signal.pdf

Legislative History

7/21/25	Municipal Services Committee	recommended for approval

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

25-0830 Class "B" Beer and Reserve "Class B" Liquor License application for Trout Museum of Art, Christina Turner, Agent, located at 325 E College Ave, contingent upon approval from the Inspections department

Attachments: Trout Museum of Art.Alcohol.Class B_Beer Reserve Liquor.3.21.25.REDACTED

Legislative History

7/23/25	Safety and Licensing Committee	recommended for approval

25-0831 Class "B" Beer and Reserve "Class B" Liquor License temporary premises amendment application for Fox Cities Performing Arts Center Inc d/b/a Fox Cities Performing Arts Center, Maria Van Laanen, Agent, located at 400 W College Ave, on August 20, 2025 from 4:00 p.m. to 10:00 p.m. for Annual Partner Cookout event, contingent upon approval from the Health department

Attachments: Fox Cities PAC.Alcohol.PA_Temp.Partner Cookout.8.20.25.REDACTED.pdf

Legislative History

7/23/25	Safety and Licensing Committee	recommended for approval

25-0833 McFleshman's Full Service Retail Outlet Request for alcohol sales/service at the Downtown Appleton Farm Market on Aug 9, 16, 23, 30 and Sept 6, 13, 20, 27, 2025

Attachments: McFleshmans 2025 Form AB-105 Producer Full-Service ...lication for AUG and

Legislative History

7/23/25	Safety and Licensing Committee	recommended for approval

3. MINUTES OF THE CITY PLAN COMMISSION

25-0699 Request to approve Comprehensive Plan 2010-2030 Future Land Use Map Amendment #2-25 for the subject parcels generally located west of the CTH OO/USH 441 Interchange (Tax Id #31-1-5351-00, 31-1-5352-00, 31-1-5352-01, 31-1-6728-00, 31-1-6729-00, 31-1-5804-00, 31-1-5802-00, 31-1-5803-00, 31-1-5801-00, 31-1-5805-00, 31-1-5800-00, 31-1-5806-00, 31-1-5807-00 and 31-1-5808-00) from future Business/Industrial land use designation to future Commercial land use designation as shown on the attached maps and approve the attached Resolution

Attachments: StaffMemo_Hartwig_CompPlan+Rezoning_For06-25-25.pdf

Legislative History

6/25/25	City Plan Commission	recommended for approval

Proceeds to Council on August 6, 2025.

25-0701 Request to approve Rezoning #6-25 for the subject parcels generally located west of the CTH OO/USH 441 Interchange (Tax Id #31-1-5351-00, 31-1-5352-00, 31-1-5352-01, 31-1-6729-00, 31-1-5804-00, 31-1-5802-00, 31-1-5803-00, 31-1-5801-00, 31-1-5805-00, 31-1-5800-00, 31-1-5806-00, 31-1-5807-00 and 31-1-5808-00), including the adjacent right-of-way, as shown on the attached maps, from M-1 Industrial Park District and AG Agricultural District to C-2 General Commercial District

Attachments: StaffMemo_Hartwig_CompPlan+Rezoning_For06-25-25.pdf

Legislative History

6/25/25 City Plan Commission recommended for approval
Proceeds to Council on August 6, 2025.

25-0702 Request to approve Certified Survey Map #9-25, which crosses a plat boundary, to divide the parcels into 3 proposed lots and 1 outlot, generally located west of the CTH OO/USH 441 Interchange (Tax Id #31-1-5351-00, 31-1-5352-00, 31-1-5352-01, 31-1-6728-00, 31-1-6729-00, 31-1-5804-00, 31-1-5802-00, 31-1-5803-00, 31-1-5801-00, 31-1-5805-00, 31-1-5800-00, 31-1-5806-00, 31-1-5807-00 and 31-1-5808-00) and to approve the City's release of their interest in the public utility easement subject to the conditions in the attached staff memo and as shown on the attached maps

Attachments: StaffMemo_Hartwig_CSM_For06-25-25.pdf

Legislative History

6/25/25 City Plan Commission recommended for approval
Proceeds to Council on August 6, 2025.

25-0820 Request to approve Special Use Permit #4-25 for a new automobile, RV, truck, cycle and boat sales and display lot located at 3275 E. Winslow Avenue Suite 100 (Lot 1 of CSM #9-25 - Future Tax Id #31-1-5900-01), as shown on the attached development plan and per attached plan of operation, to run with the land subject to the conditions in the attached staff memo and approve attached Resolution (2/3 vote of Common Council required for approval)

Attachments: StaffMemo_3275EWinslowAve_SUP 4-25_For 07-23-25.pdf

Legislative History

7/23/25 City Plan Commission recommended for approval
Associated with and contingent upon approval of File #25-0699 Comprehensive Plan Future Land Use Map Amendment #2-25, File #25-0701 Rezoning #6-25, and File #25-0702 Certified Survey Map #9-25.

25-0822 Request to approve Zoning Ordinance Text and Map Amendments to Article X Floodplain Zoning of Chapter 23 of the Municipal Code relating to Section 23-205(b) (2) General provisions; Official maps and revisions; Official maps based on other studies related to LOMR - Case #24-05-0370P, as identified in the attached staff memo

Attachments: StaffMemo_AmendFloodplainOrd_Applefields LOMR_For07-23-25.pdf
FEMA Letter4-30-25_24-05-0370P-555542-CL.pdf
FEMA Map Panel 336of500_24-05-0370P-555542.pdf

Legislative History

7/23/25 City Plan Commission recommended for approval

25-0824 Request to approve Rezoning #7-25 for land generally located west of the intersection of North French Road and East Apple Creek Road (Tax Id #31-1-9202-00), including the adjacent street right-of-way, as shown on the attached maps, from AG Agricultural District to R-1B Single-family District, R-3 Multifamily District and P-I Public Institutional District

Attachments: StaffMemo_GlenmorePark_Rezoning_For07-23-25.pdf

Legislative History

7/23/25 City Plan Commission recommended for approval

25-0825 Request to approve the Glenmore Park Preliminary Plat as shown on the attached maps and subject to the conditions in the attached staff memo

Attachments: StaffMemo_GlenmorePark_PrePlat_For07-23-25.pdf

Legislative History

7/23/25 City Plan Commission recommended for approval

25-0826 Request to approve the Mission Ridge North Preliminary Plat as shown on the attached maps and subject to the conditions in the attached staff memo

Attachments: StaffMemo_MissionRidgeNorth_PrePlat_For07-23-25.pdf

Legislative History

7/23/25 City Plan Commission recommended for approval

25-0827 Request to approve the street discontinuance to vacate a portion of North Oneida Street public right-of-way and all of an unnamed historic alley right-of-way located north of Washington Street and south of Franklin Street and adopt the Initial Resolution and exhibit map

Attachments: StaffMemo_NOneidaSt+UnmdAly_StVac_For07-23-25.pdf

Legislative History

7/23/25 City Plan Commission recommended for approval

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

25-0857 Approve ordinance changes to Section 13-1(f) Special Use Areas, Section 13-5(o) Prohibited Items and Uses, and Section 13-8 Possession of Alcoholic Beverages

Attachments: Chapter 13 Ordinance Changes Memo.pdf
Sec 13-1(f) Changes.pdf
Sec 13-5(o) Changes.pdf
Sec 13-8 Changes.pdf

Legislative History

7/21/25 Parks and Recreation Committee recommended for approval

5. MINUTES OF THE FINANCE COMMITTEE

25-0845 Request to award construction services to RJM Construction in the amount of $828,500 with a 10% contingency of $82,850 for a project total not to exceed $911,350.

Attachments: 2025 RJM Renovation Contract.pdf

Legislative History

7/21/25 Finance Committee recommended for approval

25-0870 Request to approve a resolution authorizing and providing for the issuance and establishing parameters for the sale of not to exceed $10,865,000 General Obligation Promissory Notes, Series 2025, and all related details.

Attachments: Appleton 2025 G.O. Promissory Notes - Parameters Resolution.pdf

Legislative History

7/21/25 Finance Committee recommended for approval

25-0872 Request to approve a resolution authorizing and providing for the issuance and establishing parameters for the sale of not to exceed $8,975,000 Water System Revenue Refunding Bonds, Series 2025, and all related details.

Attachments: Appleton 2025 Water Revenue Refunding Bonds - Parameters Resolution.pdf

Legislative History

7/21/25 Finance Committee recommended for approval

25-0878 Request to approve a resolution authorizing and providing for the issuance and establishing parameters for the sale of not to exceed $4,725,000 Sewerage System Revenue Bonds, Series 2025, and all related details.

Attachments: Appleton 2025 Sewer Revenue Bonds - Parameters Resolution.pdf

Legislative History

7/21/25 Finance Committee recommended for approval

25-0879 Request to approve a resolution authorizing and providing for the issuance and establishing parameters for the sale of not to exceed $8,800,000 Storm Water System Revenue Refunding Bonds, Series 2025, and all related details.

Attachments: Appleton 2025 Storm Water Revenue Refunding Bonds - Parameters Resolutio

Legislative History

7/21/25 Finance Committee recommended for approval

6. MINUTES OF THE COMMUNITY DEVELOPMENT COMMITTEE

25-0772 Request to approve proposed text amendments to the Municipal Code, Chapter 4 Buildings (Sec. 4-392 Exemptions) as identified in the attached document

Attachments: Electrical Exemptions Chapter 4 Text Amendments_For7-23-25.pdf

Legislative History

7/23/25 Community Development Committee recommended for approval

25-0832 Request to approve proposed text amendments to the Municipal Code, Chapter 4 Buildings (Sec. 4-22 Authority to prescribe additional rules and regulations and Sec. 4-24 Violations generally; penalty) and Chapter 12 Nuisances (Sec. 12-32 Abatement - generally) as identified in the attached document

Attachments: Citation Authority Chapters 4 and 12 Text Amendments_For7-23-25.pdf

Legislative History

7/23/25 Community Development Committee recommended for approval

7. MINUTES OF THE UTILITIES COMMITTEE

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

25-0873 Authorization to Execute Cooperative Agreement between Valley Transit, WisDOT, and ECWRPC

Attachments: Appleton Coop Agreement Final 11July25.pdf

Legislative History

7/22/25 Fox Cities Transit Commission recommended for approval

10. MINUTES OF THE BOARD OF HEALTH

M. CONSOLIDATED ACTION ITEMS

25-0897 Consolidated Action Items - Street Vacation for N. Oneida Street & Unnamed Historic Alley
#25-0827 City Plan Commission - recommended for approval
#25-0866 Municipal Services Committee - recommended for approval
#25-0882 - Initial Resolution

N. ITEMS HELD

O. ORDINANCES

25-0885 Ordinances #93-25 to #101-25

Attachments: Ordinances to Council 8-6-25.pdf

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

R. OTHER COUNCIL BUSINESS

T. ADJOURN

Amy Molitor, City Clerk

Reasonable accommodations for persons with disabilities will be made upon request and if feasible.
Remote meeting attendance may be permitted pursuant to Section 2-29 of the Appleton Municipal Code and Rules of Council.

City of Appleton

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

Meeting Minutes - Final
Common Council

Wednesday, July 16, 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 Jones.

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

Present: 12 - Alderperson Josh Lambrecht, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Martyn Smith, Alderperson Alex Schultz, Alderperson Vaya Jones, Alderperson Adrian Stancil-Martin, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Christopher Croatt, Alderperson Denis Dougherty and Mayor Jake Woodford

Excused: 4 - Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Patrick Hayden and Alderperson Patti Heffernan

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

All departments were represented.

F. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

25-0736 Common Council Meeting Minutes of June 18, 2025

Attachments: CC Minutes 6-18-25.pdf

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

Aye: 11 - Alderperson Josh Lambrecht, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Martyn Smith, Alderperson Alex Schultz, Alderperson Vaya Jones, Alderperson Adrian Stancil-Martin, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Christopher Croatt and Alderperson Denis Dougherty

Excused: 4 - Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Patrick Hayden and Alderperson Patti Heffernan

Abstained: 1 - Mayor Jake Woodford

G. BUSINESS PRESENTED BY THE MAYOR

25-0817 City Clerk Recommendation

Attachments: City Clerk Appointment Recommendation.pdf

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

Aye: 11 - Alderperson Josh Lambrecht, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Martyn Smith, Alderperson Alex Schultz, Alderperson Vaya Jones, Alderperson Adrian Stancil-Martin, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Christopher Croatt and Alderperson Denis Dougherty

Excused: 4 - Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Patrick Hayden and Alderperson Patti Heffernan

Abstained: 1 - Mayor Jake Woodford

25-0829 Police and Fire Commission Appointment

Attachments: Police and Fire Commission Appointment.pdf

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

Aye: 11 - Alderperson Josh Lambrecht, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Martyn Smith, Alderperson Alex Schultz, Alderperson Vaya Jones, Alderperson Adrian Stancil-Martin, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Christopher Croatt and Alderperson Denis Dougherty

Excused: 4 - Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Patrick Hayden and Alderperson Patti Heffernan

Abstained: 1 - Mayor Jake Woodford

25-0807 Proclamations:
- Children's Week
- Parks and Recreation Month

Attachments: Children's Week.pdf
Parks and Recreation Month.pdf

25-0744 2025 Flag Day Parade Award Recipients:
- Mayor's Trophy (Overall Appearance): Neenah-Menasha Honor Guard
- Rayburn Kaufman Memorial Award (Originality): Military Support Foundation
- Patriot Award (Patriotic Theme): City of Appleton (Klemme Floats)
- Bud Otis Memorial Award (Best Non-Commercial): NEW Apple Corps FIRST Robotics Team 93

The Flag Day Awards were presented by Parade Committee Chairman Corey Otis.

H. PUBLIC PARTICIPATION

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

I. PUBLIC HEARINGS

25-0578 Public Hearing for Comprehensive Plan Future Land Use Map Amendment #1-25, 0 E. Goodland Drive from Business/Industrial Future Land Use to Commercial Future Land Use

Attachments: Public Hearing Notice Comp Plan Amend #1-25.pdf

The Public Hearing was held and no one spoke.

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

25-0786 Approve Permanent Street Occupancy Permit for Heid Music Bench Placard in Durkee Street right-of-way at northeast corner of College Avenue intersection.

Attachments: Perm Occupancy Permit Heid Music Bench Placard.pdf

Alderperson Hartzheim moved, seconded by Alderperson Schultz, that the Permanent Street Occupancy Permit be approved. Roll Call. Motion carried by the following vote:

Aye: 11 - Alderperson Josh Lambrecht, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Martyn Smith, Alderperson Alex Schultz, Alderperson Vaya Jones, Alderperson Adrian Stancil-Martin, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Christopher Croatt and Alderperson Denis Dougherty

Excused: 4 - Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Patrick Hayden and Alderperson Patti Heffernan

Abstained: 1 - Mayor Jake Woodford

25-0507 Approve ordinance changes related to parking at 500 Block of W Johnston Street. Follow-up to a 6-month evaluation period.

Attachments: Johnston St 500W (post 6-Mo eval).pdf
Johnston St 500W (post 6-Mo eval) Revised.pdf

Alderperson Hartzheim moved, seconded by Alderperson Meltzer, that the Ordinance Changes be approved. Roll Call. Motion carried by the following vote:

Aye: 10 - Alderperson Josh Lambrecht, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Martyn Smith, Alderperson Vaya Jones, Alderperson Adrian Stancil-Martin, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Christopher Croatt and Alderperson Denis Dougherty

Excused: 4 - Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Patrick Hayden and Alderperson Patti Heffernan

Abstained: 2 - Alderperson Alex Schultz and Mayor Jake Woodford

25-0789 Approve Long Term Temporary Street Occupancy Permit to Creative Downtown Appleton Inc (CDA) and Appleton Downtown Inc (ADI) for a modular parklet on the north side of Washington Street (NW corner of Washington Street and Appleton Street) at parking stall #289 per the On-Street Parklet Policy through October 31, 2025

Attachments: ADI Parklet Request July 2025.pdf

Alderperson Hartzheim moved, seconded by Alderperson Lambrecht, that the Long Term Temporary Street Occupancy Permit be approved. Roll Call. Motion carried by the following vote:

Aye: 10 - Alderperson Josh Lambrecht, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Martyn Smith, Alderperson Vaya Jones, Alderperson Adrian Stancil-Martin, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Christopher Croatt and Alderperson Denis Dougherty

Excused: 4 - Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Patrick Hayden and Alderperson Patti Heffernan

Abstained: 2 - Alderperson Alex Schultz and Mayor Jake Woodford

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

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

Aye: 11 - Alderperson Josh Lambrecht, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Martyn Smith, Alderperson Alex Schultz, Alderperson Vaya Jones, Alderperson Adrian Stancil-Martin, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Christopher Croatt and Alderperson Denis Dougherty

Excused: 4 - Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Patrick Hayden and Alderperson Patti Heffernan

Abstained: 1 - Mayor Jake Woodford

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

25-0725 Approve ordinance changes related to parking on 300 block of W Foster Street at Foster Elementary School. Follow-up to a 6-month evaluation.

Attachments: Foster ES Bus Loading Zone (post 6-Mo eval).pdf

This Report Action Item was approved.

25-0727 Award Unit Q-25 Pavement Marking Maintenance Contract (Paint) to Crowley Construction Corporation in an amount not to exceed $42,386.00.

Attachments: Q-25 Pavement Marking Contract Award.pdf

This Report Action Item was approved.

25-0728 Approve Long Term Temporary Occupancy Permit for Temporary Generator Exhaust Line in Superior Street Right-of-Way through December 13, 2025.

Attachments: LTT Occupancy Permit in Superior St for 222 Bldg.pdf

This Report Action Item was approved.

25-0784 Approve State/Municipal Financial Agreement (SMFA) for IH 41/French Road Overpass as part of the WisDOT I-41 Improvement Project.

Attachments: IH 41 French Road Overpass SMFA.pdf

This Report Action Item was approved.

25-0785 Approve State/Municipal Maintenance Agreement (SMMA) for IH 41/French Road Overpass as part of the WisDOT I-41 Improvement Project.

Attachments: IH 41 French Road Overpass SMMA.pdf

This Report Action Item was approved.

25-0787 Approve Lawe Street Navigational Canal Bridge - State Municipal Agreement (SMA) - 1st Revision.

Attachments: Lawe Street Nav Canal Bridge SMA.pdf

This Report Action Item was approved.

25-0788 Approve Lawe Street Navigational Canal Bridge Three-Party Design Contract with WisDOT and Hardesty & Hannover LLC in an amount not to exceed $439,655.84 (City cost share $87,931.17).

Attachments: Lawe St Nav Canal Bridge 3-party Design Contract.pdf

This Report Action Item was approved.

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

25-0739 Fire Department Request to Approve Northeast Wisconsin Hazardous Materials Response Service Agreement with Department of Military Affairs

Attachments: Northeast Hazmat Response Services Agreement 25-27 (clean).pdf

This Report Action Item was approved.

25-0746 McFleshman's Full Service Retail Outlet Transfer Application for Art at the Park: July 26 & 27, 2025

Attachments: McFleshmans AB-105 - Art at the Park_Redacted.pdf

This Report Action Item was approved.

25-0756 Class "B" Beer and "Class B" Liquor License Change of Agent application for Henry Grishaber LLC d/b/a Hank & Karen's Pub & Grill, Magdalene Kresal, New Agent, located at 1937 East John St

Attachments: Hank & Karen's.Alcohol.COA.6.24.25.REDACTED.pdf

This Report Action Item was approved.

25-0760 Pet Store license renewal application for The Fishguys LLC d/b/a Wild Habitats, Brady Bartel, Applicant, located at 1350 W College Ave, contingent upon approval from the Finance and Inspections departments

Attachments: Wild Habitats.PK.6.18.25.REDACTED.pdf

This Report Action Item was approved.

25-0761 Pet Store license renewal application for PetCo #1656, Richard Skeen, Applicant, located at 3829 E Calumet St.

Attachments: PetCo #1656.PK.6.26.25.REDACTED.pdf

This Report Action Item was approved.

25-0762 Cigarette, Tobacco, and Electronic Vaping Device license renewal application for AY Trading Inc d/b/a Smokes and Vape, Ismail Abu Yosef, Agent, located at 2448 W College Ave

Attachments: Smokes and Vape Renewal 6.13.25.REDACTED.pdf

This Report Action Item was approved.

25-0763 Cigarette, Tobacco, and Electronic Vaping Device license renewal application for Elf's Gifts LLC, Robert Cadmus, Agent, located at 2700 W College Ave Ste 11

Attachments: Elf's Gifts.CTV.6.23.25.REDACTED.pdf

This Report Action Item was approved.

25-0764 Class "B" Beer and "Class B" Liquor license application for Ninja Appleton LLC d/b/a Ninja Sushi & Hibachi, Ping Cheng, Agent, located at 4025 E Lorna Ln, contingent upon approval from the Health and Inspections departments

Attachments: Ninja Sushi & Hibachi.Ninja Appleton LLC.Alcohol.Class B_Beer Liquor.5.2.25.REDACTED.pdf

This Report Action Item was approved.

25-0765 Class "B" Beer and "Class B" Liquor License temporary premises amendment application for Wooden Nickel Restaurant and Lounge Inc d/b/a Wooden Nickel Sports Bar & Grill, Anthony Mueller, Agent, located at 217 E College Ave, on July 31, Aug 1, & Aug 2, 2025 from 1:00 p.m. to 12:00 a.m. and Aug 3, 2025 from 12:00 p.m. to 5:00 p.m. for Mile of Music event, contingent upon approval from the Inspections and Public Works departments

Attachments: Wooden Nickel.Alcohol.PA_Temp.Mile of Music 7.31.25.REDACTED.pdf

This Report Action Item was approved.

25-0766 Class "B" Beer and "Class B" Liquor License temporary premises amendment application for Gregg Vandinter d/b/a Riverside Bar & Grill, located at 906 S Olde Oneida St, on July 31, Aug 1, Aug 2, & Aug 3, 2025 from 8:00 a.m. to 2:30 a.m. for Mile of Music event, contingent upon approval from the Inspections, Finance, and Public Works departments

Attachments: Riverside Bar.Alcohol.PA_Temp.Mile of Music 7.31.25.REDACTED.pdf

This Report Action Item was approved.

25-0767 Class "B" Beer and "Class B" Liquor License temporary premises amendment application for DDCT Inc d/b/a Jim's Place, Stacy Hoffman, Agent, located at 223 E College Ave, on July 31, Aug 1, & Aug 2, 2025 from 1:00 p.m. to 12:00 a.m. and Aug 3, 2025 from 12:00 p.m. to 5:00 p.m. for Mile of Music event, contingent upon approval from the Inspections and Public Works departments

Attachments: Jims Place.Alcohol.PA_Temp.Mile of Music.7.31.25.REDACTED.pdf

This Report Action Item was approved.

25-0768 Taxicab Company License renewal application for Dynasty Limousine Service LLC, Owner, Diana Wolters, 1900 Vandenberg Ln, Kaukauna, WI 54130 contingent upon approval from the Inspections department

Attachments: Dynasty Limousine Service LLC - Taxicab Co Renewal App.pdf

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION

25-0550 Request to approve Comprehensive Plan 2010-2030 Future Land Use Map Amendment #1-25 for the subject parcel located at the northeast corner of E. Goodland Drive and N. Conkey Street (Tax Id #31-1-6723-12) from future Business/Industrial land use designation to future Commercial land use designation as shown on the attached maps and approve the attached Resolution

Attachments: StaffMemo_EGoodland Dr_CompPlan+Rezoning_For05-28-25.pdf

This Report Action Item was approved.

25-0552 Request to approve Rezoning #4-25 for the subject parcel located at the northeast corner of E. Goodland Drive and N. Conkey Street (Tax Id #31-1-6723-12), including to the centerline of the adjacent street right-of-way, as shown on the attached maps, from M-1 Industrial Park District to C-2 General Commercial District

Attachments: StaffMemo_EGoodland Dr_CompPlan+Rezoning_For05-28-25.pdf

This Report Action Item was approved.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

25-0793 Approve Veterans Memorial Park Natural Sculpture Request

Attachments: Veterans Memorial Park Natural Sculture Request Memo.pdf

This Report Action Item was approved.

5. MINUTES OF THE FINANCE COMMITTEE

25-0737 Request to award sole source Engineering Bidding and Construction Services Contract to McMahon as part of Water Tower Booster Pump Improvements in the amount of $28,000 with a 10% contingency of $2,800 for a total not to exceed $30,800

Attachments: 250618_SoleSourceAward_McMahon_TowerPumpConstructionServices.pdf

This Report Action Item was approved.

25-0738 Request to award Unit DD-25 Mackville Quarry Grading & Capping contract to MCC, Inc., in the amount of $131,126.25 with a 15% contingency of $19,668.94 for a contract total not to exceed $150,795.19

Attachments: DD-25 Award-Funding-Bid Tab.pdf

This Report Action Item was approved.

25-0751 Request to approve 2026 sole source agreement with Baycom and Motorola Solutions for portable radios to receive promotional discount.

Attachments: Radio Request to Committee (002).pdf

SoleSource.pdf

This Report Action Item was approved.

25-0779 Request to award sole source purchase of Appleton Wastewater Treatment Plant phosphorus analyzer to William Reid Ltd. for a total cost not to exceed $49,845

Attachments: 250702_Finance Memo_Sole Source_Award_P Analyzer_William Reid.pdf
SoleSource William Reid.pdf

This Report Action Item was approved.

25-0780 Request to award contract to Advance Construction, Inc. for the Summer Street Lift Station Replacement Project in the amount of $1,194,000 with a 7.5% contingency of $89,550 for a project total not to exceed $1,283,550

Attachments: 250702_FinanceMemo_BidAward_AWWTP_Summer_LS_Advance_Contract.pdf
250702_FinanceMemo_Summer_LS_NoA & Bid Tab.pdf

This Report Action Item was approved.

6. MINUTES OF THE COMMUNITY DEVELOPMENT COMMITTEE

25-0713 Request to approve a release of the Northeast Business Park Plat No. 3 Deed Restrictions and Covenants for two (2) parcels generally located west of the CTH OO/USH 441 Interchange, south of E. Winslow Avenue (Tax Id #31-1-5351 & 31-1-5352) (part of the Chris J. Hartwig Revocable Trust property)

Attachments: StaffMemo_NEBP Release Deed Restrictions_For06-25-25 CDC.pdf
Deed Restrictions NEIP F.pdf
NEBP Map_Release of Deed Restrictions.pdf
Hartwig E. Northland Ave 441 Rezoning Map.pdf

This Report Action Item was approved.

25-0714 Request to approve a variance to Item 5 of the Declaration of Covenants and Restrictions for the Northeast Business Park to allow for a minimum setback of 8 feet to parking for a proposed medical facility and medical office building located at the northeast corner of E. Goodland Drive and N. Conkey Street subject to the conditions in the attached staff memo

Attachments: Variance Request_Medical Office E Goodland Dr_Memo to CDC_7-9-25.pdf
JSD_Correspondence_Goodland Dr & Conkey St Medical Office.pdf
DeclarationofCovenants+Restrictions_CSM3490Lot4_NEBusinessPark.pdf
Lot 4 Goodland Drive Site Plan.pdf

This Report Action Item was approved.

25-0771 Request to approve a substantial amendment to the Community Development Block Grant (CDBG) 2021 Annual Action Plan (AAP) adjusting the proposed activity of Appleton Housing Authority's remaining allocation of $37,000 to be used for rental rehabilitation rather than the current activity of homeownership assistance and homeowner rehabilitation

Attachments: CDBG AAP 2021 Substantial Amendment AHA Memo to CDC 7.9.25.pdf
CDBG_AAP_2021_Amendment.pdf

This Report Action Item was approved.

7. MINUTES OF THE UTILITIES COMMITTEE

25-0722 Award Unit F-25 Sanitary & Storm Sewer Cleaning and Televising to Green Bay Pipe & TV, LLC in an amount not to exceed $307,500.

Attachments: F-25 Contract Award Form w bid tabs.pdf

This Report Action Item was approved.

25-0730 Approve Contract Amendment #2 to McMahon for Phase I Solids Dewatering Equipment Upgrades for a deduct to design and construction management services in the amount of $5,461 decreasing the contract amount from $352,872 to $347,411.

Attachments: 250618_Ph1-BFP_McMahon_ContractAmend_No2_Util-Memo.pdf

This Report Action Item was approved.

25-0782 Award AWWTP Digester Cleaning and Inspection Support contract to Staab Construction Corporation in the amount of $122,600 with a 15% contingency of $18,390 for a total not to exceed $140,990

Attachments: AWWTP Digester Cleaning and Inspection Support Contract Memo.pdf

This Report Action Item was approved.

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

25-0720 Award Recommendation for Full Fleet CAD/AVL System Hardware Upgrade and Software Subscription Extension

Attachments: Award Recommendation Doc GMV Hardware Upgrade & Software Extension.pdf

This Report Action Item was approved.

10. MINUTES OF THE BOARD OF HEALTH

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

25-0743 Ordinances #71-25 to #92-25

Attachments: Ordinances to Council 7-16-25.pdf

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

Aye: 11 - Alderperson Josh Lambrecht, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Martyn Smith, Alderperson Alex Schultz, Alderperson Vaya Jones, Alderperson Adrian Stancil-Martin, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Christopher Croatt and Alderperson Denis Dougherty

Excused: 4 - Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Patrick Hayden and Alderperson Patti Heffernan

Abstained: 1 - Mayor Jake Woodford

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

R. OTHER COUNCIL BUSINESS

T. ADJOURN

Alderperson Hartzheim moved, seconded by Alderperson Wolff, that the meeting be adjourned at 7:21 p.m. Roll Call. Motion carried by the following vote:

Aye: 11 - Alderperson Josh Lambrecht, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Martyn Smith, Alderperson Alex Schultz, Alderperson Vaya Jones, Alderperson Adrian Stancil-Martin, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Christopher Croatt and Alderperson Denis Dougherty

Excused: 4 - Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Patrick Hayden and Alderperson Patti Heffernan

Abstained: 1 - Mayor Jake Woodford

Amy Molitor, Deputy City Clerk

PROCLAMATION

Office of the Mayor

WHEREAS, human milk feeding is the biological norm for infant feeding and a proven foundational prevention strategy for life-long health and wellness; and

WHEREAS, major medical authorities, including the American Academy of Pediatrics, recommend exclusive human milk feeding for the first six months of a child's life, with continued human milk feeding as long as is mutually desired by mother and child for two years or beyond; and

WHEREAS, the Center for Disease Control and Prevention's latest analysis of birth certificate data reports that among infants born in 2019, only 24.9% were exclusively breastfed through six months of age; and

WHEREAS, human milk provides a safe, reliable, and renewable food source, especially critical during emergency situations, such as the recent formula shortage; and

WHEREAS, there are substantial racial and ethnic disparities in access to lactation support resulting in reduced breastfeeding rates and an associated increase in the risk of a variety of negative health outcomes; and

WHEREAS, breastfeeding support requires evidence-based, unbiased information, wrap-around community support, and support from partners, families, workplaces, and communities to create an environment that empowers parents to breastfeed.

NOW THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD, Mayor of the City of Appleton, Wisconsin, do hereby proclaim the month of August 2025, as

Breastfeeding Awareness Month

in Appleton and encourage citizens to join healthcare and breastfeeding advocates in celebrating and promoting awareness of the benefits of breastfeeding and supporting parents in doing so.

Signed and sealed this 7th day of July 2025.

JACOB A. WOODFORD
MAYOR OF APPLETON

PROCLAMATION

Office of the Mayor

WHEREAS, women of all races and ethnicities fought for the right to vote from the founding of our country; the 19th Amendment of the U.S. Constitution was officially certified on August 26, 1920, after a 72-year battle, granting the right to vote regardless of sex; and

WHEREAS, although the 19th Amendment was a milestone in women's equality, it did not immediately guarantee the right to vote for all women. Japanese, Asian Indian, Chinese American, Filipino, and Native American women were not eligible to become naturalized and, therefore, could not vote until 1952 for Asian American women and 1957 for Native American women; and

WHEREAS, African American women faced discrimination and racism at the polls until the passage of the Voting Rights Act of 1965, and it was another 10 years before Latina women gained the right to vote; and

WHEREAS, the right to vote did not come easily for women and people of color in the United States, and we must remain vigilant against barriers that disenfranchise any citizen's sexual orientation, identity, socioeconomic status, color, education, or disability; and

WHEREAS, on August 16, 1973, with the authorization of Congress, President Richard M. Nixon issued Proclamation 4236 and every President since 1973 has issued a proclamation designating August 26 as Women's Equality Day.

NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD, Mayor of the City of Appleton, Wisconsin, do hereby proclaim Monday, August 26, 2025, as

Women's Equality Day

in Appleton and encourage all citizens to join in the commemoration of this historic day to honor all women who have fought for and won the right to vote in all national elections.

Signed and sealed this 7th day of July 2025.

JACOB A. WOODFORD
MAYOR OF APPLETON

Proc #46-313

PROCLAMATION

Office of the Mayor

Whereas, on August 6,1965 President Lyndon B Johnson signed the Voting Rights Act of 1965 into law.

Whereas, the right to vote is a key building block of democracy ensuring that every U.S. citizen is given the right to help shape our country's future; and

Whereas, the City of Appleton acknowledges the extensive contributions of the many ordinary citizens who fought valiantly to end all race-based restrictions to the franchise. These include Appletonian Jim Zwerg who in 1961 traveled to Montgomery, Alabama, alongside Black activists including John Lewis, and was brutally attacked at the bus terminal; and

Whereas, Appleton civic groups like the League of Women Voters, American Association of University Women, Women's Action Coalition and others have persistently championed voter access through legal education initiatives, voter education drives, and on-the-ground registration efforts; and

Whereas, all residents are called upon to honor the spirit of the Voting Rights Act by registering to vote, engaging in the democratic process and advocating for the protection of voting rights for all; and

Whereas, the City of Appleton reaffirms its commitment to eliminating barriers to voting for all its citizens and reaffirms its commitment to promoting fair, secure and accessible elections.

Now therefore I, Jacob A. Woodford, Mayor of the City of Appleton, do hereby proclaim August 6, 2025, as the

Voting Rights Act Day

in the City of Appleton, and encourage all residents to honor this historic milestone by exercising their right to vote.

Signed and sealed this 1st day of August 2025.

JACOB A. WOODFORD
MAYOR OF APPLETON

Proc: 46-316

CITY OF APPLETON

NOTICE OF PUBLIC HEARING

PROPOSED COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT

NOTICE IS HEREBY GIVEN of a Public Hearing to be held before the Appleton Common Council on Wednesday, August 6, 2025, at 7:00 P.M. in Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, or as soon thereafter as can be heard, for the purpose of considering a Comprehensive Plan Future Land Use Map Amendment request.

Pursuant to Chapter 12: Implementation of the City of Appleton Comprehensive Plan 2010-2030, to consider a request initiated by the Christopher Hartwig Revocable Trust, owner, and Briohn Building Corporation, c/o Devon Pittman, applicant, for the subject parcels generally located west of the CTH OO/USH 441 Interchange (Tax Id #'s 31-1-5351-00, 31-1-5352-00, 31-1-5352-01, 31-1-6728-00, 31-1-6729-00, and recently annexed Town of Grand Chute parcels 101171300, 101171400, 101171500, 101171600, 101171700, 101171800, 101171900, 101172000 and 101172100) to amend the Comprehensive Plan Future Land Use Map from future Business/Industrial land use designation to future Commercial land use designation.

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

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

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

KAMI LYNCH
CITY CLERK

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

RUN: July 1, 2025

INITIAL RESOLUTION

WHEREAS, the public interest requires that a portion of North Oneida Street and an unnamed historic alley, north of Washington Street and south of Franklin Street, that has not previously been vacated, be vacated and discontinued,

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

LEGAL DESCRIPTION

All of a strip of land 60 feet in width and 332.78 feet m/l in length and containing 19,966 square feet of land m/l and being further described by: All that part of N. Oneida Street lying East of Lot 1 of Certified Survey Map No. 8314, West of Block 37, Appleton Plat (aka Second Ward Plat), per the Assessor's Plat of the City of Appleton, South of the South line of E. Franklin Street, and North of the North line of E. Washington Street, being located in the Northeast Quarter (NE ¼) of the Southwest Quarter (SW ¼) of Section 26, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin.

See also attached Exhibit "A" for illustration.

EASEMENTS

The City of Appleton their heirs, successors and or assigns (Grantee) hereby retain an easement for any and all existing utilities and also any future utilities deemed necessary or desirable by Grantee within the vacated right-of-way, including but not limited to, storm sewer, drainage, sanitary sewer, watermain, gas, electric, cable and fiber-optic within the entire length and width of the above described right-of-way.
It is further agreed that this easement shall be a permanent easement.
It is further agreed that Grantee shall have the right to install, regrade, replace, relocate, operate, maintain, resize and repair any and all of these utilities and their associated appurtenances. It is further agreed that after installing, regrading, replacing, relocating, operating, maintaining, resizing or repairing of these utilities and their associated appurtenances Grantee shall restore unimproved surfaces such as grass, gravel and dirt on said property, as closely as possible, to the condition previously existing. Grantee shall not

be required to restore or compensate for any improvements or improved surfaces such as, but not limited to, curb and gutter, hard pavements, trees, shrubs and landscaping, disturbed as a result of the maintenance activities described herein. Buildings or any other type of permanent structure shall not be placed over Grantees' facilities or in, upon or over said easement area. This easement includes the right to operate any and all equipment deemed necessary by Grantee to perform said activities. Grantee agrees that it shall give timely notice to the Grantor of routine maintenance work. Grantee shall also have the right to build and maintain a public trail in a mutually agreeable location within the vacated street area.

AND

A strip of land 14 feet in width and 166.39 feet m/l in length containing 2,329 square feet of land m/l and being described by: The East 14 feet of Lot 2 of Block 37, Appleton Plat (aka Second Ward Plat), per the Assessor's Plat of the City of Appleton, located in the Northwest Quarter (NW ¼) of the Southeast Quarter (SE ¼) of Section 26, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin.

EASEMENTS

The City of Appleton does hereby specifically, not retain any easements in this vacated street area.

See also attached Exhibit "A" for illustration.

COMMON DESCRIPTION:

Portion of North Oneida Street and an unnamed historic alley, north of Washington Street and south of Franklin Street, that has not previously been vacated

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

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

By: _____

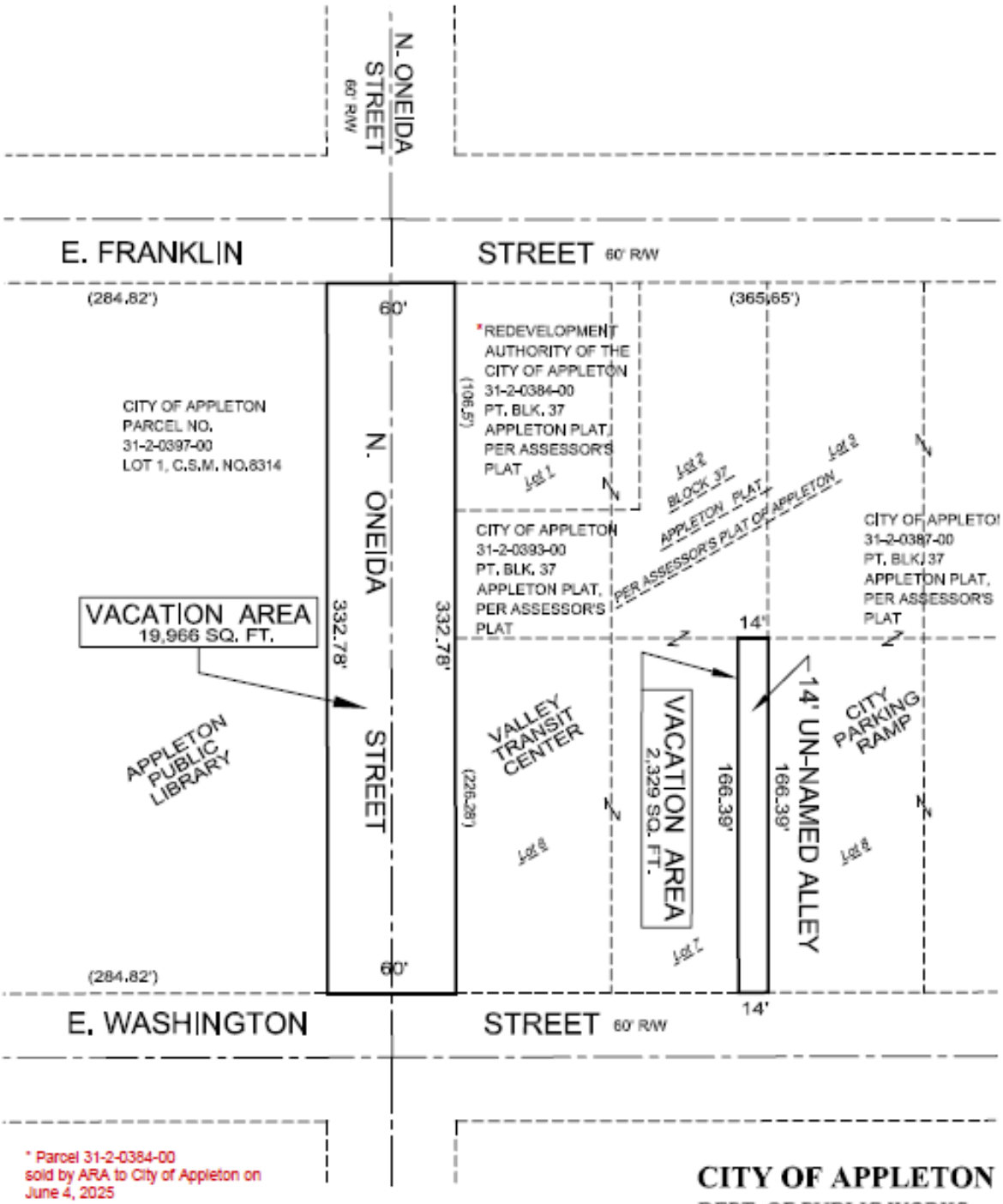
Date: _____

EXHIBIT "A"

All of a strip of land 60 feet in width and 332.78 feet m/l in length and containing 19,966 square feet of land m/l and being further described by: All that part of N. Oneida Street lying East of Lot 1 of Certified Survey Map No.8314, West of Block 37, Appleton Plat (aka Second Ward Plat), per the Assessor's Plat of the City of Appleton, South of the South line of E. Franklin Street, and North of the North line of E. Washington Street, being located in the Northeast Quarter (NE ¼) of the Southwest Quarter (SW ¼) of Section 26, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin

AND

A strip of land 14 feet in width and 166.39 feet m/l in length containing 2,329 square feet of land m/l and being described by: The East 14 feet of Lot 2 of Block 37, Appleton Plat (aka Second Ward Plat), per the Assessor's Plat of the City of Appleton, located in the Northwest Quarter (NW ¼) of the Southeast Quarter (SE ¼) of Section 26, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin.



* Parcel 31-2-0384-00
sold by ARA to City of Appleton on
June 4, 2025



SCALE IN FEET

0' 60' 120'

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

C:\cad\Acad Vers & Dwg\2025\Oneida_Washington to Franklin_0312_2025

DEPARTMENT OF
PUBLIC
WORKS

MEMORANDUM

Date: **July 21, 2025**
To: **Municipal Services Committee**
From: **Laura Jungwirth, Director of Public Works**
Pete Neuberger, Deputy Director of Public Works / City Engineer
Eric Lom, City Traffic Engineer
Subject: Glenmore Park Plat - New Street Design Approvals

Since the City's adoption of the Complete Streets Design Guide and Complete Streets Policy in 2024, the Department of Public Works (DPW) has presented new street design criteria to the Municipal Services Committee and Common Council for approval prior to Final Plat.

Action Item:

Approve the roadway design parameters for proposed streets in the Glenmore Park plat as follows:

- Apple Hill Boulevard (south plat limits to Dolcetto Way):
  - Collector street designation.
  - 60' to 70' right-of-way (varies per plat).
  - 10' concrete sidepath on south side along the right-of-way line.
  - 5' concrete sidewalks on north side along the right-of-way line.
  - Vegetated terraces on both sides, adjacent to sidewalks (width varies).
  - Street having a future concrete pavement section with curb & gutter; the pavement section is 30' wide (from back of curb to back of curb). Transition from 30' width to 37' width at south plat limits to match existing pavement.
  - On-street parking on one side only.
  - Future supplemental traffic calming spot features may be determined administratively with final design.
- Dolcetto Way (Apple Hill Boulevard to north plat limits):
  - Collector street designation.
  - 60' right-of-way.
  - 7' concrete sidewalks on both sides along the right-of-way line.
  - 8' vegetated terraces on both sides, adjacent to sidewalks.
  - Street having a future concrete pavement section with curb & gutter; the pavement section is 30' wide (from back of curb to back of curb).
  - On-street parking on one side only.
  - Future supplemental traffic calming spot features may be determined administratively with final design.
  - Note: Segment from Apple Hill Boulevard to south plat limits will be dependent on final design of intersections and will be approved administratively by DPW staff.

- Altesse Way (Dolcetto Way to Mencia Court), Grillo Way (Dolcetto Way to Altesse Way), Mencia Court (Dolcetto Way to cul de sac)
    - Local street designation
    - 60’ right-of-way.
    - 5’ concrete sidewalks on both sides along the right-of-way line.
    - 11.5’ vegetated terraces on both sides, adjacent to sidewalks.
    - Street having a future concrete pavement section with curb & gutter; the pavement section is 27’ wide (from back of curb to back of curb).
    - On-street parking on one side only.
    - Future supplemental traffic calming spot features may be determined administratively with final design.
    - Altesse way cul de sac bulb pavement will be 45’ radius (measured between backs of curb) within a 60’ radius right-of-way.

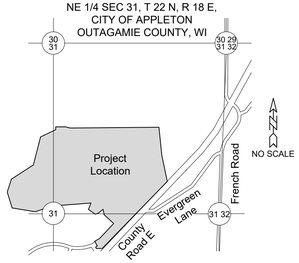
Preliminary Plat of

Glenmore Park

Part of Lot 1 of Certified Survey Map 8575, being Part of the Northwest 1/4, the Northeast 1/4, the Southwest 1/4 and the Southeast 1/4 of the Northeast 1/4; Part of the Southeast 1/4 of the Northwest 1/4; and Part of the Northwest 1/4 of the Southeast 1/4; All in Section 31, Township 22 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin.

LOCATION MAP

NE 1/4 SEC 31, T 22 N, R 18 E,
CITY OF APPLETON
OUTAGAMIE COUNTY, WI



LINE TABLE		
Line	Bearing	Length
L1	N 00°01'48" W	41.90'
L2	S 77°23'23" E	64.03'
L3	N 86°31'27" W	79.47'
L4	N 25°35'36" W	80.00'
L5	N 47°24'05" W	92.04'
L6	N 13°12'14" W	91.42'
L7	S 53°13'57" W	104.21'
L8	S 74°32'53" W	37.85'
L9	N 17°03'39" E	113.72'

CURVE TABLE							
Curve	Radius	Chord Direction	Chord Length	Arc Length	Central Angle	Tangent Bearing-in	Tangent Bearing-out
C1	25.00'	N 17°53'33" E	36.28'	40.59'	93°01'49"	N 28°37'21" W	N 64°24'28" E
C2	570.00'	N 62°53'34" E	30.14'	30.14'	3°01'48"	N 64°24'28" E	N 61°22'40" E
C3	210.00'	N 52°08'16" E	67.44'	67.73'	18°28'48"	N 61°22'40" E	N 42°53'52" E

SURVEYOR'S CERTIFICATE

I, Scott R. Andersen, hereby certify that this Preliminary Plat is a correct representation of all existing land divisions and features, and that I have complied with the preliminary plat requirements for the **City of Appleton**.

WISCONSIN SCOTT R ANDERSEN S-3169 AMRO SURVEYOR
06/19/2025 9:43:36 AM
scott@davel.pro

Scott R. Andersen, P.L.S. No. S-3169 Date

Sanitary Structures						
Structure	#	Rim	Inv	Size	Material	Direction
MH	1	775.01	740.62	18"	PVC	NW
			740.59	18"	PVC	SE
			740.87	8"	PVC	W
			759.82	8"	PVC	W
MH	2	785.71	768.91	8"	PVC	W
			740.91	8"	PVC	W
			740.91	18"	PVC	SE
			740.91	18"	PVC	NE
MH	3	786.53	773.11	8"	PVC	W
			773.09	8"	PVC	E
MH	4	806.17	791.14	8"	PVC	NE
MH	5	803.32	791.90	8"	PVC	SW
			792.13	8"	PVC	NW
MH	6	808.19	793.15	8"	PVC	NW
			793.00	8"	PVC	SE

Storm Structures						
Structure	#	Rim	Inv	Size	Material	Direction
MH	A	786.66	780.99	21"	RCP	NW
			780.96	12"	PVC	SW
MH	B	786.75	780.62	42"	RCP	N
			780.70	12"	PVC	E
			780.65	21"	RCP	SE
			780.65	42"	RCP	SW
MH	C	786.29	780.60	12"	PVC	W
			780.46	12"	PVC	SE
MH	D	786.71	780.08	42"	RCP	NE
			780.11	42"	RCP	S

SUPPLEMENTARY DATA
Total Area = 2,648,357 SF 60.7979 acres
R/W Area = 465,695 SF 10.6909 acres
Net Area = 2,182,662 SF 50.1070 acres
Number of Lots = 141 and 5 Outlots
Average lot size = 13,727 SF
Lineal feet of street = 7,483 LF
Existing zoning = AG
Proposed zoning = R-1B
Approving Authorities
City of Appleton
Objecting Authorities
Department of Administration
NOTES
- Utility and Drainage Easements will be shown on Final Plat
- Front Setback is mapped as 20'

Bearings are referenced to the West line of the Northeast 1/4, Section 31, T22N, R18E, assumed to bear S02°07'58"W, base on the Outagamie County Coordinate System.

LEGEND

- Overhead Utility Lines
- Utility Guy Wire
- Sanitary Sewer (Pipe Size)
- Storm Sewer (Pipe Size)
- Water Main (Pipe Size)
- Treeline
- Culvert
- Index Contour - Existing
- Intermediate Contour - Existing
- Sanitary MH / Tank / Base
- Storm Manhole
- Inlet
- Hydrant
- Utility Valve
- Utility Pole
- Light Pole / Signal
- Guy Wire
- +799.9 Ex Spot Elevation
- Sign
- Post / Guard Post
- Deciduous Tree
- Coniferous Tree
- Bush / Hedge
- Benchmark
- Asphalt Pavement
- Concrete Pavement
- Gravel
- ¾" Rebar Found
- 1" Iron Pipe Found
- Government Corner

DAVEL ENGINEERING & ENVIRONMENTAL, INC.
Civil Engineers and Land Surveyors
1164 Province Terrace, Menasha, WI 54952
Ph: 920-991-1666
www.davel.pro

PRELIMINARY PLAT

Glenmore Park
City of Appleton, Outagamie County, WI
For: Apple Tree

Date: 06/19/2025
Filename: 8846Plat.dwg
Author: SRA
Last Saved by: scott
Page 1 of 1

Jun 19, 2025 - 09:42 AM J:\Projects\8846opp\dwg\Civil 3D\8846Plat.dwg Printed by: scott

DEPARTMENT OF
PUBLIC
WORKS

MEMORANDUM

Date: **July 21, 2025**
To: **Municipal Services Committee**
From: **Laura Jungwirth, Director of Public Works**
Pete Neuberger, Deputy Director of Public Works / City Engineer
Eric Lom, City Traffic Engineer
Subject: Mission Ridge North Plat - New Street Design Approvals

---

Since the City's adoption of the Complete Streets Design Guide and Complete Streets Policy in 2024, the Department of Public Works (DPW) has presented new street design criteria to the Municipal Services Committee and Common Council for approval prior to Final Plat.

Action Item:

Approve the roadway design parameters for proposed streets in the Mission Ridge North plat as follows:

- Mission Ridge Avenue (French Road to future Lightning Drive):
  - Collector street designation.
  - 60' right-of-way.
  - 7' concrete sidewalks on both sides along the right-of-way line.
  - 8' vegetated terraces on both sides, adjacent to sidewalks.
  - Street having a future concrete pavement section with curb & gutter; the pavement section is 30' wide (from back of curb to back of curb).
  - On-street parking on one side only.
  - Future supplemental traffic calming spot features may be determined administratively with final design.
- Tall Oaks Trail (from and to Mission Ridge Ave.), Danville Drive (Tall Oaks Tr. to Mission Ridge Ave.), Lost Meadow Pass (Mission Ridge Ave. to future Lightning Dr.), Ocean Pearl Court (south plat limits to north plat limits), Winter Park Road (Lost Meadow Pass to Mission Ridge Ave.)
  - Local street designation
  - 60' right-of-way.
  - 5' concrete sidewalks on both sides along the right-of-way line.
  - 11.5' vegetated terraces on both sides, adjacent to sidewalks.
  - Street having a future concrete pavement section with curb & gutter; the pavement section is 27' wide (from back of curb to back of curb).
  - On-street parking on one side only.
  - Future supplemental traffic calming spot features may be determined administratively with final design.

- Lightning Drive (north plat limits to south plat limits):
    - Collector street designation.
    - 70’ right-of-way.
    - 10’ concrete sidepath on west side along the right-of-way line.
    - 5’ concrete sidewalk on east side along the right-of-way line.
    - 12.5’ vegetated terraces on both sides, adjacent to sidewalks.
    - Street having a future concrete pavement section with curb & gutter; the pavement section is 30’ wide (from back of curb to back of curb).
    - On-street parking on one side only.
    - Future supplemental traffic calming spot features may be determined administratively with final design.

Preliminary Plat of

Mission Ridge North Subdivision

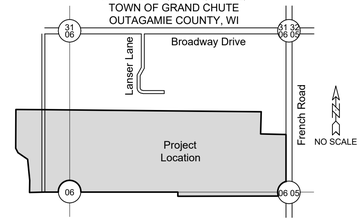
Part of the Southeast 1/4 of the Fractional Northeast 1/4 and All of the Southwest 1/4 of the Fractional Northeast 1/4 and part of the Southeast 1/4 of the Fractional Northwest 1/4 and part of the Northeast 1/4 of the Southeast 1/4, ALL of Section 6, Township 21 North, Range 18 East, Town of Grand Chute (planned annex to the City of Appleton), Outagamie County, Wisconsin

80 0 80 160 240

Bearings are referenced to the Outagamie County coordinate system

LINE TABLE		
Line	Bearing	Length
L1	S 00°02'25" E	41.27'
L2	N 01°36'33" E	119.15'
L3	N 05°33'54" W	247.09'
L4	N 55°27'06" W	135.41'
L5	N 28°25'33" W	55.45'





SUPPLEMENTARY DATA

Total Area = 3,149,161 SF 72.2948 acres
R/W Area = 531,349 SF 12.1981 acres (not including proposed Lightning Drive R/W)
Net Area = 2,617,812 SF 60.0967 acres
Number of Lots = 126 and 5 Outlots
Average lot size = 16,057 SF
Typical lot dimension = 89'x 130'
Lineal feet of street = 8,838 LF
Existing zoning = AGD (General Agricultural District)
Proposed zoning = R-2 (Single-Family District)
Approving Authorities
City of Appleton (to be annexed)
Objecting Authorities
Department of Administration
NOTES
- Utility and Drainage Easements will be shown on Final Plat

BENCHMARKS (NAVD88, Per City of Appleton)

BM 1 Fire Hydrant,Shoulder(#2969)
West R/W of French Rd.
Elev 755.99'

BM 2 Fire Hydrant,Shoulder(#2968)
±700' S of BM 1, West R/W of French Rd.
Elev 752.42'

BM 3 Fire Hydrant,Shoulder(#3991)
±180' West of the End of Lightning Drive
Elev 766.48'

BM 4 Fire Hydrant,Shoulder
West R/W, at the End of Lightning Drive
Elev 764.70'

Horizontal Control			
PN8615 - (Town of Grand Chute)			
2024-12-02			
Davel Engineering and Environmental			
Horizontal Control (per Outagamie County Coordinate System)			
Point Number	Northing	Easting	Description
500	584715.50	841358.70	CPT MAG
501	585362.01	841372.99	CPT MAG
502	585948.15	839856.61	CPT MAG
505	584592.06	837952.20	CPT MAG
506	585789.48	836394.25	CPT MAG

Storm Structures

Structure	#	Rim	Inv	Size	Material	Direction
MH	A	761.51	757.09	15"	RCP	N
			756.99	15"	RCP	E
CB	B	747.34	744.50	12"	PVC	S
MH	C	751.21	743.36	12"	PVC	N

Sanitary Structures

Structure	#	Rim	Inv	Size	Material	Direction
MH	1	760.85	747.91	12"	PVC	N
			747.91	12"	PVC	S
MH	2	761.68	748.68	8"	PVC	E
			748.52	10"	PVC	N
			748.52	12"	PVC	S
MH	3	750.09	733.26	30"	PVC	N
			733.26	30"	PVC	S
MH	4	750.86	733.79	30"	PVC	N
			733.79	30"	PVC	S
MH	5	753.03	734.42	30"	PVC	N
			734.42	30"	PVC	S

SURVEYOR'S CERTIFICATE

I, Scott R. Andersen, hereby certify that this Preliminary Plat is a correct representation of all existing land divisions and features, and that I have complied with the preliminary plat requirements for the **City of Appleton**.

SCOTT R ANDERSEN S-3169 WISCONSIN LAND SURVEYOR
06/11/2025 4:20:34 PM scott@davel.pro

Scott R. Andersen, P.L.S. No. S-3169 Date

LEGEND

- Underground Cable TV
- Underground Fiber Optic
- Overhead Utility Lines
- Utility Guy Wire
- Sanitary Sewer (Pipe Size)
- Storm Sewer (Pipe Size)
- Underground Electric
- Underground Gas Line
- Underground Telephone
- Water Main (Pipe Size)
- Fence - Steel
- Fence - Wood
- Fence - Barbed Wire
- Treeline
- Index Contour - Existing
- Intermediate Contour - Existing
- Delineated Wetlands
- Sanitary MH / Tank / Base
- Clean Out / Pull Box
- Storm Manhole
- Inlet
- Catch Basin / Yard Drain
- Water MH / Well
- Curb Stop
- Hydrant
- Utility Valve
- Utility Meter
- Utility Pole
- Light Pole / Signal
- Guy Wire
- Electric Pedestal
- Electric Transformer
- Electric Manhole
- Telephone Pedestal
- Telephone Manhole
- +799.9 Ex Spot Elevation
- CATV Pedestal
- Gas Regulator
- Sign
- Post / Guard Post
- Large Rock
- Deciduous Tree
- Coniferous Tree
- Bush / Hedge
- Stump
- Soil Boring
- Benchmark
- Asphalt Pavement
- Concrete Pavement
- Gravel
- 1¼" Rebar Found
- 1" Iron Pipe Found

DAVEL ENGINEERING & ENVIRONMENTAL, INC.
Civil Engineers and Land Surveyors
1164 Province Terrace, Menasha, WI 54952
Ph: 920-991-1666 Fax: 920-441-0804
www.davel.pro

Jun 11, 2025 – 04:20 PM J:\Projects\8615dev\dwg\Civil 3D\8615Plat.dwg Printed by: scott

PRELIMINARY PLAT

Mission Ridge North Subdivision
Town of Grand Chute, Outagamie County, WI
For: DeWitt Development LLC

Date: 06/11/2025
Filename: 8615Plat.dwg
Author: SRA
Last Saved by: scott
Page 1 of 2

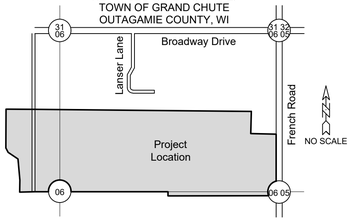
Preliminary Plat of

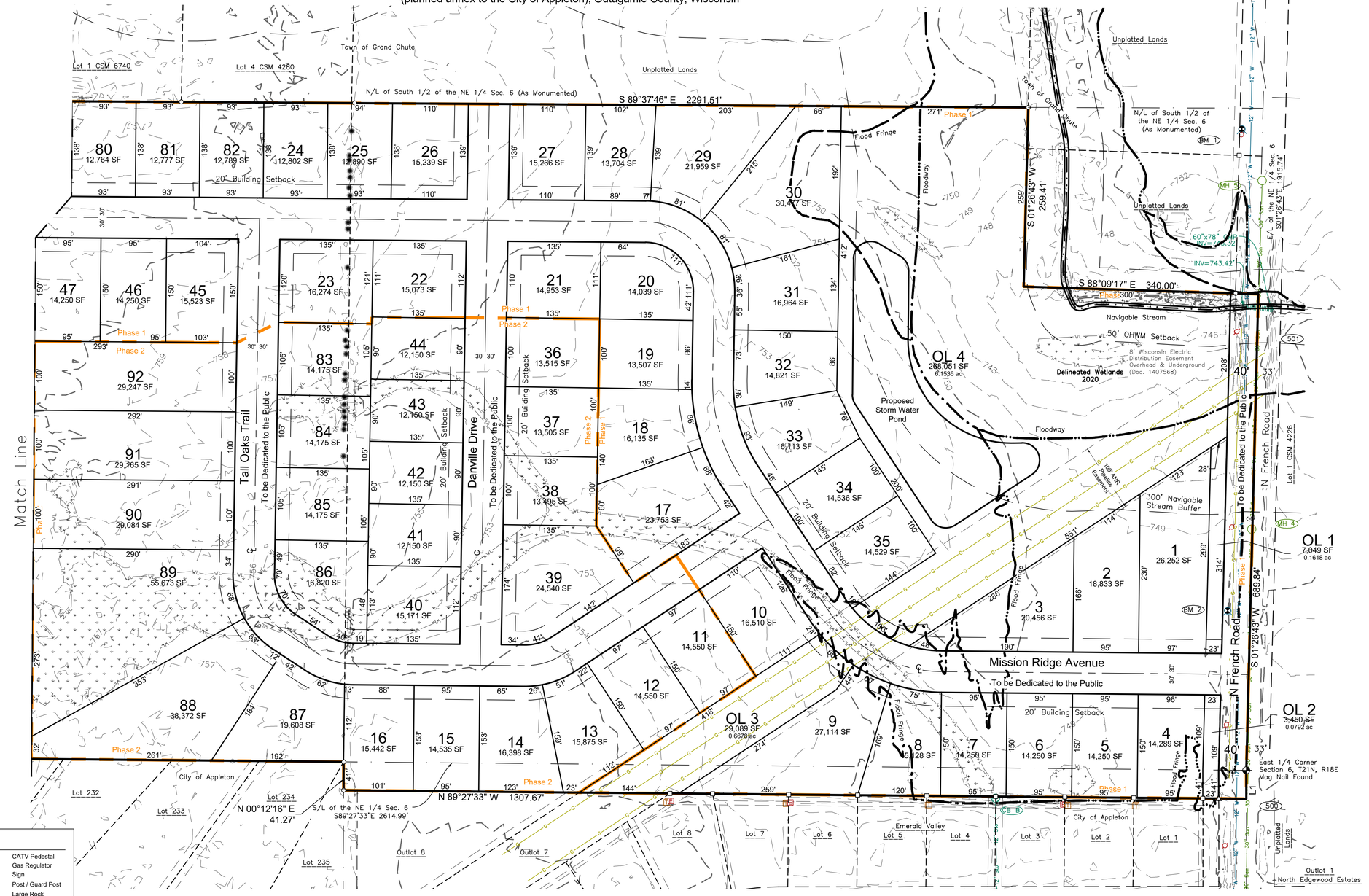
Mission Ridge North Subdivision

Part of the Southeast 1/4 of the Fractional Northeast 1/4 and All of the Southwest 1/4 of the Fractional Northeast 1/4 and part of the Southeast 1/4 of the Fractional Northwest 1/4 and part of the Northeast 1/4 of the Southeast 1/4, ALL of Section 6, Township 21 North, Range 18 East, Town of Grand Chute (planned annex to the City of Appleton), Outagamie County, Wisconsin

LOCATION MAP

NE 1/4 SEC 6, T 21 N, R 18 E,
TOWN OF GRAND CHUTE
OUTAGAMIE COUNTY, WI





SURVEYOR'S CERTIFICATE

I, Scott R. Andersen, hereby certify that this Preliminary Plat is a correct representation of all existing land divisions and features, and that I have complied with the preliminary plat requirements for the **City of Appleton**.

WISCONSIN SCOTT R ANDERSEN S-3169 DAVEL WI LAND SURVEYOR 06/11/2025 3:15:58 PM scott@davel.pro

Scott R. Andersen, P.L.S. No. S-3169 Date

LEGEND

- Underground Cable TV
- Underground Fiber Optic
- Overhead Utility Lines
- Utility Guy Wire
- Sanitary Sewer (Pipe Size)
- Storm Sewer (Pipe Size)
- Underground Electric
- Underground Gas Line
- Underground Telephone
- Water Main (Pipe Size)
- Fence - Steel
- Fence - Wood
- Fence - Barbed Wire
- Treeline
- Index Contour - Existing
- Intermediate Contour - Existing
- Delineated Wetlands
- Sanitary MH / Tank / Base
- Clean Out / Pull Box
- Storm Manhole
- Inlet
- Catch Basin / Yard Drain
- Water MH / Well
- Curb Stop
- Hydrant
- Utility Valve
- Utility Meter
- Utility Pole
- Light Pole / Signal
- Guy Wire
- Electric Pedestal
- Electric Transformer
- Electric Manhole
- Telephone Pedestal
- Telephone Manhole
- +799.9 Ex Spot Elevation
- CATV Pedestal
- Gas Regulator
- Sign
- Post / Guard Post
- Large Rock
- Deciduous Tree
- Coniferous Tree
- Bush / Hedge
- Stump
- Soil Boring
- Benchmark
- Asphalt Pavement
- Concrete Pavement
- Gravel
- 1½" Rebar Found
- 1" Iron Pipe Found

80 0 80 160 240

Bearings are referenced to the Outagamie County coordinate system

DAVEL ENGINEERING & ENVIRONMENTAL, INC.
Civil Engineers and Land Surveyors
1164 Province Terrace, Menasha, WI 54952
Ph: 920-991-1666 Fax: 920-441-0804
www.davel.pro

Jun 11, 2025 - 03:15 PM J:\Projects\8615dev\dwg\Civil 3D\8615Plat.dwg Printed by: scott

PRELIMINARY PLAT

Mission Ridge North Subdivision
Town of Grand Chute, Outagamie County, WI
For: DeWitt Development LLC

Date:	06/11/2025
Filename:	8615Plat.dwg
Author:	SRA
Last Saved by:	scott
Page	2 of 2

ORIGINAL STATE/MUNICIPAL FINANCIAL AGREEMENT FOR A STATE – LET HIGHWAY PROJECT

Date: 6/13/2025
ID: 1130-64-77 (Design: 1130-63-01)
Road Name: STH 47
Title: Appleton – De Pere
Limits: Richmond St (STH 47) Intchg
County: Outagamie
Roadway Length: 0.38 Miles

The signatories City of Appleton, Town of Grand Chute and Outagamie County, 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:

The IH 41 Project corridor, which has four travel lanes – two in each direction – is congested and sees a higher rate of crashes than similarly configured freeways in Wisconsin. By federal standards, the project area has multiple roadway design deficiencies, and much of its pavement and several bridges are nearing the end of their useful lives and must be replaced.

Much of the original pavement in the corridor was built in the 1960s and has reached the end of its useful life, meaning further rehabilitations are no longer cost-effective. The project corridor also has narrow road shoulders, outdated ramp designs, and interchanges spaced too closely to one another – deficiencies that can contribute to safety and operational problems.

Proposed Improvement – Nature of work:

The State identified the diverging diamond interchange as the preferred alternative for the Richmond St (STH 47) interchange. At the Richmond St interchange, the diverging diamond interchange (DDI) is the safest interchange option, has the best traffic operations, and has the support of the Municipality. Impacts between alternatives considered are not substantially different.

Richmond Street will be reconstructed, and bike lanes will be added within the project limits. Sidewalks impacted by reconstruction will be replaced. New storm sewer will be installed within the project limits. The existing structures carrying Richmond Street over IH 41 will be replaced with structures B-44-0322 and B-44-0323. Retaining walls R-44-0038 and R-44-0039 will be constructed. Sign structures S-44-0354, S-44-0355, S-44-0356, S-44-0357, S-44-0358, and S-44-0359 will be constructed. New traffic signals will be installed at the IH 41/ Richmond St. ramp terminals. MUTCD compliant signing and pavement markings will be installed with the project. Landscaping elements such as trees, bushes, and grass will be added to the medians and islands of the IH 41 and Richmond Street DDI. Decorative staining will be applied to the bridges and retaining wall B-44-0322, B-44-0323, R-44-0038, and R-44-0039 with CSD funding. Decorative silhouettes will be placed on the STH 47 bridges B-44-0322 and B-44-0323. Landscaping will be added to the medians and islands of the STH 47 interchange ramp terminals.

Meade Street Overpass – Structure is to remain. Existing fencing on parapets of the Meade Street Bridge, B-44-0171, will be replaced with black fencing. Decorative staining will be applied to the Meade Street Bridge.

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:

City of Appleton Intelligent Transportation Systems (ITS) infrastructure will be added to the IH 41 and Richmond Street DDI.

SUMMARY OF COSTS											
[1]Phase		Total Est. Cost	Federal/State Funds	%	City of Appleton	%		Town of Grand Chute	%	Outagamie County	%
Design Engineering		N/A	N/A	100%	$0.00	0%		$0.00	0%	$0.00	0%
Real Estate Acquisition		N/A	N/A	100%	$0.00	0%		$0.00	0%	$0.00	0%
Municipal Utility Coordination		N/A	N/A	100%	$0.00	0%		$0.00	0%	$0.00	0%
[2]**Construction: 1130-64-77**											
Category	**Description**										
1000	Roadway Items	$10,097,000	$10,097,000	100%	$0	0%		$0	0%	$0	0%
1110	Lighting	$301,000	$301,000	100%	$0	0%		$0	0%	$0	0%
1210	FTMS/ ITS	$0	$0	100%	$0	0%		$0	0%	$0	0%
1300	Traffic Signals, DDI	$645,000	$645,000	100%	$0	0%		$0	0%	$0	0%
1400	Richmond Street Interchange CSD Items[3]	$355,000	$284,000	80%	$17,750	5%	+BAL	$17,750	5% +BAL	$35,500	10% +BAL
1470	Meade Street Overpass CSD Items[3]	$18,000	$14,400	80%	$1,800	10%	+BAL	$0	0% +BAL	$1,800	10% +BAL
1620	Local/ Non Participating, City of Appleton	$24,000	$0	0%	$24,000	100%		$0	0%	$0	0%
1630	Local/ Non Participating, Town of Grand Chute	$15	$0	0%	$0	0%		$15	100%	$0	0%
1700	Utilities, City of Appleton	$6,000	$5,400	90%	$600	10%		$0	0%	$0	0%
1710	Utilities, Town of Grand Chute	$4,000	$3,600	90%	$0	0%		$400	10%	$0	0%
1810	100% State Funded	$22,000	$22,000	100%	$0	0%		$0	0%	$0	0%
2040	Structure B-44-0322	$1,984,000	$1,984,000	100%	$0	0%		$0	0%	$0	0%
2050	Structure B-44-0323	$2,322,000	$2,322,000	100%	$0	0%		$0	0%	$0	0%
2060	Structure B-44-0171	$100,000	$100,000	100%	$0	0%		$0	0%	$0	0%
4030	Structure R-44-0038	$1,020,000	$1,020,000	100%	$0	0%		$0	0%	$0	0%
4040	Structure R-44-0039	$942,000	$942,000	100%	$0	0%		$0	0%	$0	0%
6030	Structure S-44-0354	$138,000	$138,000	100%	$0	0%		$0	0%	$0	0%
6040	Structure S-44-0355	$69,000	$69,000	100%	$0	0%		$0	0%	$0	0%
6050	Structure S-44-0356	$138,000	$138,000	100%	$0	0%		$0	0%	$0	0%
6060	Structure S-44-0357	$138,000	$138,000	100%	$0	0%		$0	0%	$0	0%
6070	Structure S-44-0358	$100,000	$100,000	100%	$0	0%		$0	0%	$0	0%
6080	Structure S-44-0359	$138,000	$138,000	100%	$0.00	0%		$0	0%	$0	0%
Construction Subtotal		$18,561,015	$18,461,400		$44,150			$18,165		$37,300	
Total Est. Cost Distribution		**$18,561,015**	**$18,461,400**		**$44,150**			**$18,165**		**$37,300**	

1. Costs shown are estimates only and may be updated as design progresses

2. Estimates include construction engineering.

[3]Community Sensitive Design (CSD) amenities considered to be the preference of the community are funded with 80% federal funding up to a maximum of:

- $290,400 for Richmond Street Interchange
- $15,000 for Meade Street Overpass

No state funding is permitted for CSD amenities.

See Item 8 for terms and conditions.

This request shall constitute agreement between the Municipality and the State; is subject to the terms and conditions that follow (pages [4] – [9]); is made by the undersigned under proper authority to make such request for the designated Municipality, upon signature by the State, upon fully executed signature of applicable State Municipal Maintenance Agreement 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 on behalf of the City of Appleton	
Name (print)	Title
Signature	Date
Signed for and on behalf of the Town of Grand Chute	
Name (print)	Title
Signature	Date
Signed for and on behalf of Outagamie County	
Name (print)	Title
Signature	Date
Signed for and on behalf of the State	
Name (print)	Title
Signature	Date

(please sign in blue ink)

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.

   (k) Eligible Community Sensitive Design (CSD) amenities considered to be the preference of the community, not to exceed CSD funding limit for the project.

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) Roadway and bridge width in excess of standards.

   (d) Construction inspection, staking, and material testing and acceptance for construction of sanitary sewer and water main.

   (e) Provide complete plans, specifications, and estimates for sanitary sewer and water main work. The Municipality assumes full responsibility for the design, installation, inspection, testing, and operation of the sanitary sewer and water system. This relieves the State and all of its employees from the liability for all suits, actions, or claims resulting from the sanitary sewer and water system construction.

   (f) Parking lane costs.

   (g) Coordinate, clean up, and fund any hazardous materials encountered for city utility construction. All hazardous material cleanup work shall be performed in accordance with state and federal regulations.

   (h) 20% of costs of eligible Community Sensitive Design (CSD) amenities considered to be the preference of the community up to the CSD funding limit for the project, plus 100% of costs of eligible CSD amenities in excess of the CSD funding limit for the project.

4. As the work progresses, the Municipality will be billed for work completed which is not chargeable to federal/state funds. Upon completion of the project, a final audit will be made to determine the final division of costs.

5. If the Municipality should withdraw the project, it shall reimburse the State for any costs incurred by the State on behalf of the project.

6. The work will be administered by the State and may include items not eligible for federal/state participation.

7. The Municipality shall, in cooperation with the State, assist with public relations for the project and announcements 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 project.

8. Basis for local participation:

Design Engineering, Real Estate Acquisition, Utility Coordination:

The State will pay 100% of the cost for design engineering, real estate acquisition, and utility coordination.

Costs for design engineering, real estate acquisition, and utility coordination are shown as not applicable (N/A) in the summary of costs table due to the complexities of isolating individual Let Project costs from the Appleton-Green Bay corridor wide design ID (1130-63-01) and this information is not relevant to the municipal construction cost share.

Construction ID: 1130-64-77

The Project Agreement will be revised, if necessary, as the project progresses. All costs shown are approximate and subject to final audit.

Category 1000 – Roadway Items

The State will pay 100% of the construction costs under Category 1000 – Roadway Items unless otherwise noted.

Category 1110 – Lighting

The State will pay 100% of the construction costs under Category 1110 – Lighting (standard WisDOT Lighting) unless otherwise noted.

Category 1210 – FTMS / ITS

The State will pay 100% of the construction costs under Category 1210 – FTMS / ITS unless otherwise noted.

Category 1300 – Traffic Signals, DDI

The State will pay 100% of the construction costs under Category 1300 – Traffic Signals, DDI unless otherwise noted.

Category 1400 – Richmond Street Interchange CSD Items

CSD amenities are funded with 80% Federal funding up to a maximum of $290,400 when the Municipality agrees to provide the remaining 20% and any funds in excess of the CSD funding limit.

Richmond Street Interchange CSD items requested by the municipality and included in this project:

- Staining Structure B-44-0322 - $20,000
- Silhouette Structure B-44-0322 - $6,000
- Staining Structure B-44-0323 -$21,000
- Silhouette Structure B-44-0323 - $6,000
- Staining Structure R-44-0038 - $14,000
- Staining Structure R-44-0039 - $13,000
- Diverging Diamond Interchange Landscaping - $275,000

Category 1400 - Richmond Street Interchange CSD Items costs are estimated to be $355,000

Category 1400 - Richmond Street Interchange category funding limit = $363,000

Costs in excess of the CSD amenities funding limit shall be the responsibility of the Municipality.

The State will pay 80% of the construction cost up to the federal CSD funding limit. The city of Appleton will pay 5% of the construction cost, the town of Grand Chute will pay 5% of the construction cost, and Outagamie County will pay 10% of the construction cost of Category 1400 – Richmond Street Interchange CSD Items and any funds in excess of the federal CSD funding limit.

CSD funding is governed by Wis. Stat. 85.0205. The department will regularly review the total CSD funding on this and any associated improvement projects to ensure total CSD funding does not exceed statutory limits. If at any point CSD funding exceeds statutory limits, the department will notify the Municipality of any adjustments to CSD funding that may be required to remain in compliance with state statutes.

Category 1470 – Meade Street Overpass CSD Items

CSD amenities are funded with 80% Federal funding up to a maximum of $15,000 when the Municipality agrees to provide the remaining 20% and any funds in excess of the CSD funding limit.

Meade Street Overpass CSD items requested by the municipality and included in this project:

- Staining Structure B-44-0171 - $18,000

Category 1470 – Meade Street Overpass CSD Items costs are estimated to be $18,000

Category 1470 - Meade Street Overpass category funding limit = $18,750.

Costs in excess of the CSD amenities funding limit shall be the responsibility of the Municipality.

The State will pay 80% of the construction cost up to the federal CSD funding limit. The city of Appleton will pay 10% of the construction cost and Outagamie County will pay 10% of the construction cost of Category 1470 – Meade Street Overpass CSD Items and any funds in excess of the federal CSD funding limit.

CSD funding is governed by Wis. Stat. 85.0205. The department will regularly review the total CSD funding on this and any associated improvement projects to ensure total CSD funding does not exceed statutory limits. If at any point CSD funding exceeds statutory limits, the department will notify the Municipality of any adjustments to CSD funding that may be required to remain in compliance with state statutes.

Category 1620 – Local/ Non-Participating, City of Appleton

In accordance with Local Participation Policy Section 3-25-5 of the State's Program Management Manual proposed improvements requested by the Municipality within the project limits, but outside the original project scope, are considered 100% the responsibility of the Municipality.

Local/ Non-Participating, City of Appleton costs are estimated to be $24,000.

Items requested by the municipality and included in this project:

- FTMS/ ITS Items

The city of Appleton will pay 100% of the construction cost under Category 1620 – Local/ Non-Participating, City of Appleton unless otherwise noted.

Category 1630 – Local/ Non-Participating, Town of Grand Chute

In accordance with Local Participation Policy Section 3-25-5 of the State's Program Management Manual proposed improvements requested by the Municipality within the project limits, but outside the original project scope, are considered 100% the responsibility of the Municipality.

Local/ Non-Participating town of Grand Chute costs are estimated to be $15

Items requested by the municipality and included in this project:

- 1 ton of Base Aggregate Dense

Outagamie County will pay 100% of the construction cost under Category 1630 – Local/ Non-Participating town of Grand Chute unless otherwise noted.

Category 1700 – Utilities, City of Appleton

Wisconsin State Stature 84.295 (4m) Municipal Utility Relocation; Freeway Construction

(a) The state shall pay 90 percent of the eligible costs of the relocation or replacement of any municipal utility facilities required by the construction of any freeway undertaken by the department. The affected municipal utility shall pay the balance of such costs.

Utilities, City of Appleton costs are estimated to be $6,000.

City of Appleton Utility items requested by the municipality and included in this project:

- Sanitary Manhole Adjustments at STA 199+64 NB47, STA 201+57 NB47, STA 202+97 NB47

The State will pay 90% of the construction cost and the city of Appleton will pay 10% of the construction cost for Category 1700 – Utilities, City of Appleton unless otherwise noted.

Category 1710 – Utilities, Town of Grand Chute

Wisconsin State Stature 84.295 (4m) Municipal Utility Relocation; Freeway Construction

(b) The state shall pay 90 percent of the eligible costs of the relocation or replacement of any municipal utility facilities required by the construction of any freeway undertaken by the department. The affected municipal utility shall pay the balance of such costs.

Utilities, Town of Grand Chute costs are estimated to be $4,000.

Town of Grand Chute Utility items requested by the municipality and included in this project:

- Sanitary Manhole Adjustments as STA 203+26 RMSB LT, STA 204+54 RMSB LT

The State will pay 90% of the construction cost and the town of Grand Chute will pay 10% of the construction cost for Category 1710 – Utilities, town of Grand Chute unless otherwise noted.

Category 1810 – 100% State Funded

The State will pay 100% of the construction costs under Category 1810 – 100% State Funded Items unless otherwise noted.

Category 2040 –Structure B-44-0322

The State will pay 100% of the construction costs under Category 2040 – Structure B-44-0322 unless otherwise noted.

Category 2050 – Structure B-44-0323

The State will pay 100% of the construction costs under Category 2050 – Structure B-44-0323 unless otherwise noted.

Category 2060 – Structure B-44-0171

The State will pay 100% of the construction costs under Category 2060 – Structure B-44-0171 unless otherwise noted.

Category 4030 – Structure R-44-0038

The State will pay 100% of the construction costs under Category 4030 – Structure R-44-0038 unless otherwise noted.

Category 4040 – Structure R-44-0039

The State will pay 100% of the construction costs under Category 4040 – Structure R-44-0039 unless otherwise noted.

Category 6030 – Structure S-44-0354

The State will pay 100% of the construction costs under Category 6030 – Structure S-44-0354 unless otherwise noted.

Category 6040 – Structure S-44-0355

The State will pay 100% of the construction costs under Category 6040 – Structure S-44-0355 unless otherwise noted.

Category 6050 – Structure S-44-0356

The State will pay 100% of the construction costs under Category 6050 – Structure S-44-0356 unless otherwise noted.

Category 6060 – Structure S-44-0357

The State will pay 100% of the construction costs under Category 6060 – Structure S-44-0357 unless otherwise noted.

Category 6070 – Structure S-44-0358

The State will pay 100% of the construction costs under Category 6070 – Structure S-44-0358 unless otherwise noted.

Category 6080 – Structure S-44-0359

The State will pay 100% of the construction costs under Category 6080 – Structure S-44-0359 unless otherwise noted.

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.

	STATE/MUNICIPAL **MAINTENANCE** **AGREEMENT**	Date:5/07/2025 ID: 1130-64-77 Road Name: IH 41 Limits: Richmond St (STH 47), Meade Street Overpass County: Outagamie

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 this agreement to include the associated maintenance responsibilities hereinafter described.

The authority for the Municipality to enter into this agreement with the State is provided by Section 84.07(1) of the Statutes. Wisconsin statutes, Wisconsin Administrative Code, and State policy serve as the defining documents for State Highway maintenance responsibilities.

DESCRIPTION OF FACILITY:

Insert one of the following condition statements:

Facility description upon completion of State project – As determined by project ID 1130-64-77.

WisDOT identified the diverging diamond interchange as the preferred alternative for the Richmond St (STH 47) interchange. At the Richmond St. interchange, the diverging diamond interchange (DDI) is the safest interchange option, has the best traffic operations, and has the support of Outagamie County and the municipalities. Impacts between alternatives considered are not substantially different.

Richmond Street will be reconstructed, and bike lanes will be added within the project limits. Sidewalks impacted by reconstruction will be replaced. New storm sewer will be installed within the project limits. The existing structures carrying Richmond Street over IH 41 will be replaced with structures B-44-0322 and B-44-0323. Retaining walls R-44-0038 and R-44-0039 will be constructed. Sign structures S-44-0354, S-44-0355, S-44-0356, S-44-0357, S-44-0358, and S-44-0359 will be constructed. New traffic signals will be installed at the IH 41/ Richmond St. ramp terminals. MUTCD compliant signing and pavement markings will be installed with the project. Landscaping elements such as trees, bushes, and grass will be added to the medians and islands of the IH 41 and Richmond Street DDI. Decorative staining will be applied to the bridges and retaining wall B-44-0322, B-44-0323, R-44-0038, and R-44-0039 with CSD funding. Decorative silhouettes will be placed on the STH 47 bridges B-44-0322 and B-44-0323. Landscaping will be added to the medians and islands of the STH 47 interchange ramp terminals.

City of Appleton Intelligent Transportation Systems (ITS) infrastructure will be added to the IH 41 and Richmond Street DDI.

Meade Street Overpass – Structure is to remain. Existing fencing on parapets of the Meade Street Bridge, B-44-0171, will be replaced with black fencing. Decorative staining will be applied to the Meade Street Bridge.

This request shall constitute agreement between the Municipality and the State; is subject to the terms and conditions that follow (pages [2] – [3]); is made by the undersigned under proper authority to make such request for the designated Municipality and upon signature by the State, delivery to the Municipality and upon fully executed signature of associated, applicable State Municipal Financial Agreement for project 1130-64-77. The initiation and signature of the agreement will be subject to all the applicable federal and state regulations. No term or provision of neither the State/Municipal Maintenance 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 Maintenance Agreement.

Signed for and on behalf of the **City of Appleton** (Please sign in blue ink)	
Name (print)	Title
Signature	Date
Signed for and on behalf of the **State** (Please sign in blue ink)	
Name	Title **WisDOT Region Maintenance Chief**
Signature	Date

TERMS AND CONDITIONS:

1. In order to guarantee the Municipality's foregoing agreements to maintain the facility to State standards, the Municipality, through its above duly authorized officers or officials, agrees and authorizes the State to set off and withhold General Transportation Aids or monies otherwise due and payable by the State to the municipality, as determined by the State, for any maintenance the State must perform to the facility should the Municipality fail to comply with the agreement.

2. The State will not install any additional items, not necessitated for the safe and efficient flow of traffic, to a state highway facility without the Municipality agreeing to maintain those items. The State is responsible for maintaining the through travel way of any given highway facility under the State's jurisdiction including:

   (a) The energy, operation, repair and replacement of traffic signals and associated street lighting required for the signalized intersections within the limits of this agreement for:
      1. Signalized intersections at the ramp terminals within the IH 41 & Richmond St. interchange.
      2. Permitted lighting at the ramp terminals within the IH 41 & Richmond St. interchange.

   (b) Signing and pavement marking necessitated for the safe and efficient flow of traffic except those items listed in #3.

   (c) Permitting authority of utilities and access control on all State Trunk, US and Interstate Highways.

   (d) 5-ft concrete border placed behind curb and gutter in the median and islands of the diverging diamond interchange.

   (e) Structure components of bridges B-44-0322 and B-44-0323, see local responsibility below for other items.

3. The Municipality shall at its own cost and expense maintain all portions within the specified limits of this agreement that lie within its jurisdiction or as shown in Exhibit 1 -Richmond Street (STH 47) and Exhibit 2-Meade Street for such maintenance through statutory requirements in a manner satisfactory to the State and shall make ample provision for such maintenance each year to include:

   (a) Maintain all items outside, and under, the travel way to include, but not limited to, parking lanes, curb and gutter, drainage facilities (including all storm sewers, inlets, related manholes and structure, storm water quality devices, etc., either outside or under the traveled way), sidewalks, multi-use paths, retaining walls (staining only), pedestrian refuge islands and landscaping features.

   (b) Remove snow and ice from parking lanes, sidewalks, multi-use paths, and pedestrian refuge islands.

   (c) Implement a street sweeping program to help prevent the accumulation of dirt, sand, leaves, paper, or other clogging debris.

   (d) Maintain the storm sewer system to provide a free flow condition throughout the life of the facility.

   (e) Maintain and accept responsibility for the energy, operation, maintenance, repair, and replacement of the

street lighting system.

i. The Municipality shall obtain a permit from the State.

ii. The Municipality shall accept responsibility for locating utilities for Digger's Hotline.

iii. If at any time the Municipality should choose to turn off or remove street lighting, in part or in whole, funded with federal/state dollars, the State will determine potential conflicts and approve/disapprove such request. If removal is approved by the State, the Municipality will reimburse to the State an amount determined by Federal and State coordination.

(f) Maintain clear right-of-way of all encroachments.

(g) Maintain crosswalk pavement markings. The municipality shall obtain a permit with the State.

(h) Maintain signs and pavement markings not necessary for the safe and efficient movement of traffic (no parking signs, wayfinding signs, etc).

(i) Maintain and accept responsibility for the following as applicable to this agreement:

1. Structures: clearance of snow and/or ice from the sidewalk on the structure.

2. Ramp terminals: clearance of snow and/or ice from the sidewalk at the interchange ramp terminals.

3. Special Funding: Maintain all aesthetic elements requested by the municipality and incorporated into the project. Maintain decorative stain on all bridges and retaining walls. Maintain silhouettes placed on bridge railings. Removal or covering of vandalism of aesthetic elements is responsibility of the municipality.

4. DDI Landscaping: Maintain all landscape elements placed at the Richmond St. interchange (including but not limited to: trees, bushes, rocks, stones, grassed areas and miscellaneous landscaping elements). Maintain all median island grass within the Richmond St. interchange including but not limited to mowing and weeding , and to a height no more than 3.5 feet above the adjacent roadway elevation.

5. Colored Concrete: Pay the difference in the cost of replacing colored concrete placed behind curb or in crosswalks, when compared to standard (non-colored) concrete.

6. Municipal ITS: Maintain municipal ITS equipment placed south of the bridges at the interchange.

4. The Municipality, within the specified limits, agrees to:

(a) Prohibit angle parking.

(b) Regulate parking along the highway. The Municipality will file a parking declaration with the State.

(c) Regulate or prohibit all parking at locations where and when the pavement area usually occupied by parked vehicles will be needed to carry active traffic in the street.

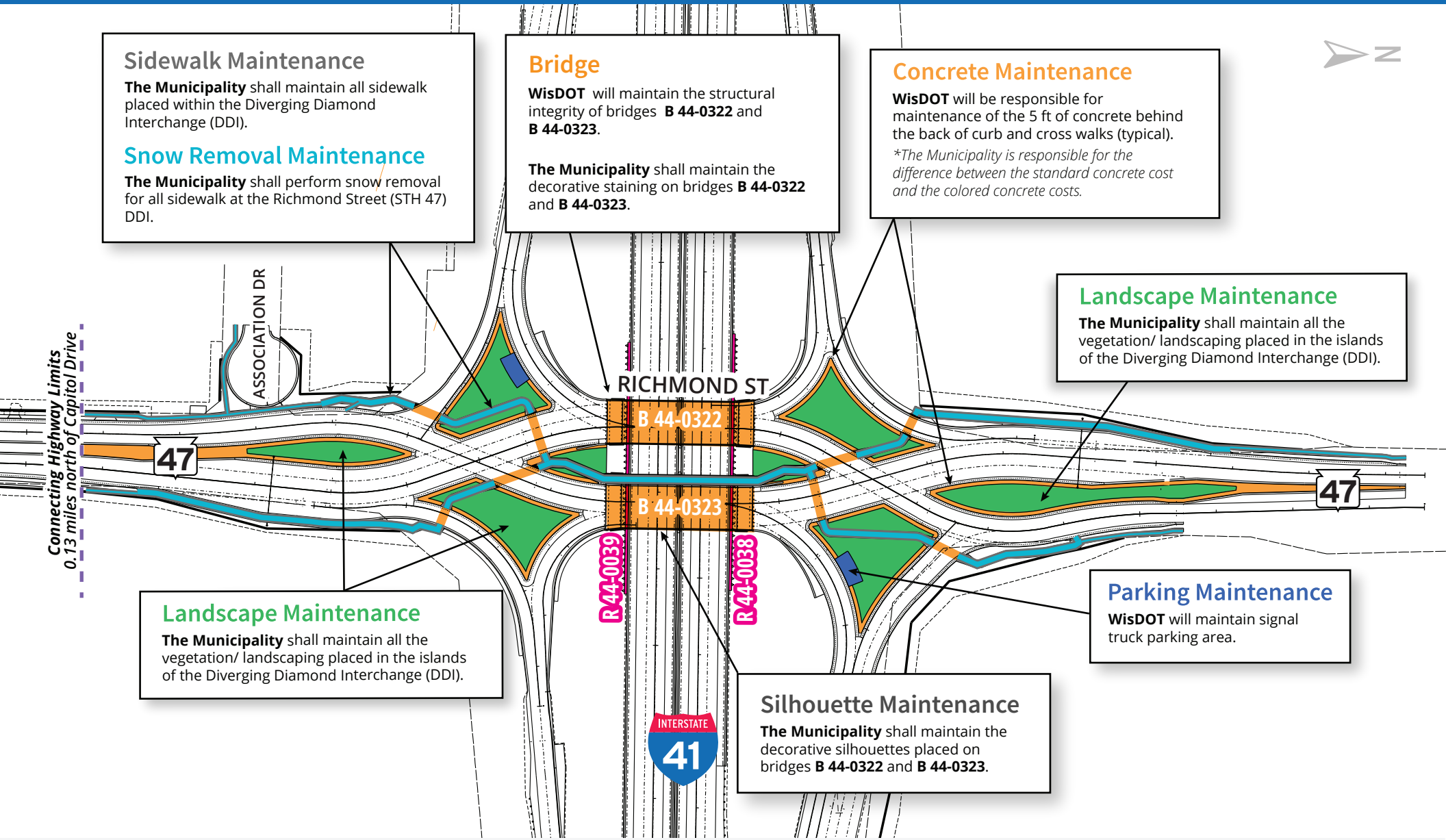
5. The Municipality will coordinate with the State to obtain any necessary Work on Right-of-Way Permits for maintenance performed on or within the state highway facility or state right-of-way.

6. This agreement does not remove the current municipal maintenance responsibility.

7. The State or Municipality may request an amendment to this agreement to include specific features later requested by the Municipality throughout the design process.

8. Upon completion of construction project, 1130-64-77 the Municipality will assume all afore mentioned maintenance responsibilities.

Exhibit 1 - Richmond Street (STH 47)



Bike Lane Pavement Marking

The Municipality will maintain bike lane pavement marking symbol.

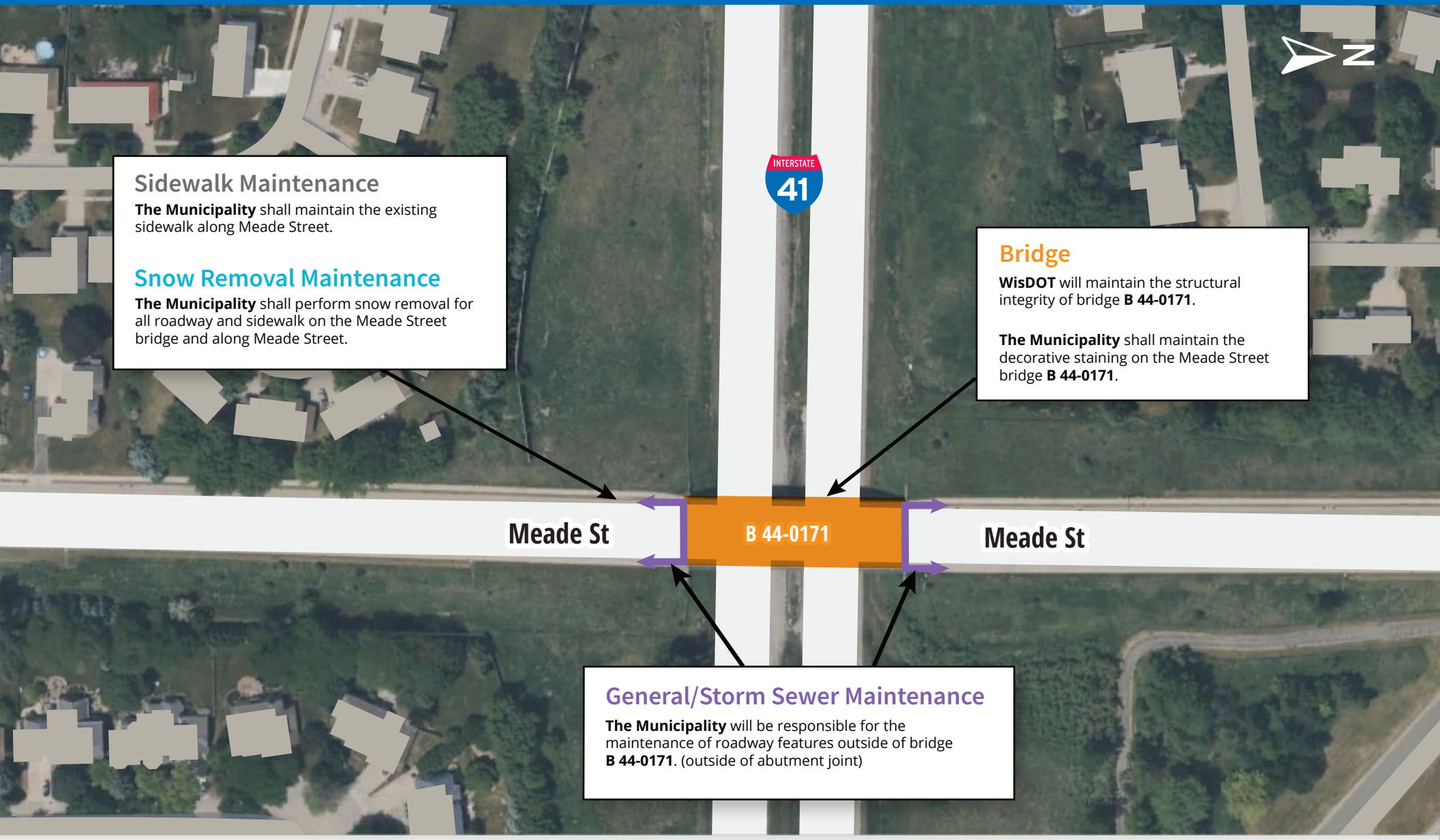
Street Lighting

WisDOT will be responsible for maintenance of the street lighting between north connecting highway limits and Evergreen Drive.

ITS Facilities

The Municipality shall be responsible for municipal ITS items including camera, pole, base, and ancillary equipment.

Exhibit 2 - Meade Street



Sidewalk Maintenance

The Municipality shall maintain the existing sidewalk along Meade Street.

Snow Removal Maintenance

The Municipality shall perform snow removal for all roadway and sidewalk on the Meade Street bridge and along Meade Street.

Bridge

WisDOT will maintain the structural integrity of bridge **B 44-0171**.

The Municipality shall maintain the decorative staining on the Meade Street bridge **B 44-0171**.

General/Storm Sewer Maintenance

The Municipality will be responsible for the maintenance of roadway features outside of bridge **B 44-0171**. (outside of abutment joint)

Street Lighting

The Municipality will be responsible for the maintenance of the Meade Street lighting.

CITY OF APPLETON

MEMORANDUM

Date: 7/16/25

To: Municipal Services Committee

From: Eric Lom, P.E., City Traffic Engineer

Subject: Request to revise permanent street occupancy permit #17-018-P

In 2017, Edison Elementary School was granted a permanent street occupancy permit to paint 8” x8” light bulbs on sidewalks to designate five designated safe walking routes for students (permit #17-018-P, attached). This project was well received by the community and no complaints have been documented.

With the recent closure of Columbus Elementary, the students that used to attend Columbus Elementary will now be attending Edison Elementary. As a part of this, Edison Elementary is requesting a revision to their existing permit to allow for additional routes. The proposed routes are described below.

DPW supports this request.

Attachments:

- Route descriptions
- Permanent street occupancy permit #17-018-P

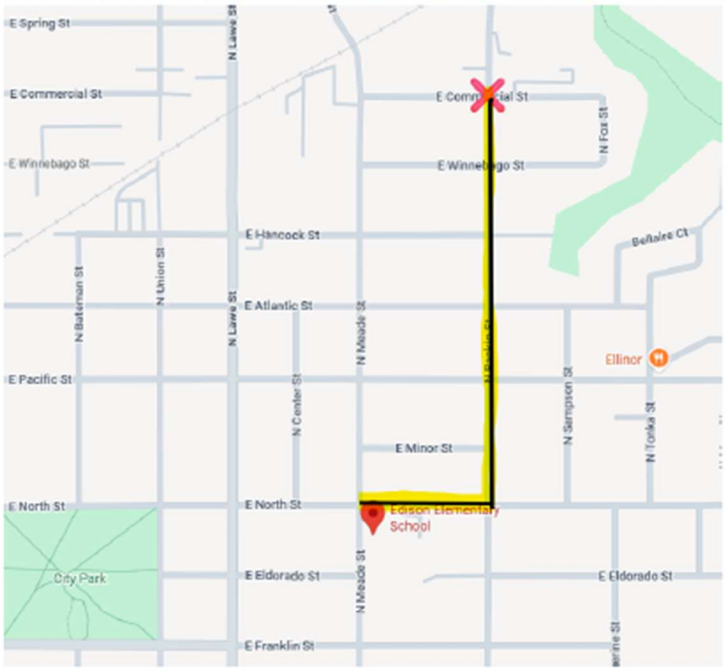
Edison Elementary School Update
July 2025
Safe Routes to School

To Whom It May Concern-

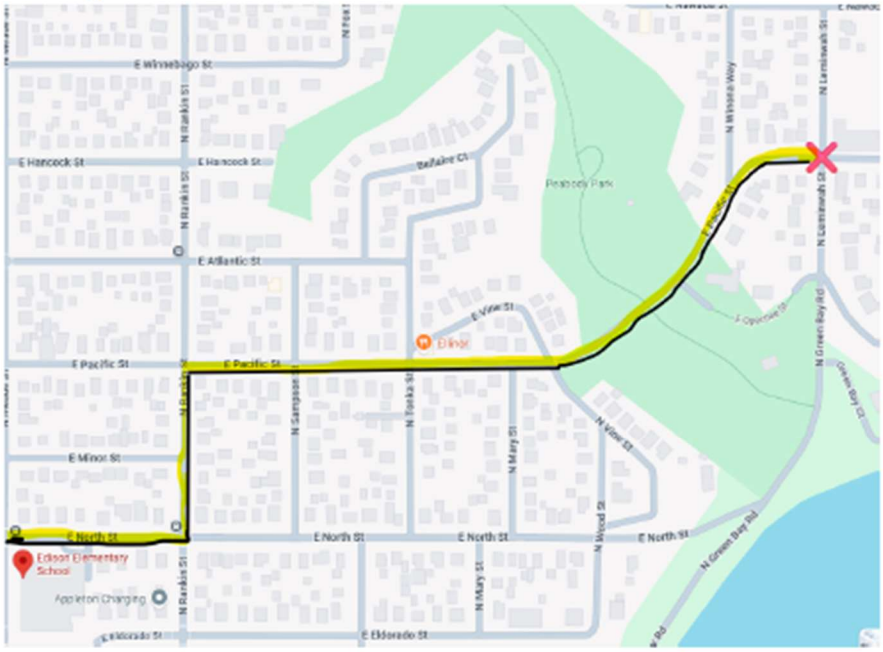
Columbus Elementary School with the Appleton Area School District is being repurposed beginning with the 2025-2026 school year. As a result of this action, the Columbus neighborhood school boundaries are now merging with the Edison Elementary School neighborhood. Our teams at AASD have worked in partnership with Safe Routes to School of East Central Wisconsin to designate six routes to school in the newly established Edison neighborhood.

The routes are designated below: The yellow highlight is the route and the black line indicates the side of the street for the Edison logos.

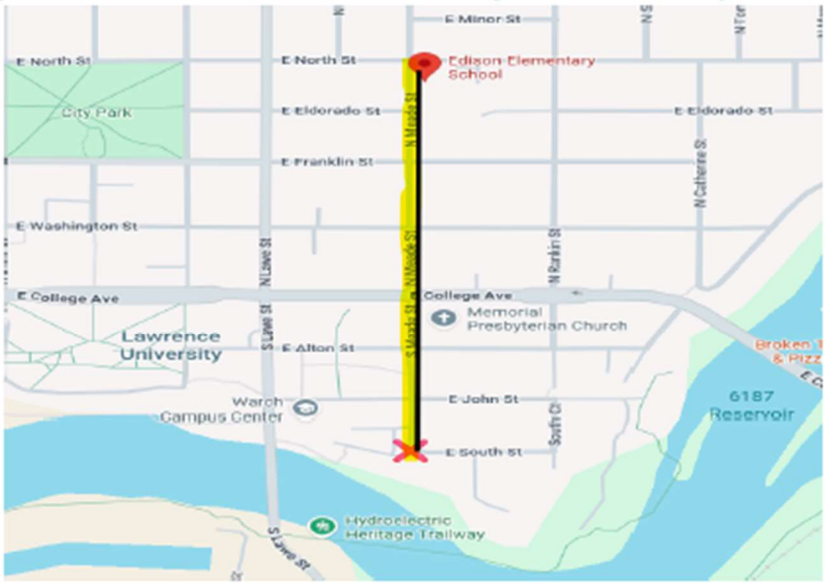
- **Route 1** = Starting point at the corner of Rankin St. and Commercial St proceeding south on the east side of Rankin to the corner of Rankin and E. North St. The route then turns west for one block on the south side of E. North St. to Edison Elementary School.



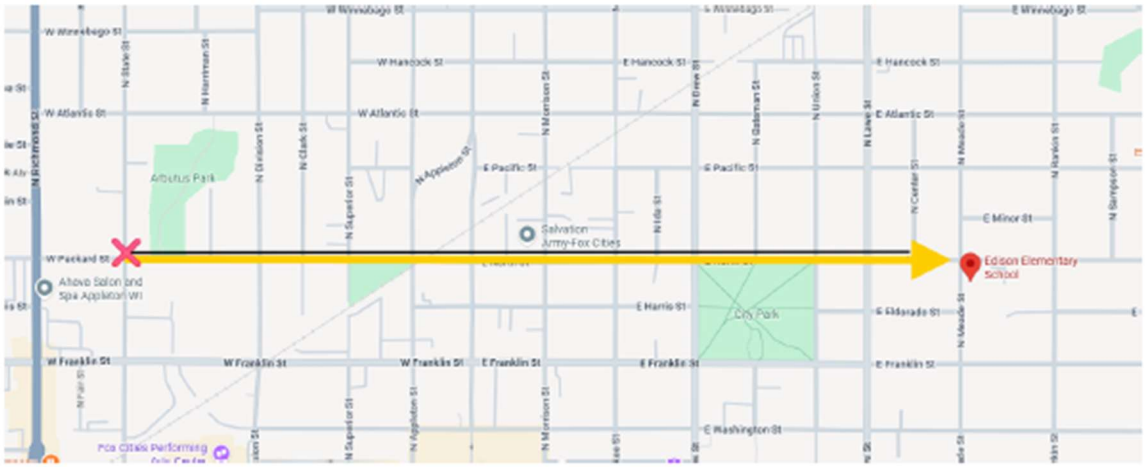
- **Route 2** = Starting point at the corner of E. Pacific St. and N. Leminwah St proceeding southwest on the south side of Pacific to Rankin St..The route then turns south for two blocks on the east side of N. Rankin St. to E. North St. before turning west to Edison Elementary School on the south side of North St.



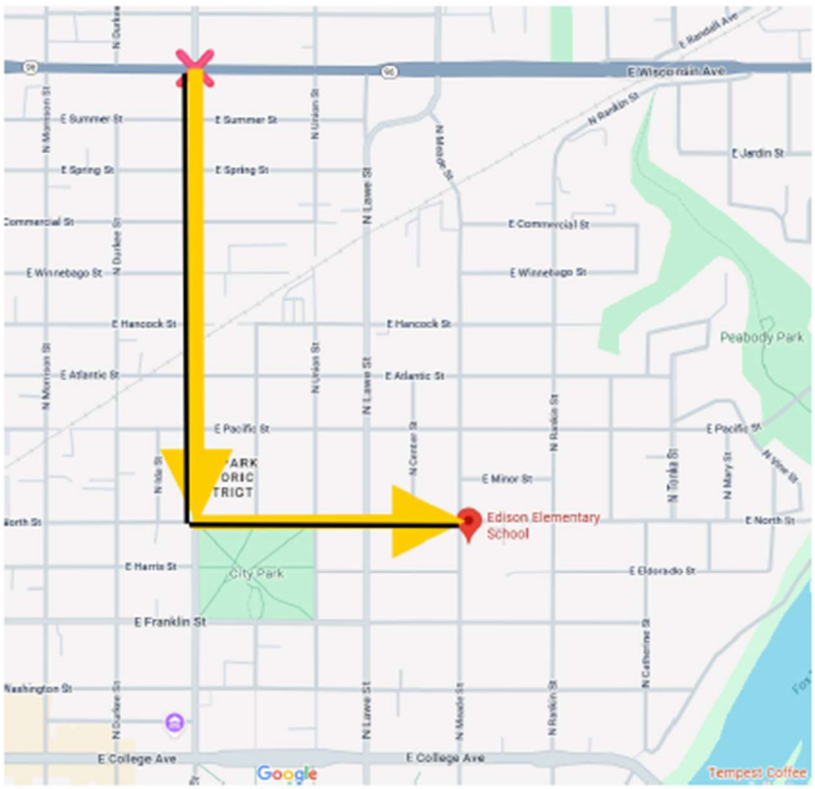
- **Route 3** = Starting point at the corner of E. South St. and S. Meade St. proceeding north along the east side of S. Meade St until reaching Edison Elementary School.



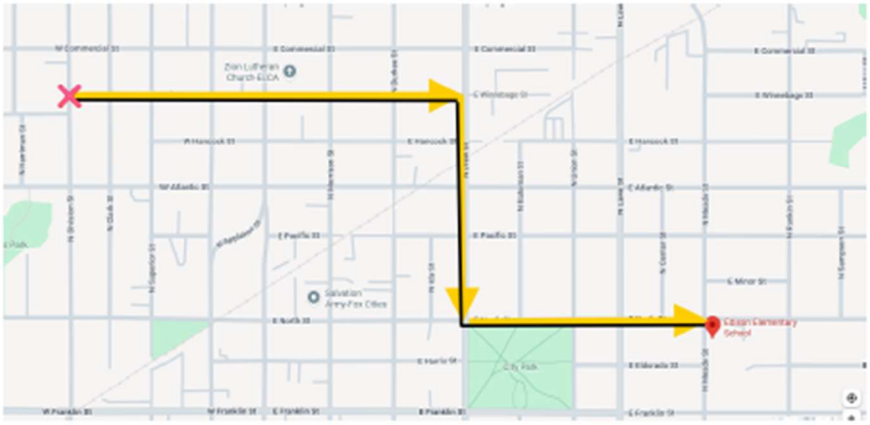
- **Route 4** = Starting Point at the corner of W. Packard St. and N. State St. proceeding east on W. North St crossing N. Oneida St. and continuing on E. North St until reaching Edison Elementary School.



- **Route 5** = Starting point at the corner of N. Drew St. and W. Wisconsin Ave. proceeding south along the west side of N. Drew St until reaching the corner of N. Drew St. and E. North St. The route then turns east for five blocks on the north side of E. North St. to Edison Elementary School.



- **Route 6** = Starting point at the corner of N. Division St. and W. Winnebago St. proceeding east on the south side of W. Winnebago St., crossing N. Oneida St. and continuing east on the south side of E. Winnebago St. until reaching N. Drew St. The route then turns south on the west side of N. Drew St. and proceeds south until reaching E. North St. The route then turns east for five blocks on the north side of E. North St. to Edison Elementary School.



Our safe routes to school team is requesting the council allow for updated sidewalk painting for Safe Routes to School to take place at some point this August so our families and communities can be updated with the new routes following the guidelines set forth in the City of Appleton policy.

Our intent is to paint the Edison logo on the sidewalks staying within the given 64 square inch guidelines once every 10-12 yards avoiding sidewalks that intersect with driveways. Logos from the previous effort in 2017 have faded so we would redo all logos along the six routes designated above.

We greatly appreciate our partnership with the City of Appleton and look forward to a positive outcome for improving the safety and health of our students and families. Please direct any inquiries related to this project to Joel Cannon, assistant principal for AASD elementary schools, at cannonjoel@aasd.k12.wi.us or 920-419-7206.

Thank you for your continued support,
Edison Elementary Safe Routes to School Team

PERMIT TO OCCUPY THE PUBLIC RIGHT-OF-WAY

Rec 463365

Permit # : 17-018-P
Effective Date: 3-9-17
Expiration Date: N/A
Fee: #40
Paid (yes or no): Yes

Rev. 04-10-15

Applicant Information

Name (print): Chuck Heurkens
Company: Edison Elementary
Address: 412 N. Meade St
Telephone: 920 832 6235 FAX:
Appleton WI 54217
e-mail: heurkenschark@aasd.k12.wi.us
Applicant Signature: Chuck Heurkens
Date: 2/26/17

Occupancy Information

General Description: Safe Routes to School sponsored Sidewalk Painting Project

Street Address: 5 separate routes all leading to Edison Elementary
Tax Key No.:
- or-
Street: From: To:

Multiple Streets: locations and diagram attached

(Department use only)

Occupancy Type	Sub-Type	Location
[X] Permanent ($40)	[ ] Sandwich Board	[X] Sidewalk
[ ] Temporary - max. 35 days ($40)	[ ] Tables / Chairs	[ ] Terrace
[ ] Amenity/Annual ($40)	[ ] Dumpster	[ ] Roadway
[ ] Blanket/Annual ($250)	[ ] POD / Container	
[ ] Block Party ($15)	[ ] Obstruction / Other	

Additional Requirements

[X] Plan/Sketch [ ] Certificate of Insurance [ ] Bond
[X] Other : Lightbulbs cannot exceed 8"x8"

Traffic Control Requirements

[X] N/A

Type of Street:
[ ] Arterial/CBD
[ ] Collector
[ ] Local

Proposed Traffic Control:
[ ] City Manual Page(s) _____
[ ] State Manual Page(s) _____
[ ] Other (attach plan)

Approved by: **Date:**

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

This permit approval is subject to the following conditions:

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

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

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

APPROVED BY: Paula Vandehey (Department of Public Works)
DATE: 3-9-2017

Edison "Lights" the Way to School

SAFE ROUTES TO SCHOOL
EAST CENTRAL WISCONSIN

Dear Edison Elementary Families,

We are excited to announce the City of Appleton's Safe Routes to School Sidewalk Painting Project.



This project is unique, as it will provide our students with five designated safe routes to walk and bicycle to school. Sidewalks leading to Edison Elementary will be marked with lightbulbs to let students know those streets are the safest route to travel. It will look like Thomas Edison left a trail of his famous lightbulbs himself to guide the students to school!

To create these routes we met with parents, teachers, and city staff to gather input on the safest routes and to address any safety concerns. We looked at creating routes that have sidewalks, lower traffic volume/speeds, marked crosswalks, and crossing guards present.

We think these routes will be a fun way to tie our neighborhoods together and encourage families to get outside and visit important green spaces throughout the City.

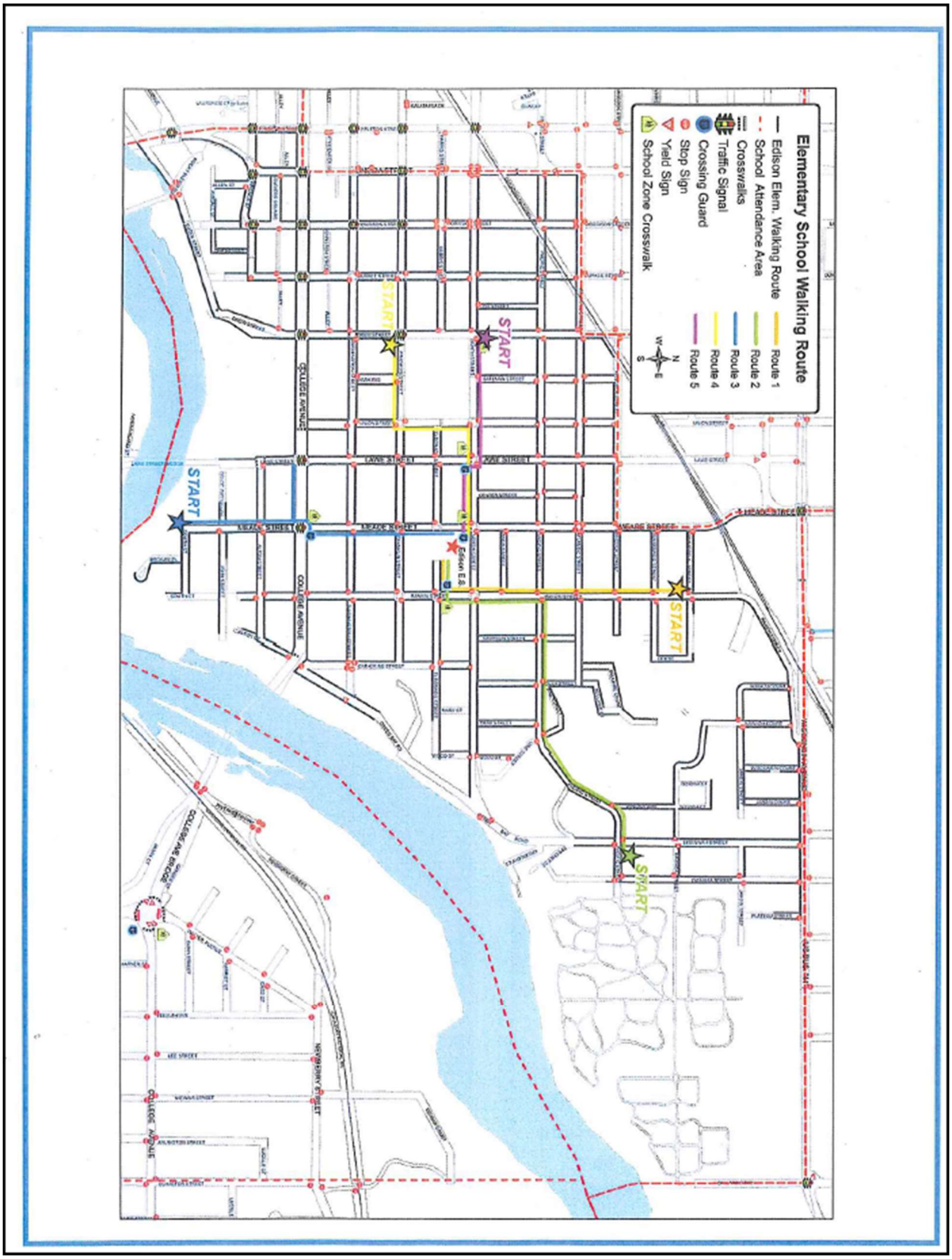


Please review the walking routes map on the backside of this handout and provide feedback and any questions you might have to Edison.elem.pta@gmail.com

WALKING SAFETY

If your student is already walking to school, please review these tips with them!

- **Walk!** Don't push, shove, or chase!
- **Obey all traffic signals and signs.**
- If you have to walk on the street, always walk **facing** traffic as far to the left as possible.
- Use a **crosswalk and crossing guards**, if available.
- **Avoid** crossing busy or high-speed streets.
- **Be visible**. Wear reflective/bright-colored clothing.
- **Look and listen**; don't be distracted.
- Watch for **cars pulling out** of driveways.
- **Never play in the road.**
- Walk with a **friend**.


Elementary School Walking Route
Edison Elem. Walking Route
School Attendance Area
Crosswalks
Traffic Signal
Crossing Guard
Stop Sign
Yield Sign
School Zone Crosswalk
Route 1
Route 2
Route 3
Route 4
Route 5
START
START
START
START
COLLEGE AVENUE
COLLEGE AVENUE
Edison E.S.

CITY OF APPLETON

MEMORANDUM

Date: 7/16/25

To: Municipal Services Committee

From: Eric Lom, P.E., City Traffic Engineer

Subject: Ordinance changes related to the A-25/A-26 Baldeagle Drive Paving Projects

---

The Baldeagle Drive paving project (Peregrine Boulevard to Lightning Drive) is occurring during the 2025 and 2026 construction seasons. This memo addresses the parking restrictions that are necessary to implement the approved project design.

1. ***Create:*** "Parking be prohibited on the north/east side of Baldeagle Drive from Peregrine Boulevard to Lightning Drive"

CITY OF APPLETON

MEMORANDUM

Date: 7/16/25

To: Municipal Services Committee

From: Eric Lom, P.E., City Traffic Engineer

Subject: Ordinance changes related to the A-25 Providence Av Paving Project

---

The Providence Avenue reconstruction project (Edgewood Dr/CTH JJ to Aquamarine Av) is occurring during the 2025 construction season. This memo addresses the parking restrictions that are necessary to implement the approved project design.

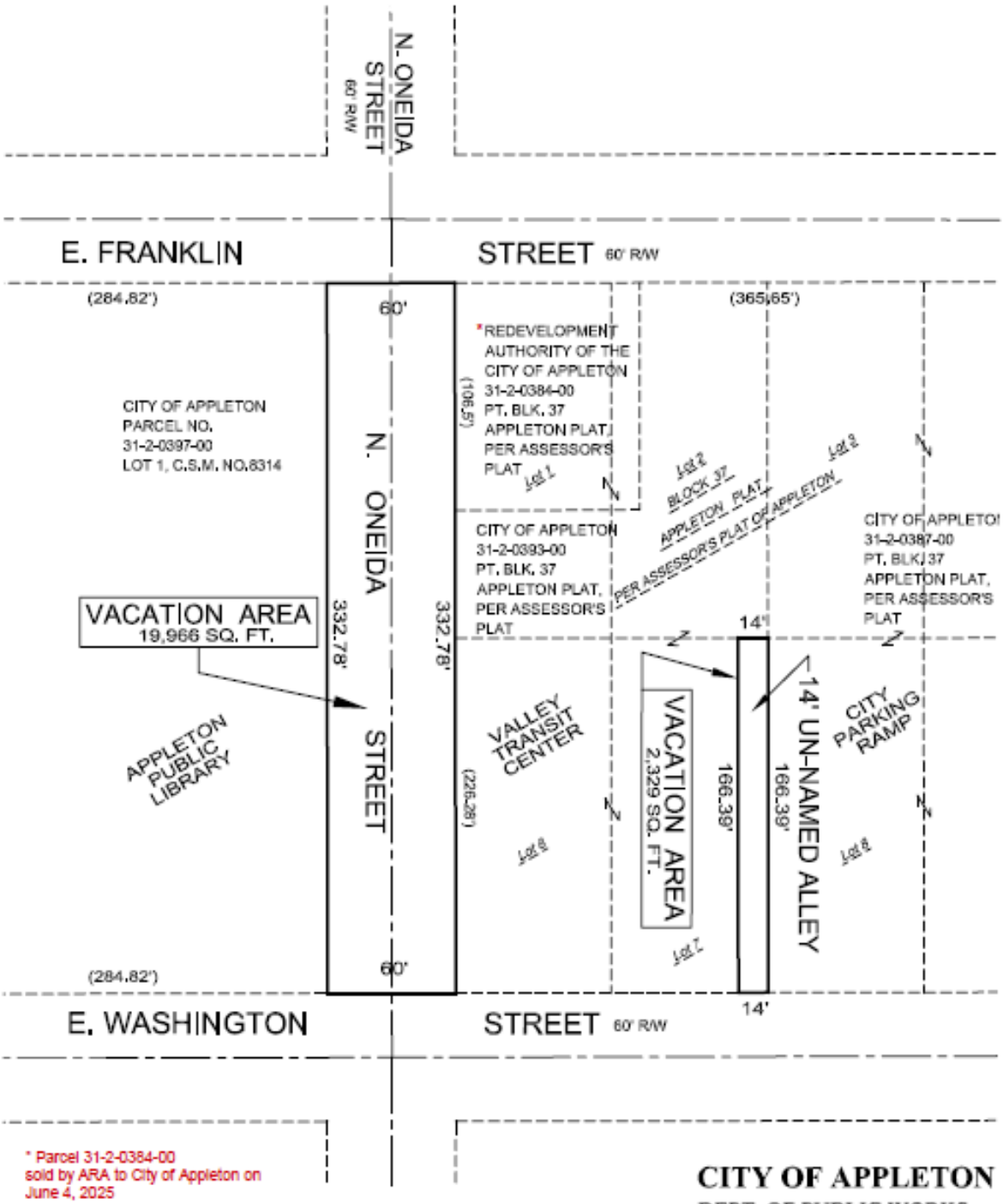
1. ***Create:*** "Parking be prohibited on the east side of Providence Avenue from Edgewood Drive (CTH JJ) to Aquamarine Avenue."

EXHIBIT "A"

All of a strip of land 60 feet in width and 332.78 feet m/l in length and containing 19,966 square feet of land m/l and being further described by: All that part of N. Oneida Street lying East of Lot 1 of Certified Survey Map No.8314, West of Block 37, Appleton Plat (aka Second Ward Plat), per the Assessor's Plat of the City of Appleton, South of the South line of E. Franklin Street, and North of the North line of E. Washington Street, being located in the Northeast Quarter (NE ¼) of the Southwest Quarter (SW ¼) of Section 26, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin

AND

A strip of land 14 feet in width and 166.39 feet m/l in length containing 2,329 square feet of land m/l and being described by: The East 14 feet of Lot 2 of Block 37, Appleton Plat (aka Second Ward Plat), per the Assessor's Plat of the City of Appleton, located in the Northwest Quarter (NW ¼) of the Southeast Quarter (SE ¼) of Section 26, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin.



* Parcel 31-2-0384-00
sold by ARA to City of Appleton on
June 4, 2025



SCALE IN FEET

0' 60' 120'

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

C:\cad\Acad Vers & Dwg\2025\Oneida_Washington to Franklin_0312_2025

INTERMUNICIPAL AGREEMENT BETWEEN THE CITY OF APPLETON AND THE TOWN OF GRAND CHUTE FOR THE CONSTRUCTION OF NEW TRAFFIC SIGNAL & RELATED ROADWAY IMPROVEMENTS AT THE RICHMOND & RIDGEVIEW INTERSECITON

This Intermunicipal Cooperation Agreement ("**Agreement** is entered into as of the date appearing at the end of this Agreement ("effective date") by and between the CITY OF APPLETON (hereinafter referred to as "**CITY**") and TOWN OF GRAND CHUTE (hereinafter referred to as "**TOWN**"). The purpose of this Agreement is to establish responsibilities and reimbursement of costs between the CITY and the TOWN for improvements at the intersection of Richmond Street (State Highway 47) and Ridgeview Drive to construct permanent traffic signal control. The CITY and the TOWN are each sometimes referred to herein as a "Party" and collectively as the "Parties". This Intermunicipal Agreement has been executed by the Parties pursuant to authority granted in Wis. Stats. § 66.0301.

SCOPE OF IMPROVEMENTS

Install a new signal with monotubes (signal per lane and flashing yellow arrow displays), 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.

RECITALS

WHEREAS, the Parties wish to cooperate in the improvements at the intersection of Richmond Street (State Highway 47) and Ridgeview Drive to construct permanent traffic signal control;

WHEREAS, the CITY will successfully receive a grant for reimbursement of design and construction costs (90% of qualifying costs up to a maximum of $576,000) from the Wisconsin Department of Transportation's Signals & ITS Standalone (SISP) Program;

WHEREAS, the CITY will invoice the TOWN for 50% of all costs remaining after reimbursement of costs from the Wisconsin Department of Transportation's SISP Program. Any real estate acquisition is exempt from SISP reimbursement. Any work (administrative, engineering or forces) by local government is exempt from SISP reimbursement;

WHEREAS, the CITY will take the lead in administration of design and construction. The CITY will invoice the TOWN for 50% of all CITY administrative and engineering services;

WHEREAS, the CITY will take the lead in any real estate or easement acquisition, if deemed necessary through design. The CITY will invoice the TOWN for 50% of all costs;

WHEREAS, the CITY will invoice the TOWN for 50% of all costs (miscellaneous materials, labor, machinery, tools) by CITY forces (Electricians, Sign Shop, etc.);

WHEREAS, the CITY will own and operate the new permanent traffic signal at this intersection once complete and operational. Maintenance of all other facilities will remain as they are once the project is complete;

NOW, THEREFORE, in consideration of the foregoing, the Parties agree as follows:

COST ESTIMATE AND PARTICIPATION

	Total Estimated Cost	City of Appleton	Effective %	Town of Grand Chute.	Effective %
Design & Construction Cost (after SISP reimbursement = 90% of qualifying costs up to a maximum of $576,000)	$64,000.00	$32,000.00	50%	$32,000.00	50%
City Design and Construction Administration	$30,000	$15,000.00	50%	$15,000.00	50%
Real Estate or Easements	$25,000	$12,500.00	50%	$12,500.00	50%
City Forces (Electricians, Sign Shop, Etc.)	$11,000	$5,500.00	50%	$5,500.00	50%
TOTALS		**$65,000.00**		**$65,000.00**	

Additional Provisions

Payment. Payment must be received by Appleton on or before the date indicated on the invoice.

Amendments. This Agreement may be amended at any time by mutual written agreement by the parties.

Indemnification. Both parties agree that each party shall be solely responsible for its own actions and activities and the actions and activities of its own officers, employees, and agency while acting in the scope of their employment. Subject to any limitations in Sec. 893.80, Wis. Stat., and any similar statute, each party agrees to hold the other harmless from any and all liability, including claims, demands, losses, costs, damages, and expenses of every kind and description, or damages to person or property arising out of or in connection with or occurring during the course of this Agreement where such liability is founded upon or grows out of the acts or omission of any of the officers, employees, or agents of the Party while acting within the scope of their employment.

Severability. The terms of this Agreement are severable and any determination by any court or agency having jurisdiction over the subject matter of this Agreement that results in the invalidity of any part shall not affect the remainder of the Agreement.

Disputes. The parties shall endeavor to resolve any disputes as they pertain to this Agreement by mediation which, unless the parties mutually agree otherwise, shall be held in Appleton, Wisconsin. The parties shall share the mediator's fee and any filing fees equally. Agreements reached in mediation shall be enforceable as settlement agreements in any court having jurisdiction thereof.

No Assignment. No party to this Agreement may assign its interest in this Agreement to any other entity or individual.

Entire Agreement; Rules of Construction. The Parties acknowledge and agree that this Agreement, including the recitals which are incorporated into and made a part of this Agreement, expresses the entire agreement between the Parties as to the subject matter of this Agreement, and that this Agreement replaces and supersedes any prior negotiations and agreements, written or oral. The parties further acknowledge and agree that each party has been adequately and fully represented in connection with the negotiation and execution of this Agreement, and that, accordingly, rules of interpretation that signify that an agreement shall be construed against the drafter shall not apply.

Captions. The captions or headings in this Agreement are for convenience and in no way define, limit, or describe the scope or intent of the provisions of this Agreement.

Governing Law. The laws of the State of Wisconsin shall govern the interpretation and enforcement of this Agreement. Venue over any action brought under this Agreement will lie in the Circuit Court for Calumet County.

Notice. For the purpose of this Agreement, the term "notice" shall mean notice in writing, provided in person or sent to the other party by United States Certified Mail or other mail delivery that provides

proof of mailing and delivery, unless an alternate method of service is agreed to in writing by the parties, and sent to the following:

To Appleton: City of Appleton
Department of Public Works
100 North Appleton Street
Appleton, WI 54911

To Grand Chute: Town of Grand Chute
Department of Public Works
1900 W. Grand Chute Blvd.
Grand Chute, WI 54913

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the Effective Date as indicated within the agreement.

CITY OF APPLETON

By: _____
Jacob A. Woodford, Mayor

By: _____
_____, City Clerk

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

_____
Jeri Ohman, Finance Director

Approved as to form:

_____
Christopher R. Behrens, City Attorney

TOWN OF GRAND CHUTE

By: _____
Printed Name: _____
Title: _____

By: _____
Printed Name: _____
Title: _____

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

_____
Printed Name: _____
Finance Director

Approved as to form:

_____
Printed Name: _____
Town Attorney

CL: A25-0158aka

Form
AB-200

Alcohol Beverage License Application

For Municipal Use Only	
Municipality	Appleton
License Period	25-26

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

- ☐ Class "A" Beer . . . . . $ _____
- ☑ Class "B" Beer . . . . . $ 100
- ☐ "Class A" Liquor . . . . . $ _____
- ☐ "Class B" Liquor . . . . . $ _____
- ☐ "Class A" Liquor (cider only) $ _____
- ☑ Reserve "Class B" Liquor $ 10,500
- ☐ "Class C" Liquor (wine only) $ _____

Deposit $50

Fees	
License Fees	$10,600
Background Check Fee	$ 140
Publication Fee	$ 60
Total Fees	$10,800

Part A: Premises/Business Information

1. Legal Business Name (individual name if sole proprietorship)
The Trout Museum of Art

2. Business Trade Name or DBA
~~The~~ The Trout Museum of Art

3. FEIN

4. Wisconsin Seller's Permit Number
456-0000163373-02

5. Entity Type *(check one)*
☐ Sole Proprietor ☐ Partnership ☐ Limited Liability Company ☐ Corporation ☑ Nonprofit Organization

6. State of Organization
WI

7. Date of Organization
05/01/1961

8. Wisconsin DFI Registration Number
18399-800

9. Premises Address
325 E. College Ave.

10. City
Appleton

11. State
WI

12. Zip Code
54911

13. County
Outagamie

14. Governing Municipality: ☑ City ☐ Town ☐ Village
of: Appleton

15. Aldermanic District
1

16. Premises Phone
(920) 733-4089

17. Premises Email
info@troutmuseumart.org

18. Website
troutmuseumart.org

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.
See attached.

20. Mailing Address (if different from premises address)
NA

21. City

22. State

23. Zip Code

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? . . . . . ☐ Yes ☐ No

Law/Ordinance Violated	Location	Trial Date

Penalty Imposed

Was sentence completed? . . . . . ☐ Yes ☐ 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
See attached.			

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	First Name	M.I.
Turner	Christina	S.

Title	Email	Phone
Executive Director		

Signature	Date
Christina Turner	3-19-25

Part E: For Clerk Use Only

Date Application Was Filed With Clerk	License Number	Date License Granted	Date License Issued
3/21/25			

Signature of Clerk/Deputy Clerk	Date Provisional License Issued (if applicable)

Part A: Premises/Business Information

19.

The premises at 325 E College Ave., Appleton, WI 54911, encompass approximately 30,000 square feet. Alcohol service will primarily take place within the Community Gathering Space, particularly in the Drinkery seating area. Additionally, alcohol may be permitted in other rooms hosting programmatic activities, which are occasionally rented to the public. To ensure compliance with regulations, all alcohol will be securely stored in the prep kitchen and catering kitchen.

Part C: Individual Information

Karen Cain | Chair | Development Committee

13 Tilbury Ct, Appleton, WI 54913

Beth Zinsli PhD | Vice Chair | Exhibition Committee

224 E Cir St, Appleton WI 54911

Jon Brogan | Treasurer | Finance Committee

264 W Wisconsin Ave, Kaukauna, WI 54130

Leila Mousai | Secretary | Exhibits Committee
905 E Woodcrest Dr, Appleton, WI 54915

Eric Breiland | Chair Appointed | Strategic Engagement Committee

4708 N Crescent Ln, Appleton, WI 54913

Marissa Downs | Development Committee

2520 E. Apple Hill Blvd, Appleton, WI 54913

Kristi Schroeder | Strategic Engagement Committee

W6815 Appletree Ct, Greenville, WI 54942

Ana Burkham | Exhibition Committee

321 Castlebury Ln, Appleton, WI 54913

Clint Dusenbery | Facilities Committee

505 E. 17th St, Kaukauna, WI 54130

Dennis Hietpas | Finance Committee

1223 Fairview Ct, Little Chute WI 54140

Maria Donovan Harland | Education Committee

2425 W Prospect Av, Appleton, WI 54914

Li-Hsuan Hsu PhD | Education Committee - On a 1 year leave from the Board, starting Feb. 2025.

247 N Main St, Apt 5, Oshkosh, WI 54901

Holly Kowalski | Exhibition Committee

5583 Waterford Lane, Suite E, Appleton, WI 54914

Renee Ulman | Education Chair

519 N Sampson St., Appleton, WI 54911

Dan Van Daalwyk | Development Committee

256 N Park Avenue, Neenah, WI 54956

Steve Wille | Facilities Committee

122 E College Ave, Appleton 54911

Neo Medina | Artist | Education Committee

2424 Main Avenue, Kaukauna, WI 54130

Marayia Lotts | Strategic Engagement Committee

5423 Pleasant Way, Appleton WI, 54915

Christina Turner | TMA Executive Director

275 Lake Rd, Menasha, WI 54952

Gracie Garcia | Finance Committee

4700 Pine St., Appleton, WI 54914

Kelly Helein | Development Committee

70 River Dr., Appleton, WI

Form
AB-101

Alcohol Beverage Appointment of Agent

Date 3-3-25

Agent Type *(check one)*

☒ Original (no fee) ☐ Successor ($10 fee for municipal licensees only)

Part A: Business Information

1. Legal Business Name (individual name if sole proprietor)
Trout Museum of Art

2. Business Trade Name or DBA
Trout Museum of Art

3. Entity Type *(check one)*
☐ Limited Liability Company ☐ Corporation ☒ Nonprofit Organization

4. Alcohol Beverage Business Authorization *(check one)*
☒ Municipal Retail License ☐ State Permit

5. If successor agent, provide State Permit or Municipal Retail License Number
NA

6. Describe the reason for appointing a successor agent, if successor is checked above.
NA

Part B: Agent Information

1. Last Name	2. First Name	3. M.I.
Turner	Christina	S

4. Email

5. Phone

6. Home Address
275 Lake Rd.

7. City	8. State	9. Zip Code	10. Age
Menasha	WI	54952	

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. ☒ Yes ☐ No

2. Have you completed Form AB-100, *Alcohol Beverage Individual Questionnaire?* Submit a completed Form AB-100 with this form. ☒ Yes ☐ No

3. Have you been a Wisconsin resident for at least 90 continuous days? See instructions for exceptions. ☒ Yes ☐ 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	First Name	M.I.
Turner	Christina	S

Title	Email	Phone
Executive Director		

Signature	Date
Christina Turner	3-3-25

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	First Name	M.I.
Turner	Christina	S.

Signature	Date
Christina Turner	3-3-25

* Cain
Board chair

Karen A

3/3/25

City of Appleton

Alcohol License Questionnaire

1. **Applicant Name:** Christina Turner

2. **Business Name:** The Trout Museum of Art

   Date the LLC/corporation/partnership/sole proprietorship commenced: 05/01/1961
   NOTE: A copy of a business's Wisconsin Department of Revenue Seller's Permit is required to be submitted with an alcohol license application.

3. **Business Address:** 325 E College Ave

4. **Primary Business Activity:**

   - ☐ Restaurant
   - ☐ Tavern/Night Club/Wine Bar
   - ☐ Painting/Craft Studio
   - ■ Other (describe) Art Museum

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: _____

6. **Do you lease or own the building?** ☐ **Lease** ■ **Own**
   NOTE: Proof of control of premises is required to be submitted with an alcohol license application. Acceptable documents include a lease or purchase agreement.
   What is the date of purchase or the date the lease began? 06/09/2023

7. **Did you purchase the business from another individual entity?** ☐ **Yes** ■ **No**

   If yes, is your acquisition of the business based upon an "arm's length transaction"?
   An arm's length transaction is defined as an open market sale in which the owner is willing but not obligated to sell, and the buyer is willing, but not obligated to buy.
   ☐ **Yes** ☐ **No**

   If yes, are you related to the former business owner/licensee by blood, adoption, or marriage?
   ☐ **Yes** ☐ **No**

   Did you hold ANY interest in the previously licensed business, or related real estate or equipment used by the previous business?
   ☐ **Yes** ■ **No** **If yes, explain:** _____

8. **Anticipated date of opening?** 09/06/2025

9. **Will your business sell or serve food?**

Yes ☒ If yes, please describe the type of food offerings available
Light snacks and some prepared lunch items.

No ☐

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

Seating Capacity: Inside: See attached.
Outside: 12

Operating Days/Hours: Inside: See attached.
Outside: See attached.

Employees/Staff (per shift/day) Number of Personnel: See attached.

Approximate floor building area of the premises to be licensed: 30,000 sq. ft.

Approximate outdoor area of the premises to be licensed: 875 sq. ft.

Summarize the day-to-day operations of the business in the space below:
See attached.

I, the applicant, understand that providing materially false information on this or any application for a license or permit under State Statute §125 is subject to civil, monetary, and license penalties. I understand that providing false information to a police officer in conjunction with the required background check for this application is subject to criminal and civil prosecution as "obstructing an officer".

Chelsea Stuart
Signature

3/24/25
Date

Question 10.

Seating Capacity: Inside: On a typical day, the drinkery will have seating for about 40 guests. However, capacity expands to accommodate up to 600 people during special events or private parties.

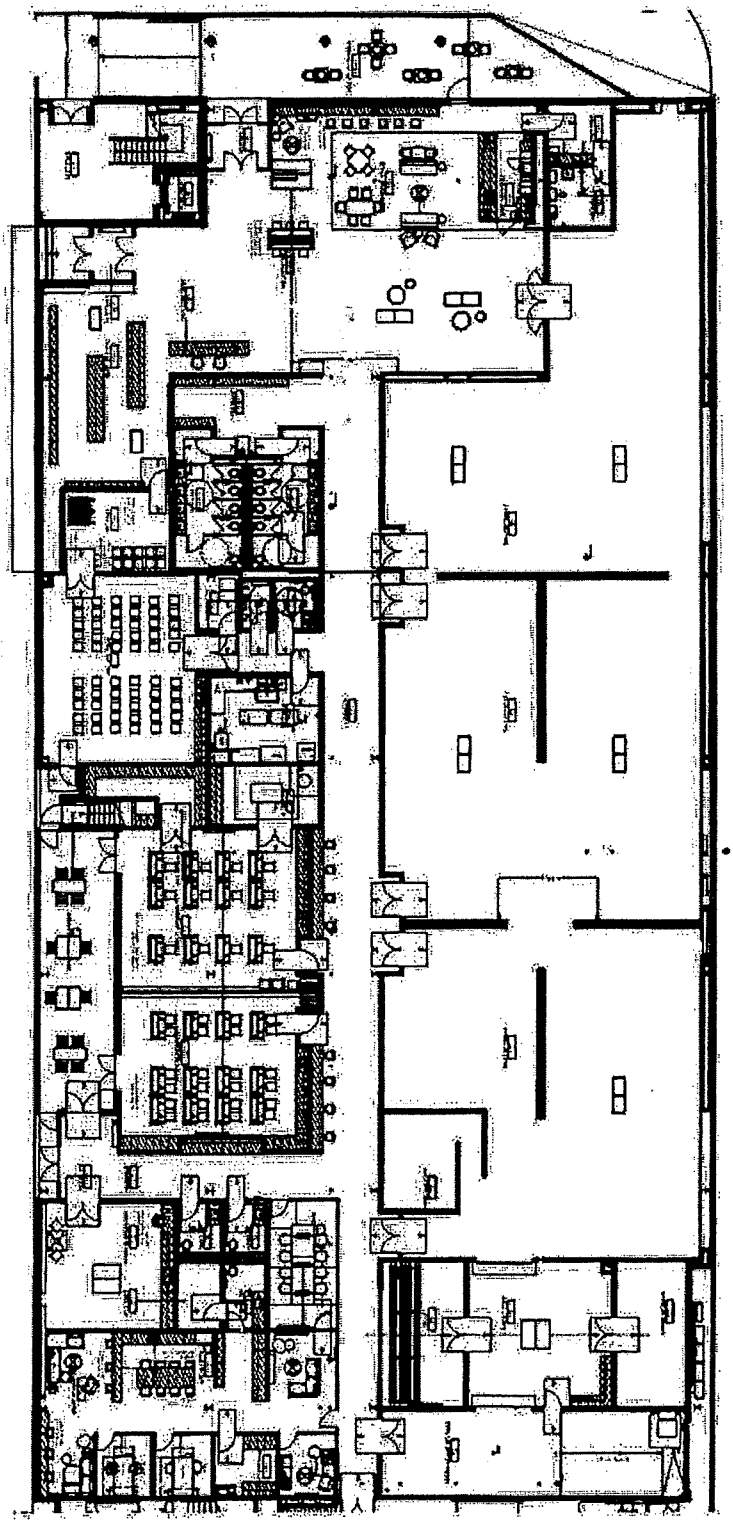
Operating Days/Hours: Inside/Outside: Tuesday + Wednesday 10AM-4PM; Thursday + Friday 10AM-6PM; Saturday + Sunday 9AM-4PM

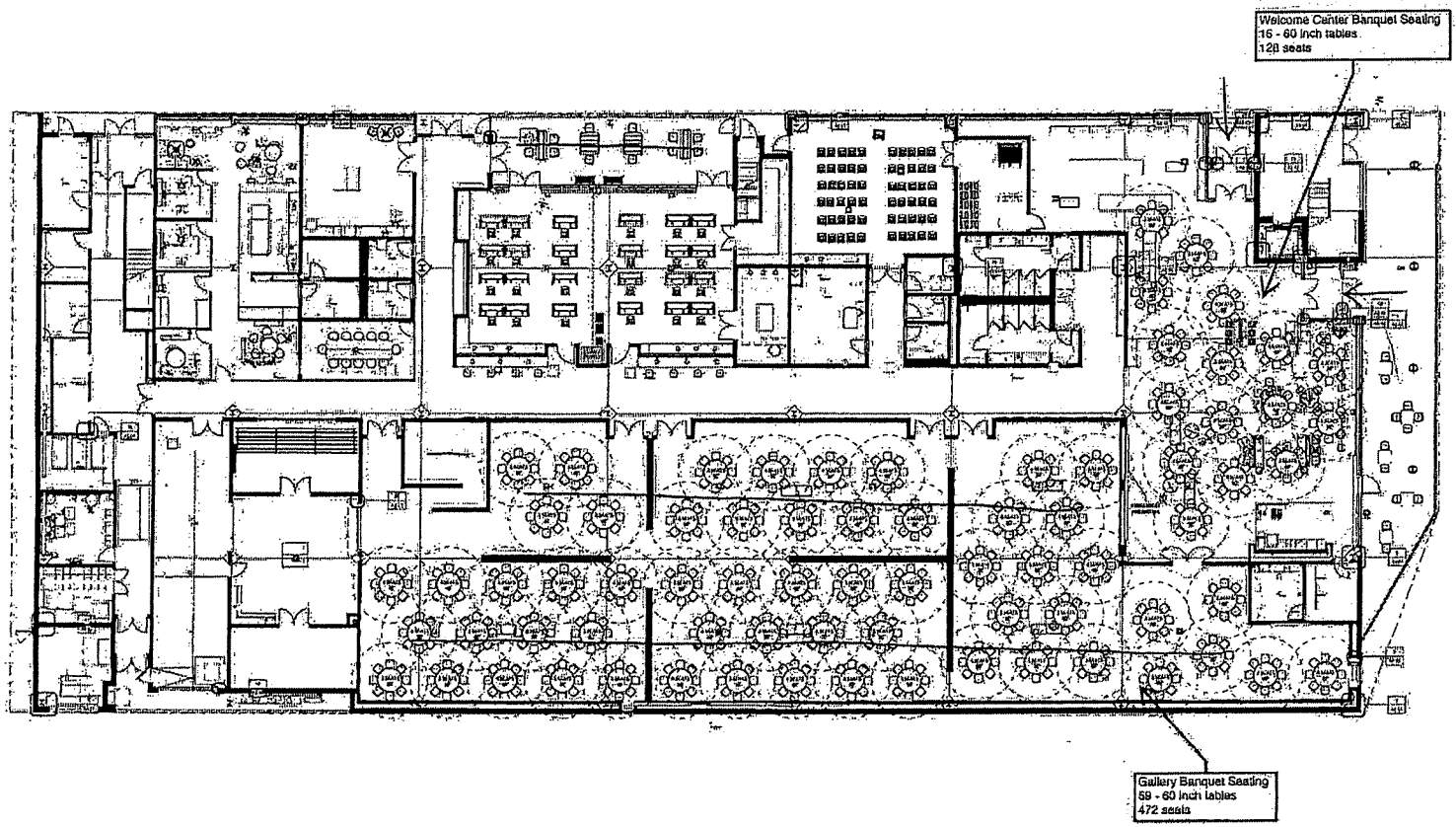
Employee/Staff (per shift/day) The Museum's staffing schedule includes 8 full-time employees working from 8 AM to 5 PM. On Tuesdays and Wednesdays, 3-4 part-time staff members and additional volunteers are scheduled from 3 PM to 5 PM. On Thursdays and Fridays, part-time staff and volunteers cover shifts from 3 PM to 7 PM. On Saturdays and Sundays, 5 part-time employees are scheduled from 8:30 AM to 4 PM.

Summarize the day-to-day operations of the business in the space below:

The Museum Drinkery operates as a café and social space within the museum, offering beverages and a welcoming environment for visitors. Open Tuesday through Wednesday from 10 AM to 4 PM, Thursday through Friday from 10 AM to 6 PM, and Saturday through Sunday from 9 AM to 4 PM, the drinkery provides coffee, non-alcoholic beverages, and a selection of alcoholic drinks.

Alcoholic beverages are served exclusively within the Community Gathering Space, ensuring a controlled and relaxed atmosphere. The space may also host occasional classes, private events, or parties in other rooms available for rental. Daily operations include beverage preparation and service, maintaining cleanliness, restocking supplies, and coordinating with museum events and special programming. The drinkery functions as a hub for social engagement while complementing the museum's mission.





COMMUNITY GATHERING SPACE - BANQUET 2

Frederick Fisher and Partners

Alcohol License Premises Amendment Request Form

NOTE: Please allow approximately 4 weeks for application processing

FEES ARE NON-REFUNDABLE — CASH OR CHECK ONLY!

Date Recvd JUN 13 2025

License Fee - $10.00

Total $ 10.00

Receipt #: credit

SECTION 1 – ESTABLISHMENT INFORMATION

Establishment Name	Establishment Phone Number
Fox Cities Performing Arts Center	920-730-3760

Establishment Address: 400 W College Ave, Appleton WI 54911

Agent Name	Agent Phone Number *(Required)*
Maria Van Laanen	

SECTION 2 – PREMISES AMENDMENT

A drawing/diagram of the proposed area must be submitted with this application

Is this Premises Amendment permanent or temporary? ☐ PERMANENT ☒ TEMPORARY

Please describe the change in premises: We are hosting a cookout event in our staff parking lot.

If temporary, please specify the event or reason for the amendment: Our Annual Partner Cookout event

If temporary, please list the date(s) and time(s) that this premises amendment will be utilized: Wednesday, August 20, 2025 - 4pm - 10pm

SECTION 3 – PENALTY NOTICE

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

Signature of Applicant: Andrea Kuhlow Date: 6 / 12 / 2025

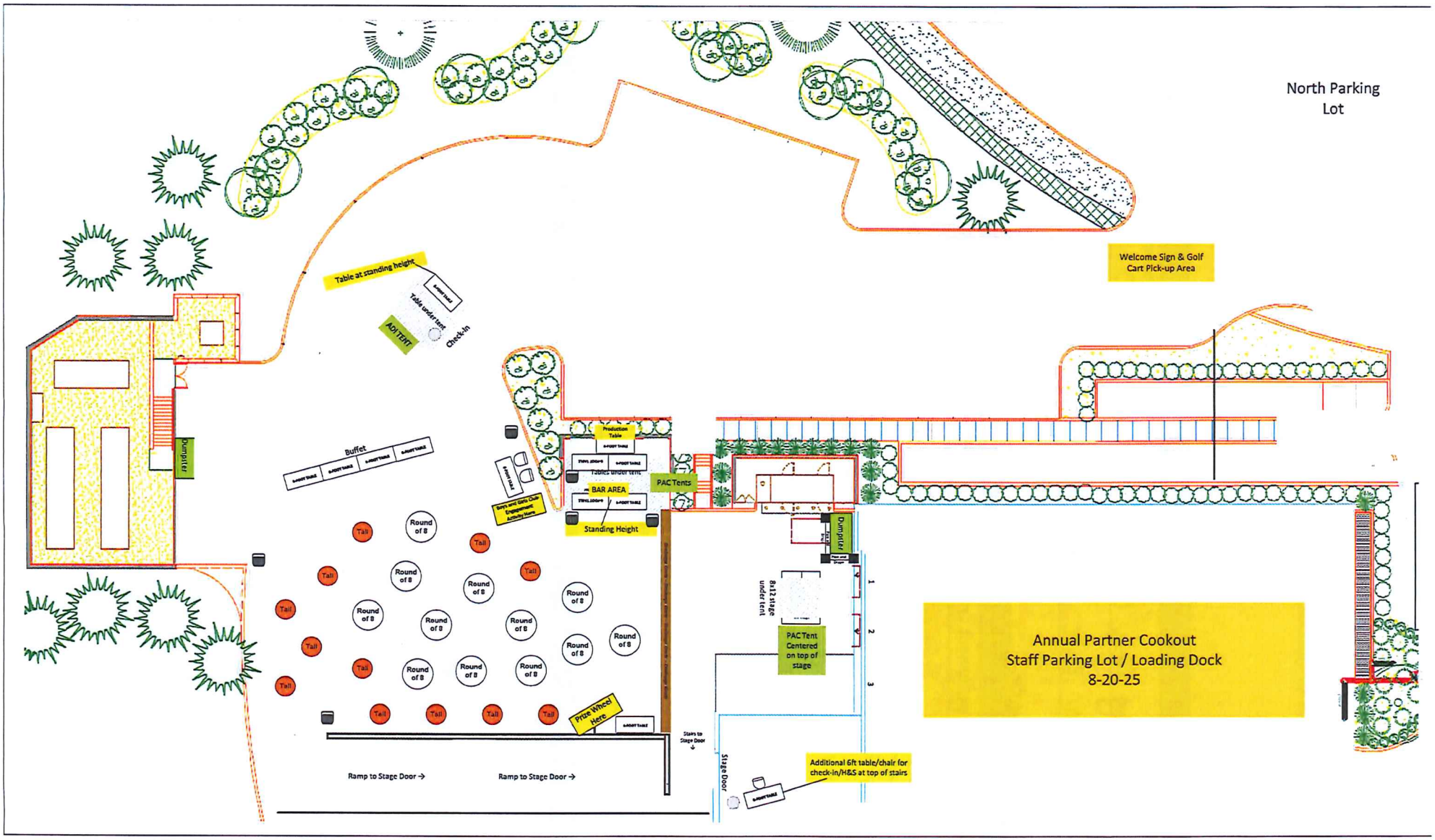
FOR OFFICE USE ONLY

Department	Approve	Deny	Staff Member	Reason
Police				
Fire				
Health				
Community Development				
Inspections				
Finance				
Public Works				

Safety and Licensing Date:	Recommendation:	Common Council Date:	Recommendation:

Date sent for Review	Date Approved	Date Issued	Expiration Date	License Number
___/___/___	___/___/___	___/___/___	___/___/___	

Return completed form to the Office of the City Clerk: 100 N Appleton St Appleton, WI 54911


North Parking Lot
Welcome Sign & Golf Cart Pick-up Area
Table at standing height
Table under tent
Check-in
ADJ TENT
Dumpster
Buffet
Production Table
Tables under tent
PAC Tents
BAR AREA
Standing Height
Boys and Girls Club Engagement Activity Here
Round of 8
Tall
Prize Wheel Here
Ramp to Stage Door →
Ramp to Stage Door →
8x12 stage under tent
PAC Tent Centered on top of stage
Stairs to Stage Door →
Stage Door
Additional 6ft table/chair for check-in/H&S at top of stairs
Annual Partner Cookout
Staff Parking Lot / Loading Dock
8-20-25

Form
AB-105

Producer Full-Service Retail Sales Application

Date

Part A: Producer Information

1. Business Legal Name (individual name if sole proprietor) McFleshman's Brewing Co., LLC		
2. Business Name or DBA McFleshman's Brewing Co.	3. Agent Name Bobby Fleshman	
4. FEIN [redacted]	5. Wisconsin Seller's Permit Number 456-1029314691-02	
6. Wisconsin Producer Permit Number BR-WI-21177	7. Producer Type ☐ Brewery ☑ Winery ☐ Liquor Manufacturer/Rectifier	
8. Contact Person's First Name Bobby	9. Last Name Fleshman	10. M.I. L
11. Contact Person's Phone [redacted]	12. Contact Person's Email bobby@mcfleshmans.com	

Part B: Production Quantity

Note: Check appropriate quantity for permit held (see instructions). If you hold more than one producer permit, check the total aggregate quantity produced for each type of permit. Enter the highest quantity produced in any of the last three calendar years.

Brewery	Manufacturer/Rectifier	Winery
☐ Less than 250 barrels	☐ Less than 1,500 liters	☐ Less than 1,000 gallons
☑ 250 - 2,499 barrels	☐ 1,500 - 4,999 liters	☐ 1,000 - 4,999 gallons
☐ 2,500 - 7,499 barrels	☐ 5,000 - 34,999 liters	☐ 5,000 - 24,999 gallons
☐ 7,500 or more barrels	☐ 35,000 or more liters	☐ 25,000 or more gallons
Calendar year: 2025	Calendar year:	Calendar year:
Quantity: 852	Quantity:	Quantity:

Complete only ONE of Part C, D or E.

Part C: Request for Full-Service Retail Sales at the Production Premises

1. Start Date	2. Production Premises Address		
3. City		4. State	5. Zip Code
6. County	7. Governing Municipality ☐ City ☐ Town ☐ Village of: _____		

Part D: Request for Fixed Full-Service Retail Outlet

1. Are you transferring one fixed full-service retail outlet to a new location? . . . . . ☐ Yes ☐ No
If yes, complete boxes 2 through 9.

2. Current Outlet Name			
3. Current Outlet Premises Address			
4. City		5. State	6. Zip Code
7. County	8. Governing Municipality ☐ City ☐ Town ☐ Village of: _____		9. Premises Phone Number

Continued ⟶

Part D: Request for Fixed Full-Service Retail Outlet (Cont.)

New Fixed Retail Outlet Information (complete boxes 10 through 23)

10. Start Date	11. New Outlet Name		
12. New Outlet Premises Address			
13. City		14. State	15. Zip Code
16. County	17. Governing Municipality ☐ City ☐ Town ☐ Village of: _____		18. Premises Phone Number

19. Premises Description - Describe the building or buildings and any outside areas 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.

20. Will you operate a restaurant on the premises? . . . . . ☐ Yes ☐ No

21. What alcohol beverages will be offered for sale? (check all that apply) . . . . . ☐ Beer ☐ Wine ☐ Intoxicating Liquor (other than wine)

22. What alcohol beverages does the permittee produce? (check all that apply) ☐ Beer ☐ Wine ☐ Intoxicating Liquor (other than wine)

23. How will customers be served? (check all that apply) . . . ☐ Samples ☐ On-premises consumption ☐ Off-premises consumption

Part E: Request for Unlimited Transfer Full-Service Retail Outlet

1. Name of Event (if applicable)
Downtown Appleton Farm Market

2. Dates of Operation (attach a schedule, if necessary)	3. Hours of Operation
Sat: Aug 9,16,23,30; Sep 6,13,20,27	**8:30a - 12:15p**

4. Premises Address
100-116 N Morrison St, Appleton WI 54911

5. City	6. State	7. Zip Code
Appleton	WI	54911

8. County	9. Governing Municipality ☑ City ☐ Town ☐ Village of: Appleton
Outagamie	

10. Organizer of Event (if not the named applicant)	11. Email and/or Phone Number for Organizer of Event
Appleton Downtown Incorporated	jennifer@appletondowntown.org
12. Organizer Website	13. Event Website
appletondowntown.org	https://appletondowntown.org/events/downtown-appleton-farm-market/

14. Premises Description - Describe the building or buildings and any outside areas 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.

map attached; area will be open tables in the street with shade canopies

15. On-Site Contact (Last Name, First Name)	16. On-Site Contact Phone	17. On-Site Contact Email
Bobby Fleshman	[redacted]	bobby@mcfleshmans.com

18. Will you operate a restaurant on the premises? . . . . . ☐ Yes ☑ No

19. What alcohol beverages will be offered for sale? (check all that apply) . . . . . ☑ Beer ☑ Wine ☐ Intoxicating Liquor (other than wine)

20. What alcohol beverages does the permittee produce? (check all that apply) ☑ Beer ☑ Wine ☐ Intoxicating Liquor (other than wine)

21. How will customers be served? (check all that apply) . . . ☑ Samples ☑ On-premises consumption ☑ Off-premises consumption

Continued ⟶

Part F: Attestation

Who must sign this application?

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

READ CAREFULLY BEFORE SIGNING:

I understand and agree to the following:

- I will not operate this location outside of the dates and times approved by the municipality and Division of Alcohol Beverages.
- I will operate this location according to municipal ordinance and restrictions imposed as a condition of receiving this authorization.
- I will purchase alcohol beverages I do not produce from an authorized source, such as a Wisconsin-permitted wholesaler.
- I will operate this location according to Wisconsin law and administrative regulation including but not limited to: underage restrictions, closing hours, licensed operators, and record keeping requirements.

Further, 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 authorization. Further, I agree that the rights and responsibilities conferred by the authorization, if granted, will not be assigned to another individual or entity. I understand that lack of access to any portion of a premises during inspection will be deemed a refusal to allow inspection. Such refusal is a misdemeanor and grounds for revocation of this authorization. I understand that any authorization issued contrary to Wis. Stats. Chapter 125 shall be void under penalty of Wisconsin law. I further understand that I may be prosecuted for submitting false statements and affidavits in connection with this application, and that any person who knowingly provides materially false information on this application may be required to forfeit not more than $1,000 if convicted.

Signature	Date
Bobby Fleshman	8/14/25

Last Name	First Name	M.I.
Fleshman	Bobby	L

Title	Email	Phone
owner	bobby@mcfleshmans.com	[redacted]

Part G: For Municipal Use Only (Complete if Requesting Authorization in Part D or E)

1. Will the municipality limit the scope of alcohol beverages offered for sale? ☐ Yes ☐ No

2. Will the municipality impose any requirements or restrictions for the full-service retail outlet? ☐ Yes ☐ No

3. Describe municipal restrictions indicated in questions 1 or 2 above.

4. Last Name of Municipal Official	5. First Name	6. M.I.

7. Signature of Municipal Official	8. Date

9. Date Application was Filed with Clerk	10. Date Full-Service Retail Outlet Approved by Governing Body
7/14/2025	

Form AB-105 Instructions

Producer Full-Service Retail Sales Application

Who may apply for full-service retail sales?

Producer permittees may apply for full-service retail sales on or off the production premises. Producer permittees include brewers, rectifiers, manufacturers, and wineries.

Who qualifies for full-service retail sales?

- A brewery that manufactures a minimum of 250 barrels of fermented malt beverages.
- A manufacturer/rectifier that produces a minimum of 1,500 liters of intoxicating liquor.
- A winery that produces a minimum of 1,000 gallons of wine.

What are full-service retail sales?

Permittees that are granted full-service retail sales privileges may:

- Sell fermented malt beverages and intoxicating liquor at retail for on- or off-premises consumption at their production premises and at one or more off-site full-service retail outlets.
- Provide taste samples of fermented malt beverages and intoxicating liquor.

What are full-service retail outlets?

Full-service retail outlets are authorized locations for full-service retail sales at places other than the permittee's production premises.

What is the difference between a fixed and unlimited transfer full-service retail outlet?

Fixed full-service retail outlets may be transferred from one location to another once per year. Unlimited transfer full-service retail outlets may be transferred an unlimited number of times in a year. Only one of a producer's full-service retail outlets may be transferred without limitation on frequency.

How many full-service retail outlets may I have?

The number of full-service retail outlets a producer qualifies for is determined by alcohol beverage production volume. Producers may have a maximum of three full-service outlets, regardless of the number or type of producer permits they hold.

Who approves full-service retail sales?

Full-service retail sales on the production premises need only be approved by the Division of Alcohol Beverages. Municipalities do not issue licenses for full-service retail sales outlets; however, municipalities must approve of the outlets. The applicant must forward the municipal approval to the Division of Alcohol Beverages for final granting of the authority for sales to commence on the premises.

Can a municipality limit authorized sales at a full-service retail outlet?

Yes, a municipality can limit authorized sales at a full-service retail outlet. Municipalities may limit the scope of alcohol beverages offered for sale by the permittee. Municipal approval of a full-service retail outlet must be based on the same standards and criteria, established by ordinance, for the evaluation and approval of retail licenses. A municipality may not impose any requirement or restriction in connection with the approval that the municipality does not impose on retail licensees.

How do I fill out Form AB-105 and begin the application process?

Authorizations requested on Form AB-105 must be applied for only one premises in one municipality at a time. To request multiple authorizations, submit a separate Form AB-105 for each location/premises.

Parts A, B, and F: Applicants must complete Parts A, B, and F.

Parts C, D, and E: Complete only one Part. Form AB-105 must be used to request only one authorization at a time.

Example: A producer applicant requesting full-service retail sales authorization on the production premises should complete Parts A, B, C, and F.

Example: A producer applicant requesting a fixed full-service retail outlet should complete Parts A, B, D, and F.

Example: A producer applicant requesting an unlimited transfer full-service retail outlet should complete Parts A, B, E, and F.

Producer applicants requesting authorization in Part E must complete one Form AB-105 for each premises. Applicants may use the same Form AB-105 to request authorization for multiple dates and times occurring on the same premises.

Municipal approval is required for authorizations requested in Parts D and E. If a producer is applying for authorization in either of these sections, the completed application must first be submitted to the governing municipality.

After the municipality has granted approval by completing Part G, the applicant should submit AB-105 to the Division of Alcohol Beverages for final approval. If the applicant is only requesting authorization in Part C, the application does not require municipal approval and may be submitted directly to the Division of Alcohol Beverages.

Specific Instructions:

Part A: Producer Information

- Box 1: Enter the legal business name.
- Box 2: Enter the trade name or "doing business as" name, if different than the name in box 1.
- Box 3: Enter the name of the approved agent appointed for your producer permit.
- Box 4: Enter Federal Employer Identification Number (FEIN).
- Box 5: Enter Wisconsin seller's permit number.
- Box 6: Enter the 15-digit Wisconsin Tax Account Number of the permit that these authorizations should be associated with.
- Box 7: Check the corresponding producer permit type.
- Box 8-10: Enter contact person's name.
- Box 11: Enter contact person's phone number.
- Box 12: Enter contact person's email address.

Part B: Production Quantity

- Check the highest cumulative total of alcohol beverages produced in any one of the three preceding calendar years for each specific permit type held.
  - Do not include alcohol beverages produced under a contract production agreement.
- Enter the calendar year in which the highest cumulative total of alcohol beverages produced was met.
- Enter the exact quantity of alcohol beverages produced.
- If an applicant holds more than one type of permit or multiple permits of the same type, the aggregate number of full-service retail outlets that may be established is the maximum number authorized under their permit type, but not exceeding three full-service retail outlets.
  - Under these circumstances, each authorized full-service retail outlet shall serve as the full-service retail outlet associated with each applicable permit, regardless of whether permittee would otherwise be entitled to fewer full-service retail outlets when calculated under their other permit(s).

Part C: Request for Full-Service Retail Sales at the Production Premises

- Authorization under this portion does not require municipal approval. If the applicant is not seeking other retail authorizations on this form, it can be submitted directly to the Division of Alcohol Beverages.
- Box 1: Enter the date that you would like to begin full-service retail sales.
- Box 2-5: List the premises address for the permit identified in Part A, boxes 5 and 6.
- Box 6: Name the county where the production premises is located.
- Box 7: Name the governing municipality where the production premises is located.

Part D: Request for Fixed Full-Service Retail Outlet

- Authorization under this section must be approved by the municipality in which the retail outlet is located prior to submitting to the Division of Alcohol Beverages for final approval.
- Box 1: Check yes if you are applying to transfer a fixed full-service outlet from one location to another. Fixed Full-Service Retail Outlets may be transferred from place-to-place once per year with approval of the municipality that governs the new location.
- Boxes 2-9: Complete these boxes if you checked yes in box 1 to describe the current premises you are applying to transfer.

- Box 10: Enter the date that you would like to open the full-service retail outlet for business.
- Boxes 11-18: Complete these boxes to describe the location of your new premises.
- Box 19: Describe the premises in detail. Include outdoor spaces if the municipality allows it. Attach a floor plan if possible.

Example: The premises is located at 1234 Main St., Realtown, WI 12345 and includes only the first-floor bar room, dining room, kitchen, north storage room, and south office of the 5,000-square-foot building.

- Box 20: Producers may operate a restaurant on the premises of a full-service retail outlet with municipal and division approval.
- Box 21: Check all types of alcohol beverages that will be offered for sale at the full-service retail outlet, including beverages made by the producer or producer group.
- Box 22: Check all the alcohol beverages that are made by the producer under all their permits.
- Box 23: Check all types of service that apply to this full-service retail outlet.
  - Samples mean 3 oz. of beer, 3 oz. of wine, or 0.5 oz. of liquor provided free of charge to an individual.
  - On-premises consumption means alcohol beverages served by the glass to be consumed by the customer at the premises identified in Box 18.
  - Off-premises consumption means alcohol beverages sold in original, unopened containers for customers to consume away from the premises identified in Box 18.

Part E: Request for Unlimited Transfer Full-Service Retail Outlet

- Authorizations under Part E must be for dates of operation where the unlimited transfer location will be located at the same premises in the same municipality. You must use a new Form AB-105 to request authorization for each separate premises, regardless of whether the separate premises are in the same municipality.
- Box 1: If you are requesting authorization to initiate or move your unlimited transfer outlet to a specific event like a farmer's market, festival, or other community event, name it here.
- Box 2: List the requested dates of operation. Attach a schedule or calendar of events, if necessary.
- Box 3: List the requested hours of operation. If no hours are listed, the approving municipality and the Division will assume you are seeking authorization to operate during all hours allowed under Chapter 125, Wis. Stats.
- Box 4-9: Identify the premises address.
- Box 10-13: If you are requesting authorization to move your unlimited transfer outlet to a specific event, provide contact information for the event organizer, if not the named applicant.
- Box 14: Describe the premises in detail. Include outdoor spaces if the municipality allows it. Attach a floor plan if possible.

Example: The premises is located at 1234 Main St., Realtown, WI, 12345, and includes only the first-floor bar room, dining room, kitchen, north storage room, and south office of the 5,000 square foot building.

Example: The premises is the 1,000-square-foot tent within the southwest corner of the parking lot located at XYZ Church at 3456 Main St., Realtown, WI, 12345. All sales and storage of alcohol beverages and records will occur within the 1,000-square-foot tent in the southwest corner of the parking lot.

Example: The premises is located at PDQ Park (7890 Main St., Realtown, WI, 12345). A 5,000-square-foot tent will be constructed in the northeast corner of the park bordering the tree line and northern fence. All alcohol beverage sales and consumption will occur at this tent. Premises includes the adjacent north park office and the space between the tent and the office. Alcohol beverages and records will be securely stored in the north park office for the duration of the event.

- Box 15-17: Provide the name and contact information for a person who will be in control of the premises for the duration of the requested time.
- Box 18: Producers may operate a restaurant on the premises of a full-service retail outlet with municipal and Division of Alcohol Beverages approval.
- Box 19: Check all types of alcohol beverages that will be offered for sale at the full-service retail outlet, including beverages made by the producer under all their permits.
- Box 20: Check all the alcohol beverages that are made by the producer under all their permits.
- Box 21: Check all the types of service that apply to this full-service retail outlet.
  - Samples mean 3 oz. of beer, 3 oz. of wine, or 0.5 oz. of liquor provided free of charge to an individual.
  - On-premises consumption means alcohol beverages served by the glass to be consumed by the customer at the premises identified in Box 14.

- Off-premises consumption means alcohol beverages sold in original, unopened containers for customers to consume away from the premises identified in Box 14.

Part F: Attestation

- Read the attestation carefully, then sign and date.

Part G: For Municipal Use Only

- Box 1: Check yes or no to indicate if the municipality will limit the scope of alcohol beverages offered for sale at this full-service retail outlet.
- Box 2: Check yes or no to indicate if the municipality will impose other requirements or restrictions on the full-service retail outlet.
- Box 3: Describe any limitations the municipality has placed on the full-service retail outlet as indicated in questions 1 or 2. Some limitations may be: parking, zoning, or noise ordinance restrictions; not allowing sales of alcohol beverages for off-premises consumption.
- Box 4-10: The municipal official completing this part should fill in the information requested.

Completion and Submission of Form AB-105

- The producer applicant should complete Parts A, B, and F completely, and either Part C, D, or E, depending on the type of authorization requested.
- If requesting only a Part C authorization, the application can be submitted directly to the Division of Alcohol Beverages. No municipal approval is required for Part C authorizations.
- If requesting a Part D or E authorization, provide the application to the municipality where the proposed full-service retail outlet will be located.
  - The municipality should complete Part G and return it to the producer applicant.
  - The producer applicant should provide the completed AB-105 to the Division of Alcohol Beverages for final approval.
- Sales of alcohol beverages at full-service retail outlets may not commence until the Division of Alcohol Beverages has provided final approval by way of issuing a printed authorization to the applicant to be posted at the retail premises identified in this application.

After Form AB-105 is completed by the producer and approved by the municipality in Part G, submit the form to the Division of Alcohol Beverages for final approval in one of two ways:

- Email: DORAlcoholPermits@wisconsin.gov
- Mail the form to the following address:

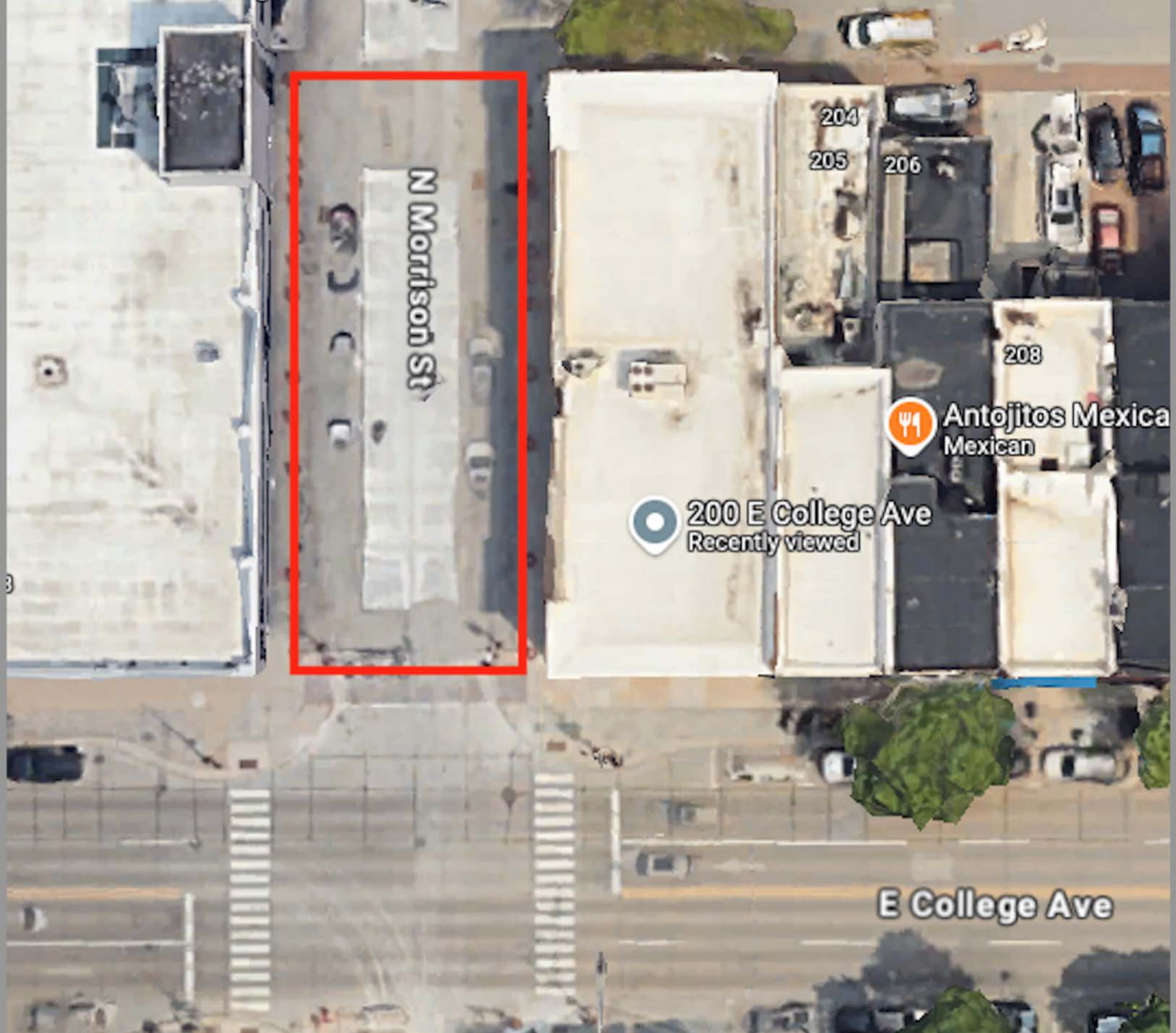
  Wisconsin Department of Revenue
  Division of Alcohol Beverages
  P.O. Box 8934
  Madison, WI 53708-8934

Assistance

This form is designed by the Department of Revenue. If you require assistance with this form, consider reaching out to the Division of Alcohol Beverages for assistance with submission of this application and associated forms.

If you have questions about alcohol beverage laws and regulations, you may contact the Division of Alcohol Beverages using the contact information below.

Website: DOR Alcohol Beverage (wi.gov)
Write: DORAlcohol@wisconsin.gov
Call: (608) 266-2526


N Morrison St
204
205
206
208
Antojitos Mexica
Mexican
200 E College Ave
Recently viewed
E College Ave

CITY OF APPLETON

MEMORANDUM

Date: June 25, 2025
To: Plan Commission
From: Don Harp, Principal Planner
Subject: Comprehensive Plan Future Land Use Map Amendment #2-25 and Rezoning #6-25

GENERAL INFORMATION

Owner: Evelyn A. Hartwig, Trustee for Chris J. Hartwig Revocable Trust

Applicant: Devon Pittman, Development Manager - Briohn Building Corporation

Parcel Numbers: Generally located west of the CTH OO/USH 441 interchange (Tax Id #'s 31-1-5351-00, 31-1-5352-00, 31-1-5352-01, 31-1-6728-00, 31-1-6729-00, 31-1-5804-00, 31-1-5802-00, 31-1-5803-00, 31-1-5801-00, 31-1-5805-00, 31-1-5800-00, 31-1-5806-00, 31-1-5807-00 and 31-1-5808-00.

Applicant's Request: Applicant/owner requests to amend the City's Comprehensive Plan 2010-2030 Future Land Use Map to Commercial designation and rezone to C-2 General Commercial District as further described below. Briohn Building Corporation is working with Paul Davis Restoration and Rivian to construct a 77,000 square foot multi-tenant industrial style building on the east side of the project area. (See attached narrative)

Request #1: Comprehensive Plan Future Land Use Map Amendment #2-25:

The owner/applicant requested an amendment to the Comprehensive Plan Future Land Use Map, City of Appleton Comprehensive Plan 2010-2030 for the subject parcels 31-1-5351-00, 31-1-5352-00, 31-1-5352-01, 31-1-6728-00, 31-1-6729-00, 31-1-5804-00, 31-1-5802-00, 31-1-5803-00, 31-1-5801-00, 31-1-5805-00, 31-1-5800-00, 31-1-5806-00, 31-1-5807-00 and 31-1-5808-00 from future Business/Industrial to future Commercial land use designation, per attached existing and proposed future land use maps.

Request #2: Rezoning #6-25 (Zoning Map Amendment):

The owner requested a rezoning of the subject parcels 31-1-5351-00, 31-1-5352-00, 31-1-5352-01, 31-1-6729-00, 31-1-5804-00, 31-1-5802-00, 31-1-5803-00, 31-1-5801-00, 31-1-5805-00, 31-1-5800-00, 31-1-5806-00, 31-1-5807-00 and 31-1-5808-00 from AG Agricultural District and M-1 Industrial Park District to C-2 General Commercial District, including the adjacent road right-of-way, per attached zoning map. This will allow the owner/applicant to develop the subject parcels utilizing the current C-2 General Commercial District zoning regulations and align with the future land use map amendment request.

Plan Commission Public Hearing/Meeting Date: June 25, 2025

Common Council Public Hearing/Meeting Date: August 6, 2025

BACKGROUND

May 28, 2025 – The Plan Commission recommended approval of the Chris J. Hartwig Revocable Trust Annexation.

June 4, 2025 – The Common Council approved the Chris J. Hartwig Revocable Trust Annexation.

1987, 1990 and June 10, 2025 – The subject area was annexed to the City.

STAFF ANALYSIS

Procedural Findings: When requests are made to amend the Comprehensive Plan 2010-2030 Future Land Use Map and Official Zoning Map (rezonings) for the same development project, the respective staff reports are consolidated together as one.

Associated Action Item: Certified Survey Map #9-25 crossing a plat boundary line and release of public easement is also being presented at this June 25, 2025 Plan Commission meeting.

Surrounding Zoning and Land Uses: The surrounding zoning and uses (north, south, east, and west) are generally commercial and industrial with a small portion being residential.

North: City of Appleton, M-1 Industrial Park District. The adjacent land uses to the north are commercial and light industrial.

South: City of Appleton, AG Agricultural District. The adjacent land use to the south is undeveloped land.
Town of Grand Chute. The adjacent land use to the south is residential.

East: Town of Grand Chute. The adjacent land use to the east is vacant commercial building.

West: City of Appleton, M-1 Industrial Park District. The adjacent land use to west is light industrial.

Request #1: Comprehensive Plan Future Land Use Map Amendment #2-25:

Findings: It is staff's opinion that the proposed Future Land Use Map Amendment request will facilitate the development of the subject parcels by the petitioner's request. It is also consistent with several goals, objectives, and policies from the City's Comprehensive Plan 2010-2030: (see below)

> *9.5 OBJECTIVE: Encourage new development and redevelopment activities that create vital and attractive neighborhoods and business districts.*
>
> *9.5.1: Ensure a continued adequate supply of industrial and commercial land to sustain new business development.*

- Findings: Economic Development Proximity to Major State and County Highways: The subject parcels are located adjacent to CTH OO/USH 441 interchange, making it highly accessible to both local and regional traffic. This

location is ideal for commercial and/or light industrial development, where easy access and visibility are critical factors for attracting businesses that serve both local residents and travelers. By designating the subject parcels for commercial use, we ensure a continued adequate supply of commercial land to sustain new business development pursuant to the objectives above.

9.2 OBJECTIVE: Grow Appleton's business community through recruitment, expansion, and retention programs that ensure a diverse business mix and jobs that pay well.

- Findings: Economic Development Diverse Business Mix and Jobs: Commercial and/or light industrial development at this location would bring economic benefits to the region, including job creation, increased tax revenue, and opportunities for business growth. A shift to future commercial land use designation and C-2 zoning classification would promote the development of businesses that can take advantage of this high-visibility location, enhancing development of subject parcels pursuant to the objective above.

7.1 OBJECTIVE: Provide a pattern of development that minimizes impacts to municipal services and utilities.

7.1.1: Prioritize development and redevelopment that minimizes the need for additional public and private infrastructure such as water storage facilities and sewage lift stations.

- Findings: Impact on Utilities and Community Facilities: The subject parcels are served and can be served by existing city infrastructure, including roads, utilities, and public services, which makes the land ready for immediate development. The future commercial and/or light industrial uses would take advantage of these existing facilities, minimizing the need for additional public infrastructure investments pursuant to the objectives above.

10.5 OBJECTIVE: Support the continued redevelopment and revitalization of land uses adjacent to Appleton's key transportation corridors and downtown.

10.5.1: In conjunction with area neighborhoods, property owners, and other key stakeholders and the public, implement and eventually update the Wisconsin Avenue, Richmond Street, and South Oneida Street Corridor Plans, in addition to other corridors. Future updates should encourage additional tax base on underperforming parcels while enhancing community quality of life through the provision of additional neighborhood services, increased bike and pedestrian access, and other improvements.

- Findings: Land Use Considerations: The proposed future land use map amendment appears to align with broader planning goals that emphasize supporting the continued redevelopment and revitalization of land uses adjacent to key transportation corridors that enhance additional neighborhood services pursuant to the objectives above.

In conclusion, the amendment to the future land use map from Business/Industrial to Commercial appears to be justified by the location of the subject parcels, market demand for commercial and/or light industrial development, potential economic benefits, job growth and compatibility with surrounding land uses.

Request #2: Rezoning #6-25 (zoning map amendment):

Proposed Zoning Classification: The C-2 district is intended to provide for businesses which serve city and regional markets; provide goods and services to other businesses, as well as consumers, provide services to automobiles and serve the traveling public.

1) ***Minimum lot area:*** 14,000 square feet.
2) ***Maximum lot coverage:*** 75%.
3) ***Minimum lot width:*** 60 feet.
4) ***Minimum front yard:*** 10 feet.
5) ***Minimum rear yard:*** 20 feet.
6) ***Minimum side yard:***
    a. None.
    b. 10 feet if abutting a residentially zoned district.
7) ***Maximum building height:*** Thirty-five (35) feet (See §23-113 (e)).

Standards for Zoning Map Amendments: This request was reviewed in accordance with the standards for granting a Zoning Map Amendment under Section 23-65(e)(1) a., b, and c of the Municipal Code: It appears the criteria established has been satisfied. Related excerpts are listed below.

Section 23-65(e) (1) Prior to making a recommendation on a proposed zoning amendment, the Plan Commission shall make a finding to determine if the following conditions exist. No zoning amendment shall be approved prior to finding at least one (1) of the following:

a. The request for a zoning amendment is consistent with the Comprehensive Plan for the City of Appleton. *Findings: If Future Land Use Map Amendment #2-25 is approved, to identify the subject parcels for future commercial land use, the rezoning request will be in conformance with the Comprehensive Plan 2010-2030.*

b. Factors have changed such as availability to new data, growth patterns and rates, the presence of new road or other infrastructure, additional development, annexation, or other zoning changes, making the subject parcels more appropriate for a different district.

c. There is an error in the zoning ordinance text or zoning map as enacted.

Development Review Group (DRT): These items were discussed at the June 3, 2025 Development Review Group meeting. No negative comments were received from participating staff.

STAFF RECOMMENDATION

Request #1: Based upon the above analysis, staff recommends City of Appleton Comprehensive Plan 2010-2030 Future Land Use Map Amendment #2-25 for the subject parcels from future Business/Industrial to Commercial land use designation, per attached future land use map and the attached resolution, **BE APPROVED**;

Request #2: Based upon the above analysis and the standards for zoning map amendments as required by Section 23-65(e)(1) a. of the Zoning Ordinance, staff recommends Rezoning #6-25 to

rezone the subject parcels from AG Agricultural District and M-1 Industrial Park District to C-2 General Commercial District, including to the adjacent right-of-way as shown on the attached map zoning map and described on the application form, **BE APPROVED**.

NOTE: If approved, Rezoning #6-25 and CSM #9-25, including the release of public easement, will be reported out at the same Common Council meeting as the proposed Comprehensive Plan Amendment #2-25. This will be done simultaneously to coincide with the change in future land use from future Business/Industrial to Commercial land use designation, per attached future land use maps.

BRIOHN BUILDING CORPORATION

DESIGN / BUILD CONSTRUCTION

ARCHITECTURAL DESIGN

DEVELOPMENT

PROPERTY MANAGEMENT

Narrative to Comprehensive Land Use Plan Amendment
Northwest Corner of Northland Avenue and Highway 441
Appleton, Wisconsin

Introduction

This narrative outlines the proposed comprehensive land use change for the proposed mixed-use development encompassing approximately 19 acres consisting of parcel numbers 101171300; 101171400; 101171500; 101171600; 101171800; 101171900; 311672800; 311672900; 311535201; 101171700; 101172000; 101172100; 311535100; and 311535200 consisting of lands located in the City of Appleton and recently annexed from the Town of Grand Chute. The proposal seeks to amend the existing land use designation(s) from Industrial (M-1) to Commercial (C-2).

The purpose of this land use change is to support less restrictive land use and zoning to encourage the development of this underutilized parcel of vacant land while aligning with the goals of the existing land use plan and to be in keeping with the surrounding area.

Background and Context

The project area is currently vacant with one approximately 20,000 light industrial building on parcel 311535100. Briohn Building is working with Paul Davis Restoration and Rivian to construct a 77,000 square foot multi-tenant industrial style building on the east side of the project area.

In order to accommodate these uses in the proposed building, it has been determined in conversations with the city staff that the existing Comprehensive Land Use Plan cannot accommodate these two uses in the proposed building without a change to the same.

Surrounding land uses include:

- **North**: Industrial (M-1)
- **South**: Agricultural (Ag)
- **East**: Highway 441
- **West**: Commercial (C-2)

Proposed Land Use Change

The applicant proposes to change the future land use designation from Business/Industrial to Commercial. This change will facilitate:

> The flexibility to develop this corridor to accommodate a variety of uses not specific to industrial users.

3885 N. Brookfield Road Suite 200 Brookfield, WI 53045 262.790.0500 Fax: 262.790.0505 www.briohn.com

Immediate impact via the construction of a Class A building to allow for Rivian to bring their service model to the Fox Valley and allow Paul Davis Restoration to relocate their local operations into an updated facility.

Future flexibility for the redevelopment of the existing industrial building on site and continued development of the lands to the west.

Key Elements of the Proposed Land Use:	**Key Elements of Existing Land Use:**
Min. Lot Acreage: Fourteen thousand 14,000 sq. ft.	Min. Lot Acreage: One 1 acre
Max. Lot Coverage: Seventy-five Percent (75%)	Max. Lot Coverage: Ninety Percent 90%
Min. Lot Width: Sixty (60) feet	Min. Lot Width: One hundred fifty (150) feet
Min Front Yard: Ten (10) feet	Min Front Yard: Forty (40) feet
Min Rear Yard: Twenty (20) feet	Min Rear Yard: Twenty-five (25) feet
Min. Side Yard: none	Min. Side Yard: Twenty-five (25) feet

Justification, Rationale and Community Impact

The proposed change is justified by:

Consistency with Regional Plans: The surrounding land use is generally consistent with Commercial uses. The industrial park to the north and commercial zoning to the west would align with C-2.

Economic Development: A portion of the property has been annexed from the Town of Grand Chute and when developed will add to the city's tax base.

Additionally, the development will immediately create a space for Rivian to begin their operations in the Fox Valley and allow Paul Davis to expand into a larger facility. Both of these users will create and maintain employment in the community.

Environmental Considerations: There are no sensitive environmental conditions located on the site or in the immediate vicinity. The property is currently rough graded and exists within the Northland Industrial Park.

Infrastructure Improvements: Generally speaking, the existing systems are adequate to service the proposed use. Additional infrastructure needed will include stormwater facilities to service on-site stormwater detention and road improvements to CTH OO to provide for an additional access point to the project.

The applicant has conducted a TIA and the same has been submitted to the City of Appleton and Outagamie County Highway Department for their review and comment. At this time, those comments have been returned to the applicant's consultant who is making the required revisions.

RESOLUTION
CITY OF APPLETON

ADOPTION OF THE RECOMMENDED AMENDMENT TO THE COMPREHENSIVE PLAN AS PREPARED BY THE CITY OF APPLETON PLAN COMMISSION

WHEREAS, the Common Council of the City of Appleton pursuant to Section 62.23 of the Wisconsin Statutes, has established a City Plan Commission; and

WHEREAS, on March 3, 2010, the Common Council adopted the City of Appleton Comprehensive Plan to promote public health, safety and welfare of the City by effectively guiding long-range growth and development within the City and its statutory extraterritorial planning jurisdiction; and

WHEREAS, Chapter 12: Implementation, Comprehensive Plan Update Procedures, of the Comprehensive Plan was created in the City of Appleton Code of Ordinances to provide procedures and criteria for amending and updating the City of Appleton Comprehensive Plan; and

WHEREAS, members of the public were invited to make comments at a meeting held on June 25, 2025, by the City Plan Commission, wherein the following Comprehensive Plan amendment (Amendment #2-25) herein adopted was reviewed and commented upon by members of the public; and

WHEREAS, the City of Appleton Plan Commission has reviewed the recommended amendment to the Comprehensive Plan Future Land Use Map at a meeting held on June 25, 2025, and

WHEREAS, the City of Appleton Plan Commission reviewed the following Comprehensive Plan Amendments, found these amendments to meet the criteria outlined in Chapter 12: Implementation, Comprehensive Plan Update Procedures, warranting inclusion in this resolution

1. Having been filed with the City Clerk by the City of Appleton Community Development Department requesting a Comprehensive Plan Future Land Use Map Amendment #2-25 to change future land use designations (Tax Parcel Numbers: 31-1-5351-00, 31-1-5352-00, 31-1-5352-01, 31-1-6728-00, 31-1-6729-00, 31-1-5804-00, 31-1-5802-00, 31-1-5803-00, 31-1-5801-00, 31-1-5805-00, 31-1-5800-00, 31-1-5806-00, 31-1-5807-00 and 31-1-5808-00):

   From: Future Business/Industrial land use designation, per attached map,

   To: Future Commercial land use designation, per attached map.

WHEREAS, members of the public, adjacent and nearby local governmental units will be given a 30-day review and comment period prior to the public hearing, which will be conducted by the Common Council for the Comprehensive Plan proposed amendment; and

WHEREAS, after said public hearing, the Common Council will decide whether to adopt by ordinance the proposed amendments to the Comprehensive Plan; and

WHEREAS, the Comprehensive Plan may be used as the basis for, among other things, updating the zoning ordinance, accomplishing extraterritorial zoning and as a guide for approving or disapproving actions affecting growth and development within the jurisdiction of the City of Appleton; and

WHEREAS, this Comprehensive Plan may from time to time be amended, extended, or added to in greater detail; and

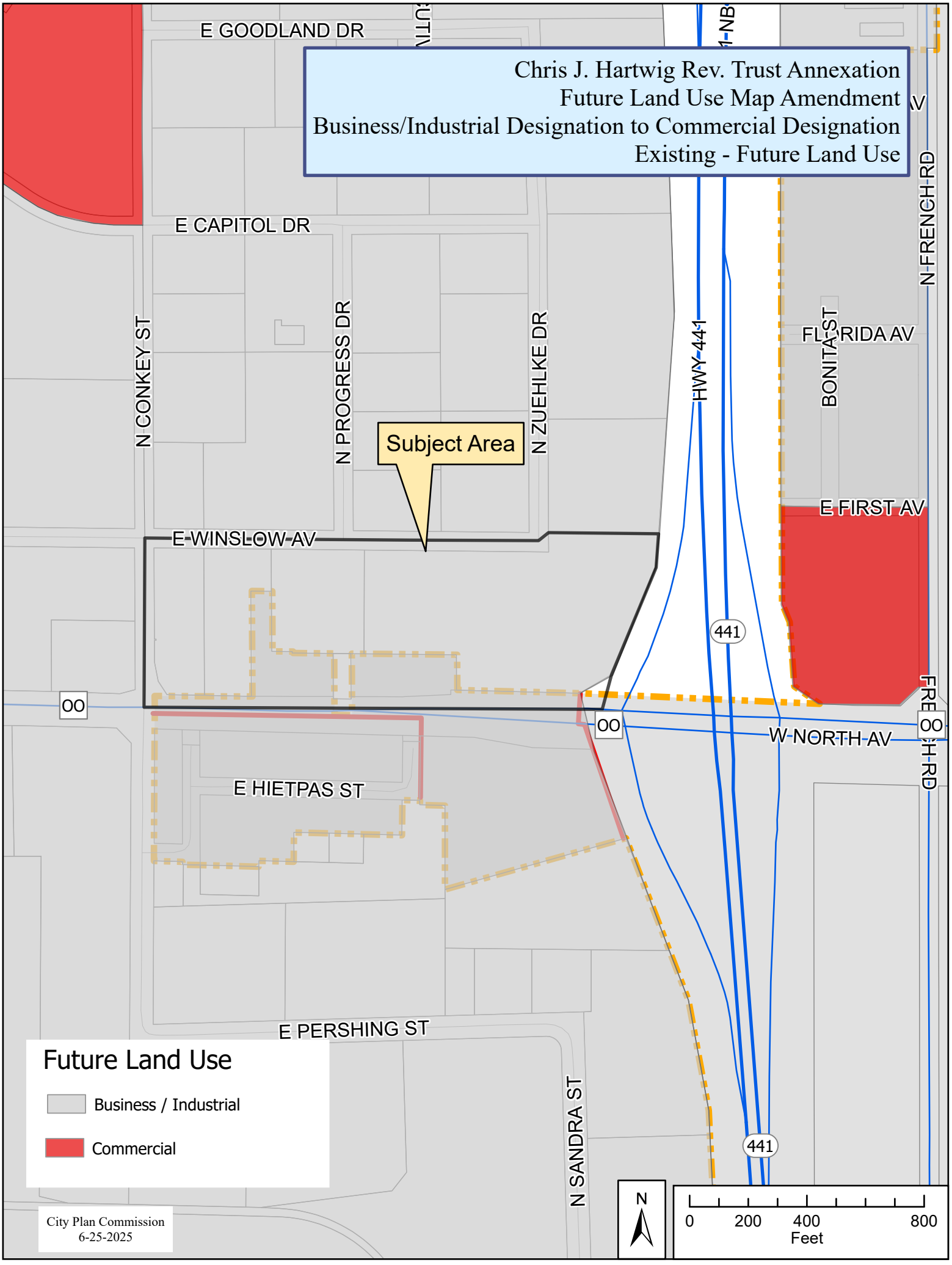
NOW, THEREFORE, BE IT RESOLVED, by the City of Appleton Plan Commission that the recommended Comprehensive Plan amendments are hereby adopted as a part of the City of Appleton Comprehensive Plan 2010-2030 pursuant to §66.1001(4), Wis. Stats. and that the Plan Commission recommends said Comprehensive Plan amendments to the City of Appleton Common Council for adoption by ordinance, after a 30-day public review and comment period and public hearing.

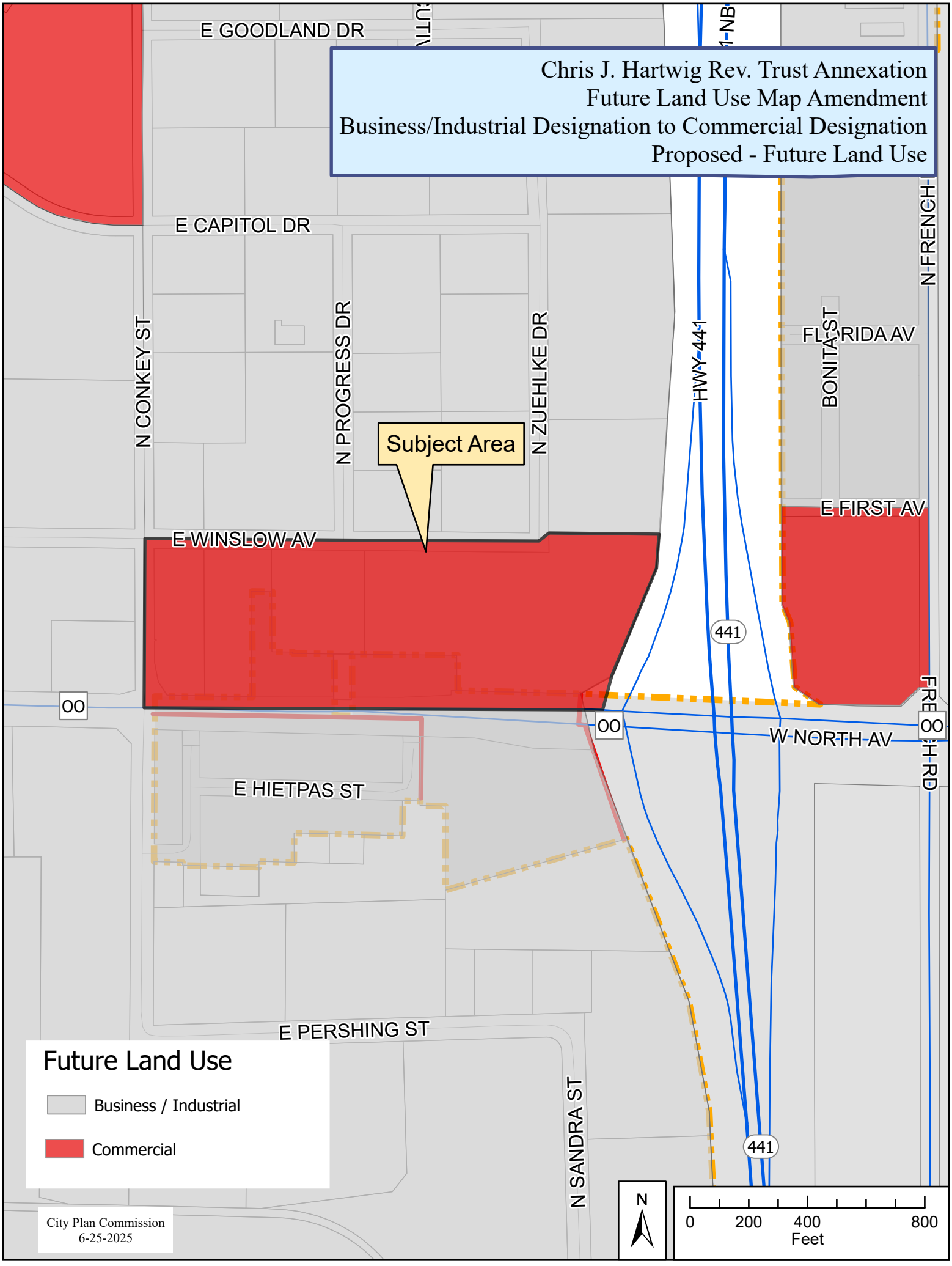
Adopted this _____ day of _____, 2025.

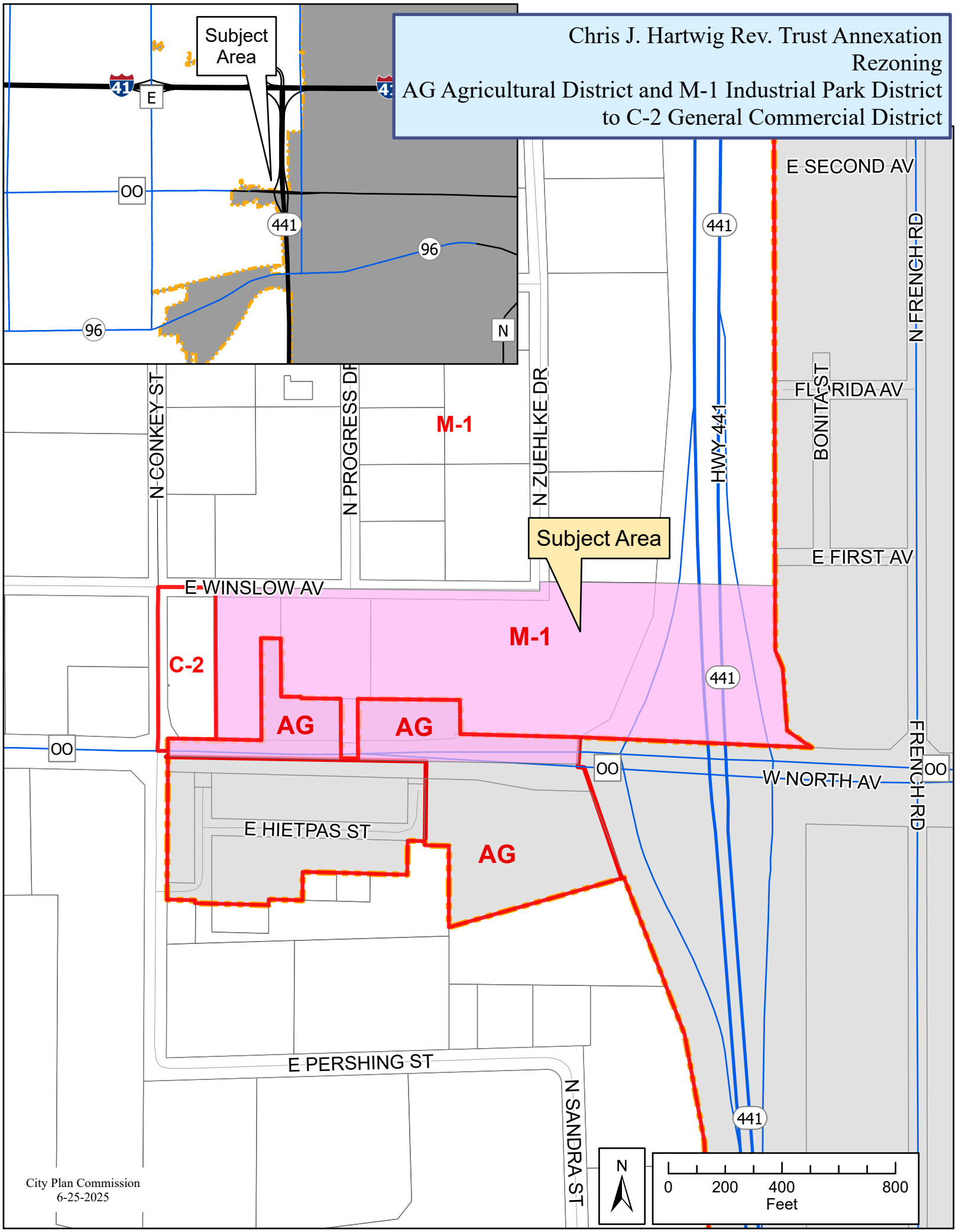
_____
Jacob A. Woodford, Mayor

ATTEST:

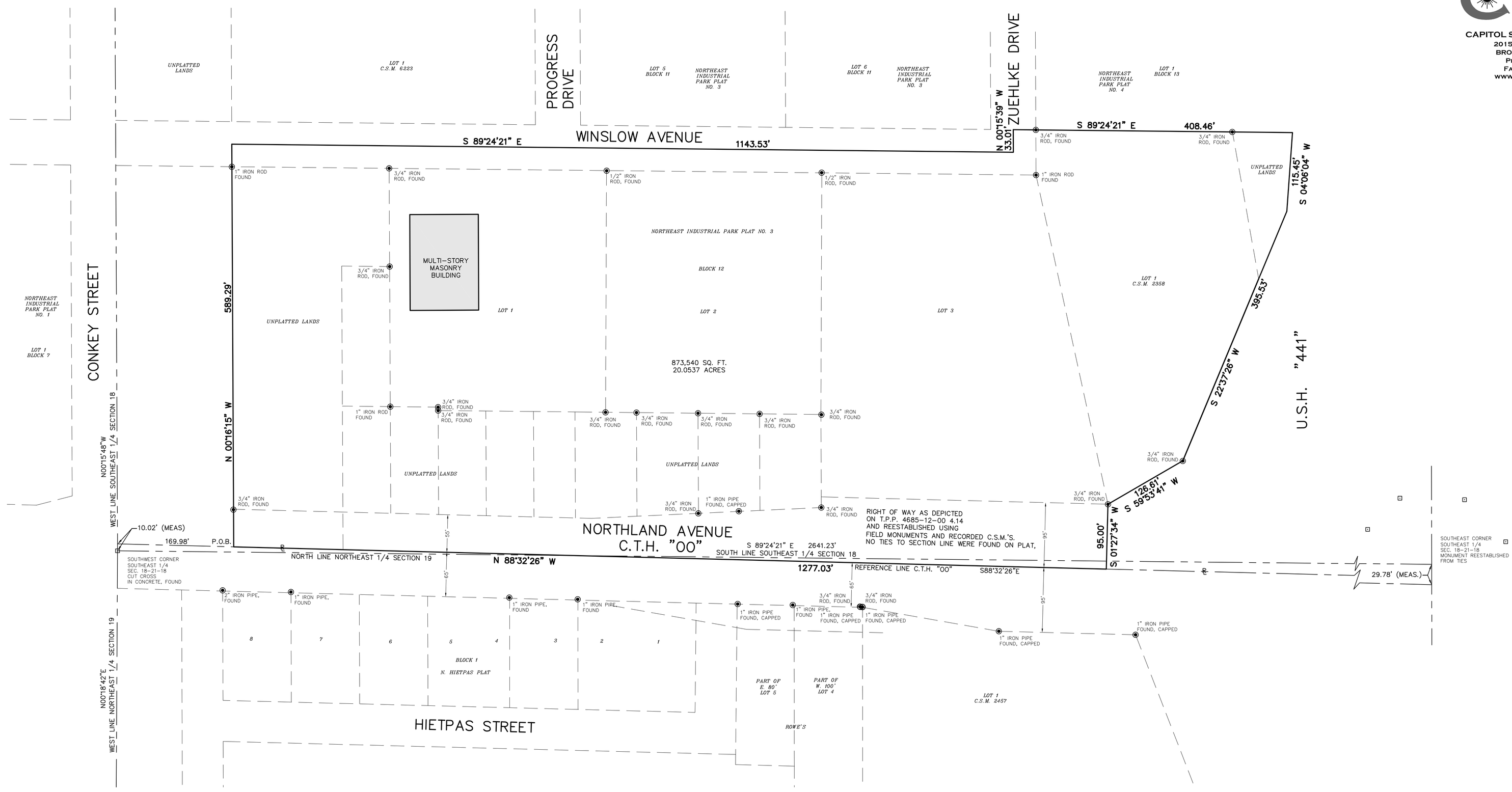
_____
Amy Molitor, Deputy City Clerk


Chris J. Hartwig Rev. Trust Annexation
Future Land Use Map Amendment
Business/Industrial Designation to Commercial Designation
Existing - Future Land Use
E GOODLAND DR
E CAPITOL DR
N CONKEY ST
N PROGRESS DR
N ZUEHLKE DR
HWY 441
BONITA ST
FLORIDA AV
N FRENCH RD
Subject Area
E WINSLOW AV
E FIRST AV
441
OO
W NORTH AV
E HIETPAS ST
E PERSHING ST
N SANDRA ST
Future Land Use
Business / Industrial
Commercial
City Plan Commission
6-25-2025
N
0
200
400
800
Feet


Chris J. Hartwig Rev. Trust Annexation
Future Land Use Map Amendment
Business/Industrial Designation to Commercial Designation
Proposed - Future Land Use
E GOODLAND DR
E CAPITOL DR
N CONKEY ST
N PROGRESS DR
N ZUEHLKE DR
HWY-441
BONITA ST
FLORIDA AV
N FRENCH
Subject Area
E WINSLOW AV
E FIRST AV
441
OO
W NORTH AV
E HIETPAS ST
E PERSHING ST
N SANDRA ST
Future Land Use
Business / Industrial
Commercial
City Plan Commission
6-25-2025
N
0
200
400
800
Feet


Chris J. Hartwig Rev. Trust Annexation
Rezoning
AG Agricultural District and M-1 Industrial Park District
to C-2 General Commercial District
Subject Area
41
E
OO
441
96
N
E SECOND AV
N FRENCH RD
FLORIDA AV
BONITA ST
HWY 441
N CONKEY ST
N PROGRESS DR
N ZUEHLKE DR
M-1
Subject Area
E FIRST AV
E WINSLOW AV
C-2
M-1
AG
AG
AG
W NORTH AV
E HIETPAS ST
E PERSHING ST
N SANDRA ST
FRENCH RD
City Plan Commission
6-25-2025
N
0
200
400
800
Feet

CAPITOL SURVEY ENTERPRISES
2015 LA CHANDELLE CT.
BROOKFIELD, WI 53045
PH: (262) 786-6600
FAX: (414) 786-6608
WWW.CAPITOLSURVEY.COM



LEGAL DESCRIPTION OF LANDS TO BE REZONED

BEING PART OF THE OF THE SOUTHEAST 1/4 AND SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 18 AND PART OF THE NORTHWEST 1/4 AND NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 19, TOWNSHIP 21 NORTH, RANGE 18 EAST, IN THE TOWN OF GRAND CHUTE, OUTAGAMIE COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST 1/4; THENCE N 00°15'48" W ALONG THE WEST LINE OF SAID SOUTHEAST 1/4 10.02 FEET TO A POINT OF INTERSECTION WITH THE REFERENCE LINE OF COUNTY TRUNK HIGHWAY "OO"; THENCE S 88°32'26" E ALONG SAID REFERENCE LINE 169.98 FEET TO THE POINT OF BEGINNING OF LANDS TO BE DESCRIBED; THENCE N 00°16'15" W 589.29 FEET TO A POINT ON THE CENTERLINE OF WINSLOW AVENUE; THENCE S 89°24'21" E ALONG SAID CENTERLINE 1143.53 FEET TO A POINT ON THE CENTERLINE OF ZUEHLKE DRIVE; THENCE N 00°15'39" W ALONG SAID CENTERLINE 33.01 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF LOT 1 OF CERTIFIED SURVEY MAP NO. 2358 AND ITS EXTENSION; THENCE S 89°245'21" E ALONG SAID NORTH LINE AND ITS EXTENSION 408.46 FEET TO A POINT ON THE EASTERLY LINE OF U.S.H. "441"; THENCE S 04°06'04" W ALONG SAID LINE 115.45 FEET; THENCE S 22°37'26" W 395.53 FEET; THENCE S 59°53'41" W ALONG SAID LINE 126.61 FEET TO A POINT ON THE NORTH LINE OF SAID COUNTY TRUNK HIGHWAY; THENCE S 01°27'34" W 95.00 FEET TO A POINT ON THE REFERENCE LINE OF SAID HIGHWAY; THENCE N 88°32'26" W ALONG SAID LINE 1277.03 FEET TO THE POINT OF BEGINNING.

CONTAINING 873,540 SQUARE FEET OR 20.0537 ACRES

GRAPHIC SCALE
80 0 40 80 160
(IN FEET)
1 INCH = 80 FT.

WISCONSIN MICHAEL J. BUTLER S-2457 BROOKFIELD, WI LAND SURVEYOR

REZONE EXHIBIT

FOR

NORTHLAND DEVELOPMENT

E. NORTHLAND AVE.
GRAND CHUTE, WI

DRAWN BY:	DHS	DATE:	MAY 20, 2025
CHECKED BY:	MJB	DRAWING NO.	EX-REZONE-0
CSE JOB NO.:	25-037	SHEET	1 OF 1

CITY OF APPLETON

MEMORANDUM

Date: June 25, 2025
To: Plan Commission
From: Don Harp, Principal Planner
Subject: Comprehensive Plan Future Land Use Map Amendment #2-25 and Rezoning #6-25

GENERAL INFORMATION

Owner: Evelyn A. Hartwig, Trustee for Chris J. Hartwig Revocable Trust

Applicant: Devon Pittman, Development Manager - Briohn Building Corporation

Parcel Numbers: Generally located west of the CTH OO/USH 441 interchange (Tax Id #'s 31-1-5351-00, 31-1-5352-00, 31-1-5352-01, 31-1-6728-00, 31-1-6729-00, 31-1-5804-00, 31-1-5802-00, 31-1-5803-00, 31-1-5801-00, 31-1-5805-00, 31-1-5800-00, 31-1-5806-00, 31-1-5807-00 and 31-1-5808-00.

Applicant's Request: Applicant/owner requests to amend the City's Comprehensive Plan 2010-2030 Future Land Use Map to Commercial designation and rezone to C-2 General Commercial District as further described below. Briohn Building Corporation is working with Paul Davis Restoration and Rivian to construct a 77,000 square foot multi-tenant industrial style building on the east side of the project area. (See attached narrative)

Request #1: Comprehensive Plan Future Land Use Map Amendment #2-25:

The owner/applicant requested an amendment to the Comprehensive Plan Future Land Use Map, City of Appleton Comprehensive Plan 2010-2030 for the subject parcels 31-1-5351-00, 31-1-5352-00, 31-1-5352-01, 31-1-6728-00, 31-1-6729-00, 31-1-5804-00, 31-1-5802-00, 31-1-5803-00, 31-1-5801-00, 31-1-5805-00, 31-1-5800-00, 31-1-5806-00, 31-1-5807-00 and 31-1-5808-00 from future Business/Industrial to future Commercial land use designation, per attached existing and proposed future land use maps.

Request #2: Rezoning #6-25 (Zoning Map Amendment):

The owner requested a rezoning of the subject parcels 31-1-5351-00, 31-1-5352-00, 31-1-5352-01, 31-1-6729-00, 31-1-5804-00, 31-1-5802-00, 31-1-5803-00, 31-1-5801-00, 31-1-5805-00, 31-1-5800-00, 31-1-5806-00, 31-1-5807-00 and 31-1-5808-00 from AG Agricultural District and M-1 Industrial Park District to C-2 General Commercial District, including the adjacent road right-of-way, per attached zoning map. This will allow the owner/applicant to develop the subject parcels utilizing the current C-2 General Commercial District zoning regulations and align with the future land use map amendment request.

Plan Commission Public Hearing/Meeting Date: June 25, 2025

Common Council Public Hearing/Meeting Date: August 6, 2025

BACKGROUND

May 28, 2025 – The Plan Commission recommended approval of the Chris J. Hartwig Revocable Trust Annexation.

June 4, 2025 – The Common Council approved the Chris J. Hartwig Revocable Trust Annexation.

1987, 1990 and June 10, 2025 – The subject area was annexed to the City.

STAFF ANALYSIS

Procedural Findings: When requests are made to amend the Comprehensive Plan 2010-2030 Future Land Use Map and Official Zoning Map (rezonings) for the same development project, the respective staff reports are consolidated together as one.

Associated Action Item: Certified Survey Map #9-25 crossing a plat boundary line and release of public easement is also being presented at this June 25, 2025 Plan Commission meeting.

Surrounding Zoning and Land Uses: The surrounding zoning and uses (north, south, east, and west) are generally commercial and industrial with a small portion being residential.

North: City of Appleton, M-1 Industrial Park District. The adjacent land uses to the north are commercial and light industrial.

South: City of Appleton, AG Agricultural District. The adjacent land use to the south is undeveloped land.
Town of Grand Chute. The adjacent land use to the south is residential.

East: Town of Grand Chute. The adjacent land use to the east is vacant commercial building.

West: City of Appleton, M-1 Industrial Park District. The adjacent land use to west is light industrial.

Request #1: Comprehensive Plan Future Land Use Map Amendment #2-25:

Findings: It is staff's opinion that the proposed Future Land Use Map Amendment request will facilitate the development of the subject parcels by the petitioner's request. It is also consistent with several goals, objectives, and policies from the City's Comprehensive Plan 2010-2030: (see below)

> *9.5 OBJECTIVE: Encourage new development and redevelopment activities that create vital and attractive neighborhoods and business districts.*
>
> *9.5.1: Ensure a continued adequate supply of industrial and commercial land to sustain new business development.*

- Findings: Economic Development Proximity to Major State and County Highways: The subject parcels are located adjacent to CTH OO/USH 441 interchange, making it highly accessible to both local and regional traffic. This

location is ideal for commercial and/or light industrial development, where easy access and visibility are critical factors for attracting businesses that serve both local residents and travelers. By designating the subject parcels for commercial use, we ensure a continued adequate supply of commercial land to sustain new business development pursuant to the objectives above.

9.2 OBJECTIVE: Grow Appleton's business community through recruitment, expansion, and retention programs that ensure a diverse business mix and jobs that pay well.

- Findings: Economic Development Diverse Business Mix and Jobs: Commercial and/or light industrial development at this location would bring economic benefits to the region, including job creation, increased tax revenue, and opportunities for business growth. A shift to future commercial land use designation and C-2 zoning classification would promote the development of businesses that can take advantage of this high-visibility location, enhancing development of subject parcels pursuant to the objective above.

7.1 OBJECTIVE: Provide a pattern of development that minimizes impacts to municipal services and utilities.

7.1.1: Prioritize development and redevelopment that minimizes the need for additional public and private infrastructure such as water storage facilities and sewage lift stations.

- Findings: Impact on Utilities and Community Facilities: The subject parcels are served and can be served by existing city infrastructure, including roads, utilities, and public services, which makes the land ready for immediate development. The future commercial and/or light industrial uses would take advantage of these existing facilities, minimizing the need for additional public infrastructure investments pursuant to the objectives above.

10.5 OBJECTIVE: Support the continued redevelopment and revitalization of land uses adjacent to Appleton's key transportation corridors and downtown.

10.5.1: In conjunction with area neighborhoods, property owners, and other key stakeholders and the public, implement and eventually update the Wisconsin Avenue, Richmond Street, and South Oneida Street Corridor Plans, in addition to other corridors. Future updates should encourage additional tax base on underperforming parcels while enhancing community quality of life through the provision of additional neighborhood services, increased bike and pedestrian access, and other improvements.

- Findings: Land Use Considerations: The proposed future land use map amendment appears to align with broader planning goals that emphasize supporting the continued redevelopment and revitalization of land uses adjacent to key transportation corridors that enhance additional neighborhood services pursuant to the objectives above.

In conclusion, the amendment to the future land use map from Business/Industrial to Commercial appears to be justified by the location of the subject parcels, market demand for commercial and/or light industrial development, potential economic benefits, job growth and compatibility with surrounding land uses.

Request #2: Rezoning #6-25 (zoning map amendment):

Proposed Zoning Classification: The C-2 district is intended to provide for businesses which serve city and regional markets; provide goods and services to other businesses, as well as consumers, provide services to automobiles and serve the traveling public.

1) ***Minimum lot area:*** 14,000 square feet.
2) ***Maximum lot coverage:*** 75%.
3) ***Minimum lot width:*** 60 feet.
4) ***Minimum front yard:*** 10 feet.
5) ***Minimum rear yard:*** 20 feet.
6) ***Minimum side yard:***
    a. None.
    b. 10 feet if abutting a residentially zoned district.
7) ***Maximum building height:*** Thirty-five (35) feet (See §23-113 (e)).

Standards for Zoning Map Amendments: This request was reviewed in accordance with the standards for granting a Zoning Map Amendment under Section 23-65(e)(1) a., b, and c of the Municipal Code: It appears the criteria established has been satisfied. Related excerpts are listed below.

Section 23-65(e) (1) Prior to making a recommendation on a proposed zoning amendment, the Plan Commission shall make a finding to determine if the following conditions exist. No zoning amendment shall be approved prior to finding at least one (1) of the following:

a. The request for a zoning amendment is consistent with the Comprehensive Plan for the City of Appleton. *Findings: If Future Land Use Map Amendment #2-25 is approved, to identify the subject parcels for future commercial land use, the rezoning request will be in conformance with the Comprehensive Plan 2010-2030.*

b. Factors have changed such as availability to new data, growth patterns and rates, the presence of new road or other infrastructure, additional development, annexation, or other zoning changes, making the subject parcels more appropriate for a different district.

c. There is an error in the zoning ordinance text or zoning map as enacted.

Development Review Group (DRT): These items were discussed at the June 3, 2025 Development Review Group meeting. No negative comments were received from participating staff.

STAFF RECOMMENDATION

Request #1: Based upon the above analysis, staff recommends City of Appleton Comprehensive Plan 2010-2030 Future Land Use Map Amendment #2-25 for the subject parcels from future Business/Industrial to Commercial land use designation, per attached future land use map and the attached resolution, **BE APPROVED**;

Request #2: Based upon the above analysis and the standards for zoning map amendments as required by Section 23-65(e)(1) a. of the Zoning Ordinance, staff recommends Rezoning #6-25 to

rezone the subject parcels from AG Agricultural District and M-1 Industrial Park District to C-2 General Commercial District, including to the adjacent right-of-way as shown on the attached map zoning map and described on the application form, **BE APPROVED**.

NOTE: If approved, Rezoning #6-25 and CSM #9-25, including the release of public easement, will be reported out at the same Common Council meeting as the proposed Comprehensive Plan Amendment #2-25. This will be done simultaneously to coincide with the change in future land use from future Business/Industrial to Commercial land use designation, per attached future land use maps.

BRIOHN BUILDING CORPORATION

DESIGN / BUILD CONSTRUCTION

ARCHITECTURAL DESIGN

DEVELOPMENT

PROPERTY MANAGEMENT

Narrative to Comprehensive Land Use Plan Amendment
Northwest Corner of Northland Avenue and Highway 441
Appleton, Wisconsin

Introduction

This narrative outlines the proposed comprehensive land use change for the proposed mixed-use development encompassing approximately 19 acres consisting of parcel numbers 101171300; 101171400; 101171500; 101171600; 101171800; 101171900; 311672800; 311672900; 311535201; 101171700; 101172000; 101172100; 311535100; and 311535200 consisting of lands located in the City of Appleton and recently annexed from the Town of Grand Chute. The proposal seeks to amend the existing land use designation(s) from Industrial (M-1) to Commercial (C-2).

The purpose of this land use change is to support less restrictive land use and zoning to encourage the development of this underutilized parcel of vacant land while aligning with the goals of the existing land use plan and to be in keeping with the surrounding area.

Background and Context

The project area is currently vacant with one approximately 20,000 light industrial building on parcel 311535100. Briohn Building is working with Paul Davis Restoration and Rivian to construct a 77,000 square foot multi-tenant industrial style building on the east side of the project area.

In order to accommodate these uses in the proposed building, it has been determined in conversations with the city staff that the existing Comprehensive Land Use Plan cannot accommodate these two uses in the proposed building without a change to the same.

Surrounding land uses include:

- **North**: Industrial (M-1)
- **South**: Agricultural (Ag)
- **East**: Highway 441
- **West**: Commercial (C-2)

Proposed Land Use Change

The applicant proposes to change the future land use designation from Business/Industrial to Commercial. This change will facilitate:

> The flexibility to develop this corridor to accommodate a variety of uses not specific to industrial users.

3885 N. Brookfield Road Suite 200 Brookfield, WI 53045 262.790.0500 Fax: 262.790.0505 www.briohn.com

Immediate impact via the construction of a Class A building to allow for Rivian to bring their service model to the Fox Valley and allow Paul Davis Restoration to relocate their local operations into an updated facility.

Future flexibility for the redevelopment of the existing industrial building on site and continued development of the lands to the west.

Key Elements of the Proposed Land Use:	**Key Elements of Existing Land Use:**
Min. Lot Acreage: Fourteen thousand 14,000 sq. ft.	Min. Lot Acreage: One 1 acre
Max. Lot Coverage: Seventy-five Percent (75%)	Max. Lot Coverage: Ninety Percent 90%
Min. Lot Width: Sixty (60) feet	Min. Lot Width: One hundred fifty (150) feet
Min Front Yard: Ten (10) feet	Min Front Yard: Forty (40) feet
Min Rear Yard: Twenty (20) feet	Min Rear Yard: Twenty-five (25) feet
Min. Side Yard: none	Min. Side Yard: Twenty-five (25) feet

Justification, Rationale and Community Impact

The proposed change is justified by:

Consistency with Regional Plans: The surrounding land use is generally consistent with Commercial uses. The industrial park to the north and commercial zoning to the west would align with C-2.

Economic Development: A portion of the property has been annexed from the Town of Grand Chute and when developed will add to the city's tax base.

Additionally, the development will immediately create a space for Rivian to begin their operations in the Fox Valley and allow Paul Davis to expand into a larger facility. Both of these users will create and maintain employment in the community.

Environmental Considerations: There are no sensitive environmental conditions located on the site or in the immediate vicinity. The property is currently rough graded and exists within the Northland Industrial Park.

Infrastructure Improvements: Generally speaking, the existing systems are adequate to service the proposed use. Additional infrastructure needed will include stormwater facilities to service on-site stormwater detention and road improvements to CTH OO to provide for an additional access point to the project.

The applicant has conducted a TIA and the same has been submitted to the City of Appleton and Outagamie County Highway Department for their review and comment. At this time, those comments have been returned to the applicant's consultant who is making the required revisions.

RESOLUTION
CITY OF APPLETON

ADOPTION OF THE RECOMMENDED AMENDMENT TO THE COMPREHENSIVE PLAN AS PREPARED BY THE CITY OF APPLETON PLAN COMMISSION

WHEREAS, the Common Council of the City of Appleton pursuant to Section 62.23 of the Wisconsin Statutes, has established a City Plan Commission; and

WHEREAS, on March 3, 2010, the Common Council adopted the City of Appleton Comprehensive Plan to promote public health, safety and welfare of the City by effectively guiding long-range growth and development within the City and its statutory extraterritorial planning jurisdiction; and

WHEREAS, Chapter 12: Implementation, Comprehensive Plan Update Procedures, of the Comprehensive Plan was created in the City of Appleton Code of Ordinances to provide procedures and criteria for amending and updating the City of Appleton Comprehensive Plan; and

WHEREAS, members of the public were invited to make comments at a meeting held on June 25, 2025, by the City Plan Commission, wherein the following Comprehensive Plan amendment (Amendment #2-25) herein adopted was reviewed and commented upon by members of the public; and

WHEREAS, the City of Appleton Plan Commission has reviewed the recommended amendment to the Comprehensive Plan Future Land Use Map at a meeting held on June 25, 2025, and

WHEREAS, the City of Appleton Plan Commission reviewed the following Comprehensive Plan Amendments, found these amendments to meet the criteria outlined in Chapter 12: Implementation, Comprehensive Plan Update Procedures, warranting inclusion in this resolution

1. Having been filed with the City Clerk by the City of Appleton Community Development Department requesting a Comprehensive Plan Future Land Use Map Amendment #2-25 to change future land use designations (Tax Parcel Numbers: 31-1-5351-00, 31-1-5352-00, 31-1-5352-01, 31-1-6728-00, 31-1-6729-00, 31-1-5804-00, 31-1-5802-00, 31-1-5803-00, 31-1-5801-00, 31-1-5805-00, 31-1-5800-00, 31-1-5806-00, 31-1-5807-00 and 31-1-5808-00):

   From: Future Business/Industrial land use designation, per attached map,

   To: Future Commercial land use designation, per attached map.

WHEREAS, members of the public, adjacent and nearby local governmental units will be given a 30-day review and comment period prior to the public hearing, which will be conducted by the Common Council for the Comprehensive Plan proposed amendment; and

WHEREAS, after said public hearing, the Common Council will decide whether to adopt by ordinance the proposed amendments to the Comprehensive Plan; and

WHEREAS, the Comprehensive Plan may be used as the basis for, among other things, updating the zoning ordinance, accomplishing extraterritorial zoning and as a guide for approving or disapproving actions affecting growth and development within the jurisdiction of the City of Appleton; and

WHEREAS, this Comprehensive Plan may from time to time be amended, extended, or added to in greater detail; and

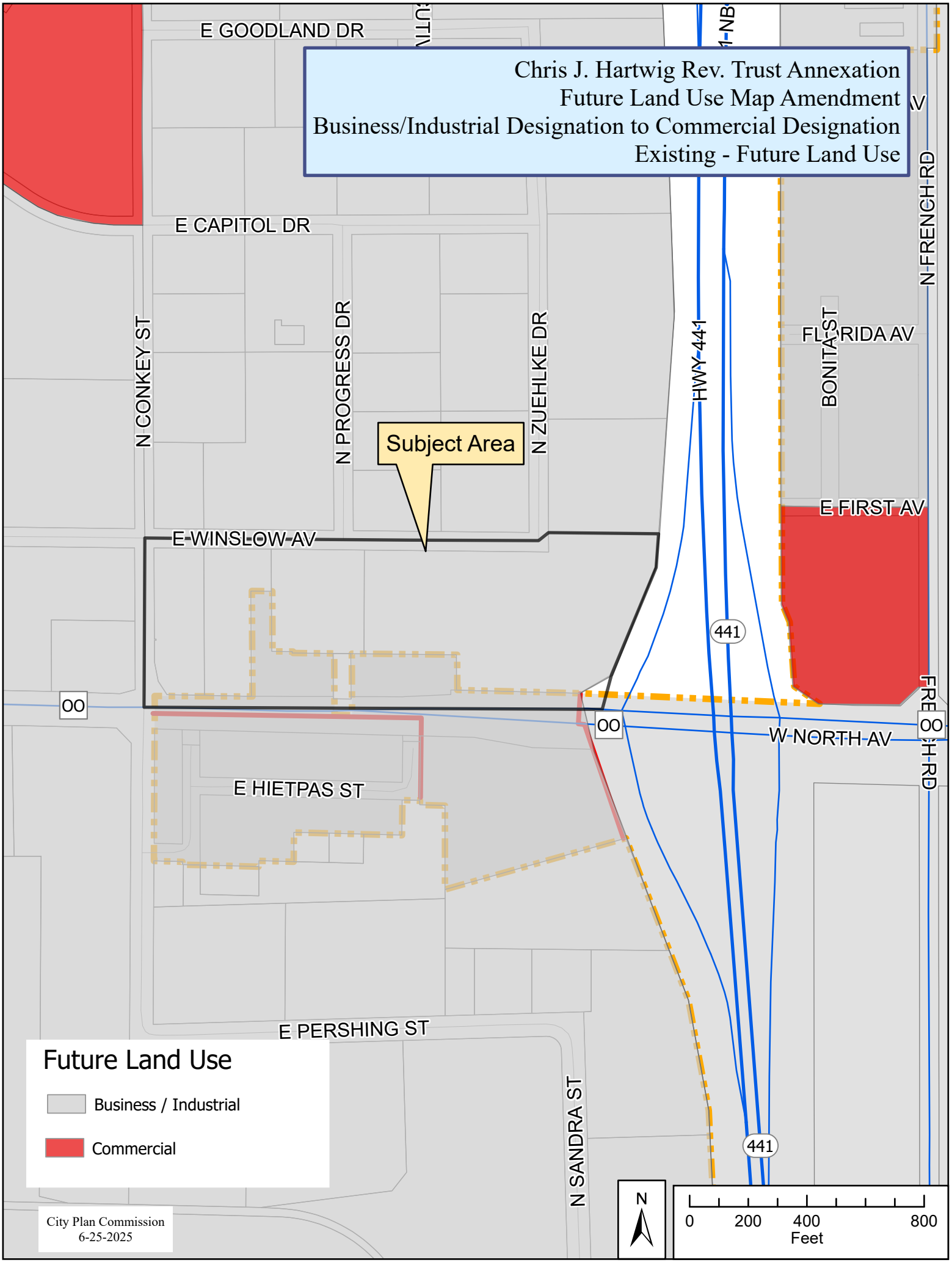
NOW, THEREFORE, BE IT RESOLVED, by the City of Appleton Plan Commission that the recommended Comprehensive Plan amendments are hereby adopted as a part of the City of Appleton Comprehensive Plan 2010-2030 pursuant to §66.1001(4), Wis. Stats. and that the Plan Commission recommends said Comprehensive Plan amendments to the City of Appleton Common Council for adoption by ordinance, after a 30-day public review and comment period and public hearing.

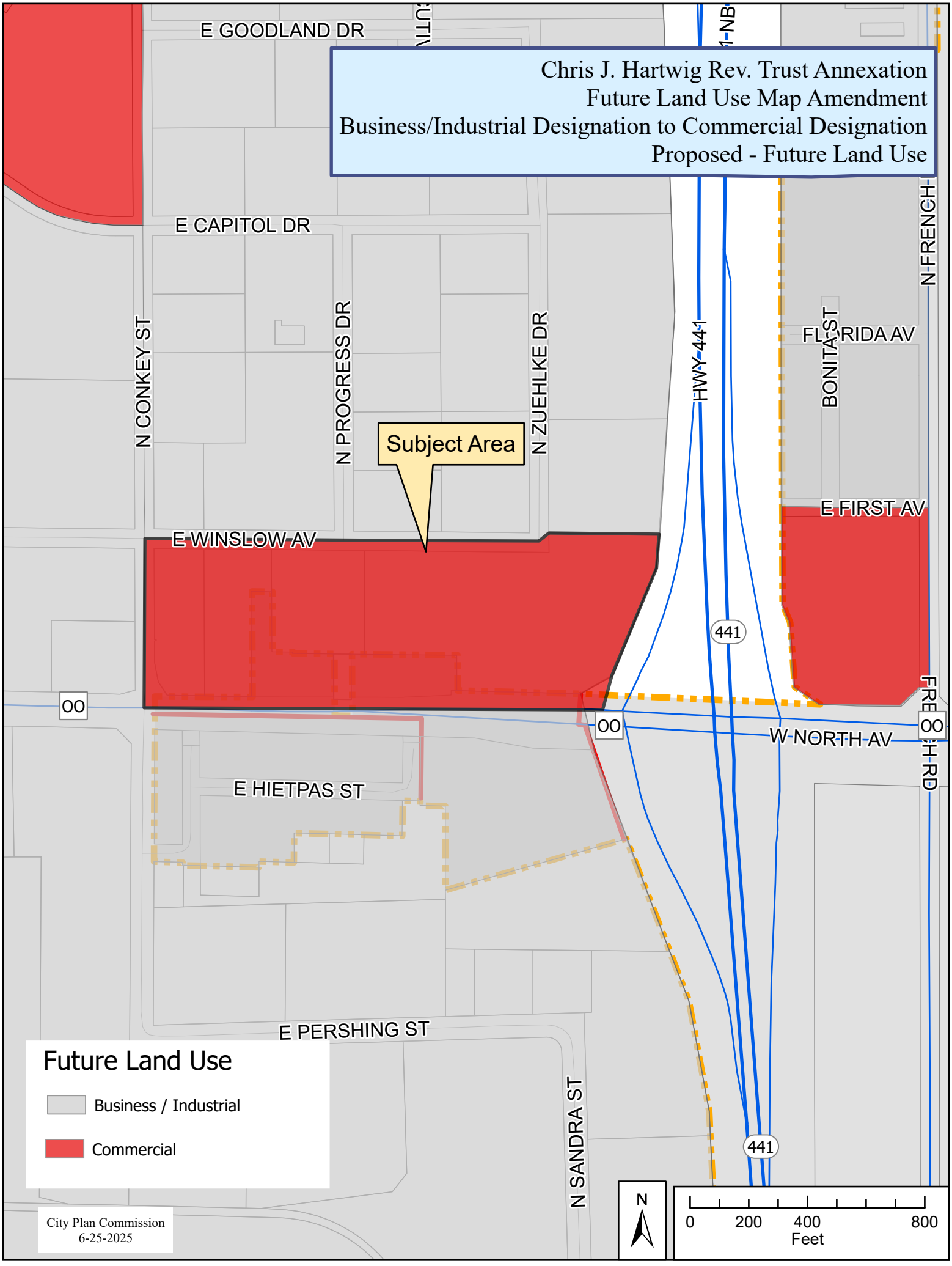
Adopted this _____ day of _____, 2025.

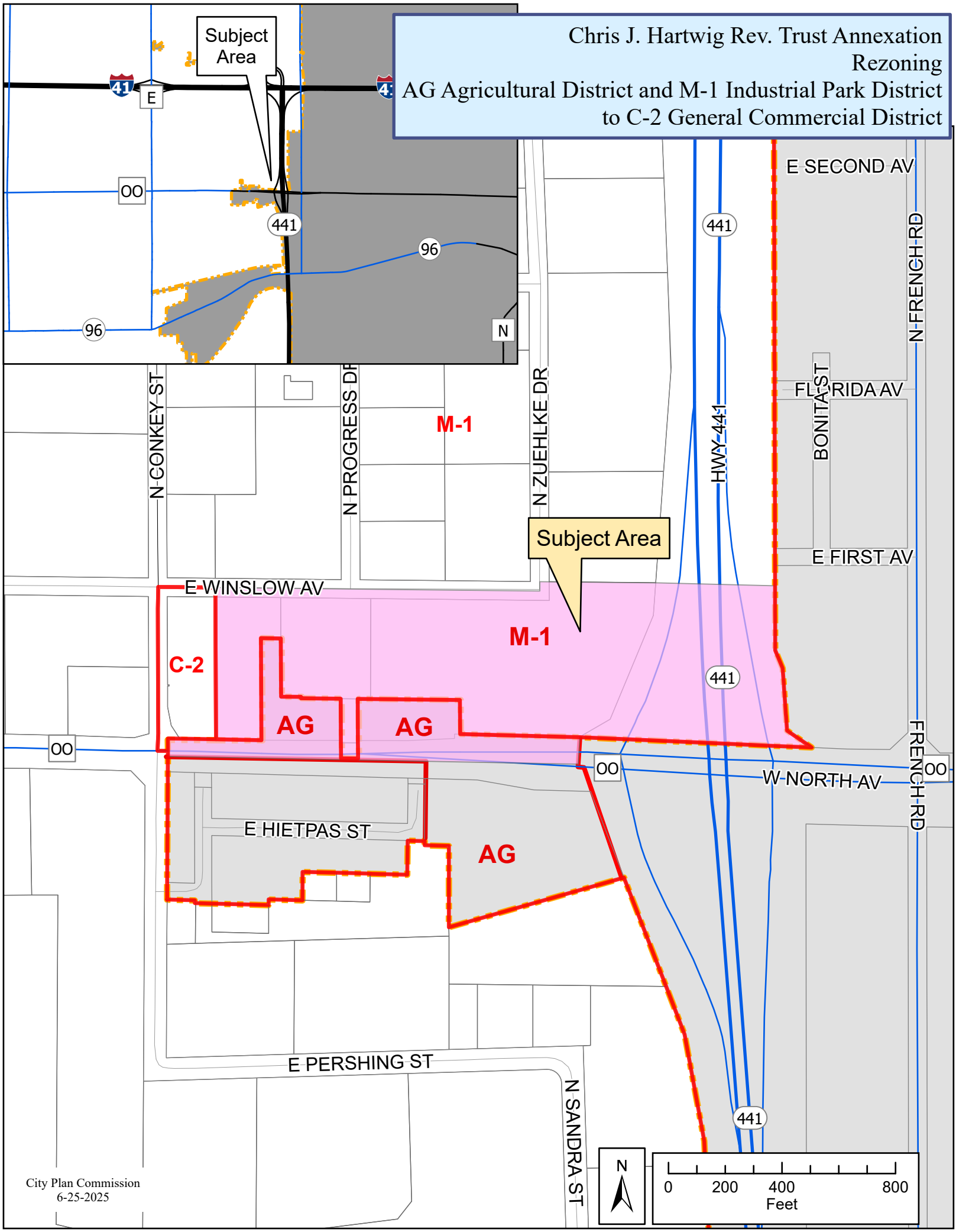
_____
Jacob A. Woodford, Mayor

ATTEST:

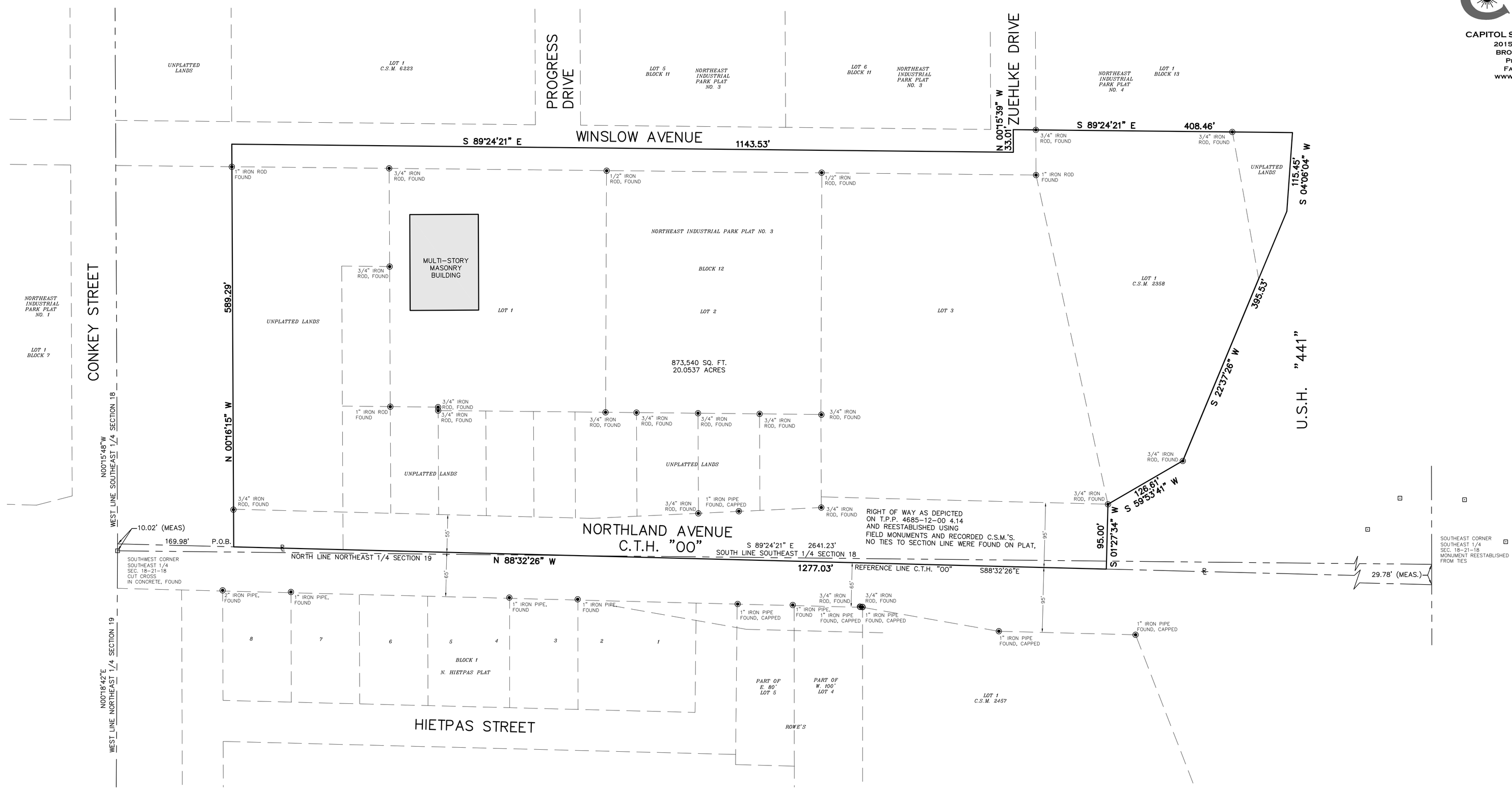
_____
Amy Molitor, Deputy City Clerk


Chris J. Hartwig Rev. Trust Annexation
Future Land Use Map Amendment
Business/Industrial Designation to Commercial Designation
Existing - Future Land Use
E GOODLAND DR
E CAPITOL DR
N CONKEY ST
N PROGRESS DR
N ZUEHLKE DR
HWY 441
BONITA ST
FLORIDA AV
N FRENCH RD
Subject Area
E WINSLOW AV
E FIRST AV
441
OO
W NORTH AV
E HIETPAS ST
E PERSHING ST
N SANDRA ST
Future Land Use
Business / Industrial
Commercial
City Plan Commission
6-25-2025
N
0
200
400
800
Feet


Chris J. Hartwig Rev. Trust Annexation
Future Land Use Map Amendment
Business/Industrial Designation to Commercial Designation
Proposed - Future Land Use
E GOODLAND DR
E CAPITOL DR
N CONKEY ST
N PROGRESS DR
N ZUEHLKE DR
HWY-441
BONITA ST
FLORIDA AV
N FRENCH
Subject Area
E WINSLOW AV
E FIRST AV
441
OO
W NORTH AV
E HIETPAS ST
E PERSHING ST
N SANDRA ST
Future Land Use
Business / Industrial
Commercial
City Plan Commission
6-25-2025
N
0
200
400
800
Feet


Chris J. Hartwig Rev. Trust Annexation
Rezoning
AG Agricultural District and M-1 Industrial Park District
to C-2 General Commercial District
Subject Area
41
E
OO
441
96
N
E SECOND AV
N FRENCH RD
FLORIDA AV
BONITA ST
HWY 441
N CONKEY ST
N PROGRESS DR
N ZUEHLKE DR
M-1
Subject Area
E FIRST AV
E WINSLOW AV
C-2
M-1
AG
AG
AG
W NORTH AV
E HIETPAS ST
E PERSHING ST
N SANDRA ST
FRENCH RD
City Plan Commission
6-25-2025
N
0
200
400
800
Feet

CAPITOL SURVEY ENTERPRISES
2015 LA CHANDELLE CT.
BROOKFIELD, WI 53045
PH: (262) 786-6600
FAX: (414) 786-6608
WWW.CAPITOLSURVEY.COM



LEGAL DESCRIPTION OF LANDS TO BE REZONED

BEING PART OF THE OF THE SOUTHEAST 1/4 AND SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 18 AND PART OF THE NORTHWEST 1/4 AND NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 19, TOWNSHIP 21 NORTH, RANGE 18 EAST, IN THE TOWN OF GRAND CHUTE, OUTAGAMIE COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST 1/4; THENCE N 00°15'48" W ALONG THE WEST LINE OF SAID SOUTHEAST 1/4 10.02 FEET TO A POINT OF INTERSECTION WITH THE REFERENCE LINE OF COUNTY TRUNK HIGHWAY "OO"; THENCE S 88°32'26" E ALONG SAID REFERENCE LINE 169.98 FEET TO THE POINT OF BEGINNING OF LANDS TO BE DESCRIBED; THENCE N 00°16'15" W 589.29 FEET TO A POINT ON THE CENTERLINE OF WINSLOW AVENUE; THENCE S 89°24'21" E ALONG SAID CENTERLINE 1143.53 FEET TO A POINT ON THE CENTERLINE OF ZUEHLKE DRIVE; THENCE N 00°15'39" W ALONG SAID CENTERLINE 33.01 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF LOT 1 OF CERTIFIED SURVEY MAP NO. 2358 AND ITS EXTENSION; THENCE S 89°245'21" E ALONG SAID NORTH LINE AND ITS EXTENSION 408.46 FEET TO A POINT ON THE EASTERLY LINE OF U.S.H. "441"; THENCE S 04°06'04" W ALONG SAID LINE 115.45 FEET; THENCE S 22°37'26" W 395.53 FEET; THENCE S 59°53'41" W ALONG SAID LINE 126.61 FEET TO A POINT ON THE NORTH LINE OF SAID COUNTY TRUNK HIGHWAY; THENCE S 01°27'34" W 95.00 FEET TO A POINT ON THE REFERENCE LINE OF SAID HIGHWAY; THENCE N 88°32'26" W ALONG SAID LINE 1277.03 FEET TO THE POINT OF BEGINNING.

CONTAINING 873,540 SQUARE FEET OR 20.0537 ACRES

GRAPHIC SCALE
80 0 40 80 160
(IN FEET)
1 INCH = 80 FT.

WISCONSIN MICHAEL J. BUTLER S-2457 BROOKFIELD, WI LAND SURVEYOR

REZONE EXHIBIT

FOR

NORTHLAND DEVELOPMENT

E. NORTHLAND AVE.
GRAND CHUTE, WI

DRAWN BY:	DHS	DATE:	MAY 20, 2025
CHECKED BY:	MJB	DRAWING NO.	EX-REZONE-0
CSE JOB NO.:	25-037	SHEET	1 OF 1

CITY OF APPLETON

MEMORANDUM

Date: June 25, 2025
To: Plan Commission
From: Don Harp, Principal Planner
Subject: Certified Survey Map #9-25 – Crossing a Plat Boundary Line and Release of Public Easement

---

GENERAL INFORMATION

Owner: Evelyn A. Hartwig, Trustee for Chris J. Hartwig Revocable Trust

Applicant: Devon Pittman, Development Manager - Briohn Building Corporation

Parcel Numbers: Generally located west of the CTH OO/USH 441 interchange (Tax Id #'s 31-1-5351-00, 31-1-5352-00, 31-1-5352-01, 31-1-6728-00, 31-1-6729-00, 31-1-5804-00, 31-1-5802-00, 31-1-5803-00, 31-1-5801-00, 31-1-5805-00, 31-1-5800-00, 31-1-5806-00, 31-1-5807-00 and 31-1-5808-00.

Applicant's Request: The applicant is requesting approval of a Certified Survey Map (CSM) that crosses a plat boundary and release of public utility easement.

Plan Commission Meeting Date: June 25, 2025

Common Council Meeting Date: To align with timing for the corresponding Comprehensive Plan Future Land Use Map Amendment #2-25 and Rezoning #6-25, CSM #9-25 and release of public utility easement will be reported out at the same anticipated Common Council meeting on August 6, 2025.

BACKGROUND

A portion of the land area was included in Chris J. Hartwig Revocable Trust Annexation, which was approved by the Common Council on June 4, 2025 and officially annexed to the City on June 10, 2025.

STAFF ANALYSIS

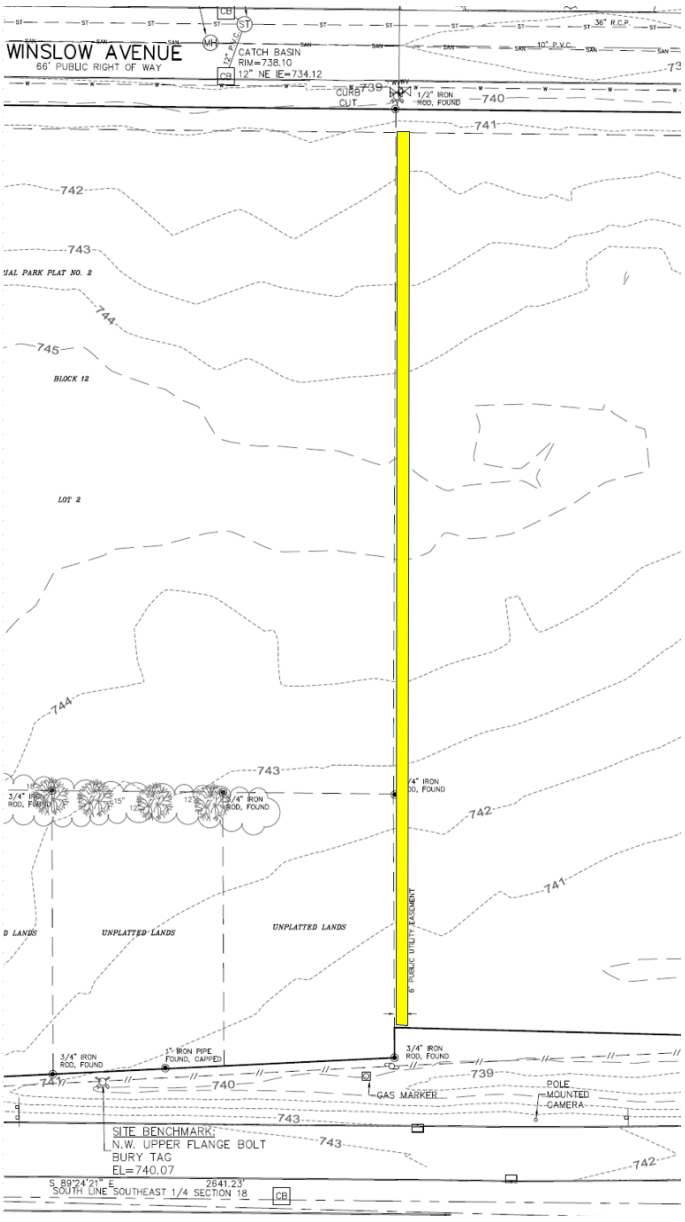
Associated Action Items: Future Land Use Map Amendment #2-25 and Rezoning #6-25 are also being presented at this June 25, 2025 Plan Commission meeting.

Purpose: In order to satisfy the requirements of Chapter 236 of the Wisconsin State Statutes, certified survey maps that cross a plat boundary line (Northeast Industrial Park Plat No. 3) must be approved in the same manner as a Final Plat, which includes Plan Commission and Common Council approval.

Proposed Conditions: Certified Survey Map #9-25 consists of 18.9727 acres and will be divided into 3 proposed lots and 1 proposed outlot for stormwater detention.

Subdivision Ordinance Requirements: Per Section 17-26(b)(1) of the Municipal Code, widths and areas of lots shall not be less than that provided in the City's Zoning Ordinance. For the C-2 General Commercial District, the minimum lot width is 60 feet, and the minimum lot area is 14,000 square feet, per Section 23-113(h) of the Municipal Code. If Rezoning #6-25 is approved, proposed lots illustrated on CSM #9-25 satisfies these lot development standards.

Release of Public Easement (yellow highlight): In 1995, it appears the City released their interest in the 6-foot-wide public utility easement to the Northeast Industrial Park Plat No. 3. Since the City administers the Northeast Industrial Park No. 3 plat, the applicant is requesting the City release their interest in the 6-foot-wide public utility easement pursuant to the attached easement lease document. Based upon information provided by the Department of Public Works, there are no existing City utilities located with the 6-foot easement. Therefore, there are no concerns with releasing the City's interest in the public utility easement.



Surrounding Zoning and Land Uses: The surrounding zoning and uses (north, south, east, and west) are generally commercial and industrial, with a small portion being residential.

North: City of Appleton, M-1 Industrial Park District. The adjacent land uses to the north are commercial and light industrial.

South: City of Appleton, AG Agricultural District. The adjacent land use to the south is undeveloped land.
Town of Grand Chute. The adjacent land use to the south is residential.

East: City of Appleton, Proposed C-2 General Commercial District. The adjacent land use to east is CTH OO/USH 441 Interchange.

West: City of Appleton, M-1 Industrial Park District. The adjacent land use to west is light industrial.

Appleton Comprehensive Plan 2010-2030: If Future Land Use Map Amendment #2-25 is approved from Business/Industrial to Commercial future use the subject area appears to be consistent with this future land use map amendment.

Development Review Team (DRT) Report: This item appeared on the June 3, 2025 DRT agenda. Comments were received from participating departments and captured in the stipulations found below.

RECOMMENDATION

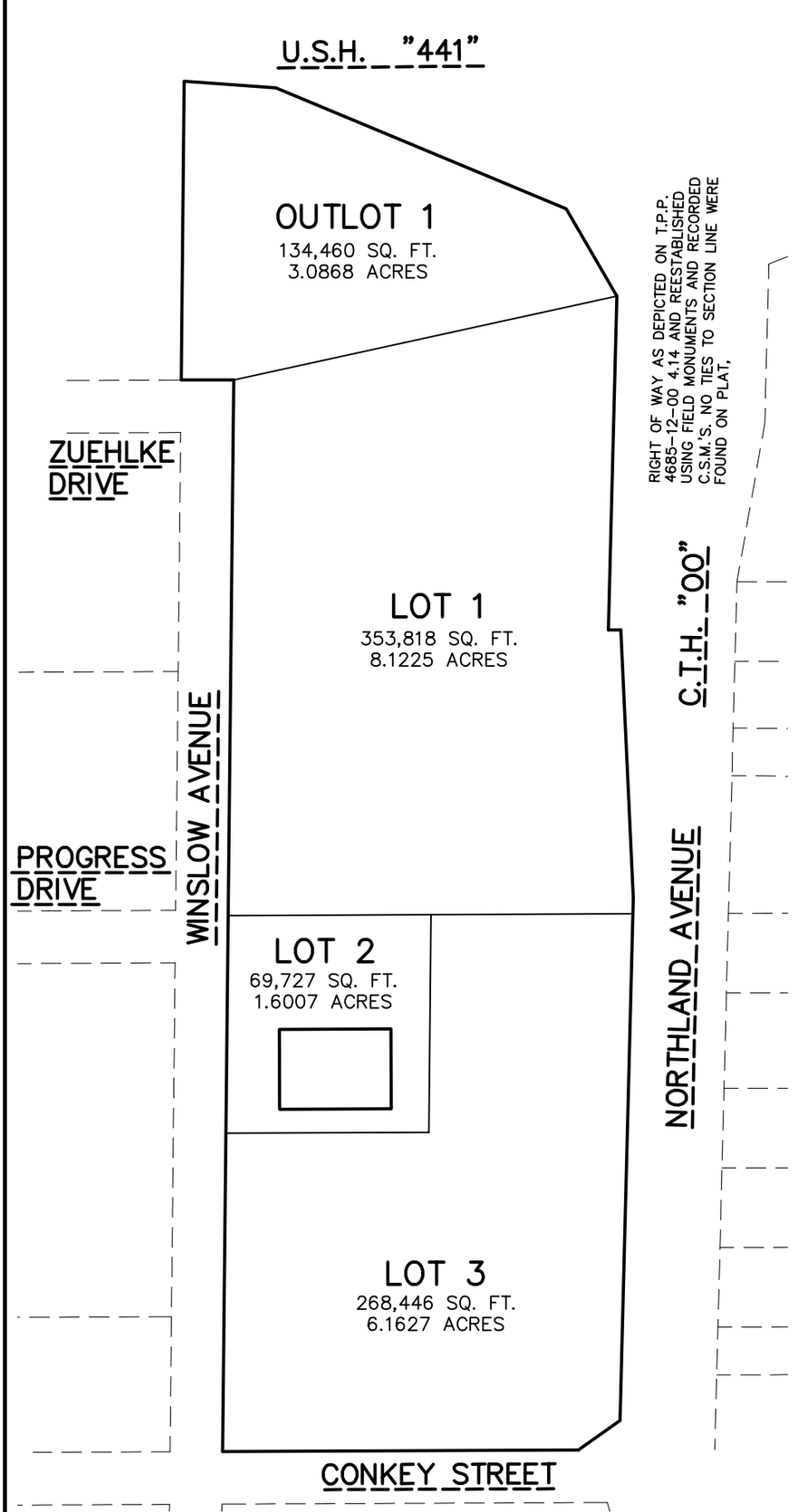
Based upon the above analysis, staff recommends Certified Survey Map #9-25 and the City release their interest in the public utility easement, as shown on the attached map and per release of public easement agreement document, **BE APPROVED** subject to the following conditions:

1. The Certified Survey Map technical comments provided by the City Surveyor dated June 19, 2025 shall be addressed by owner/applicant to the satisfaction of the City Surveyor prior to City signatures being affixed to the Certified Survey Map.

2. The Certified Survey Map and the release of public easement agreement document will be reported out at the same Common Council meeting as the proposed Comprehensive Plan Amendment #2-25 and Rezoning #6-25. This will be done simultaneously to coincide with the change in zoning classification to the C-2 District and the future land use from future Business/Industrial to Commercial land use designation.

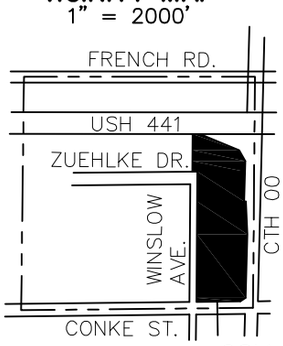
CERTIFIED SURVEY MAP NO. _____

A REDIVISION OF LOT 1 OF CERTIFIED SURVEY MAP NO. 2358, LOTS 1, 2 AND 3 IN BLOCK 12 OF NORTHEAST INDUSTRIAL PARK PLAT NO. 3 AND LANDS, BEING PART OF THE SOUTHEAST 1/4 AND SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 18, TOWNSHIP 21 NORTH, RANGE 18 EAST, IN THE CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.



NORTH

VICINITY MAP
1" = 2000'



NORTH
SE 1/4 18-21-18
CSM

ALL DIMENSIONS SHOWN ARE MEASURED TO THE NEAREST HUNDREDTH OF A FOOT.

ALL BEARINGS REFER TO THE WISCONSIN COUNTY COORDINATE SYSTEM, OUTAGAMIE COUNTY. THE SOUTH LINE OF THE SE 1/4 OF SEC. 18 HAVING A BEARING OF S 89°24'21" E.

THIS C.S.M. IS ALL OF TAX KEY PARCEL NO'S.: 10117130, 101171400, 101171500, 101171600, 101171800, 31162800, 311672900, 311535201, 101171700, 101172000, 101172100, 311535100 & 311535200. THE PROPERTY OWNER OF RECORD IS THE CHRIS J. HARTWIG REVOCABLE TRUST. THE C.S.M. IS CONTAINED WHOLLY WITHIN THE PROPERTIES DESCRIBED IN THE FOLLOWING RECORDED INSTRUMENTS: 2302470, 2332889, 2332890, 2332904, 1509886, 2270336 & 2302371.

NO DRIVEWAYS WERE OBSERVED ON THE PROPERTY ALONG C.T.H. "OO"

SUBJECT LAND IS ZONE "X" PER FLOOD INSURANCE RATE MAP 55087C0336D EFFECTIVE DATE JULY 22, 2010.

SEE SHEETS 2, 3 AND 4 FOR LOT DETAILS

SEE SHEETS 5 & 6 FOR PROPOSED EASEMENTS



MAY 5, 2025

GRAPHIC SCALE
0 200 400
1 INCH = 200 FT.

PREPARED FOR:
CHRIS J. HARTWIG REVOCABLE TRUST
P.O. BOX 165
LITTLE CHUTE, WI 54140

CAPITOL SURVEY ENTERPRISES
2015 LA CHANDELLE CT.
BROOKFIELD, WI 53045
PH: (262) 786-6600
FAX: (414) 786-6608
WWW.CAPITOLSURVEY.COM

THIS INSTRUMENT DRAFTED BY MICHAEL J. BERRY

CERTIFIED SURVEY MAP NO. _____

A REDIVISION OF LOT 1 OF CERTIFIED SURVEY MAP NO. 2358, LOTS 1, 2 AND 3 IN BLOCK 12 OF NORTHEAST INDUSTRIAL PARK PLAT NO. 3 AND LANDS, BEING PART OF THE SOUTHEAST 1/4 AND SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 18, TOWNSHIP 21 NORTH, RANGE 18 EAST, IN THE CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.

◉ INDICATES FOUND IRON AS NOTED.

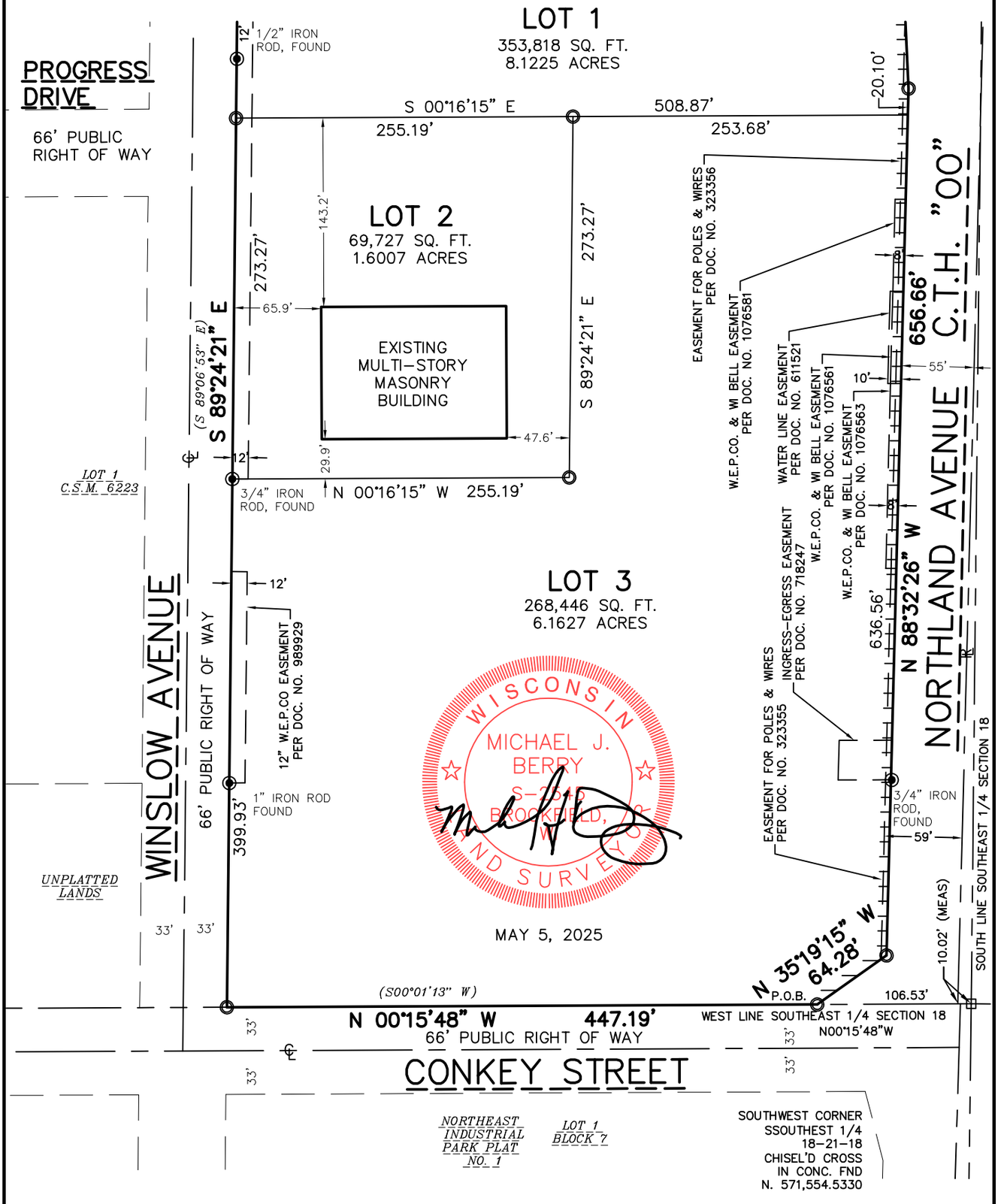
○ INDICATES 3/4 INCH DIA. IRON ROD, 18 INCHES IN LENGTH, WEIGHING 1.68 LBS PER LINEAL FOOT, SET.

NORTH

GRAPHIC SCALE

0 100 200

1 INCH = 100 FT.



THIS INSTRUMENT DRAFTED BY MICHAEL J. BERRY

CERTIFIED SURVEY MAP NO. _____

A REDIVISION OF LOT 1 OF CERTIFIED SURVEY MAP NO. 2358, LOTS 1, 2 AND 3 IN BLOCK 12 OF NORTHEAST INDUSTRIAL PARK PLAT NO. 3 AND LANDS, BEING PART OF THE SOUTHEAST 1/4 AND SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 18, TOWNSHIP 21 NORTH, RANGE 18 EAST, IN THE CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.

WISCONSIN
MICHAEL J. BERRY
S-2612
BROOKFIELD, WI
LAND SURVEYOR

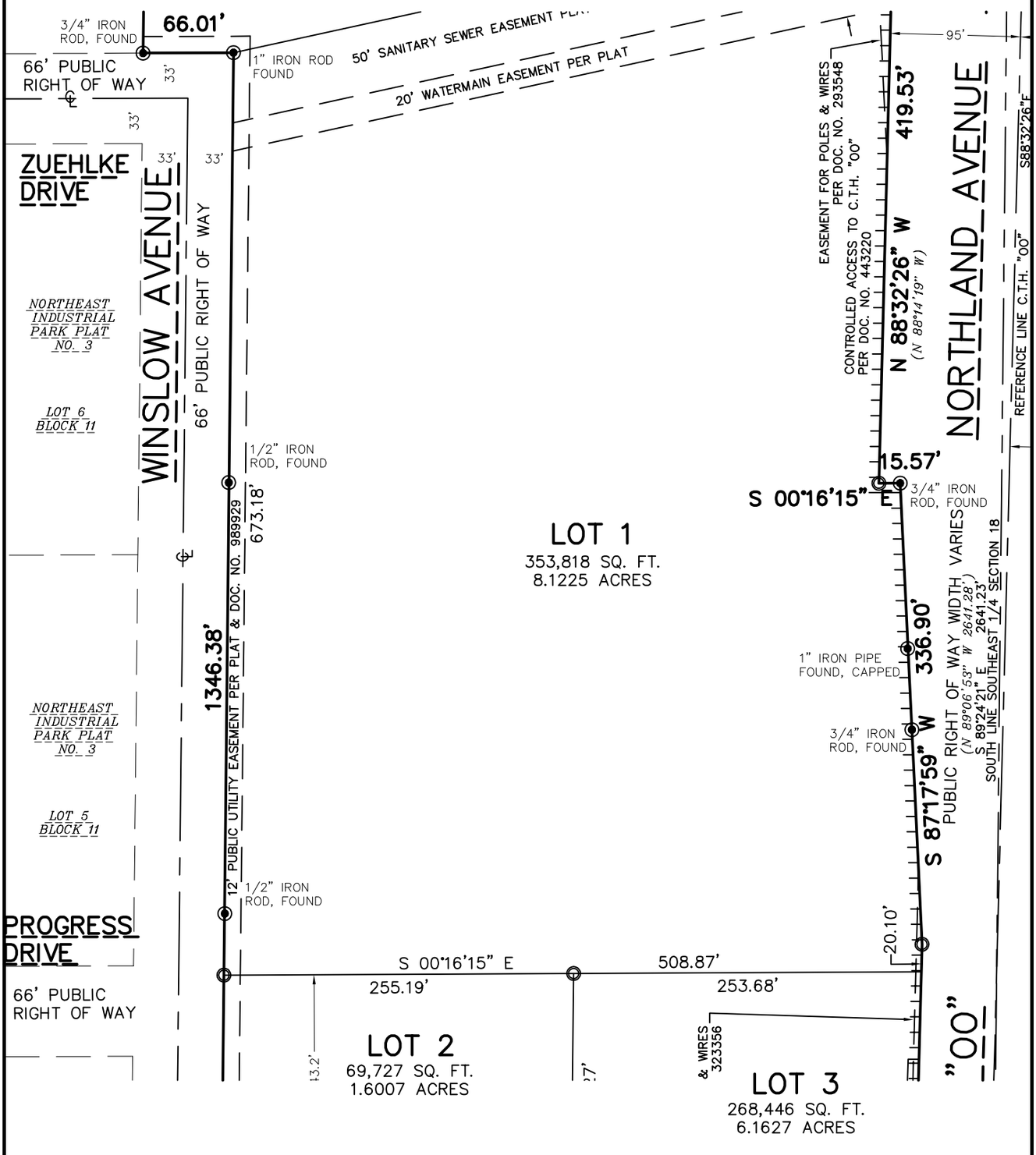
MAY 5, 2025

● INDICATES FOUND IRON AS NOTED.

○ INDICATES 3/4 INCH DIA. IRON ROD, 18 INCHES IN LENGTH, WEIGHING 1.68 LBS PER LINEAL FOOT, SET.

NORTH

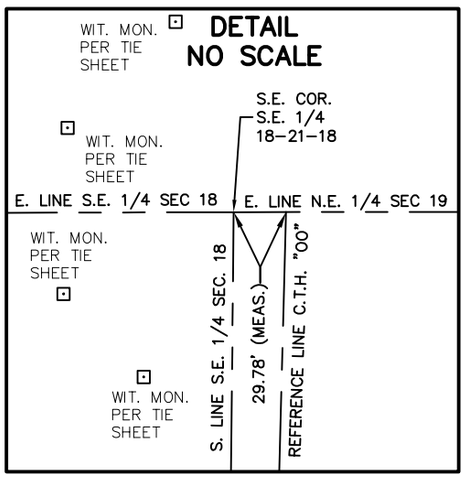
GRAPHIC SCALE
0 100 200
1 INCH = 100 FT.



THIS INSTRUMENT DRAFTED BY MICHAEL J. BERRY

CERTIFIED SURVEY MAP NO. _____

A REDIVISION OF LOT 1 OF CERTIFIED SURVEY MAP NO. 2358, LOTS 1, 2 AND 3 IN BLOCK 12 OF NORTHEAST INDUSTRIAL PARK PLAT NO. 3 AND LANDS, BEING PART OF THE SOUTHEAST 1/4 AND SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 18, TOWNSHIP 21 NORTH, RANGE 18 EAST, IN THE CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.



NORTH

GRAPHIC SCALE
0 100 200
1 INCH = 100 FT.

● INDICATES FOUND IRON AS NOTED.

○ INDICATES 3/4 INCH DIA. IRON ROD, 18 INCHES IN LENGTH, WEIGHING 1.68 LBS PER LINEAL FOOT, SET.

SOUTHEAST CORNER
SOUTHWEST 1/4
SEC. 23-12-16
REESTABLISHED FROM TIES
N. 571,527.1438
E. 841,408.4665
SEE DETAIL

WISCONSIN
MICHAEL J. BERRY
S-2512
BROOKFIELD, WI
LAND SURVEYOR

MAY 5, 2025

U.S.H. "441"

(S4°23'32" E)
S 04°06'04" W
115.45'

(S 22°54'54" W 395.54')
S 22°37'26" W
395.53'

NO ACCESS TO TRI-COUNTY HIGHWAY PER DOC. NO. 920336.

CHAIN LINK FENCE

(S 60°10'59" W)
S 59°53'41" W
126.61'

3/4" IRON ROD, FOUND

NORTHEAST INDUSTRIAL PARK PLAT NO. 4

LOT 1 BLOCK 13

(N 89°06'53" W)
S 89°24'21" E
375.46'

OUTLOT 1
134,460 SQ. FT.
3.0868 ACRES

SOUTH LINE SOUTHEAST 1/4 SECTION 18

N 00°15'39" W
66.01'

N 12°19'17" W
492.99'

50' SANITARY SEWER EASEMENT PLAT

20' WATERMAIN EASEMENT PER PLAT

1" IRON ROD FOUND

66' PUBLIC RIGHT OF WAY

ZUEHLKE DRIVE

WINSLOW AVENUE

66' PUBLIC RIGHT OF WAY

NORTHEAST INDUSTRIAL PARK PLAT NO. 3

LOT 6 BLOCK 11

LOT 1
353,818 SQ. FT.
8.1225 ACRES

EASEMENT FOR POLES & WIRES PER DOC. NO. 293548

CONTROLLED ACCESS TO C.T.H. "OO" PER DOC. NO. 443220

N 88°32'26" W
(N 88°14'19" W)
419.53'

S88°32'26"E
(N 88°17'27" W)

NORTHLAND AVENUE C.T.H. "OO"

REFERENCE LINE C.T.H. "OO"

15.57'
S 00°16'15" E

1/2" IRON ROD, FOUND

THIS INSTRUMENT DRAFTED BY MICHAEL J. BERRY

CERTIFIED SURVEY MAP NO. _____

A REDIVISION OF LOT 1 OF CERTIFIED SURVEY MAP NO. 2358, LOTS 1, 2 AND 3 IN BLOCK 12 OF NORTHEAST INDUSTRIAL PARK PLAT NO. 3 AND LANDS, BEING PART OF THE SOUTHEAST 1/4 AND SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 18, TOWNSHIP 21 NORTH, RANGE 18 EAST, IN THE CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.

WISCONSIN
MICHAEL J. BERRY
S-2512
BROOKFIELD, WI
LAND SURVEYOR

MAY 5, 2025

PROPOSED EASEMENTS

NORTH

GRAPHIC SCALE
0 100 200
1 INCH = 100 FT.

66' PUBLIC RIGHT OF WAY

ZUEHLKE DRIVE

WINSLOW AVENUE

66' PUBLIC RIGHT OF WAY

NORTHLAND AVENUE C.T.H. "OO"

PUBLIC RIGHT OF WAY WIDTH VARIES

S 12°19'17" E 20.46'
237.37'
S 12°19'17" E 20.00'
179.34'
35.83'
N 77°40'43" E 105.68'
S 77°40'43" W 90.25'
S 02°23'36" W 106.71'
104.94'
N 02°23'36" E
N 83°46'33" E 137.80'
156.09'
S 83°46'33" W
343.44'
N 89°54'18" E
348.62'
S 89°54'16" W
20'
PROPOSED 20' STORM SEWER EASEMENT FOR THE BENEFIT OF LOT 3
LOT 1
PROPOSED 20' STORM SEWER EASEMENT FOR THE BENEFIT OF LOT 3
489.12'
490.12'
20'
S 85°21'11" E 225.40'
N 85°21'11" W 206.61'
S 05°49'16" W 162.60'
N 05°49'16" E 172.63'
S 56°55'09" W 134.60'
N 56°55'09" E 112.14'
N 89°57'38" E
S 89°57'39" W
S 89°24'21" E 2641.23'
SOUTH LINE SOUTHEAST 1/4 SECTION 18

PROGRESS DRIVE

66' PUBLIC RIGHT OF WAY

257.24'
155.52'
52.31'
23.80' N 00°16'15" W
20.00' N 00°16'15" W

LOT 2
LOT 3

"OO"

THIS INSTRUMENT DRAFTED BY MICHAEL J. BERRY

CERTIFIED SURVEY MAP NO. _____

A REDIVISION OF LOT 1 OF CERTIFIED SURVEY MAP NO. 2358, LOTS 1, 2 AND 3 IN BLOCK 12 OF NORTHEAST INDUSTRIAL PARK PLAT NO. 3 AND LANDS, BEING PART OF THE SOUTHEAST 1/4 AND SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 18, TOWNSHIP 21 NORTH, RANGE 18 EAST, IN THE CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.

WISCONSIN
MICHAEL J. BERRY
S-2545
BROOKFIELD, WI
LAND SURVEYOR

MAY 5, 2025

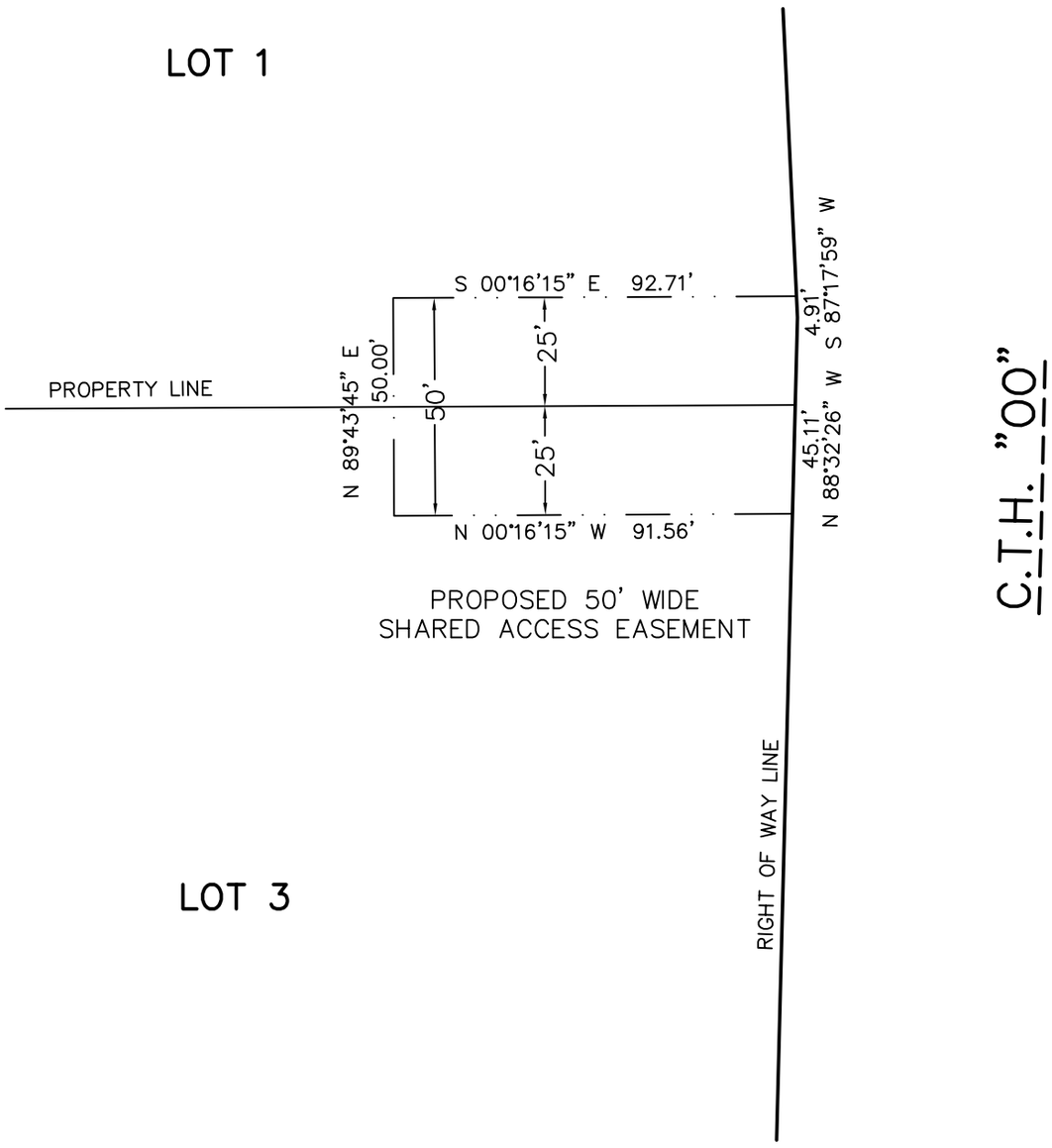
PROPOSED EASEMENTS

NORTH

GRAPHIC SCALE

0 40 80

1 INCH = 40 FT.



THIS INSTRUMENT DRAFTED BY MICHAEL J. BERRY

CERTIFIED SURVEY MAP NO. _____

A REDIVISION OF LOT 1 OF CERTIFIED SURVEY MAP NO. 2358, LOTS 1, 2 AND 3 IN BLOCK 12 OF NORTHEAST INDUSTRIAL PARK PLAT NO. 3 AND LANDS, BEING PART OF THE SOUTHEAST 1/4 AND SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 18, TOWNSHIP 21 NORTH, RANGE 18 EAST, IN THE CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)
WAUKESHA COUNTY) SS

I, MICHAEL J BERRY, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY:

THAT I HAVE SURVEYED, DIVIDED AND MAPPED A REDIVISION OF LOT 1 OF CERTIFIED SURVEY MAP NO. 2358, LOTS 1, 2 AND 3 IN BLOCK 12 OF NORTHEAST INDUSTRIAL PARK PLAT NO. 3 AND LANDS, BEING PART OF THE SOUTHEAST 1/4 AND SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 18, TOWNSHIP 21 NORTH, RANGE 18 EAST, IN THE CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID 1/4 SECTION; THENCE N 00°15'48" W 10.02 FEET TO THE POINT OF INTERSECTION WITH THE REFERENCE LINE FOR COUNTY TRUNK HIGHWAY "OO" (C.T.H.); THENCE CONTINUING N 00°15'48" W ALONG SAID LINE 106.53 FEET TO THE POINT OF BEGINNING OF LANDS TO BE DESCRIBED; THENCE CONTINUING N 00°15'48" W 447.19 FEET TO A POINT ON THE SOUTH LINE OF WINSLOW AVENUE; THENCE S 89°24'21" E ALONG SAID SOUTH LINE AND PARALLEL WITH THE SOUTH LINE OF SAID 1/4 SECTION 1346.38 FEET TO A POINT ON THE EAST LINE OF ZUEHLKE DRIVE; THENCE N 00°15'39" W ALONG SAID EAST LINE 66.01 FEET TO THE SOUTH EAST CORNER OF LOT 1, BLOCK 13 OF NORTHEAST INDUSTRIAL PARK PLAT NO. 4; THENCE S 89°24'21" E ALONG THE SOUTH LINE OF SAID LOT 1 AND PARALLEL WITH SAID SOUTH LINE OF SAID 1/4 SECTION 375.46 FEET TO A POINT ON THE WESTERLY LINE OF U.S.H. "441"; THENCE S 04°06'04"" W ALONG SAID WESTERLY LINE 115.45 FEET; THENCE S 22°37'26" W ALONG SAID LINE 395.53 FEET; THENCE S 59°53'41" W 126.61 FEET TO A POINT ON THE NORTH LINE OF C.T.H. "OO", BEING 95.00' NORTH OF AS MEASURED NORMAL TO THE REFERENCE LINE OF SAID HIGHWAY; THENCE N 88°32'26" W AND PARALLEL WITH THE SAID REFERENCE LINE 419.53 FEET; THENCE S 00°16'15" E 15.57 FEET; THENCE S 87°17'59" W ALONG SAID NORTH LINE 336.90 FEET TO A POINT ON SAID NORTH LINE BEING 55.00 FEET NORTH OF SAID REFERENCE LINE AS MEASURED NORMAL TO THE REFERENCE LINE OF SAID HIGHWAY; THENCE N 88°32'26" W ALONG SAID NORTH LINE AND PARALLEL TO SAID REFERENCE LINE 656.66 FEET; THENCE N 35°19'15" W 64.28 FEET TO THE POINT OF BEGINNING.

CONTAINING 826,451 SQUARE FEET OR 18.9727 ACRES.

THAT I HAVE MADE SUCH SURVEY, LAND DIVISION AND MAP BY THE DIRECTION OF CHRIS J. HARTWIG REVOCABLE TRUST, OWNER OF SAID LAND.

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

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236.34 OF THE STATUTES OF THE STATE OF WISCONSIN, SECTION 17 OF THE CITY OF APPLETON CODE AND CHAPTER 17 OF THE ORDINANCES OF OUTAGAMIE COUNTY IN SURVEYING, DIVIDING, AND MAPPING THE SAME.

DATED THIS 5TH DAY OF MAY, 2025.

PROFESSIONAL LAND SURVEYOR,
S-2545
STATE OF WISCONSIN



THIS INSTRUMENT DRAFTED BY MICHAEL J. BERRY

CERTIFIED SURVEY MAP NO. _____

A REDIVISION OF LOT 1 OF CERTIFIED SURVEY MAP NO. 2358, LOTS 1, 2 AND 3 IN BLOCK 12 OF NORTHEAST INDUSTRIAL PARK PLAT NO. 3 AND LANDS, BEING PART OF THE SOUTHEAST 1/4 AND SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 18, TOWNSHIP 21 NORTH, RANGE 18 EAST, IN THE CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.

CORPORATE OWNER'S CERTIFICATE

CHRIS J. HARTWIG REVOCABLE TRUST, A WISCONSIN CORPORATION EXISTING UNDER THE LAWS OF THE STATE OF WISCONSIN, AS OWNER, CERTIFY THAT THEY HAVE CAUSED THE LAND DESCRIBED ON THIS MAP TO BE SURVEYED, DIVIDED, AND MAPPED, AS REPRESENTED ON THIS MAP IN ACCORDANCE WITH THE ORDINANCES OF THE CITY OF appleton.

IN WITNESS WHEREOF, CHRIS J. HARTWIG REVOCABLE TRUST HAS CAUSED THESE PRESENTS TO BE SIGNED BY EVELYN HARTWIG, TRUSTEE, AT _____, WISCONSIN, THIS _____DAY OF _____, 2025.

_____
EVELYN HARTWIG
TRUSTEE

STATE OF WISCONSIN)
OUTAGAMIE COUNTY) SS

PERSONALLY CAME BEFORE ME THIS_____DAY OF_____, 2025, EVELYN HARTWIG, TO ME KNOW AS THE PERSON WHO EXECUTED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED THE SAME.

_____
NOTARY PUBLIC
STATE OF WISCONSIN
MY COMMISSION EXPIRES:_____



MAY 5, 2025

THIS INSTRUMENT DRAFTED BY MICHAEL J. BERRY

CERTIFIED SURVEY MAP NO. _____

A REDIVISION OF LOT 1 OF CERTIFIED SURVEY MAP NO. 2358, LOTS 1, 2 AND 3 IN BLOCK 12 OF NORTHEAST INDUSTRIAL PARK PLAT NO. 3 AND LANDS, BEING PART OF THE SOUTHEAST 1/4 AND SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 18, TOWNSHIP 21 NORTH, RANGE 18 EAST, IN THE CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.

PLANNING COMMISSION APPROVAL

APPROVED BY THE PLANNING COMMISSION OF THE CITY OF OAK CREEK ON THIS_____ DAY OF_____ , 2025

_____
JAKE WOODFORD, MAYOR
CITY OF APPLETON

COMMON COUNCIL APPROVAL

APPROVED BY THE COMMON COUNCIL OF THE APPLETON CREEK IN ACCORDANCE WITH THE RESOLUTION NO. _____, ADOPTED ON THIS____DAY _____, 2025.

_____
JAKE WOODFORD, MAYOR
CITY OF APPLETON

CERTIFICATE OF THE COUNTY TREASURER

I CERTIFY THAT THERE ARE NO UNPAID TAXES OR UNPAID SPECIAL ASSESSMENTS ON THE PROPERTY INCLUDED WITH THIS CERTIFIED SURVEY MAP ON THIS_____ DAY OF_____ , 2025.

_____
ROCHELLE OSKEY, COUNTY TREASURER

DEPARTMENT OF DEVELOPMENT & LAND SERVICES

THIS CERTIFIED SURVEY MAP HAS BEEN REVIEWED AND APPROVED BY THE DEPARTMENT OF DEVELOPMENT & LAND SERVICES ON THIS_____ DAY OF_____ , 2025.

_____
, REVIEWER



MAY 5, 2025

THIS INSTRUMENT DRAFTED BY MICHAEL J. BERRY

| Document No. |

RELEASE OF
PUBLIC EASEMENT AGREEMENTS

Return to:
Mallery s.c.
Attn: Jacqueline G. Hrovat
731 N. Jackson Street, Ste 900
Milwaukee, WI 53202

Part of 311535200
Parcel Number(s)

RELEASE OF PUBLIC EASEMENT AGREEMENTS

The undersigned, City of Appleton, has a beneficial interest arising under the following documents (collectively being the "Public Easement Agreements"):

> Public Easement recorded in the Register of Deeds Office of Outagamie County, Wisconsin on April 24, 1990 in Cabinet E, Pages 105 and 106 which easement was depicted on the Plat of Northeast Industrial Park Plat No. 3, as amended by Release of Easements recorded on September 21, 1995 in Jacket 17260 Image 53 as Document No. 1166626, Release of Easements recorded on October 13, 1995 in Jacket 17348 Image 41, as Document No. 1168886, and Partial Quit Claim of Easement rights recorded on August 1, 1996 in Jacket 18421 Image 11, as Document No. 1198490.

And which relate to certain Real Property more particularly described as follows:

All of Lot Three (3), in Block twelve (12), NORTHEAST INDUSTRIAL PARK PLAT NO. 3, City of Appleton, Outagamie County, Wisconsin.

The undersigned hereby releases all right, title, and interest in the above-described Real Property arising under the aforementioned Public Easement Agreements.

[signatures on the following page]

Dated this ____ day of _____, 2025.

CITY OF APPLETON,
a Municipal Corporation

By: _____

Name: _____
Title: _____

ACKNOWLEDGMENT

STATE OF WISCONSIN)

COUNTY OF _____)

Personally came before me, this _____ day of_____, 2025, the above-named _____ as the _____, of the City of Appleton, to me known (or satisfactorily proven) to be such person and officer who executed the foregoing instrument and acknowledge that he executed the same as such officer, by its authority, or the purposes, therein contained.

_____

Notary Public _____

State of Wisconsin

My Commission expires: _____

This document was drafted by

Jacqueline G. Hrovat
Mallery s.c.
731 N. Jackson Street, Ste 900
Milwaukee, WI 53202

CITY OF
APPLETON

MEMORANDUM

Date: July 23, 2025
To: Plan Commission
From: Colin Kafka, Principal Planner
Subject: Special Use Permit #4-25 for New Automobile, RV, Truck, Cycle, and Boat Sales and Display Lot in the C-2 General Commercial District.

GENERAL INFORMATION

Owner: Evelyn A. Hartwig, Trustee for Chris J. Hartwig Revocable Trust

Applicant: Devon Pittman, Development Manager - Briohn Building Corporation

Address/Parcel Number: 3275 E. Winslow Avenue Suite 100 (Lot 1 CSM #9-25, Future Tax Id #31-1-5900-01)

Petitioner's Request: The applicant is requesting a Special Use Permit for a New Automobile, RV, Truck, Cycle and Boat Sales and Display Lot located in the C-2 General Commercial District

Plan Commission Public Hearing Date: July 23, 2025

Common Council Meeting Date: August 6, 2025

BACKGROUND

May 27, 2025	Site Plan #16-25 submitted by applicant for the subject area. Site Plan #16-25 proposes a new 77,000 square foot building with space for two tenants. The site plan is currently under staff review pursuant to Sec. 23-570. The 1st iteration of the site plan serves as the development plan for this special use.
June 4, 2025	The Common Council approved the Chris J. Hartwig Revocable Trust Annexation. A portion of the subject area was included in the annexation.
June 25, 2025	The Plan Commission recommended approval of Comprehensive Plan Future Land Use Map Amendment #2-25, Rezoning #6-25, and CSM #9-25 which included the subject area.

STAFF ANALYSIS

Existing Site Conditions: Vacant parcel

Project Summary: The applicant, with owner approval, proposes to use a portion of the subject area (Lot 1 CSM#9-25, future parcel #31-1-5900-01) for the pre-delivery and inspection of pre-ordered electric vehicles and for customer educational demo drives, auto repair, and service.

Per the attached plan of operation, the proposed use of the site for the temporary storage of pre-ordered vehicles, as well as their repair and service, meets the definition of a New Automobile, RV, Truck, Cycle and Boat Sales and Display Lot which is a special use in the C-2 General Commercial District. The proposed use will occupy the west half of a proposed 77,000 square foot building and the adjacent parking lot as identified in the attached development plan.

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

Zoning and Procedural Findings: The subject property is in the process of being rezoned from AG Agricultural District and M-1 Industrial Park District to C-2 General Commercial District. Per Section 23-113(e) of the Municipal Code, a New Automobile, RV, Truck, Cycle and Boat Sales and Display Lot requires a Special Use Permit in the C-2 General Commercial District. To permit a New Automobile, RV, Truck, Cycle and Boat Sales and Display Lot, the Plan Commission makes a recommendation to the Common Council who will make the final decision on the Special Use Permit. A two-thirds (2/3) vote of the Common Council is required for approval.

Surrounding Zoning and Land Uses: The surrounding zoning and uses (north, south, east, and west) are generally commercial and industrial with a small portion being residential.

North: City of Appleton, M-1 Industrial Park District. The adjacent land uses to the north are commercial and light industrial.

South: City of Appleton, AG Agricultural District. The adjacent land use to the south is undeveloped. Town of Grand Chute, the adjacent land use to the south is residential.

East: City of Appleton, M-1 Industrial Park District. The adjacent land use to the east is undeveloped.

West: City of Appleton, M-1 Industrial Park District. The adjacent land use to west is light industrial.

Appleton Comprehensive Plan 2010-2030: Community Development staff reviewed this proposal and determined it appears to be consistent with the Commercial designation shown on the City's *Comprehensive Plan 2010-2030* Future Land Use Map. Listed below are related excerpts from the City's *Comprehensive Plan 2010-2030*.

Goal 8 – Economic Development
Appleton will pursue economic development that retains and attracts talented people, brings good jobs to the area, and supports the vitality of its industrial areas, downtown, and neighborhood business districts.

9.5 OBJECTIVE: Encourage new development and redevelopment activities that create vital and attractive neighborhoods and business districts.

9.2 OBJECTIVE: Grow Appleton's business community through recruitment, expansion, and retention programs that ensure a diverse business mix and jobs that pay well.

10.5 OBJECTIVE: Support the continued redevelopment and revitalization of land uses adjacent to Appleton's key transportation corridors and downtown.

Development Review Team (DRT) Report: This item appeared on the June 24, 2025 DRT agenda. No negative comments were received from participating departments.

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

Finding of Fact: This request was reviewed in accordance with the standards for granting a Special Use Permit under Section 23-66(e)(1-8) of the Municipal Code: *1. proper zoning district*: C-2 zoning allows automobile, RV, truck, cycle and boat sales and display lots as a special use permit; *2. zoning district regulations:* the district regulations appear to be satisfied pursuant to the attached plan of operation and development plan, formal verification of regulations being satisfied will occur via the site plan review process pursuant to Sec. 23-570; *3. special regulations:* stipulations 1, 2, 3 and 4 (below) address the special regulations for automobile, RV, truck, cycle and boat sales and display lots; *4. consistent with comprehensive plan and other plans:* yes, see above analysis; *5. traffic*: the proposed use is not expected to create undue traffic congestion per the Traffic Impact Analysis (TIA) submitted by the applicant and reviewed by City and County staff; *6. landscaping and screening:* review of Site Plan #16-25 pursuant to Sec. 23-570 will ensure compliance with all applicable landscape and screening standards*; 7. neighborhood compatibility with predominant land uses in this area:* the proposed use is located near other commercial uses in this area of City; *8. impact on services:* the City has existing utilities, services and equipment in place to serve this proposed use. These standards were found in the affirmative, as long as all stipulations are satisfied.

RECOMMENDATION

Staff recommends, based on the above analysis, that Special Use Permit #4-25 for a New Automobile, RV, Truck, Cycle and Boat Sales and Display Lot at 3275 E. Winslow Avenue Suite 100 (Lot 1 CSM #9-25, Future Tax Id #31-1-5900-01), as shown on the attached development plan and per attached plan of operation, along with the attached resolution, **BE APPROVED** to run with the land, subject to the following conditions:

1. Comprehensive Plan Future Land Use Map Amendment #2-25, Rezoning #6-25, and CSM #9-25 shall be approved by Common Council prior to the issuance of Special Use Permit #4-25.

   Substantial Evidence: This condition provides notice to the applicant that these items need to be approved by the Common Council before Special Use Permit #4-25 is issued.

2. Pursuant to Section 23-570 of the Municipal Code, review of site plan #16-25 shall continue until approval is issued by the Community Development Department to ensure compliance with all applicable codes, ordinances, and regulations, including but not limited to Fire and

Building Codes. The site plan must be approved prior to the issuance of building permits by the Inspections Division.

Substantial Evidence: This condition provides notice to the applicant that the project shall comply with all the applicable provisions of the Appleton Municipal Code. Staff will verify all applicable provisions will be met prior to Site Plan approval per Section 23-570.

3. All proposed outdoor lighting to illuminate the automobile display lot shall comply with the standards in §23-53, Outdoor lighting.

   Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(5)a. of the Zoning Ordinance for this particular use. This condition provides notice to the applicant that any outdoor lighting installed to illuminate the display lot area shall comply with §23-53. *Staff will verify all applicable provisions will be met prior to Site Plan approval per Section 23-570.*

4. Landscaping shall comply with the standards specified under Chapter 23 Zoning, Section 23-66(h)(5)b. The location of perimeter and interior landscaping shall be reviewed and approved pursuant to site plan review under Chapter 23 Zoning Section 23-570.

   Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(5)b. of the Zoning Ordinance for this particular use. Staff will verify all applicable provisions will be met prior to Site Plan approval per Section 23-570.

5. The outdoor display of merchandise and vehicles for sale shall not be located in areas intended for traffic circulation according to the site plan and development plan.

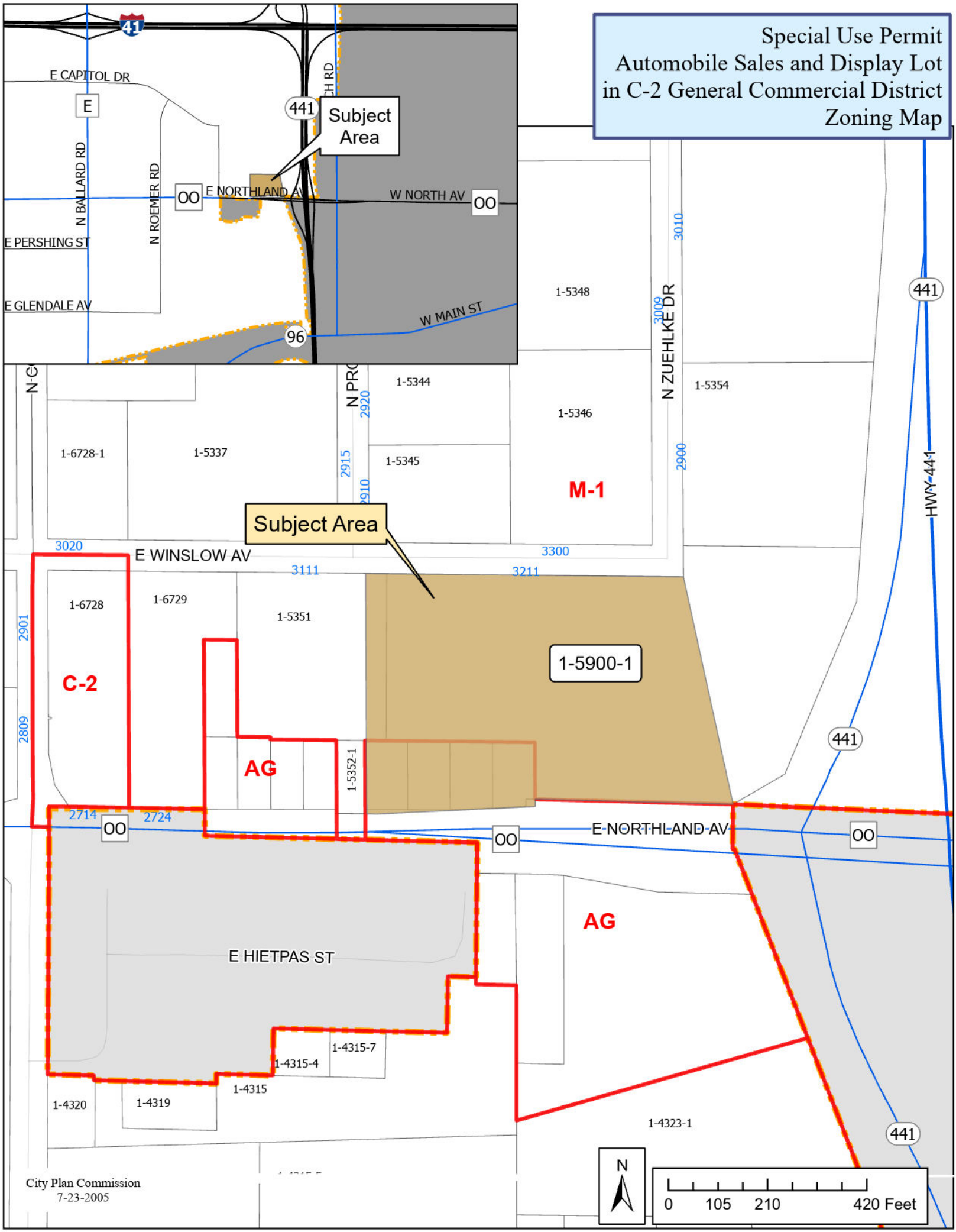
   Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(5)c. of the Zoning Ordinance for this particular use.

6. No outdoor loudspeakers shall be in use between the hours of 8:00 p.m. and 8:00 a.m. when adjacent to a residential district.

   Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(5)d. of the Zoning Ordinance for this particular use.

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

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


Special Use Permit
Automobile Sales and Display Lot
in C-2 General Commercial District
Zoning Map
Subject Area
Subject Area
1-5900-1
M-1
C-2
AG
AG
E CAPITOL DR
E PERSHING ST
E GLENDALE AV
N BALLARD RD
N ROEMER RD
E NORTHLAND AV
W NORTH AV
W MAIN ST
N ZUEHLKE DR
E WINSLOW AV
E HIETPAS ST
E NORTHLAND AV
HWY 441
1-5348
1-5344
1-5346
1-5354
1-5345
1-6728-1
1-5337
1-6728
1-6729
1-5351
1-5352-1
1-4315-7
1-4315-4
1-4315
1-4320
1-4319
1-4323-1
City Plan Commission
7-23-2005
0 105 210 420 Feet


Special Use Permit
Automobile Sales and Display Lot
in C-2 General Commercial District
Aerial Map
1-5334
1-5339
1-5335
0-5339
1-5336
1-6728-1
1-5337
1-5341
1-5350
1-5343
1-5348
1-5344
1-5346
1-5345
1-5354
N PROGRESS DR
N ZUEHLKE DR
HWY 441
441
Subject Area
E WINSLOW AV
1-6728
1-6729
1-5351
1-5900-1
1-5352-1
N CONKEY ST
OO
E NORTHLAND AV
E HIETPAS ST
1-4315-4
1-4315
1-4320
1-4319
1-4323-1
1-4322
1-4315-5
1-4315-2
1-4315-3
N
0
110
220
440 Feet
City Plan Commission
7-23-2025

CITY OF APPLETON
RESOLUTION FOR SPECIAL USE PERMIT #4-25
NEW AUTOMOBILE, RV, TRUCK, CYCLE AND BOAT SALES AND DISPLAY LOT
3275 E. WINSLOW AVENUE SUITE 100

WHEREAS, Briohn Building Corp c/o Devon Pittman, has applied for a Special Use Permit to establish a New Automobile, RV, Truck, Cycle and Boat Sales and Display Lot located at 3275 E. Winslow Avenue Suite 100, also identified as Lot 1 CSM #9-25, future parcel number #31-1-5900-01; and

WHEREAS, the proposed use is located in the C-2 General Commercial District, and the proposed use may be permitted by Special Use Permit within this zoning district pursuant to Chapter 23 of the Municipal Code; and

WHEREAS, the City of Appleton Plan Commission held a public hearing on July 23, 2025 on Special Use Permit #4-25, at which all those wishing to be heard were allowed to speak or present written comments and other materials at the public hearing; and

WHEREAS, the City of Appleton Plan Commission has reviewed and considered the Community Development Department's staff report and recommendation, as well as other spoken and written evidence and testimony presented at the public hearing; and

WHEREAS, the City of Appleton Plan Commission reviewed the standards for granting a Special Use Permit under Sections 23-66(e)(1-8) of the Municipal Code; and

WHEREAS, the City of Appleton Plan Commission reviewed the standards for imposing conditions on the Special Use Permit under Section 23-66(c)(5) of the Municipal Code, and forwarded Special Use Permit #4-25 to the City of Appleton Common Council with a favorable conditional or not favorable (CIRCLE ONE) recommendation; and

WHEREAS, the City of Appleton Common Council has reviewed the report and recommendation of the City of Appleton Plan Commission at their meeting on August 6, 2025.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Common Council, based on Community Development Department's staff report and recommendation, as well as other spoken and written evidence and testimony presented at the public hearing and Common Council meeting, and having considered the recommendation of the City Plan Commission, that the Common Council:

1. Determines all standards listed under Sections 23-66(e)(1-8) of the Municipal Code are found in the affirmative YES or NO (CIRCLE ONE)

2. If NO, the City of Appleton Common Council hereby denies Special Use Permit #4-25 to establish a New Automobile, RV, Truck, Cycle and Boat Sales and Display Lot located at 3275 E. Winslow Avenue Suite 100, also identified as Lot 1 CSM #9-25, future parcel number #31-1-5900-01 based upon the following standards and determinations: (List reason(s) why the Special Use Permit was denied)

3. If YES, the City of Appleton Common Council hereby approves Special Use Permit #4-25 to establish an a New Automobile, RV, Truck, Cycle and Boat Sales and Display Lot located at 3275 E. Winslow Avenue Suite 100, also identified as Lot 1 CSM #9-25, future parcel number #31-1-5900-01, subject to the following conditions as they are related to the purpose of the City of Appleton Municipal Code and based on substantial evidence:

CONDITIONS OF APPROVAL FOR SPECIAL USE PERMIT #4-25:

A. Comprehensive Plan Future Land Use Map Amendment #2-25, Rezoning #6-25, and CSM #9-25 shall be approved by Common Council prior to the issuance of Special Use Permit #4-25.

B. Pursuant to Section 23-570 of the Municipal Code, review of site plan #16-25 shall continue until approval is issued by the Community Development Department to ensure compliance with all applicable codes, ordinances, and regulations, including but not limited to Fire and Building Codes. The site plan must be approved prior to the issuance of building permits by the Inspections Division.

C. All proposed outdoor lighting to illuminate the automobile display lot shall comply with the standards in §23-53, Outdoor lighting.

D. Landscaping shall comply with the standards specified under Chapter 23 Zoning, Section 23-66(h)(5)b. The location of perimeter and interior landscaping shall be reviewed and approved pursuant to site plan review under Chapter 23 Zoning Section 23-570.

E. The outdoor display of merchandise and vehicles for sale shall not be located in areas intended for traffic circulation according to the site plan and development plan.

F. No outdoor loudspeakers shall be in use between the hours of 8:00 p.m. and 8:00 a.m. when adjacent to a residential district.

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

Adopted this _____ day of _____, 2025.

_____
Jacob A. Woodford, Mayor

ATTEST:

_____
Amy Molitor, City Clerk

PLAN OF OPERATION AND LOCATIONAL INFORMATION

Business Information:

Name of business: Rivian

Years in operation: 16 years

Type of proposed establishment (detailed explanation of business):

Rivian intends to use the property as a pre-delivery location for pre-ordered, pre-configured electric automobiles. The space will also function as a space open to the general public to learn about electric vehicles and offer demo drives. At this time, Rivian does not intend to carry vehicles for sale at the premises to the general public.

Proposed Hours of Operation:

Day	From	To
Monday thru Thursday	8:00 am	2:00 am
Friday	8:00 am	2:00 am
Saturday	9:00 am	4:00 pm
Sunday		

***Note that customer facing operations cease at 5pm but techs will work on the premises until 2am.**

Building Capacity and Storage Areas:

Maximum number of persons permitted to occupy the building or tenant space as determined by the International Building Code (IBC) or the International Fire Code (IFC), whichever is more restrictive: 133 persons

Gross floor area of the existing building(s):

n/a

Gross floor area of the proposed building(s):

77,000 sq. ft.

Identify location, number, capacity and flammable liquid materials stored in storage tanks or containers:

See attached inventory and floor plan with locations of storage.

Odor:

Describe any potential smoke, odors emanating from the proposed use and plans to control them:

There will be no odor or smoke introduced to the area by this facility.

Noise:

Describe the noise levels anticipated from the proposed use and all mechanical equipment:

There is no loud equipment involved in the process at this facility.

How will the noise be controlled?

n/a

Outdoor Lighting:

Type: Light Poles and wall mounted lights on the building

Location: See attached photometric plan and associated cut sheet for details.

Off-Street Parking:

Number of spaces existing on-site: 0

Number of spaces proposed on-site: 145

Street Access:

Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

New turn lane on Northland proposed by property owner and applicant as part of the development of the property. There is a Traffic Impact Analysis on file with the city which includes details on the proposed street improvements.

Outdoor Uses:

Size: 60,000 square feet

Type and location of outdoor storage area(s) of business property, goods, or merchandise not intended for customer viewing or immediate sale:

There is a parking lot available for customer vehicles located at the front of the building as well as a parking area for staging of the pre-ordered vehicles located on the west side of the building. No other business property or goods shall be stored outdoors excepting one display car located near the entrance to the building.

Type and height of screening of plantings/fencing/gating for outdoor storage area(s):

n/a

Type, location, size of outdoor display area(s) of merchandise for sale or other business property:

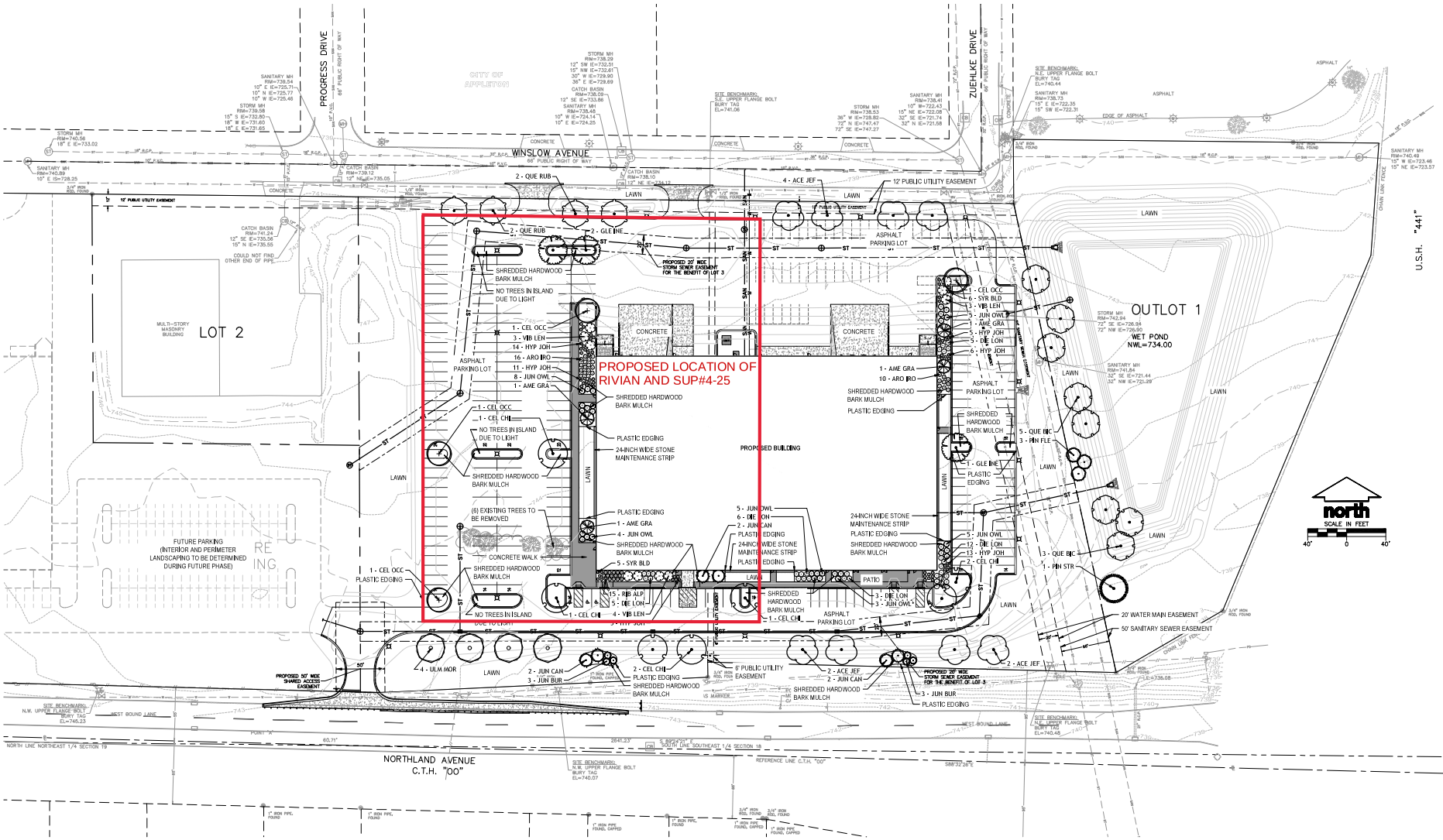
There will be one display car located near the front of the building.

Number of Employees:

Number of existing employees: 0

Number of proposed employees: 35

Number of employees scheduled to work on the largest shift: 25



BRIOHN DESIGN GROUP

LANDCO2

SHEET TITLE: LANDSCAPE PLAN

PROPOSED BUILDING FOR:
APPLETON NORTHLAND AVE.
NORTHLAND AVE.
CITY OF APPLETON, WISCONSIN

Revision

Date

JOB: 240006
DRAWN: MP/HG
CHECKED: JS
DATE: 05-27-2025
SHEET: L1.0

DRAFT - NOT FOR CONSTRUCTION

CITY OF APPLETON

MEMORANDUM

Date: July 23, 2025
To: Plan Commission
From: Alec Dix, Civil Engineer and Don Harp, Principal Planner
Subject: Floodplain Zoning Amendment - Article X. Floodplain Zoning Division 1. Statutory Authorization, Finding of Fact, Statement of Purpose, Title and General Provisions. Sec. 23-205 (b)(2)(g) Official maps based on other studies related to Apple Fields LOMR – Case #24-05-0370P

GENERAL INFORMATION

Subject Development: Apple Fields Plat

Project: Installation of a culvert and fill placement within the Apple Fields Plat

Text Amendment Initiated By: Peter Neuberger, P.E., City Engineer - Department of Public Works, Engineering Division

Petitioner's Request: Floodplain Zoning Amendment - Article X. Floodplain Zoning Division 1. Statutory Authorization, Finding of Fact, Statement of Purpose, Title and General Provisions. Sec. 23-205 (b)(2)(g) Official maps based on other studies related to LOMR – Case #24-05-0370P

Plan Commission Public Hearing Date: July 23, 2025

Common Council Meeting Date: August 6, 2025

BACKGROUND/ANALYSIS

April 20, 2022 - The Common Council approved the Conditional Letter of Map Revision (CLOMR) from the Federal Emergency Management Agency (FEMA) for installation of a culvert and fill placement within the Apple Fields plat, CLOMR Case #21-05-3029R.

April 30, 2025 - The City has been issued a Letter of Map Revision (LOMR) from the Federal Emergency Management Agency (FEMA) for installation of a culvert and fill placement within the Apple Fields plat. (See attached LOMR Case #24-05-0370P)

The revised FEMA Floodplain and Flood Insurance Rate Map (FIRM) will be effective on September 16, 2025. Prior to the effective date, the City must adopt the official map based on studies related to LOMR – Case #24-05-0370P to remain compliant with FEMA's National Flood Insurance Program (NFIP). The DNR must review and approve the text amendment before ordinance adoption. A request for review and approval of the proposed text amendment was sent to DNR on June 19, 2025.

The Apple Fields plat is in an area upstream of the limits of the current floodplain mapping, and the proposed changes are required to meet the Department of Natural Resources (DNR) and the Federal Emergency Management (FEMA) requirements for the proposed project. Changes to the floodplain are occurring on the subject property and on adjacent property upstream. Where floodplain elevations increase on neighboring property as a result of the project, the developer has obtained floodplain easements on the affected property.

June 26, 2025 – The Department of Natural Resources (DNR) reviewed the draft ordinance amendment language and directed City staff to proceed with adoption process.

Development Review Team (DRT) Report: This item appeared on the July 1, 2025 Development Review Team (DRT) agenda. No negative comments were received from participating departments.

RECOMMENDATION

Pending public comments, staff recommends the proposed amendment to Article X Floodplain Zoning of Chapter 23 of the Municipal Code, Section 23-205 (b)(2)(g) Official maps based on LOMR – Case #24-05-0370P, as attached, **BE APPROVED**.

PROPOSED ZONING ORDINANCE TEXT AMENDMENTS

The text recommended to be added is underlined. The text recommended to be deleted is ~~strikethrough.~~

ARTICLE X. FLOODPLAIN ZONING

DIVISION 1. STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE AND GENERAL PROVISIONS.

Sec. 23-205 (b) (2) ***Official maps based on other studies.*** Any maps referenced in this section must be approved by the DNR and be more restrictive than those based on the FIS at the site of the proposed development.

a. LOMR – Case #11-05-7670P, Floodway and Floodplain revisions between Flood Insurance Study (FIS) Cross Section AW to BA, Outagamie County Flood Insurance Rate Map (FIRM) panels 55087C0318D and 55087C0319D, dated July 22, 2010. This reflects changes on the Fox River from just downstream of the Private Middle Dam to approximately 250 feet upstream of the Appleton Upper Dam.

b. LOMR – Case #13-05-7920P, Floodplain revisions between Flood Insurance Study (FIS) Cross Section AN to AM, Outagamie County Flood Insurance Rate panels 55087C0319D, dated July 22, 2010. This reflects changes along the south side of the Fox River from the College Avenue Bridge to approximately 850 feet downstream.

c. LOMR – Case #17-05-1963P. Floodplain revisions on Outagamie County Flood Insurance Study (FIS) AAL Tributary Cross Section C, Outagamie County Flood Insurance Rate Map (FIRM) panel 55087C0336D, effective September 29, 2017. This reflects changes along the AAL Tributary from just downstream of Lightning Drive to approximately 200 feet upstream of East Glenhurst Lane.

d. LOMR – Case #17-05-3854P. Floodplain revisions to Outagamie County Flood Insurance Study (FIS) Fox River Cross Section AS through AW, Outagamie County Flood Insurance Rate Map (FIRM) panel 55087C0319D, effective February 16, 2018. This reflects changes along the Fox River from just upstream of railroad to just downstream of South Oneida Street.

e. LOMR – Case #20-05-2300P. Floodplain revisions to Outagamie County Flood Insurance Study (FIS) Apple Creek North Cross Section H through J, Outagamie County Flood Insurance Rate Map (FIRM) panel 55087C0328D, effective July 22, 2010. This reflects changes along Apple Creek North from approximately 1,440 feet downstream of Harrier Lance to approximately 160 feet downstream of Ballard Road.

f. LOMR – Case #21-05-2374P. Floodplain revisions to Outagamie County Flood Insurance Study (FIS) Apple Creek Northeast Cross Section H through I, Outagamie County Flood Insurance Rate Map (FIRM) panel 55087C0328D, effective January 27, 2023. This reflects changes along Apple Creek Northeast from approximately 700 feet downstream of Rubyred Drive to approximately 350 feet downstream of French Road.

g. ~~CLOMR – Case #21-05-3029R. Floodplain revisions to Outagamie County Flood Insurance Study (FIS) AAL Tributary from just upstream of East Glenhurst Lane to approximately 500 feet upstream of Everbreeze Circle, Outagamie County Flood Insurance Rate Map (FIRM) panel 55087C0336D, effective November 1, 2021.~~

LOMR – Case #24-05-0370P. Floodplain revisions to Outagamie County Flood Insurance Study (FIS) AAL Tributary from just upstream of East Glenhurst Lane to just downstream of East Everbreeze Circle, Outagamie County Flood Insurance Rate Map (FIRM) panel 55087C0336D, effective September 16, 2025.

h. Kensington Pond Dam Failure analysis approved by the Department of Natural Resources on January 7, 2008, including:

   1. Map dated July 2007 and titled "Figure 2, City of Appleton, Kensington Pond Dam Break Analysis, Hydraulic Shadow" (Hydraulic Shadow boundary from Cross Section 0.001 to 4.84).

   2. Floodway data table dated 8/28/2007 and titled "Table F-10, Maximum Water Surface Elevations, Kensington Pond Dam Break Analysis, City of Appleton".

   3. Flood profiles dated 7/10/2007 and titled "Figure 3, Maximum Water Surface Profiles" (Hydraulic Shadow profile from Garners Creek Sta 0 to Sta 25000). Revisions made as a result of DNR review and received from Pete Neuberger via email 2/23/2021.

i. Outagamie County Flood Storage District Map Panel 1 of 2 approved by Wisconsin Department of Natural Resources and dated January 20, 2016. Prepared by DNR, approved by DNR.

Federal Emergency Management Agency

Washington, D.C. 20472

April 30, 2025

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Jake Woodford
Mayor, City of Appleton
100 North Appleton Street
Appleton, WI 54911

IN REPLY REFER TO:

Case No.:	24-05-0370P
Follows Conditional Case No.:	21-05-3029R
Community Name:	City of Appleton, WI
Community No.:	555542
Effective Date of This Revision:	September 16, 2025

Dear Mayor Woodford:

The Flood Insurance Study (FIS) report and Flood Insurance Rate Map (FIRM) for your community have been revised by this Letter of Map Revision (LOMR). Please use the enclosed annotated map panel revised by this LOMR for floodplain management purposes and for all flood insurance policies and renewals issued in your community.

Additional documents are enclosed which provide information regarding this LOMR. Please see the List of Enclosures below to determine which documents are included. Other enclosures specific to this request may be included as referenced in the Determination Document. If you have any questions regarding floodplain management regulations for your community or the National Flood Insurance Program (NFIP) in general, please contact the Consultation Coordination Officer for your community. If you have any technical questions regarding this LOMR, please contact the Director, Mitigation Division of the Department of Homeland Security's Federal Emergency Management Agency (FEMA) in Chicago, Illinois, at (312) 408-5000, or the FEMA Mapping and Insurance eXchange toll free at 1-877-336-2627 (1-877-FEMA MAP). Additional information about the NFIP is available on our website at http://www.fema.gov/flood-insurance.

Sincerely,



Patrick "Rick" F. Sacbibit, P.E
Chief, Engineering Services Branch
Risk Analysis, Planning, and Information Directorate | Resilience

List of Enclosures:

Letter of Map Revision Determination Document
Annotated Flood Insurance Rate Map
Annotated Flood Insurance Study Report

cc: Laura Jungwirth
Director of Public Works
City of Appleton

John R. Davel, P.E.
Davel Engineering & Environmental, Inc.

Sarah Rafajko, CFM
Wisconsin Department of Natural Resources

 | Issue Date: April 30, 2025 | Effective Date: September 16, 2025 | Case No.: 24-05-0370P | LOMR-APP

Follows Conditional Case No.: 21-05-3029R

Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION DETERMINATION DOCUMENT

COMMUNITY AND REVISION INFORMATION		PROJECT DESCRIPTION	BASIS OF REQUEST
COMMUNITY	City of Appleton Outagamie County Wisconsin	CHANNELIZATION CULVERT FILL	BASE MAP CHANGES 1D HYDRAULIC ANALYSIS FLOODWAY HYDROLOGIC ANALYSIS UPDATED TOPOGRAPHIC DATA
	COMMUNITY NO.: 555542		
IDENTIFIER	Apple Fields City of Appleton, WI	APPROXIMATE LATITUDE AND LONGITUDE: 44.309, -88.370 SOURCE: Other DATUM: NAD 83	

ANNOTATED MAPPING ENCLOSURES	ANNOTATED STUDY ENCLOSURES
TYPE: FIRM* NO.: 55087C0336D DATE: July 22, 2010	DATE OF EFFECTIVE FLOOD INSURANCE STUDY: January 20, 2016 PROFILE: 01P SUMMARY OF DISCHARGES TABLE: 8

Enclosures reflect changes to flooding sources affected by this revision.
* FIRM - Flood Insurance Rate Map

FLOODING SOURCE AND REVISED REACH

AAL Tributary – from just upstream of East Glenhurst Lane to just downstream of East Everbreeze Circle

SUMMARY OF REVISIONS

Flooding Source	Effective Flooding	Revised Flooding	Increases	Decreases
AAL Tributary	BFEs*	BFEs	YES	YES
	Zone AE	Zone AE	YES	YES
	No Floodway	Floodway	YES	NONE
	Zone X (shaded)	Zone X (shaded)	YES	YES

* BFEs – Base (1-percent-annual-chance) Flood Elevations

DETERMINATION

This document provides the determination from the Department of Homeland Security's Federal Emergency Management Agency (FEMA) regarding a request for a Letter of Map Revision (LOMR) for the area described above. Using the information submitted, we have determined that a revision to the flood hazards depicted in the Flood Insurance Study (FIS) report and/or National Flood Insurance Program (NFIP) map is warranted. This document revises the effective NFIP map, as indicated in the attached documentation. Please use the enclosed annotated map panel revised by this LOMR for floodplain management purposes and for all flood insurance policies and renewals in your community.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Mapping and Insurance eXchange toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional Information about the NFIP is available on our website at http://www.fema.gov/flood-insurance

Patrick "Rick" F. Sacbibit, P.E
Chief, Engineering Services Branch
Risk Analysis, Planning, and Information Directorate | Resilience

Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION
DETERMINATION DOCUMENT (CONTINUED)

COMMUNITY INFORMATION

APPLICABLE NFIP REGULATIONS/COMMUNITY OBLIGATION

We have made this determination pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 93-234) and in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, P.L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 65. Pursuant to Section 1361 of the National Flood Insurance Act of 1968, as amended, communities participating in the NFIP are required to adopt and enforce floodplain management regulations that meet or exceed NFIP criteria. These criteria, including adoption of the FIS report and FIRM, and the modifications made by this LOMR, are the minimum requirements for continued NFIP participation and do not supersede more stringent State/Commonwealth or local requirements to which the regulations apply.

We provide the floodway designation to your community as a tool to regulate floodplain development. Therefore, the floodway revision we have described in this letter, while acceptable to us, must also be acceptable to your community and adopted by appropriate community action, as specified in Paragraph 60.3(d) of the NFIP regulations.

NFIP regulations Subparagraph 60.3(b)(7) requires communities to ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained. This provision is incorporated into your community's existing floodplain management ordinances; therefore, responsibility for maintenance of the altered or relocated watercourse, including any related appurtenances such as bridges, culverts, and other drainage structures, rests with your community. We may request that your community submit a description and schedule of maintenance activities necessary to ensure this requirement.

COMMUNITY REMINDERS

We based this determination on the 1-percent-annual-chance discharges computed in the submitted hydrologic model. Future development of projects upstream could cause increased discharges, which could cause increased flood hazards. A comprehensive restudy of your community's flood hazards would consider the cumulative effects of development on discharges and could, therefore, indicate that greater flood hazards exist in this area.

Your community must regulate all proposed floodplain development and ensure that permits required by Federal and/or State/Commonwealth law have been obtained. State/Commonwealth or community officials, based on knowledge of local conditions and in the interest of safety, may set higher standards for construction or may limit development in floodplain areas. If your State/Commonwealth or community has adopted more restrictive or comprehensive floodplain management criteria, those criteria take precedence over the minimum NFIP requirements.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Mapping and Insurance eXchange toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional Information about the NFIP is available on our website at http://www.fema.gov/flood-insurance

Patrick "Rick" F. Sacbibit, P.E
Chief, Engineering Services Branch
Risk Analysis, Planning, and Information Directorate | Resilience

Federal Emergency Management Agency
Washington, D.C. 20472

LETTER OF MAP REVISION
DETERMINATION DOCUMENT (CONTINUED)

We will not print and distribute this LOMR to primary users, such as local insurance agents or mortgage lenders; instead, the community will serve as a repository for the new data. We encourage you to disseminate the information in this LOMR by preparing a news release for publication in your community's newspaper that describes the revision and explains how your community will provide the data and help interpret the NFIP maps. In that way, interested persons, such as property owners, insurance agents, and mortgage lenders, can benefit from the information.

This revision has met our criteria for removing an area from the 1-percent-annual-chance floodplain to reflect the placement of fill. However, we encourage you to require that the lowest adjacent grade and lowest floor (including basement) of any structure placed within the subject area be elevated to or above the Base (1-percent-annual-chance) Flood Elevation.

We have designated a Consultation Coordination Officer (CCO) to assist your community. The CCO will be the primary liaison between your community and FEMA. For information regarding your CCO, please contact:

Mary Beth Caruso
Director, Mitigation Division
Federal Emergency Management Agency, Region V
536 South Clark Street, Sixth Floor
Chicago, IL 60605
(312) 408-5500

STATUS OF THE COMMUNITY NFIP MAPS

We will not physically revise and republish the FIRM and FIS report for your community to reflect the modifications made by this LOMR at this time. When changes to the previously cited FIRM panel and FIS report warrant physical revision and republication in the future, we will incorporate the modifications made by this LOMR at that time.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Mapping and Insurance eXchange toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional Information about the NFIP is available on our website at http://www.fema.gov/flood-insurance

Patrick "Rick" F. Sacbibit, P.E
Chief, Engineering Services Branch
Risk Analysis, Planning, and Information Directorate | Resilience

Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION
DETERMINATION DOCUMENT (CONTINUED)

PUBLIC NOTIFICATION OF REVISION

A notice of changes will be published in the *Federal Register*. This information also will be published in your local newspaper on or about the dates listed below, and through FEMA's Flood Hazard Mapping website at https://www.floodmaps.fema.gov/fhm/bfe_status/bfe_main.asp

LOCAL NEWSPAPER

Name: *The Appleton Post-Crescent*

Dates: May 12, 2025 and May 19, 2025

Within 90 days of the second publication in the local newspaper, any interested party may request that we reconsider this determination. Any request for reconsideration must be based on scientific or technical data. Therefore, this letter will be effective only after the 90-day appeal period has elapsed and we have resolved any appeals that we receive during this appeal period. Until this LOMR is effective, the revised flood hazard determination presented in this LOMR may be changed.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Mapping and Insurance eXchange toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional Information about the NFIP is available on our website at http://www.fema.gov/flood-insurance

Patrick "Rick" F. Sacbibit, P.E
Chief, Engineering Services Branch
Risk Analysis, Planning, and Information Directorate | Resilience

WDNR that this area is classified as "rapidly developing." Therefore, the final TR-20 modeling hydrology was determined utilizing future conditions for the study areas north of County Highway KK. Also, the new regional detention facility just upstream of State Highway 441 was included in the runoff flow calculations.

This Physical Map Revision

For the PMR on the Unnamed Tributary to Bear Creek detailed hydrology refined the Zone A discharge by dividing the watershed above County Highway O into two sub-basins. One sub-basin is just upstream of County Highway O and the other upstream of County Highway A. Using detailed survey of these two crossings, it was possible to determine the extent of actual floodplain storage that exists upstream of these bridges. New Zone A discharge was obtained by modeling the storage areas with HEC-HMS.

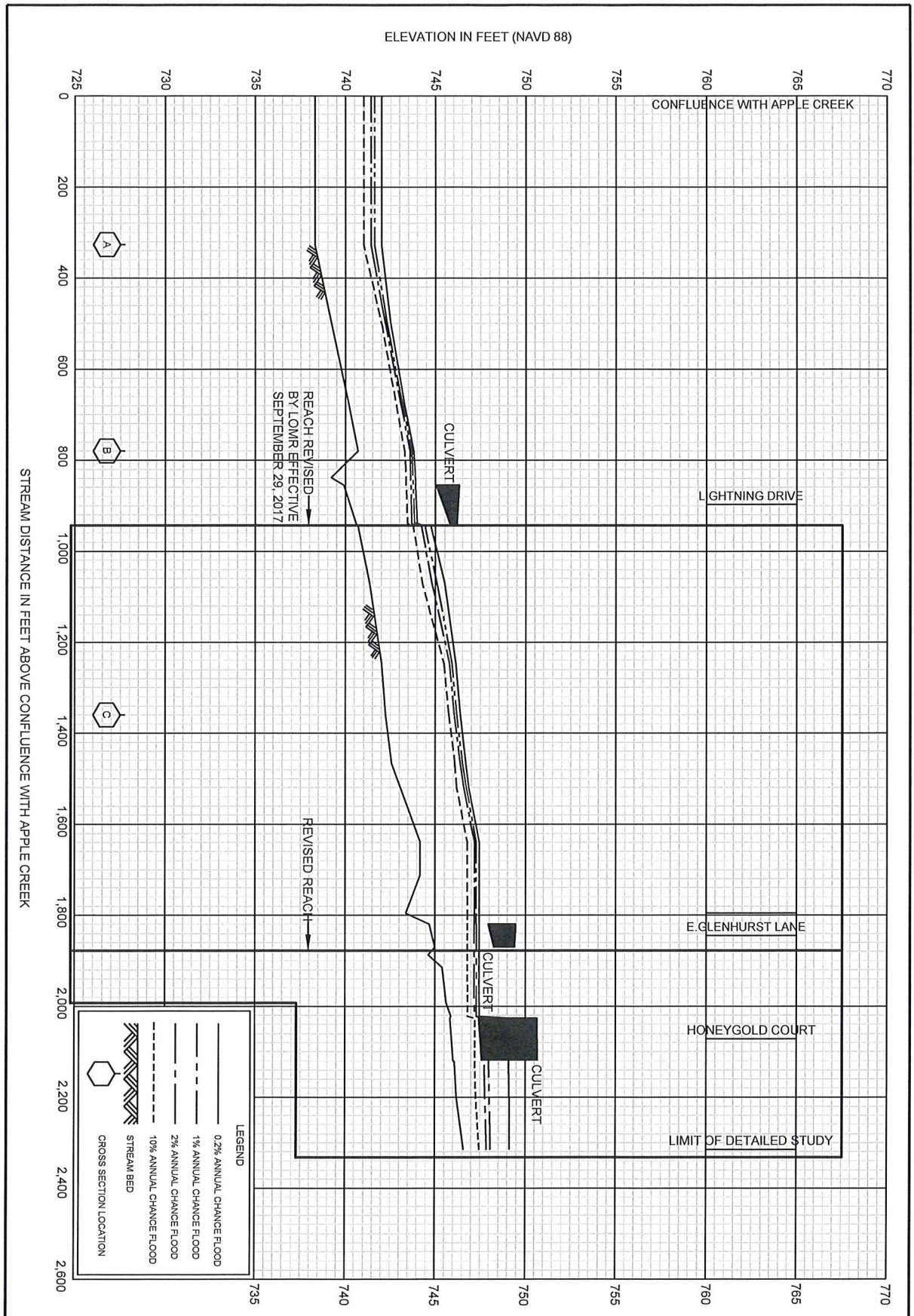
A summary of the drainage area-peak discharge relationships for all of the streams studied by detailed methods is shown in Table 8, "Summary of Discharges."

Table 8 – Summary of Discharges

FLOODING SOURCE AND LOCATION	DRAINAGE AREA (sq. miles)	PEAK DISCHARGES (cfs) 10-PERCENT ANNUAL CHANCE	2-PERCENT ANNUAL CHANCE	1-PERCENT ANNUAL CHANCE	0.2-PERCENT ANNUAL CHANCE
AAL TRIBUTARY					
At confluence with Apple Creek	0.5	360	490	550	650
Just upstream of East Glenhurst Lane	0.03	20	35	41	61
APPLE CREEK					
Approximately 1,800 feet upstream of US Highway 41	0.8	520	780	910	1,160
Downstream of divergence from Apple Creek Overland Flow	0.9	60	70	80	100
Downstream of US Highway 41 (AW)	1.0	740	1,150	1,340	1,720
Upstream of Ballard Road (AT)	1.8	410	440	480	860
Downstream of confluence with AAL Tributary	2.5	640	940	1,080	1,250
Upstream of French Road	5.7	800	1,260	1,540	1,950
Downstream of Cherryvale Avenue	6.0	820	1,240	1,480	2,060
Upstream of County Highway JJ	6.1	440	780	1,010	1,720
Upstream of Holland Road	6.2	650	1,130	1,440	2,210
Downstream of confluence with Apple Creek Northeast	8.4	950	1,550	1,940	3,000
Downstream of confluence at County Highway N	12.9	1,330	2,300	2,440	3,580

REVISED DATA

REVISED TO
REFLECT LOMR
EFFECTIVE: September 16, 2025



01P

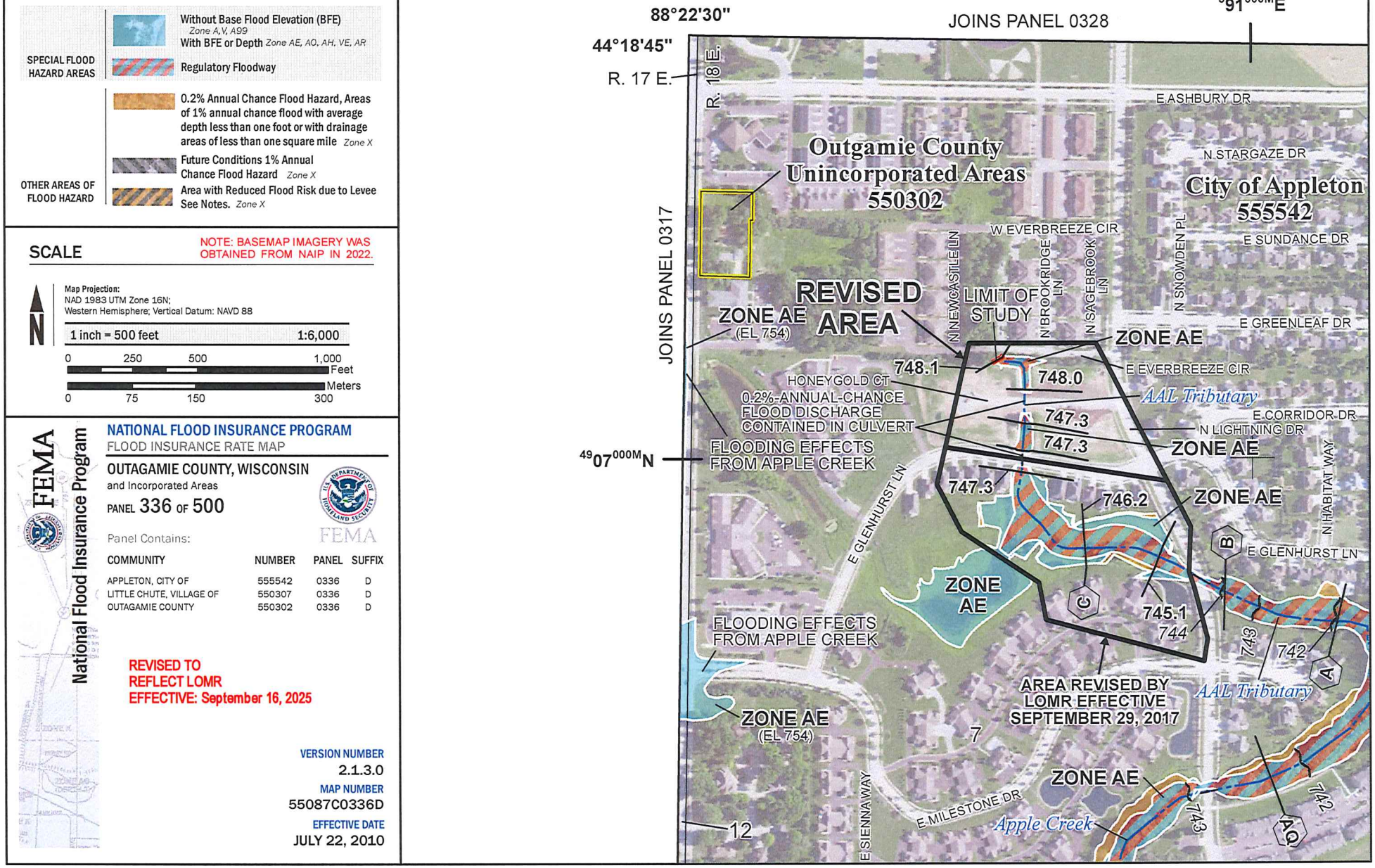
FEDERAL EMERGENCY MANAGEMENT AGENCY

OUTAGAMIE COUNTY, WI
AND INCORPORATED AREAS

FLOOD PROFILES

REVISED TO REFLECT LOMR EFFECTIVE: September 16, 2025

AAL TRIBUTARY


SPECIAL FLOOD HAZARD AREAS
Without Base Flood Elevation (BFE) Zone A, V, A99
With BFE or Depth Zone AE, AO, AH, VE, AR
Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD
0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
Future Conditions 1% Annual Chance Flood Hazard Zone X
Area with Reduced Flood Risk due to Levee See Notes. Zone X
SCALE
NOTE: BASEMAP IMAGERY WAS OBTAINED FROM NAIP IN 2022.
Map Projection:
NAD 1983 UTM Zone 16N;
Western Hemisphere; Vertical Datum: NAVD 88
1 inch = 500 feet 1:6,000
0 250 500 1,000 Feet
0 75 150 300 Meters
FEMA
National Flood Insurance Program
NATIONAL FLOOD INSURANCE PROGRAM
FLOOD INSURANCE RATE MAP
OUTAGAMIE COUNTY, WISCONSIN
and Incorporated Areas
PANEL 336 OF 500
Panel Contains:
COMMUNITY NUMBER PANEL SUFFIX
APPLETON, CITY OF 555542 0336 D
LITTLE CHUTE, VILLAGE OF 550307 0336 D
OUTAGAMIE COUNTY 550302 0336 D
REVISED TO REFLECT LOMR EFFECTIVE: September 16, 2025
VERSION NUMBER
2.1.3.0
MAP NUMBER
55087C0336D
EFFECTIVE DATE
JULY 22, 2010
88°22'30"
44°18'45"
R. 17 E.
R. 18 E.
JOINS PANEL 0328
$^{3}91^{000M}$E
JOINS PANEL 0317
$^{49}07^{000M}$N
Outgamie County Unincorporated Areas 550302
City of Appleton 555542
E ASHBURY DR
N STARGAZE DR
E SUNDANCE DR
W EVERBREEZE CIR
E EVERBREEZE CIR
E GREENLEAF DR
N NEWCASTLE LN
N BROOKRIDGE LN
N SAGEBROOK LN
N SNOWDEN PL
REVISED AREA
LIMIT OF STUDY
ZONE AE (EL 754)
ZONE AE
748.1
748.0
HONEY GOLD CT
0.2%-ANNUAL-CHANCE FLOOD DISCHARGE CONTAINED IN CULVERT
FLOODING EFFECTS FROM APPLE CREEK
AAL Tributary
747.3
747.3
747.3
E CORRIDOR DR
N LIGHTNING DR
ZONE AE
746.2
ZONE AE
N HABITAT WAY
E GLENHURST LN
E GLENHURST LN
ZONE AE
745.1
744
743
742
A
B
C
FLOODING EFFECTS FROM APPLE CREEK
AREA REVISED BY LOMR EFFECTIVE SEPTEMBER 29, 2017
AAL Tributary
ZONE AE (EL 754)
7
ZONE AE
E SIENNAWAY
E MILESTONE DR
Apple Creek
743
742
AO
12

CITY OF
APPLETON

MEMORANDUM

Date: July 23, 2025
To: Plan Commission
From: Don Harp, Principal Planner
Subject: Rezoning #7-25

GENERAL INFORMATION

Owner: Douglas Purdy, c/o Apple Hill Farms, LLC

Applicant: Jason Mroz, c/o Apple Tree, LLC

Parcel Number: 31-1-9202-00

Applicant's Request: The owner requested a rezoning of the subject parcel from AG Agricultural District to R-1B Single-family District, R-3 Multi-family District and P-I Public Institutional District, including the adjacent road right-of-way, per attached zoning map. This will allow the applicant to develop Glenmore Park subdivision (141 lots & 5 outlots - homeowners association) and a future subdivision (126 lots & 3 outlots) utilizing the R-1B Single-family District zoning regulations.

Future parkland land dedication is related to the proposed P-I Public Institutional District rezoning.

Future anticipated multi-family development is related to the proposed R-3 Multi-family District rezoning.

Plan Commission Public Hearing/Meeting Date: July 23, 2025

Common Council Meeting Date: August 6, 2025

BACKGROUND

December 24, 2002 – The subject area was annexed to the City.

October 9, 2023 – The subject area is part of Certified Survey Map #8575

June 26, 2025 – The subject area is being subdivided into four lots per Certified Survey Map (CSM) #10-25 which is currently under review by staff. CSM #10-25 reflects proposed Rezoning #7-25 ensuring the entire parcel will not have multiple zoning districts upon recording of the CSM at the register of deeds office.

STAFF ANALYSIS

Associated Action Item: The Preliminary Plat for Glenmore Park is also being presented at this July 23, 2025 Plan Commission meeting.

Existing Site Conditions: The subject parcel is approximately 170 acres m/l. Currently, the subject property is actively used for agricultural purposes.

Surrounding Zoning and Land Uses: The surrounding zoning and uses (north, south, east, and west) are generally residential and agricultural in nature.

North: City of Appleton. AG Agricultural District. The adjacent land use to the north is undeveloped land.

South: Town of Freedom. The adjacent land uses to the south are residential.

East: Town of Freedom. The adjacent land uses to the east are residential.

West: City of Appleton. NC Nature Conservancy District. The adjacent land use to the west is YMCA of the Fox Cities "Bruce B. Purdy Nature Preserve".

Appleton Comprehensive Plan 2010-2030: The City of Appleton 2010-2030 Comprehensive Plan Map identifies the subject area as future one/two family residential, multifamily residential, public park and open space and ponds/water. The proposed rezoning appears to be consistent with the following goals and objectives of the *Comprehensive Plan 2010-2030*.

Goal 1 – Community Growth
Appleton will continue to provide opportunities for residential, commercial, and industrial growth, including appropriate redevelopment sites within the downtown and existing neighborhoods, and greenfield development sites at the City's edge.

Goal 3 – Housing Quality, Variety, and Affordability
Appleton will provide a variety of rental and ownership housing choices in a range of prices affordable to community residents, and ensure that existing housing is adequately maintained in terms of physical quality and market viability.

OBJECTIVE 5.3 Housing and Neighborhoods:
Provide a range of housing options that meet the needs and appeal to all segments of the community and allows residents to age in place.

Policy 5.3.3 Plan for a supply of developable land suitable for residential development.

7.1 OBJECTIVE: Provide a pattern of development that minimizes impacts to municipal services and utilities.

OBJECTIVE 10.1 Land Use:
Provide an adequate supply of suitable land meeting the demand for development of various land uses.

Proposed Zoning Classifications:

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

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

R-3 District. The R-3 district is intended to provide for and maintain residential areas characterized by multiple family dwellings, while maintaining the basic qualities of a dense residential neighborhood, which may include other housing types and institutional and limited non-residential uses. No development project is pending for the R-3 district rezoning area. Refer to Section 23-96(g)(1) (2) (3) and (4) of the Municipal Code, for the development standards for single-family, two-family, multi-family, and zero lot line two-family dwellings.

P-I District. The P-I district is intended to provide for public and institutional uses and buildings, utilized by the community, and to provide open space standards where necessary for the protection of adjacent residential properties. No development project is pending for the P-I district rezoning area. Refer to Section 23-100(h) of the Municipal Code, for the development standards

Standards for Zoning Map Amendments: This request was reviewed in accordance with the standards for granting a Zoning Map Amendment under Section 23-65(e)(1) a., b., and c. of the Municipal Code: It appears the criteria established has been satisfied. Related excerpts are listed below.

Section 23-65(e) (1) Prior to making a recommendation on a proposed zoning amendment, the Plan Commission shall make a finding to determine if the following conditions exist. No zoning amendment shall be approved prior to finding at least one (1) of the following:

a. The request for a zoning amendment is consistent with the Comprehensive Plan for the City of Appleton. *Findings: The rezoning request is in conformance with the Comprehensive Plan 2010-2030 goals and objectives stated above and the Future Land Use Map, which identifies this area with a future one and two-family residential, multifamily residential, public park and open space and ponds/water designation.*

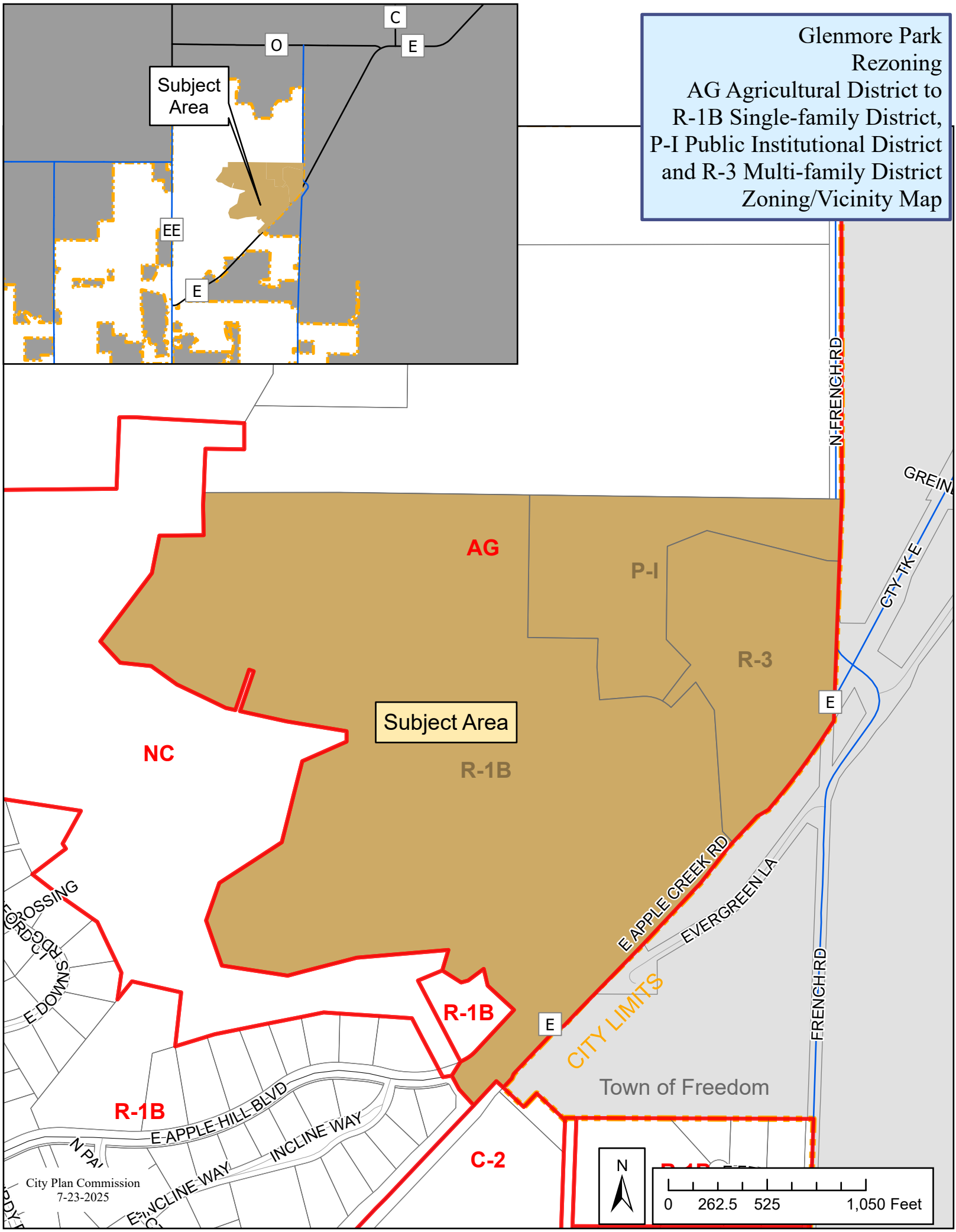
b. Factors have changed such as availability to new data, growth patterns and rates, the presence of new road or other infrastructure, additional development, annexation, or other zoning changes, making the subject parcels more appropriate for a different district.

c. There is an error in the zoning ordinance text or zoning map as enacted.

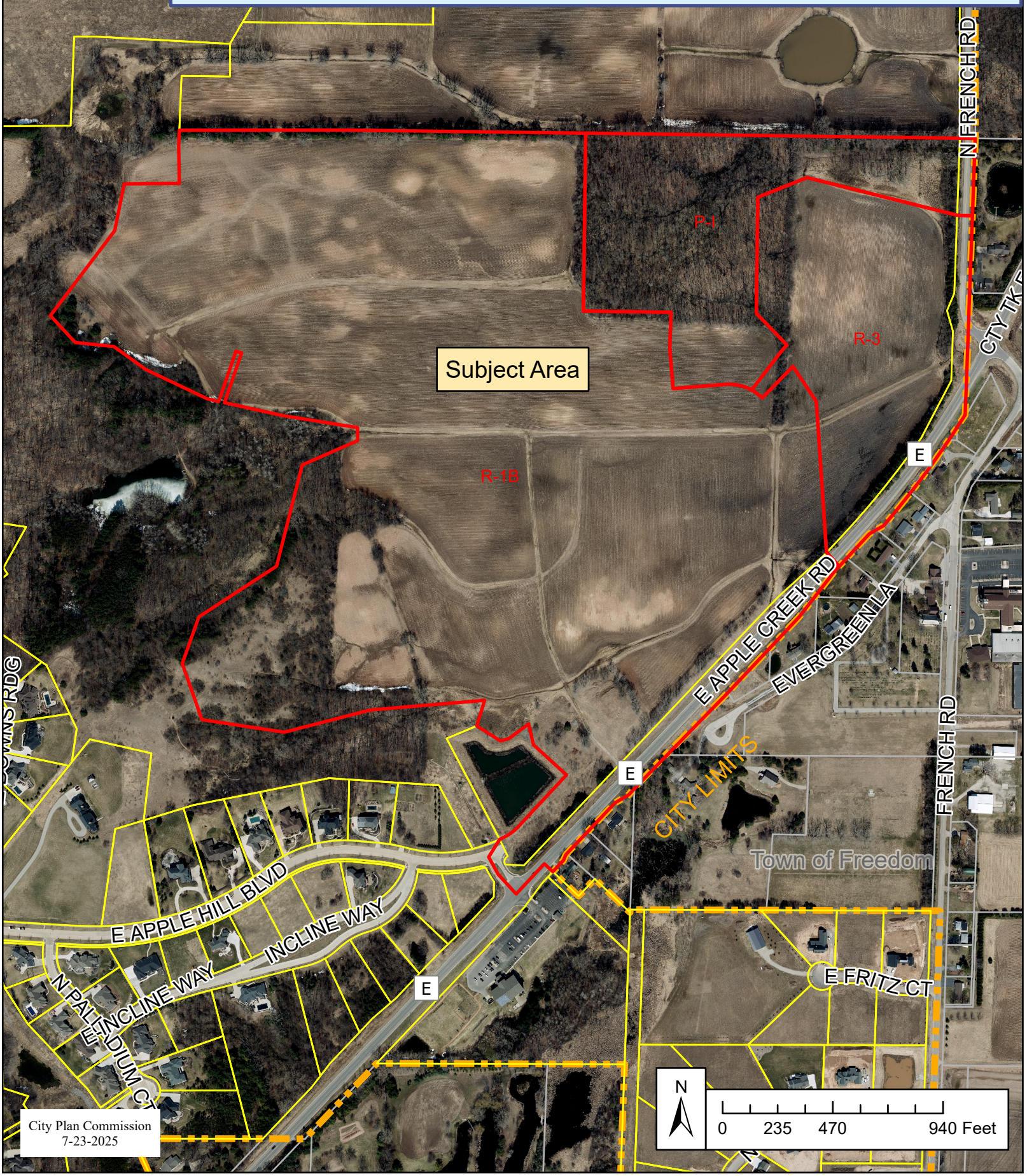
Development Review Group (DRT): These items were discussed at the July 1, 2025 Development Review Group meeting. No negative comments were received from participating staff.

STAFF RECOMMENDATION

Based upon the above analysis and the standards for zoning map amendments as required by Section 23-65(e)(1) a. of the Zoning Ordinance, staff recommends Rezoning #7-25 to rezone the subject parcel from AG Agricultural District to R-1B Single-family District, R-3 Multifamily District and P-I Public Institutional District, including the adjacent right-of-way as shown on the attached maps and described on the application form, **BE APPROVED**.


Glenmore Park
Rezoning
AG Agricultural District to
R-1B Single-family District,
P-I Public Institutional District
and R-3 Multi-family District
Zoning/Vicinity Map
Subject Area
C
O
E
EE
E
N FRENCH RD
AG
P-I
R-3
Subject Area
R-1B
NC
E
E APPLE CREEK RD
EVERGREEN LA
CITY LIMITS
FRENCH RD
R-1B
E
Town of Freedom
R-1B
E APPLE HILL BLVD
INCLINE WAY
E INCLINE WAY
C-2
City Plan Commission
7-23-2025
N
0
262.5
525
1,050 Feet

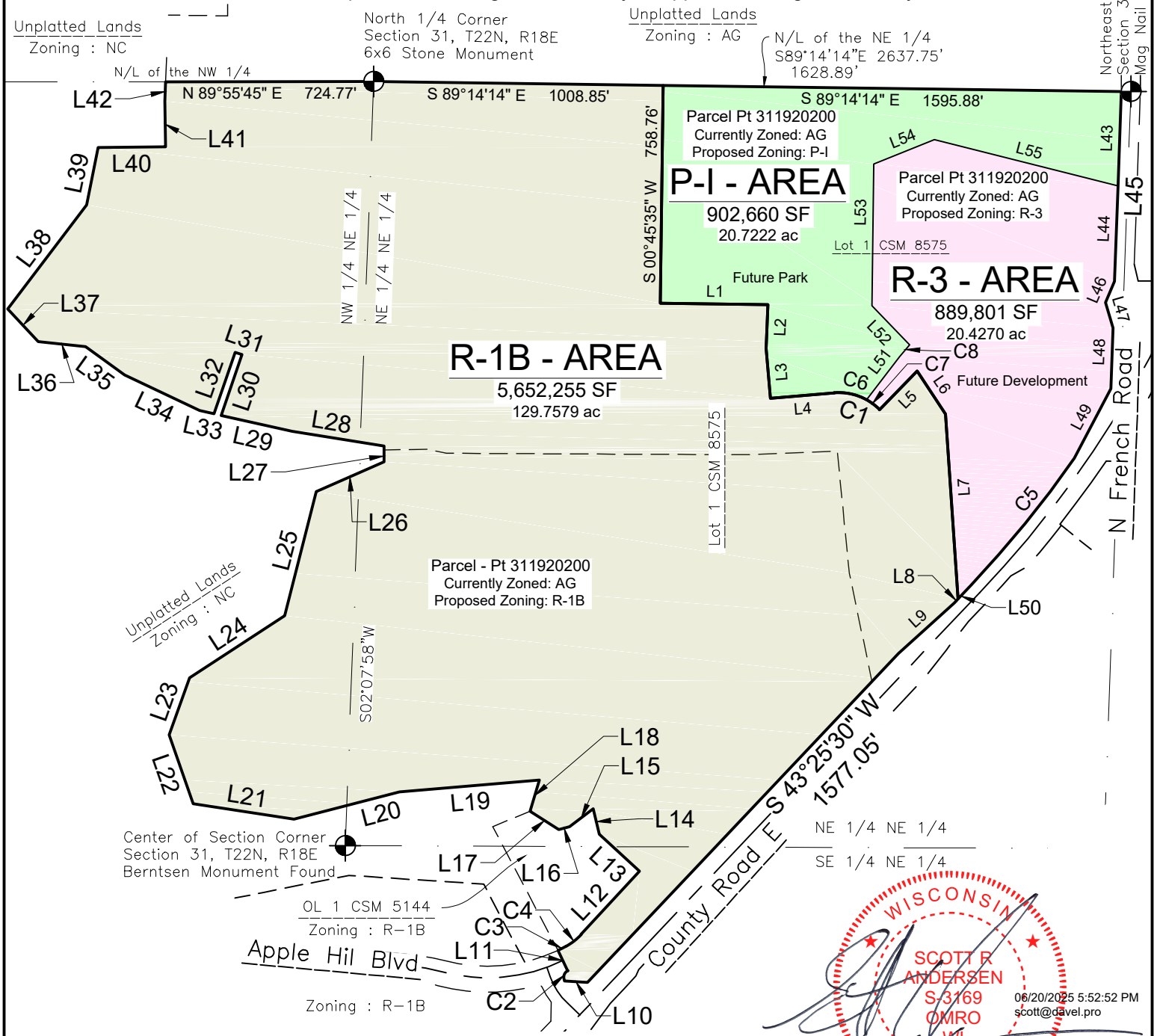
Glenmore Park
Rezoning
AG Agricultural District to R-1B Single-family District, P-I Public Institutional District and R-3 Multi-family District
Aerial Map



City Plan Commission
7-23-2025

Rezoning Exhibit

Lot 1 of Certified Survey Map 8575; Located in Part of the Northeast 1/4, the Southeast 1/4, the Southwest 1/4 and the Northwest 1/4 of the Northeast 1/4, and Part of the Northwest 1/4 of the Southeast 1/4, and Part of the Southeast 1/4 and Northeast 1/4 of the Northwest 1/4; All in Section 31, Township 22 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin.



WISCONSIN
SCOTT R ANDERSEN
S-3169
OMRO
WI
LAND SURVEYOR
06/20/2025 5:52:52 PM
scott@davel.pro

Disclaimer: This instrument is intended for conceptual review purposes ONLY. If this map is used for any other purpose other than its such intent without full approval of the City of Appleton and/or Outagamie County, Davel Engineering & Environmental, Inc. shall not be held responsible. Users of this map assumes all risks associated with such use and releases Davel Engineering & Environmental, Inc. from any and all liabilities and damages resulting from said use, if any.

DAVEL ENGINEERING & ENVIRONMENTAL, INC.
Civil Engineers and Land Surveyors
1164 Province Terrace, Menasha, WI 54952
Ph: 920-991-1866
www.davel.pro

0 500 1000

File: 8846Rezone.dwg
Date: 06/17/2025
Drafted By: scott
Sheet: 1 of 5

Rezoning Exhibit

LINE TABLE		
Line	Bearing	Length
L1	S 89°14'25" E	374.27'
L2	S 02°09'28" W	152.77'
L3	S 04°37'10" E	173.97'
L4	N 85°22'50" E	223.26'
L5	N 44°17'45" E	188.12'
L6	S 33°36'20" E	179.82'
L7	S 03°51'35" E	645.53'
L8	S 43°25'55" W	18.39'
L9	S 47°41'10" W	263.20'
L10	N 86°31'27" W	79.47'

LINE TABLE		
Line	Bearing	Length
L11	N 25°35'36" W	80.00'
L12	N 42°53'52" E	300.25'
L13	N 47°24'05" W	190.38'
L14	N 13°12'14" W	91.42'
L15	S 53°13'57" W	104.21'
L16	S 74°32'53" W	37.85'
L17	N 57°38'49" W	119.50'
L18	N 17°03'39" E	113.72'
L19	S 85°12'51" W	489.40'
L20	S 75°29'06" W	379.52'

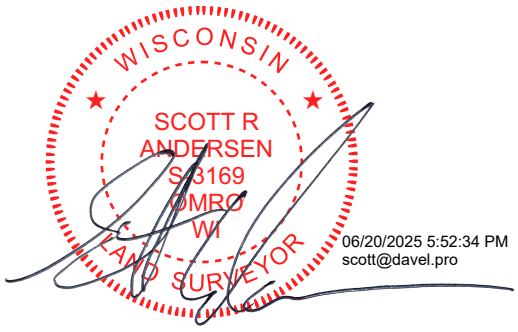
LINE TABLE		
Line	Bearing	Length
L21	N 81°17'40" W	354.84'
L22	N 19°12'24" W	253.87'
L23	N 19°30'37" E	211.22'
L24	N 56°54'10" E	396.00'
L25	N 14°10'31" E	445.34'
L26	N 66°19'15" E	257.98'
L27	N 00°01'48" W	55.71'
L28	N 80°50'24" W	323.50'
L29	N 77°30'34" W	254.09'
L30	N 18°56'48" E	224.04'

LINE TABLE		
Line	Bearing	Length
L31	N 71°03'12" W	25.00'
L32	S 18°56'48" W	226.87'
L33	N 77°30'34" W	51.02'
L34	N 64°27'02" W	289.59'
L35	N 54°07'52" W	168.21'
L36	N 84°01'02" W	165.96'
L37	N 42°55'16" W	155.40'
L38	N 37°05'39" E	454.64'
L39	N 11°24'52" E	203.67'
L40	N 89°19'52" E	235.24'

LINE TABLE		
Line	Bearing	Length
L41	N 00°57'06" W	157.93'
L42	N 02°19'20" E	68.40'
L43	S 02°03'43" W	329.02'
L44	S 02°03'43" W	333.12'
L45	S 02°03'43" W	333.12'
L46	S 22°59'48" W	80.19'
L47	S 16°08'10" E	91.75'
L48	S 02°03'43" W	211.23'
L49	S 27°34'57" W	274.47'
L50	S 43°25'55" W	66.26'

LINE TABLE		
Line	Bearing	Length
L51	N 37°25'09" E	189.64'
L52	N 43°59'11" W	188.50'
L53	N 00°45'11" E	494.69'
L54	N 68°13'42" E	226.50'
L55	S 75°55'28" E	659.98'

CURVE TABLE					
Curve	Radius	Chord Direction	Chord Length	Arc Length	Central Angle
C1	200.00'	S 69°48'23" E	167.86'	173.23'	49°37'33"
C2	25.00'	N 17°53'33" E	36.28'	40.59'	93°01'49"
C3	570.00'	N 62°53'34" E	30.14'	30.14'	3°01'48"
C4	210.00'	N 52°08'16" E	67.44'	67.73'	18°28'48"
C5	3779.83'	S 39°06'55" W	569.01'	569.55'	8°38'00"
C6	200.00'	S 77°54'49" E	114.98'	116.63'	33°24'42"
C7	200.00'	S 53°06'02" E	56.41'	56.60'	16°12'52"
C8	530.00'	N 40°21'22" E	54.31'	54.34'	5°52'26"



DAVEL ENGINEERING & ENVIRONMENTAL, INC.
Civil Engineers and Land Surveyors
1164 Province Terrace, Menasha, WI 54952
Ph: 920-991-1866
www.davel.pro

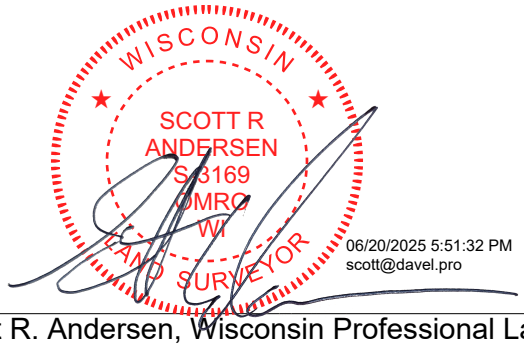
File: 8846Rezone.dwg
Date: 06/17/2025
Drafted By: scott
Sheet: 2 of 5

Rezoning Exhibit Description
AG to R-1B

Rezoning Description
Currently Zoned: AG (Agricultural District)
Proposed Zoning: R-1B (Single-Family District)

Part Lot 1 of Certified Survey Map 8575; Located in Part of the Northeast 1/4, the Southeast 1/4, the Southwest 1/4 and the Northwest 1/4 of the Northeast 1/4, and Part of the Northwest 1/4 of the Southeast 1/4, and Part of the Southeast 1/4 and the Northeast 1/4 of the Northwest 1/4; All in Section 31, Township 22 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin, containing 5,652,255 Square Feet (129.7579 Acres) of land described as follows:

Beginning at the North 1/4 Corner of Section 31, T22N, R18E; thence S89°14'14"E along the North line of the Northeast 1/4 of said Section 31, 1008.85 feet; thence S00°45'35"W, 758.76 feet; thence S89°14'25"E, 374.27 feet; S02°09'28"W, 152.77 feet; thence S04°37'10"E, 173.97 feet; thence N85°22'50"E, 223.26 feet; thence 173.23 feet along the arc of a curve to the right with a radius of 200.00 feet and a chord of 167.86 feet which bears S69°48'23"E; thence N44°17'45"E, 188.12 feet; thence S33°36'20"E, 179.82 feet; thence S03°51'35"E, 645.53 feet to the northwesterly right-of-way of County Road E; thence along said right-of-way, S43°25'55"W, 18.39 feet; thence continuing along said right-of-way, S47°41'10"W, 263.20 feet; thence continuing along said right-of-way, S43°25'30"W, 1577.05 feet; thence N86°31'27"W, 79.47 feet; thence 40.59 feet along the arc of a curve to the right with a radius of 25.00 feet and a chord of 36.28 feet which bears N17°53'33"E; thence N25°35'36"W, 80.00 feet; thence 30.14 feet along the arc of a curve to the left with a radius of 570.00 feet and a chord of 30.14 feet which bears N62°53'34"E; thence 67.73 feet along the arc of a curve to the left with a radius of 210.00 feet and a chord of 67.44 feet which bears N52°08'16"E; thence N42°53'52"E, 300.25 feet; thence N47°24'05"W, 190.38 feet; thence, N13°12'14"W, 91.42 feet; thence S53°13'57"W, 104.21 feet; thence S74°32'53"W, 37.85 feet; thence N57°38'49"W, 119.50 feet; thence N17°03'39"E, 113.72 feet; thence S85°12'51"W, 489.40 feet; thence, S75°29'06"W, 379.52 feet; thence, N81°17'40"W, 354.84 feet; thence N19°12'24"W, 253.87 feet; thence N19°30'37"E, 211.22 feet; thence N56°54'10"E, 396.00 feet; thence N14°10'31"E, 445.34 feet; thence N66°19'15"E, 257.98 feet; thence N00°01'48"W, 55.71 feet; thence N80°50'24"W, 323.50 feet; thence N77°30'34"W, 254.09 feet; thence N18°56'48"E, 224.04 feet; thence N71°03'12"W, 25.00 feet; thence S18°56'48"W, 226.87 feet; thence N77°30'34"W, 51.02 feet; thence N64°27'02"W, 289.59 feet; thence N54°07'52"W, 168.21 feet; thence N84°01'02"W, 165.96 feet; thence N42°55'16"W, 155.40 feet; thence N37°05'39"E, 454.64 feet; thence N11°24'52"E, 203.67 feet; thence N89°19'52"E, 235.24 feet; thence N00°57'06"W, 157.93 feet, thence, N02°19'20"E, 68.40 feet; thence, N89°55'45"E, 724.77 feet to the Point of Beginning. Described Area subject to all easements and restrictions of record.



Scott R. Andersen, Wisconsin Professional Land Surveyor No. S-3169

DAVEL ENGINEERING & ENVIRONMENTAL, INC.
Civil Engineers and Land Surveyors
1164 Province Terrace, Menasha, WI 54952
Ph: 920-991-1866
www.davel.pro

File: 8846Rezone.dwg
Date: 06/20/2025
Drafted By: scott
Sheet: 3 of 5

Rezoning Exhibit Description
AG to P-I

Rezoning Description

Currently Zoned: AG (Agricultural District)
Proposed Zoning: P-I (Public Institutional District)

Part Lot 1 of Certified Survey Map 8575; Located in Part of the Northeast 1/4 and the Northwest 1/4 of the Northeast 1/4; All in Section 31, Township 22 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin, containing 902,660 Square Feet (20.7222 Acres) of land described as follows:

Commencing at the North 1/4 Corner of Section 31, T22N, R18E; thence S89°14'14"E along the North line of the Northeast 1/4 of said Section 31, 1008.85 feet to the Point Of Beginning; thence S89°14'14"E, 1595.88 feet to the west right-of-way line of N. French Road; thence along said right-of-way, S02°03'43"W, 329.02 feet; thence N75°55'28"W, 659.98 feet; thence S68°13'42"W, 226.50 feet; thence S00°45'11"W, 494.69 feet; thence S43°59'11"E, 188.50 feet; thence 54.34 feet along the arc of a curve to the left, with a radius of 530.00 feet, having a chord that bears S40°21'22"W, 54.31 feet; thence S37°25'09"W, 189.64 feet; thence 116.63 feet along a curve to the left, with a radius of 200.00 feet, having a chord that bears N77°54'49"W, 114.98 feet; thence S85°22'50"W, 223.26 feet; thence N04°37'10"W, 173.97 feet; thence N02°09'28"E, 152.77 feet; thence N89°14'25"W, 374.27 feet; thence N00°45'35"E, 758.76 feet to the Point Of Beginning of the area being described. Described Area subject to all easements and restrictions of record.

WISCONSIN
SCOTT R ANDERSEN
S-3169
OMRO
WI
LAND SURVEYOR

06/20/2025 5:51:49 PM
scott@davel.pro

Scott R. Andersen, Wisconsin Professional Land Surveyor No. S-3169

DAVEL ENGINEERING & ENVIRONMENTAL, INC.
Civil Engineers and Land Surveyors
1164 Province Terrace, Menasha, WI 54952
Ph: 920-991-1866
www.davel.pro

File: 8846Rezone.dwg
Date: 06/20/2025
Drafted By: scott
Sheet: 4 of 5

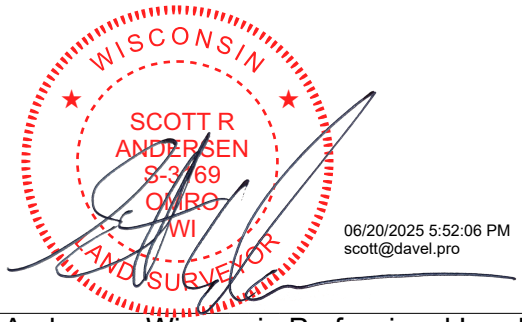
Rezoning Exhibit Description
AG to R-3

Rezoning Description

Currently Zoned: AG (Agricultural District)
Proposed Zoning: R-3 (Multi-Family District)

Part Lot 1 of Certified Survey Map 8575; Located in Part of the Northeast 1/4 and the Southeast 1/4 of the Northeast 1/4; All in Section 31, Township 22 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin, containing 889,801 Square Feet (20.4270 Acres) of land described as follows:

Commencing at the North 1/4 Corner of Section 31, T22N, R18E; thence S89°14'14"E along the North line of the Northeast 1/4 of said Section 31, 1008.85 feet; thence S89°14'14"E, 1595.88 feet to the west right-of-way line of N. French Road; thence along said right-of-way, S02°03'43"W, 329.02 feet to the Point Of Beginning; thence continuing along said right-of-way S02°03'43"W, 333.12 feet; thence continuing along said right-of-way S22°59'48"W, 80.19 feet; thence continuing along said right-of-way S16°08'10"E, 91.75 feet; thence continuing along said right-of-way S02°03'43"W, 211.23 feet to the northwesterly right-of-way of County Road "E"; thence along said northwesterly right-of-way S27°34'57"W, 274.47 feet; thence along said northwesterly right-of-way and the arc of a curve to the right 569.55 feet, with a radius 3779.83 feet, having a chord that bears S39°06'55"W, 569.01 feet; thence along said northwesterly right-of-way S43°25'55"W, 66.26 feet; thence N03°51'35"W, 645.53 feet; thence N33°36'20"W, 179.82 feet; thence S44°17'45"W, 188.12 feet; thence along the arc of a curve to the left 56.60 feet, with a radius of 200.00 feet, having a chord that bears N53°06'02"W, 56.41 feet; thence N37°25'09"E, 189.64 feet; thence along the arc of a curve to the right 54.34 feet, with a radius of 530.00 feet, having a chord that bears N40°21'22"E, 54.31 feet; thence N43°59'11"W, 188.50 feet; thence N00°45'11"E, 494.69 feet; thence N68°13'42"E, 226.50 feet; thence S75°55'28"E, 659.98 feet to the Point Of Beginning of the area being described. Described Area subject to all easements and restrictions of record.



Scott R. Andersen, Wisconsin Professional Land Surveyor No. S-3169

DAVEL ENGINEERING & ENVIRONMENTAL, INC.
Civil Engineers and Land Surveyors
1164 Province Terrace, Menasha, WI 54952
Ph: 920-991-1866
www.davel.pro

File: 8846Rezone.dwg
Date: 06/20/2025
Drafted By: scott
Sheet: 5 of 5

CITY OF
APPLETON

MEMORANDUM

Date: July 23, 2025
To: Plan Commission
From: Don Harp, Principal Planner
Subject: Preliminary Plat – Glenmore Park

GENERAL INFORMATION

Owner: Douglas Purdy, c/o Apple Hill Farms, LLC

Applicant: Jason Mroz, c/o Apple Tree, LLC

Parcel Number: 31-1-9202-00

Petitioner's Request: The owner/applicant is proposing to subdivide the property into 141 lots and 5 outlots.

Plan Commission Meeting Date: July 23, 2025

Common Council Meeting Date: August 6, 2025

BACKGROUND

December 24, 2002 – The subject area was annexed to the City.

October 9, 2023 – The subject area is part of Certified Survey Map #8575.

June 26, 2025 – The subject area is being subdivided into four lots per Certified Survey Map (CSM) #10-25 which is currently under review by staff. CSM #10-25 reflects proposed Rezoning #7-25 ensuring the entire parcel will not have multiple zoning districts upon recording of the CSM at the register of deeds office.

STAFF ANALYSIS

Associated Action Item: Rezoning #7-25 is also being presented at this July 23, 2025 Plan Commission meeting.

Purpose: The purpose of a preliminary plat is to allow a preliminary review of a proposed subdivision layout before a final plat is submitted for review and approval by the City. The preliminary plat allows the City to provide early feedback to the owner/developer on the proposed layout of the subdivision and check for consistency with zoning regulations, Comprehensive Plan, Comprehensive Outdoor Recreation Plan, Trails Master Plan, Street Design Guide, policies,

stormwater management and infrastructure requirements. The preliminary plat is not intended to be the final recordable map as changes may be needed based upon staff review comments.

Proposed Conditions: Glenmore Park consists of approximately 60.79 acres and will be divided into 141 proposed lots for residential dwellings and 5 proposed outlots for stormwater detention and for other improvements related to the subdivision.

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

- Minimum lot area: 6,000 square feet.
    - *The proposed average lot size within this development is 13,727 square feet. All lots exceed the minimum lot area requirement, except it appears Outlot 4 does not satisfy this requirement.*
- Minimum lot width: 50 feet.
    - *All lots comply with this minimum requirement, except it appears Outlot 4 does not satisfy this requirement.*
- Minimum front, side and rear yard setbacks: Twenty (20) foot front yard, Six (6) foot side yard, and Twenty-five (25) foot rear yard.
    - *Required front yard setback has been shown on the Preliminary Plat. Required setbacks will be reviewed through the building permit review process.*
- Maximum building height: Thirty-five (35) feet.
    - *This will be reviewed through the building permit review process.*
- Maximum lot coverage. Fifty percent (50%).
    - *This will be reviewed through the building permit review process.*

Compliance with the Appleton Subdivision Regulations: This subdivision complies with the Appleton Subdivision Regulations, except for the code sections listed below.

Proposed lots that are 60 feet wide or greater and exceed a 2:1 depth-to-width ratio are, in practice, comparable in both overall size and depth to lots that are less than 60 feet wide and comply with the 2:1 ratio requirement. Therefore, such lots satisfy the intent of Section 17-26(g) of the Municipal code, which is to ensure that lot configurations promote uniformity, orderly layout, and adequate accessibility. The intent of the regulation is satisfied, even if the technical lot width to depth ratio is exceeded.

It appears, Outlot 4 does not satisfy the minimum 6,000 square foot lot size requirement of the R-1B Zoning District. Also, it appears the minimum 50 foot lot width requirement of the R-1B Zoning District is not satisfied. Outlots may be conveyed regardless of whether or not it may be used as a building site for a residential dwelling unit. However, the Municipal Code specifies all lots, including outlots, shall comply with the minimum lot size and width requirement of the respective zoning district.

Analysis: Prior to Final Plat approval, Outlot 4 shall comply with Section 17-3(c)(6) and Section 23-93(g)(1) of the Municipal Code or add a note on the final plat specifying, "The lot is not buildable at this time as it does not meet the lot area and lot width (if applicable) requirements per the Appleton Municipal Code."

Per Section 17-26(c)(2) of the Municipal Code, "Double frontage lots shall not be permitted except as required by the Common Council where they are desirable to provide separation of development from traffic arterials or inharmonious uses, or to overcome disadvantages of topography or situation.

Analysis: Lots 45, 46 and 47 are double frontage lots. The creation of double frontage lots cannot be avoided because CTH "E" is governed by Outagamie County Highway Access Restrictions.

Pursuant to Section 17-3(f) of the Municipal Code, when the Common Council finds that extraordinary hardship or injustice will result from strict compliance with this ordinance, it may vary the terms thereof to the extent deemed necessary and proper to grant relief, provided that the modification meets the following three standards:

(1) The modification is due to physical features of the site or its location.
(2) The modification is the least deviation from this ordinance which will mitigate the hardship.
(3) The modification is not detrimental to the public interest and is in keeping with the general spirit and intent of this ordinance.

Based upon the above analysis for the double frontage lots, it would appear the standards established by Section 17-3(f) Modification of Regulations have been met.

Street Names and Prefixes: All proposed street names shall satisfy Section 16-36 of the Municipal Code, the City Street Name Policy and Outagamie County 911 Service regulations. The final review of street names will occur at the Final Plat Review stage.

Surrounding Zoning and Land Uses: The surrounding zoning and uses (north, south, east, and west) are generally residential and agricultural in nature.

North: City of Appleton. AG Agricultural District. The adjacent land use to the north is undeveloped land.

South: Town of Freedom. The adjacent land uses to the south are residential.

East: Town of Freedom. The adjacent land uses to the east are residential.

West: City of Appleton. NC Nature Conservancy District. The adjacent land use to the west is YMCA of the Fox Cities "Bruce B. Purdy Nature Preserve".

Appleton Comprehensive Plan 2010-2030: The City of Appleton 2010-2030 Comprehensive Plan Map identifies the subject area as future one/two family residential, multifamily residential, public park and open space and ponds/water. The proposed rezoning appears to be consistent with the following goals and objectives of the *Comprehensive Plan 2010-2030*.

Goal 1 – Community Growth
Appleton will continue to provide opportunities for residential, commercial, and industrial growth, including appropriate redevelopment sites within the downtown and existing neighborhoods, and greenfield development sites at the City's edge.

Goal 3 – Housing Quality, Variety, and Affordability
Appleton will provide a variety of rental and ownership housing choices in a range of prices affordable to community residents, and ensure that existing housing is adequately maintained in terms of physical quality and market viability.

OBJECTIVE 5.3 Housing and Neighborhoods:
Provide a range of housing options that meet the needs and appeal to all segments of the community and allows residents to age in place.

Policy 5.3.3 Plan for a supply of developable land suitable for residential development.

7.1 OBJECTIVE: Provide a pattern of development that minimizes impacts to municipal services and utilities.

OBJECTIVE 10.1 Land Use:
Provide an adequate supply of suitable land meeting the demand for development of various land uses.

Dedication of Public Parks and/or Trails or Payment Fee in Lieu Thereof: The City of Appleton Official Map, Appleton Trails Master Plan, Comprehensive Outdoor Recreation Plan and the City of Appleton 2010-2030 Comprehensive Plan Future Land Use Map recommend the need for public parkland within the boundary lines of parcel #31-1-9202-00. The preliminary plat does not identify any outlot(s) or easement(s) dedicated to the public for parkland. However, when Glenmore Reserve Plat located north of this plat boundary line is submitted to the City, the applicant intends to dedicate land for park purposes at that time.

Development Review Team (DRT) Report: This item appeared on the following internal staff meeting agendas:

June 17, 2025 and July 1, 2025 – DRT Agenda

Comments pertaining to stormwater management, drainage, erosion control, utilities, street design, parkland dedication, plat layout and other technical requirements have been received from participating departments and captured in the stipulations found below. Staff comments have been submitted to the applicant by a separate email by staff.

FUTURE ACTIONS

An approved Preliminary Plat shall be deemed an expression of approval or conditional approval of the plat layout and used as a guide in the preparation of the Final Plat which will be subject to further consideration by the Plan Commission and Common Council.

The Final Plat materials shall be submitted within 36 months of last required approving authority of the Preliminary Plat, pursuant to Section 17-6(d) of the Municipal Code.

RECOMMENDATION

The Preliminary Plat for Glenmore Park, **BE APPROVED** subject to the following conditions and as shown on the attached maps:

1. Grant relief from the double frontage lot requirements for proposed Lots 45, 46 and 47, per Section 17-26(c)(2) of the Municipal Code and as stated in the staff report.

2. The Preliminary Plat comments and conditions, including but not limited to, preliminary plat data, engineering feasibility plan – sanitary sewer, water, storm sewer, traffic, streets and intersections, stormwater & environmental – navigable waterways and shoreland zoning, wetlands, and city stormwater permit/SWMP/H&H Modeling, provided by the Department of Public Works, Engineering Division, Parks and Recreation Department, Community Development Department and the Appleton Fire Department dated July 17, 2025 shall be addressed by owner/applicant to the satisfaction of the respective City staff prior to City staff accepting and filing the final plat with the City Clerk's Office.

3. The Erosion & Sediment Control Plan shall be approved for each phase of the development by the Erosion Control Inspector prior to construction.

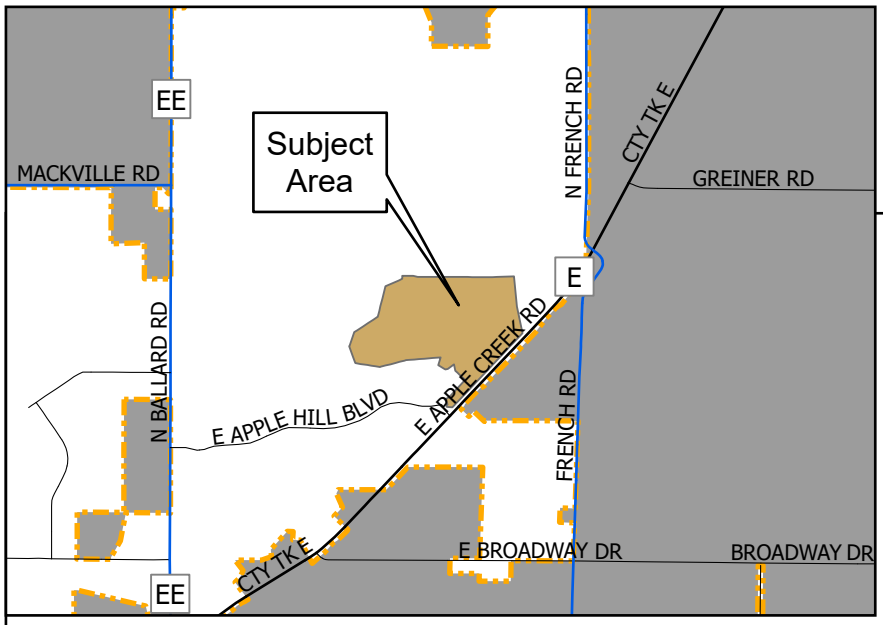
4. A Development Agreement is required between the City and owner/developer that identifies the duties and responsibilities with respect to the development of the subject land. The applicant and owner, Community Development Director, Public Works Director, City Engineer, City Attorney, and other applicable staff shall discuss the preparation and process of this agreement. City signatures will not be affixed to the Final Plat until the Development Agreement is executed by the owner/developer. All improvements for the Glenmore Park Plat shall be completed under the terms and conditions of said development agreement.

5. City signatures shall not be affixed to the Final Plat until objecting authorities, including but not limited to, the Department of Administration and Outagamie County review and notify the City that they do not object to the Final Plat.

6. All approvals and permits for development must be obtained from all appropriate regulatory agencies prior to construction.

7. The owner/applicant shall submit to the City the Final Plat within 36 months after the last required approval of the Preliminary Plat. If the Final Plat is not submitted within said 36 months, the City (and any other approving authority) may refuse to approve the Final Plat and shall recommence the procedure for Preliminary Plat approval or may extend the time for submission of the Final Plat.

Preliminary Plat
Glenmore Park
Zoning/Vicinity Map



1-9202

AG

NC

Subject Area

R-1B
1-8303-25

E APPLE CREEK RD

EVERGREEN LA

CITY LIMITS

Town of Freedom

E APPLE HILL BLVD

CLINE WAY

1-9203-3
1-9203-4
1-9203-5
1-9203-6
1-9203-7
1-9203-8
1-8303-28
1-9200-89
1-9200-90
1-9200-91
1-9200-92

R-1B

C-2

2912
2924
3000
3010
3020
3230
3015
3025

City Plan Commission
7-23-2025

N

0 145 290 580 Feet

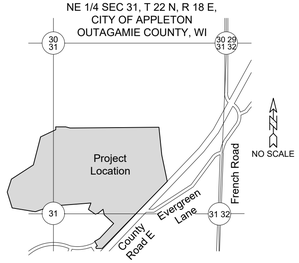
Preliminary Plat of

Glenmore Park

Part of Lot 1 of Certified Survey Map 8575, being Part of the Northwest 1/4, the Northeast 1/4, the Southwest 1/4 and the Southeast 1/4 of the Northeast 1/4; Part of the Southeast 1/4 of the Northwest 1/4; and Part of the Northwest 1/4 of the Southeast 1/4; All in Section 31, Township 22 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin.

LOCATION MAP

NE 1/4 SEC 31, T 22 N, R 18 E,
CITY OF APPLETON
OUTAGAMIE COUNTY, WI



LINE TABLE		
Line	Bearing	Length
L1	N 00°01'48" W	41.90'
L2	S 77°23'23" E	64.03'
L3	N 86°31'27" W	79.47'
L4	N 25°35'36" W	80.00'
L5	N 47°24'05" W	92.04'
L6	N 13°12'14" W	91.42'
L7	S 53°13'57" W	104.21'
L8	S 74°32'53" W	37.85'
L9	N 17°03'39" E	113.72'

CURVE TABLE							
Curve	Radius	Chord Direction	Chord Length	Arc Length	Central Angle	Tangent Bearing-in	Tangent Bearing-out
C1	25.00'	N 17°53'33" E	36.28'	40.59'	93°01'49"	N 28°37'21" W	N 64°24'28" E
C2	570.00'	N 62°53'34" E	30.14'	30.14'	3°01'48"	N 64°24'28" E	N 61°22'40" E
C3	210.00'	N 52°08'16" E	67.44'	67.73'	18°28'48"	N 61°22'40" E	N 42°53'52" E

SURVEYOR'S CERTIFICATE

I, Scott R. Andersen, hereby certify that this Preliminary Plat is a correct representation of all existing land divisions and features, and that I have complied with the preliminary plat requirements for the **City of Appleton**.

WISCONSIN SCOTT R ANDERSEN S-3169 AMRO SURVEYOR
06/19/2025 9:43:36 AM
scott@davel.pro

Scott R. Andersen, P.L.S. No. S-3169 Date

Sanitary Structures						
Structure	#	Rim	Inv	Size	Material	Direction
MH	1	775.01	740.62	18"	PVC	NW
			740.59	18"	PVC	SE
			740.87	8"	PVC	W
			759.82	8"	PVC	W
MH	2	785.71	768.91	8"	PVC	W
			740.91	8"	PVC	W
			740.91	18"	PVC	SE
			740.91	18"	PVC	NE
MH	3	786.53	773.11	8"	PVC	W
			773.09	8"	PVC	E
MH	4	806.17	791.14	8"	PVC	NE
MH	5	803.32	791.90	8"	PVC	SW
			792.13	8"	PVC	NW
MH	6	808.19	793.15	8"	PVC	NW
			793.00	8"	PVC	SE

Storm Structures						
Structure	#	Rim	Inv	Size	Material	Direction
MH	A	786.66	780.99	21"	RCP	NW
			780.96	12"	PVC	SW
MH	B	786.75	780.62	42"	RCP	N
			780.70	12"	PVC	E
			780.65	21"	RCP	SE
			780.65	42"	RCP	SW
MH	C	786.29	780.60	12"	PVC	W
			780.46	12"	PVC	SE
MH	D	786.71	780.08	42"	RCP	NE
			780.11	42"	RCP	S

SUPPLEMENTARY DATA
Total Area = 2,648,357 SF 60.7979 acres
R/W Area = 465,695 SF 10.6909 acres
Net Area = 2,182,662 SF 50.1070 acres
Number of Lots = 141 and 5 Outlots
Average lot size = 13,727 SF
Lineal feet of street = 7,483 LF
Existing zoning = AG
Proposed zoning = R-1B
Approving Authorities
City of Appleton
Objecting Authorities
Department of Administration
NOTES
- Utility and Drainage Easements will be shown on Final Plat
- Front Setback is mapped as 20'

Bearings are referenced to the West line of the Northeast 1/4, Section 31, T22N, R18E, assumed to bear S02°07'58"W, base on the Outagamie County Coordinate System.

LEGEND

- Overhead Utility Lines
- Utility Guy Wire
- Sanitary Sewer (Pipe Size)
- Storm Sewer (Pipe Size)
- Water Main (Pipe Size)
- Treeline
- Culvert
- Index Contour - Existing
- Intermediate Contour - Existing
- Sanitary MH / Tank / Base
- Storm Manhole
- Inlet
- Hydrant
- Utility Valve
- Utility Pole
- Light Pole / Signal
- Guy Wire
- +799.9 Ex Spot Elevation
- Sign
- Post / Guard Post
- Deciduous Tree
- Coniferous Tree
- Bush / Hedge
- Benchmark
- Asphalt Pavement
- Concrete Pavement
- Gravel
- ¾" Rebar Found
- 1" Iron Pipe Found
- Government Corner

DAVEL ENGINEERING & ENVIRONMENTAL, INC.
Civil Engineers and Land Surveyors
1164 Province Terrace, Menasha, WI 54952
Ph: 920-991-1666
www.davel.pro

PRELIMINARY PLAT

Glenmore Park
City of Appleton, Outagamie County, WI
For: Apple Tree

Date: 06/19/2025
Filename: 8846Plat.dwg
Author: SRA
Last Saved by: scott
Page 1 of 1

Jun 19, 2025 - 09:42 AM J:\Projects\8846opp\dwg\Civil 3D\8846Plat.dwg Printed by: scott

CITY OF
APPLETON

MEMORANDUM

Date: July 23, 2025
To: Plan Commission
From: Lindsey Smith, Principal Planner
Subject: Preliminary Plat – Mission Ridge North

GENERAL INFORMATION

Owner/Applicant: Dewitt Development Partners LLC, Scott Dewitt

Parcel Numbers: 31-1-8310-00, 31-1-8310-01, and 31-1-8310-02

Petitioner's Request: The owner/applicant is proposing to subdivide the property into 126 lots and 5 outlots.

Plan Commission Meeting Date: July 23, 2025

Common Council Meeting Date: August 6, 2025

BACKGROUND

May 28th, 2025 – The subject parcels were annexed into the City of Appleton.

June 23rd, 2025 – The subject parcels were rezoned from AG, Agricultural District to R-2, Two Family District.

STAFF ANALYSIS

Purpose: The purpose of a preliminary plat is to allow a preliminary review of a proposed subdivision layout before a final plat is submitted for review and approval by the City. The preliminary plat allows the City to provide early feedback to the owner/developer on the proposed layout of the subdivision and check for consistency with zoning regulations, Comprehensive Plan, Comprehensive Outdoor Recreation Plan, Trails Master Plan, Street Design Guide, policies, stormwater management and infrastructure requirements. The preliminary plat is not intended to be the final recordable map as changes may be needed based upon staff review comments.

Proposed Conditions: Mission Ridge North Plat consists of 72.29 acres and will be divided into 126 proposed residential lots.

Zoning Ordinance Review Criteria: R-2 Two-Family District lot development standards (Section 23-95, Chapter 23 Zoning Code) are as follows:

- Minimum lot area: Nine thousand (9,000) square feet.

    - *The proposed average lot size within this development is 16,057 square feet. All lots exceed the minimum lot area requirement*.

- Minimum lot width: Seventy (70) feet.

    - *All lots comply with this minimum requirement.*

- Minimum front, side and rear yard setbacks: Twenty (20) foot front yard, Six (6) foot side yard, and Twenty-five (25) foot rear yard.

    - *Required front yard setback has been shown on the Preliminary Plat. Required setbacks will be reviewed through the building permit review process.*

- Maximum building height: Thirty-five (35) feet.

    - *This will be reviewed through the building permit review process.*

- Maximum lot coverage. Sixty percent (60%).

    - *This will be reviewed through the building permit review process.*

Compliance with the Appleton Subdivision Regulations: This subdivision complies with the Appleton Subdivision Regulations, except for the code sections listed below.

- Proposed lots that are 60 feet wide or greater and exceed a 2:1 depth-to-width ratio are, in practice, comparable in both overall size and depth to lots that are less than 60 feet wide and comply with the 2:1 ratio requirement. Therefore, such lots satisfy the intent of Section 17-26(g) of the Municipal code, which is to ensure that lot configurations promote uniformity, orderly layout, and adequate accessibility. The intent of the regulation is satisfied, even if the technical lot width to depth ratio is exceeded.

- Subdivided lots shall have at least fifty (50) percent of the minimum required lot area, based upon the respective zoning district, at least two (2) feet above the elevation of the one hundred (100) year reoccurrence interval flood per Section 17-26(i)(1) of the Subdivision Ordinance.

    Analysis: Lots 1-8, Outlots 4 are located in floodfringe areas and will be removed from floodplain by filling. This requirement and placement of fill will be reviewed and verified through the building permit review process for new home construction on the applicable lots.

- It appears, Outlot 2 does not satisfy the minimum 7,000 square foot lot size requirement of the R-2 Zoning District. Outlot 1 and 2 does not comply with Section 17-26(f) requiring corner lots to be sufficient width to provide usable rear yard. Prior to Final Plat approval, Outlot 1 and 2 shall comply with Section 17--3(c)(6), 23-95(g),and 17-26(f) of the Municipal Code or add a note on the plat specifying, “the lot is not buildable at this time as it does not meet the requirements per the Appleton Municipal Code.”

Street Names and Prefixes: All roads shall meet Section 16-36 of the Municipal Code, the Street Name Policy, and Outagamie County 911 Service regulations. The final review of street names will occur at the Final Plat Review stage.

Surrounding Zoning and Land Uses: The surrounding zoning and uses (north, south, east, and west) are generally residential in nature with a small portion being commercial.

North: Town of Grand Chute. The adjacent land uses to the north are residential and undeveloped land.

South: City of Appleton. R-1B Single-family, AG Agricultural District, and P-I Public Institutional. The adjacent land uses to the south are residential, undeveloped, and future North Lightning Drive right-of-way.
Town of Grand Chute. The adjacent land use to the south is undeveloped land.

East: Town of Grand Chute. The adjacent land use to the east is undeveloped land.

West: City of Appleton. R-1B Single-family. The adjacent land use to the west is residential.

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

Goal 1 – Community Growth
Appleton will continue to provide opportunities for residential, commercial, and industrial growth, including appropriate redevelopment sites within the downtown and existing neighborhoods, and greenfield development sites at the City's edge.

Goal 3 – Housing Quality, Variety, and Affordability
Appleton will provide a variety of rental and ownership housing choices in a range of prices affordable to community residents, and ensure that existing housing is adequately maintained in terms of physical quality and market viability.

OBJECTIVE 5.3 Housing and Neighborhoods:
Provide a range of housing options that meet the needs and appeal to all segments of the community and allows residents to age in place.

Policy 5.3.3 Plan for a supply of developable land suitable for residential development.

OBJECTIVE 10.1 Land Use:
Provide an adequate supply of suitable land meeting the demand for development of various land uses.

Dedication of Public Parks and/or Trails or Payment Fee in Lieu Thereof: The City of Appleton Trail Master Plan (2017), and amended in 2020, proposed network map identifies a proposed trail within Outlot 3. However, Parks and Recreation staff are uncertain if TC Energy will authorize the City to construct a public trail within the gas line easement. The City recommends a 30' easement being shown for future trail rather than dedication of Outlot 3.

The Appleton Subdivision Regulations require parkland dedication or fee in lieu thereof for dwelling units proposed in a plat. As a result, the City will collect a park fee in the amount of $1,100.00 per dwelling unit proposed within the Mission Ridge North subdivision from the landowner upon the issuance of a building permit pursuant to Section 17-29(f) of the Municipal Code.

Development Review Team (DRT) Report: This item appeared on the following internal staff meeting agendas:

Comments pertaining to stormwater management, drainage, erosion control, utilities, street design, parkland dedication, plat layout and other technical requirements have been received from participating departments and captured in the stipulations found below. Staff comments have been submitted to the applicant by a separate email by staff.

FUTURE ACTIONS

An approved Preliminary Plat shall be deemed an expression of approval or conditional approval of the plat layout and used as a guide in the preparation of the Final Plat which will be subject to further consideration by the Plan Commission and Common Council.

The Final Plat materials shall be submitted within 36 months of last required approving authority of the Preliminary Plat, pursuant to Section 17-6(d) of the Municipal Code. If the Final Plat materials for all of Mission Ridge North Preliminary Plat are not submitted within the 36-month timeframe, the developer is required to recommence the procedure for Preliminary Plat approval per Section 17-6(d).

RECOMMENDATION

The Preliminary Plat for Mission Ridge North, **BE APPROVED** subject to the following conditions and as shown on the attached maps:

1. The Preliminary Plat comments and conditions including but not limited to preliminary plat data, engineering feasibility plan – sanitary sewer, water, storm sewer, traffic, streets and intersections, stormwater & environmental – City Stormwater Permit/Stormwater Management Plan, hydrologic and hydraulic modeling, floodplain, provided by the Department of Public Works, Engineering Division, Parks and Recreation Department, Community Development Department and the Appleton Fire Department dated July 16, 2025 shall be addressed by owner/applicant to the satisfaction of the respective City staff prior to City staff accepting and filing the final plat with the City Clerk's Office.

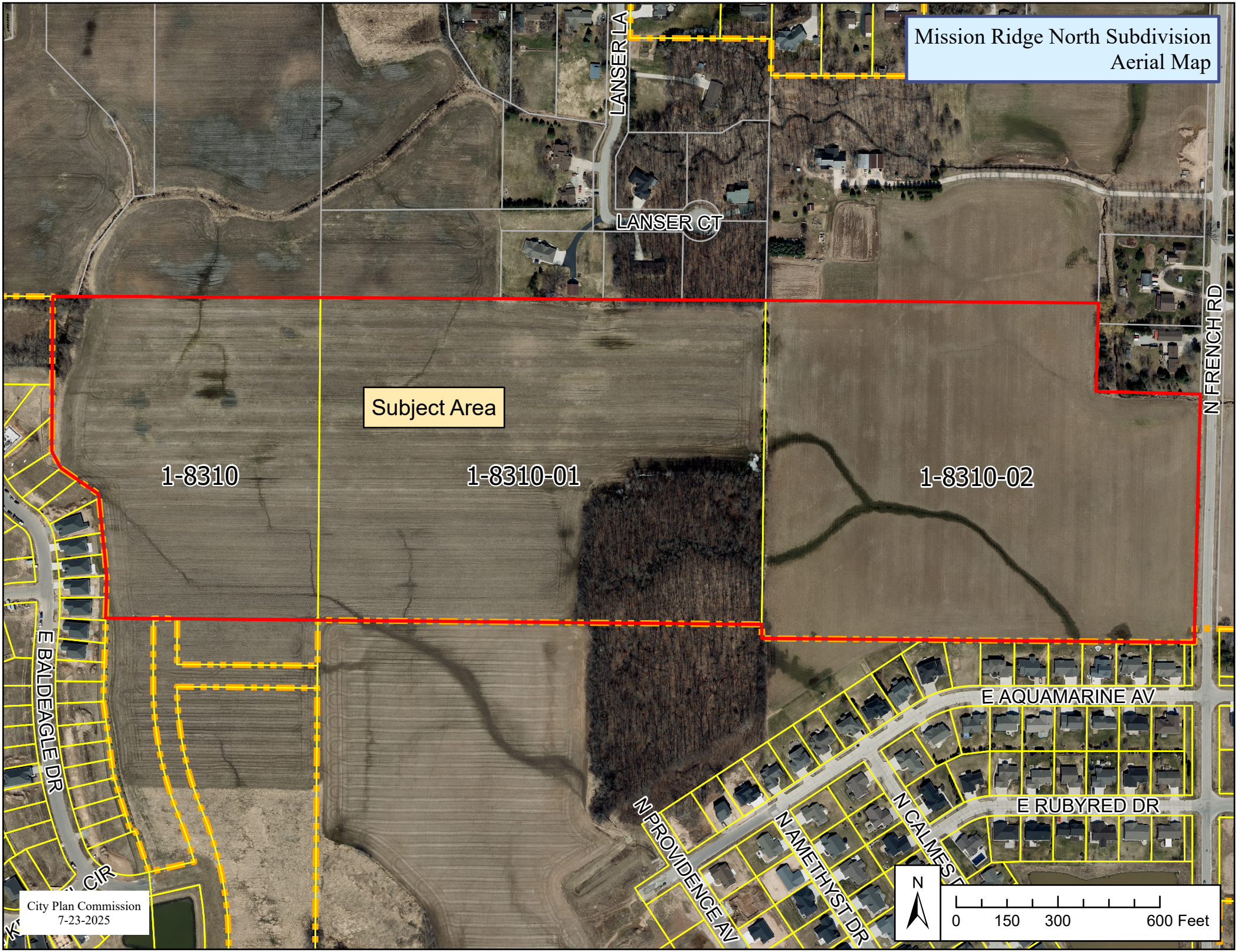
2. The Erosion & Sediment Control Plan shall be approved for each phase of the development by the Erosion Control Inspector prior to construction.

3. A Development Agreement is required between the City and owner/developer that identifies the duties and responsibilities with respect to the development of the subject land. The applicant and owner, Community Development Director, Public Works Director, City Engineer, City Attorney, and other applicable staff shall discuss the preparation and process of this agreement. City signatures will not be affixed to the Final Plat until the Development Agreement is executed by the owner/developer. All improvements for the Mission Ridge North Plat shall be completed under the terms and conditions of said development agreement.

4. City signatures shall not be affixed to the Final Plat until objecting authorities including but not limited to the Department of Administration and Outagamie County review and notify the City that they do not object to the Final Plat.

5. All approvals and permits for development must be obtained from all appropriate regulatory agencies prior to construction.

6. The owner/applicant shall submit to the City the Final Plat within 36 months after the last required approval of the Preliminary Plat. If the Final Plat is not submitted within said 36 months, the City (and any other approving authority) may refuse to approve the Final Plat and shall recommence the procedure for Preliminary Plat approval or may extend the time for submission of the Final Plat.


Mission Ridge North Subdivision
Aerial Map
LANSER LA
LANSER CT
N FRENCH RD
Subject Area
1-8310
1-8310-01
1-8310-02
E BALDEAGLE DR
E AQUAMARINE AV
E RUBYRED DR
N PROVIDENCE AV
N AMETHYST DR
N
0
150
300
600 Feet
City Plan Commission
7-23-2025

Preliminary Plat of

Mission Ridge North Subdivision

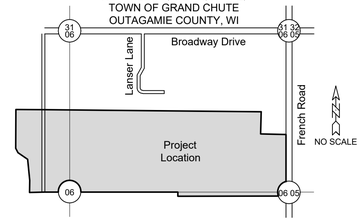
Part of the Southeast 1/4 of the Fractional Northeast 1/4 and All of the Southwest 1/4 of the Fractional Northeast 1/4 and part of the Southeast 1/4 of the Fractional Northwest 1/4 and part of the Northeast 1/4 of the Southeast 1/4, ALL of Section 6, Township 21 North, Range 18 East, Town of Grand Chute (planned annex to the City of Appleton), Outagamie County, Wisconsin

80 0 80 160 240

Bearings are referenced to the Outagamie County coordinate system

LINE TABLE		
Line	Bearing	Length
L1	S 00°02'25" E	41.27'
L2	N 01°36'33" E	119.15'
L3	N 05°33'54" W	247.09'
L4	N 55°27'06" W	135.41'
L5	N 28°25'33" W	55.45'





SUPPLEMENTARY DATA

Total Area = 3,149,161 SF 72.2948 acres
R/W Area = 531,349 SF 12.1981 acres (not including proposed Lightning Drive R/W)
Net Area = 2,617,812 SF 60.0967 acres
Number of Lots = 126 and 5 Outlots
Average lot size = 16,057 SF
Typical lot dimension = 89'x 130'
Lineal feet of street = 8,838 LF
Existing zoning = AGD (General Agricultural District)
Proposed zoning = R-2 (Single-Family District)
Approving Authorities
City of Appleton (to be annexed)
Objecting Authorities
Department of Administration
NOTES
- Utility and Drainage Easements will be shown on Final Plat

BENCHMARKS (NAVD88, Per City of Appleton)

BM 1 Fire Hydrant,Shoulder(#2969)
West R/W of French Rd.
Elev 755.99'

BM 2 Fire Hydrant,Shoulder(#2968)
±700' S of BM 1, West R/W of French Rd.
Elev 752.42'

BM 3 Fire Hydrant,Shoulder(#3991)
±180' West of the End of Lightning Drive
Elev 766.48'

BM 4 Fire Hydrant,Shoulder
West R/W, at the End of Lightning Drive
Elev 764.70'

Horizontal Control			
PN8615 - (Town of Grand Chute)			
2024-12-02			
Davel Engineering and Environmental			
Horizontal Control (per Outagamie County Coordinate System)			
Point Number	Northing	Easting	Description
500	584715.50	841358.70	CPT MAG
501	585362.01	841372.99	CPT MAG
502	585948.15	839856.61	CPT MAG
505	584592.06	837952.20	CPT MAG
506	585789.48	836394.25	CPT MAG

Storm Structures

Structure	#	Rim	Inv	Size	Material	Direction
MH	A	761.51	757.09	15"	RCP	N
			756.99	15"	RCP	E
CB	B	747.34	744.50	12"	PVC	S
MH	C	751.21	743.36	12"	PVC	N

Sanitary Structures

Structure	#	Rim	Inv	Size	Material	Direction
MH	1	760.85	747.91	12"	PVC	N
			747.91	12"	PVC	S
MH	2	761.68	748.68	8"	PVC	E
			748.52	10"	PVC	N
			748.52	12"	PVC	S
MH	3	750.09	733.26	30"	PVC	N
			733.26	30"	PVC	S
MH	4	750.86	733.79	30"	PVC	N
			733.79	30"	PVC	S
MH	5	753.03	734.42	30"	PVC	N
			734.42	30"	PVC	S

SURVEYOR'S CERTIFICATE

I, Scott R. Andersen, hereby certify that this Preliminary Plat is a correct representation of all existing land divisions and features, and that I have complied with the preliminary plat requirements for the **City of Appleton**.

SCOTT R ANDERSEN S-3169 WISCONSIN LAND SURVEYOR
06/11/2025 4:20:34 PM scott@davel.pro

Scott R. Andersen, P.L.S. No. S-3169 Date

LEGEND

- Underground Cable TV
- Underground Fiber Optic
- Overhead Utility Lines
- Utility Guy Wire
- Sanitary Sewer (Pipe Size)
- Storm Sewer (Pipe Size)
- Underground Electric
- Underground Gas Line
- Underground Telephone
- Water Main (Pipe Size)
- Fence - Steel
- Fence - Wood
- Fence - Barbed Wire
- Treeline
- Index Contour - Existing
- Intermediate Contour - Existing
- Delineated Wetlands
- Sanitary MH / Tank / Base
- Clean Out / Pull Box
- Storm Manhole
- Inlet
- Catch Basin / Yard Drain
- Water MH / Well
- Curb Stop
- Hydrant
- Utility Valve
- Utility Meter
- Utility Pole
- Light Pole / Signal
- Guy Wire
- Electric Pedestal
- Electric Transformer
- Electric Manhole
- Telephone Pedestal
- Telephone Manhole
- +799.9 Ex Spot Elevation
- CATV Pedestal
- Gas Regulator
- Sign
- Post / Guard Post
- Large Rock
- Deciduous Tree
- Coniferous Tree
- Bush / Hedge
- Stump
- Soil Boring
- Benchmark
- Asphalt Pavement
- Concrete Pavement
- Gravel
- 1¼" Rebar Found
- 1" Iron Pipe Found

DAVEL ENGINEERING & ENVIRONMENTAL, INC.
Civil Engineers and Land Surveyors
1164 Province Terrace, Menasha, WI 54952
Ph: 920-991-1666 Fax: 920-441-0804
www.davel.pro

Jun 11, 2025 – 04:20 PM J:\Projects\8615dev\dwg\Civil 3D\8615Plat.dwg Printed by: scott

PRELIMINARY PLAT

Mission Ridge North Subdivision
Town of Grand Chute, Outagamie County, WI
For: DeWitt Development LLC

Date: 06/11/2025
Filename: 8615Plat.dwg
Author: SRA
Last Saved by: scott
Page 1 of 2

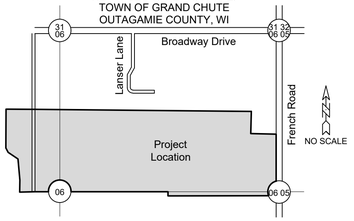
Preliminary Plat of

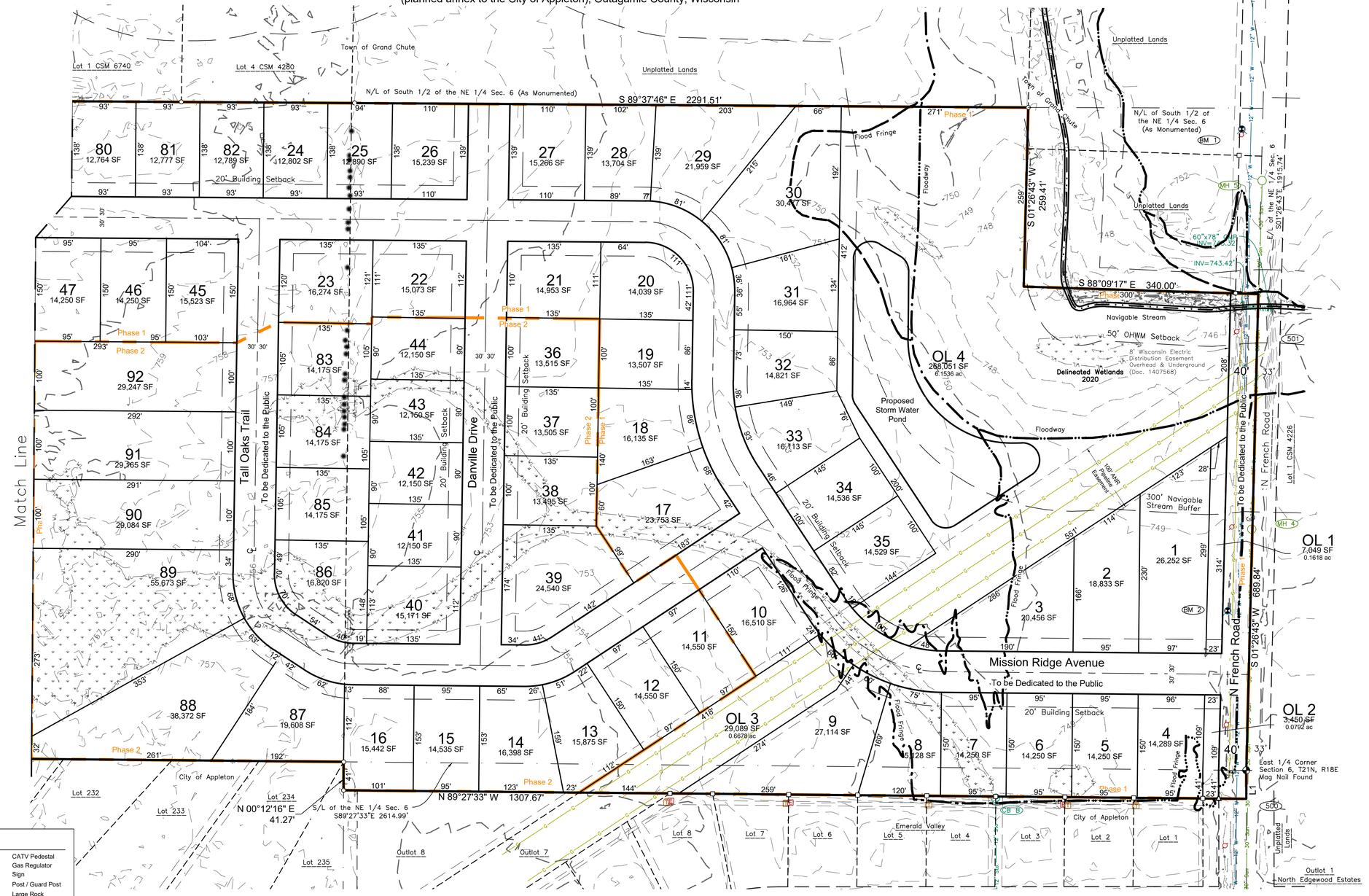
Mission Ridge North Subdivision

Part of the Southeast 1/4 of the Fractional Northeast 1/4 and All of the Southwest 1/4 of the Fractional Northeast 1/4 and part of the Southeast 1/4 of the Fractional Northwest 1/4 and part of the Northeast 1/4 of the Southeast 1/4, ALL of Section 6, Township 21 North, Range 18 East, Town of Grand Chute (planned annex to the City of Appleton), Outagamie County, Wisconsin

LOCATION MAP

NE 1/4 SEC 6, T 21 N, R 18 E,
TOWN OF GRAND CHUTE
OUTAGAMIE COUNTY, WI





SURVEYOR'S CERTIFICATE

I, Scott R. Andersen, hereby certify that this Preliminary Plat is a correct representation of all existing land divisions and features, and that I have complied with the preliminary plat requirements for the **City of Appleton**.

WISCONSIN SCOTT R ANDERSEN S-3169 DAVEL WI LAND SURVEYOR 06/11/2025 3:15:58 PM scott@davel.pro

Scott R. Andersen, P.L.S. No. S-3169 Date

LEGEND

- Underground Cable TV
- Underground Fiber Optic
- Overhead Utility Lines
- Utility Guy Wire
- Sanitary Sewer (Pipe Size)
- Storm Sewer (Pipe Size)
- Underground Electric
- Underground Gas Line
- Underground Telephone
- Water Main (Pipe Size)
- Fence - Steel
- Fence - Wood
- Fence - Barbed Wire
- Treeline
- Index Contour - Existing
- Intermediate Contour - Existing
- Delineated Wetlands
- Sanitary MH / Tank / Base
- Clean Out / Pull Box
- Storm Manhole
- Inlet
- Catch Basin / Yard Drain
- Water MH / Well
- Curb Stop
- Hydrant
- Utility Valve
- Utility Meter
- Utility Pole
- Light Pole / Signal
- Guy Wire
- Electric Pedestal
- Electric Transformer
- Electric Manhole
- Telephone Pedestal
- Telephone Manhole
- +799.9 Ex Spot Elevation
- CATV Pedestal
- Gas Regulator
- Sign
- Post / Guard Post
- Large Rock
- Deciduous Tree
- Coniferous Tree
- Bush / Hedge
- Stump
- Soil Boring
- Benchmark
- Asphalt Pavement
- Concrete Pavement
- Gravel
- 1½" Rebar Found
- 1" Iron Pipe Found

80 0 80 160 240

Bearings are referenced to the Outagamie County coordinate system

DAVEL ENGINEERING & ENVIRONMENTAL, INC.
Civil Engineers and Land Surveyors
1164 Province Terrace, Menasha, WI 54952
Ph: 920-991-1666 Fax: 920-441-0804
www.davel.pro

Jun 11, 2025 - 03:15 PM J:\Projects\8615dev\dwg\Civil 3D\8615Plat.dwg Printed by: scott

PRELIMINARY PLAT

Mission Ridge North Subdivision
Town of Grand Chute, Outagamie County, WI
For: DeWitt Development LLC

Date:	06/11/2025
Filename:	8615Plat.dwg
Author:	SRA
Last Saved by:	scott
Page	2 of 2

CITY OF APPLETON

MEMORANDUM

Date: July 23, 2025
To: City Plan Commission
From: Colin Kafka, Principal Planner
Subject: Street Discontinuance to Vacate a Portion of N. Oneida Street Right-of-Way and All of Unnamed Historic Alley Right-of-Way

---

GENERAL INFORMATION

Owner/Applicant: City of Appleton / Tom Kromm, Department of Public Works

Location: Part of North Oneida Street and all of unnamed historic alley, located south of E. Franklin Street and north of E. Washington Street

Owner/Applicant's Request: The applicant is requesting a street discontinuance to vacate a portion of North Oneida Street right-of-way and all of unnamed historic alley right-of-way.

Municipal Services Committee Meeting Date: July 21, 2025

Plan Commission Meeting Date: July 23, 2025

Common Council Meeting Date – Initial Resolution: August 6, 2025

Common Council Meeting Date – Public Hearing (40-day waiting period): September 17, 2025

BACKGROUND

In 2024, Valley Transit (City of Appleton) was the recipient of a Federal Transit Administration (FTA) grant to redevelop parcel #31-2-0393-00 (Valley Transit Center) and parcel #31-2-0384-00 (vacant parcel) into a mixed-use development. The redevelopment proposes to include N. Oneida St right-of-way located south of E. Franklin Street and north of E. Washington Street.

While preparing the exhibit map and legal description for the street vacation, a title search revealed that the unnamed alley located on parcel #31-2-0393-00 (Valley Transit Center) had not been formally vacated despite development of the transit center over it. The unnamed alley is included in the street vacation to ensure its official vacation with the Register of Deeds.

STAFF ANALYSIS

Title to Vacated Street: When vacated, the land reverts to its original source, which in this case includes the parcels located adjacent to the proposed vacation area. Consequently, title to the street segment being vacated would belong to the following adjoining property owner(s):

- The owner of parcel #31-2-0397-00 (City of Appleton – Library Site) would acquire a vacated part of N. Oneida Street right-of-way totaling approximately 9,983 square feet.
- The owner of parcel #31-2-0384-00 (City of Appleton – vacant parcel) would acquire vacated part of N. Oneida Street right-of-way totaling approximately 3,195 square feet.
- The owner of parcel #31-2-0393-00 (City of Appleton – Valley Transit Center) would acquire vacated part of N. Oneida Street right-of-way totaling approximately 6,788 square feet.

In addition, title to the alley segment being vacated would belong to the following adjoining property owner(s):

- The owner of parcel #31-2-0393-00 (City of Appleton – Transit Center) would acquire vacated part of unnamed historic alley right-of-way totaling approximately 1,165 square feet.
- The owner of parcel # 31-2-0387-00 (City of Appleton – Parking Ramp) would acquire vacated part of unnamed historic alley right-of-way totaling approximately 1,165 square feet.

Existing Public Utilities: The City will retain an easement for any existing utilities within the entire length and width of the vacated North Oneida Street right-of-way. The easement is captured in the attached Initial Resolution. The City will not retain an easement for any existing utilities within the entire length and width of the vacated unnamed historic alley right-of-way. The easement release is captured in the attached Initial Resolution.

Street Right-of-Way Width: This portion of North Oneida Street is approximately 60 feet wide. The unnamed historic alley is 14 feet wide.

Street Classification: The City's Arterial/Collector Plan Map identifies North Oneida Street as a local street.

Surrounding Zoning and Land Uses: The surrounding area is under the jurisdiction of the City of Appleton (north, south, east, and west). The uses are generally mixed-use and institutional in nature.

North: CBD Central Business District. The adjacent land uses to the north are residential and institutional.

South: CBD Central Business District. The adjacent land use to the south is mixed-use.

East: CBD Central Business District. The adjacent land use to the east is a parking ramp.

West: CBD Central Business District. The adjacent land use to the west is the Appleton Public Library.

Comprehensive Plan 2010-2030: The City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map identifies this area with a future Central Business District. The proposed street vacation is consistent with the following excerpts from the *Comprehensive Plan 2010-2030*.

OBJECTIVE 6.8 Transportation:
Implement transportation improvements which also support the City's desired land use, housing and neighborhood goals, objectives, and policies.

POLICY 5.2.3 Encourage and facilitate renovation and redevelopment that preserves and enhances the viability of existing housing and neighborhoods.

Strategies from Chapter 14:

3.6 Enhance the image of downtown north of College Avenue.

3.8 Promote a broad spectrum of residential housing types within the downtown study area.

4.8 Support private sector efforts to redevelop and invest in downtown.

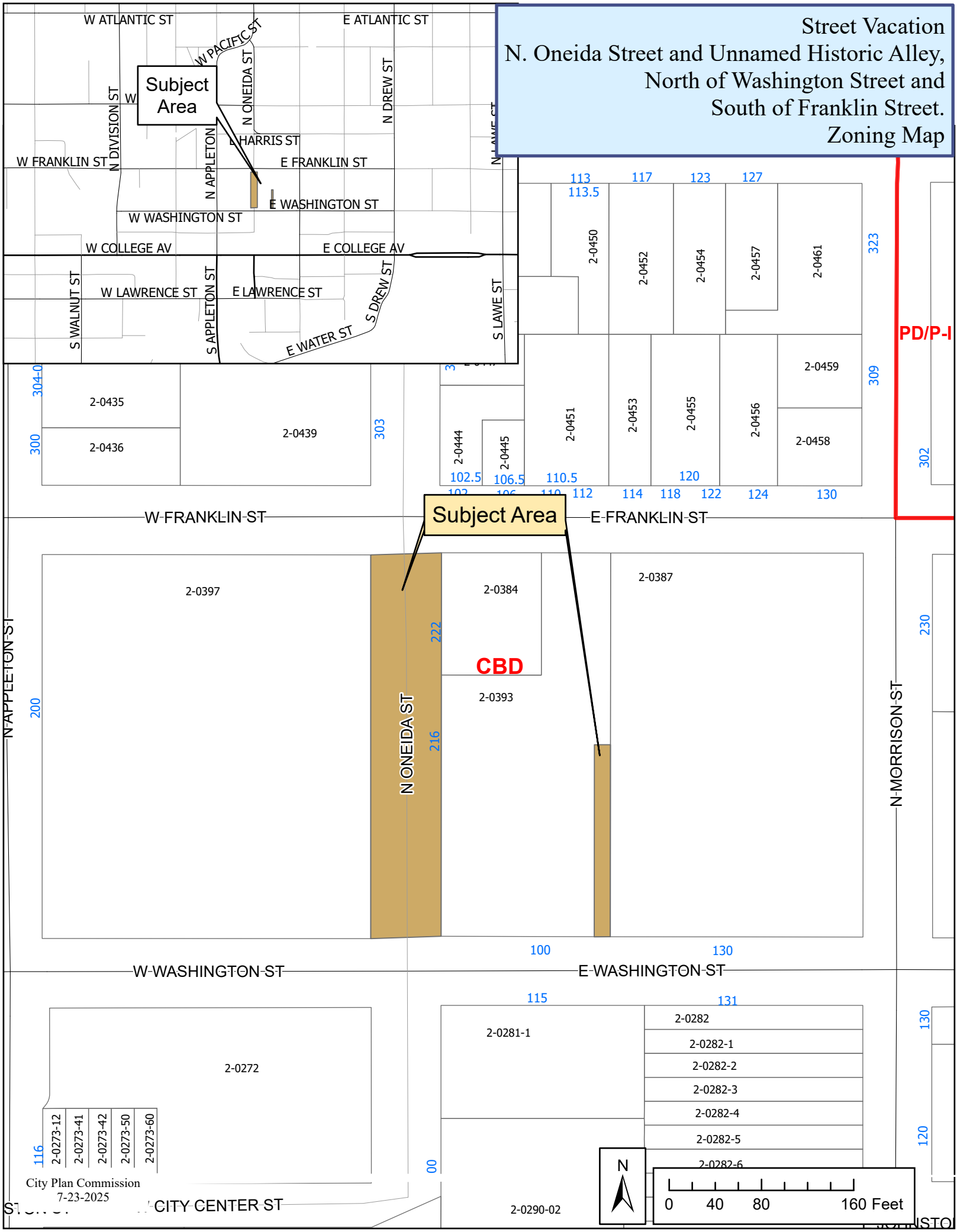
Development Review Team (DRT) Report: This item appeared on the July 1, 2025 Development Review Team (DRT) agenda. No negative comments were received from participating departments.

FUTURE ACTION

Certified Survey Map: The City of Appleton will submit an application for Certified Survey Map (CSM) review pursuant to Division 4, Minor Land Division (CSM) of the City of Appleton Subdivision Code. The CSM will combine parcel #31-2-0393-00, parcel #31-2-0384-00, and all of vacated N. Oneida Street and unnamed historic alley into one parcel to facilitate the redevelopment of the site. Staff will review the CSM for conformance with the City's Municipal Code.

RECOMMENDATION

Staff recommends the discontinuance of a portion of North Oneida Street public right-of-way and all of unnamed historic alley right-of-way, as shown on the attached map and legal description, and the adoption of the Initial Resolution, **BE APPROVED**.


Street Vacation
N. Oneida Street and Unnamed Historic Alley,
North of Washington Street and
South of Franklin Street.
Zoning Map
Subject Area
W ATLANTIC ST
E ATLANTIC ST
W PACIFIC ST
N ONEIDA ST
N DREW ST
N DIVISION ST
N APPLETON ST
E HARRIS ST
W FRANKLIN ST
E FRANKLIN ST
E WASHINGTON ST
W WASHINGTON ST
W COLLEGE AV
E COLLEGE AV
S WALNUT ST
W LAWRENCE ST
E LAWRENCE ST
S APPLETON ST
S DREW ST
E WATER ST
S LAWE ST
PD/P-I
CBD
Subject Area
W FRANKLIN ST
E FRANKLIN ST
N APPLETON ST
N ONEIDA ST
N MORRISON ST
W WASHINGTON ST
E WASHINGTON ST
CITY CENTER ST
2-0435
2-0436
2-0439
2-0444
2-0445
2-0450
2-0451
2-0452
2-0453
2-0454
2-0455
2-0456
2-0457
2-0458
2-0459
2-0461
2-0384
2-0387
2-0393
2-0397
2-0272
2-0273-12
2-0273-41
2-0273-42
2-0273-50
2-0273-60
2-0281-1
2-0282
2-0282-1
2-0282-2
2-0282-3
2-0282-4
2-0282-5
2-0282-6
2-0290-02
113
113.5
117
123
127
323
309
304.0
300
303
102.5
106.5
110.5
120
112
114
118
122
124
130
222
216
200
230
100
130
115
131
116
00
120
N
0
40
80
160 Feet
City Plan Commission
7-23-2025


Street Vacation
N. Oneida Street and Unnamed Historic Alley,
North of Washington Street and
South of Franklin Street.
Aerial Map
2-0439
2-0444
2-0445
W FRANKLIN ST
E FRANKLIN ST
2-0384
2-0387
Subject Area
2-0393
N ONEIDA ST
W WASHINGTON ST
E WASHINGTON ST
2-0281-1
2-0282
N
0 20 40 80 Feet
City Plan Commission
7-23-2025

INITIAL RESOLUTION

WHEREAS, the public interest requires that a portion of North Oneida Street and an unnamed historic alley, north of Washington Street and south of Franklin Street, that has not previously been vacated, be vacated and discontinued,

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

LEGAL DESCRIPTION

All of a strip of land 60 feet in width and 332.78 feet m/l in length and containing 19,966 square feet of land m/l and being further described by: All that part of N. Oneida Street lying East of Lot 1 of Certified Survey Map No. 8314, West of Block 37, Appleton Plat (aka Second Ward Plat), per the Assessor's Plat of the City of Appleton, South of the South line of E. Franklin Street, and North of the North line of E. Washington Street, being located in the Northeast Quarter (NE ¼) of the Southwest Quarter (SW ¼) of Section 26, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin.

See also attached Exhibit "A" for illustration.

EASEMENTS

The City of Appleton their heirs, successors and or assigns (Grantee) hereby retain an easement for any and all existing utilities and also any future utilities deemed necessary or desirable by Grantee within the vacated right-of-way, including but not limited to, storm sewer, drainage, sanitary sewer, watermain, gas, electric, cable and fiber-optic within the entire length and width of the above described right-of-way.
It is further agreed that this easement shall be a permanent easement.
It is further agreed that Grantee shall have the right to install, regrade, replace, relocate, operate, maintain, resize and repair any and all of these utilities and their associated appurtenances. It is further agreed that after installing, regrading, replacing, relocating, operating, maintaining, resizing or repairing of these utilities and their associated appurtenances Grantee shall restore unimproved surfaces such as grass, gravel and dirt on said property, as closely as possible, to the condition previously existing. Grantee shall not

be required to restore or compensate for any improvements or improved surfaces such as, but not limited to, curb and gutter, hard pavements, trees, shrubs and landscaping, disturbed as a result of the maintenance activities described herein. Buildings or any other type of permanent structure shall not be placed over Grantees' facilities or in, upon or over said easement area. This easement includes the right to operate any and all equipment deemed necessary by Grantee to perform said activities. Grantee agrees that it shall give timely notice to the Grantor of routine maintenance work. Grantee shall also have the right to build and maintain a public trail in a mutually agreeable location within the vacated street area.

AND

A strip of land 14 feet in width and 166.39 feet m/l in length containing 2,329 square feet of land m/l and being described by: The East 14 feet of Lot 2 of Block 37, Appleton Plat (aka Second Ward Plat), per the Assessor's Plat of the City of Appleton, located in the Northwest Quarter (NW ¼) of the Southeast Quarter (SE ¼) of Section 26, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin.

EASEMENTS

The City of Appleton does hereby specifically, not retain any easements in this vacated street area.

See also attached Exhibit "A" for illustration.

COMMON DESCRIPTION:

Portion of North Oneida Street and an unnamed historic alley, north of Washington Street and south of Franklin Street, that has not previously been vacated

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

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

By: _____

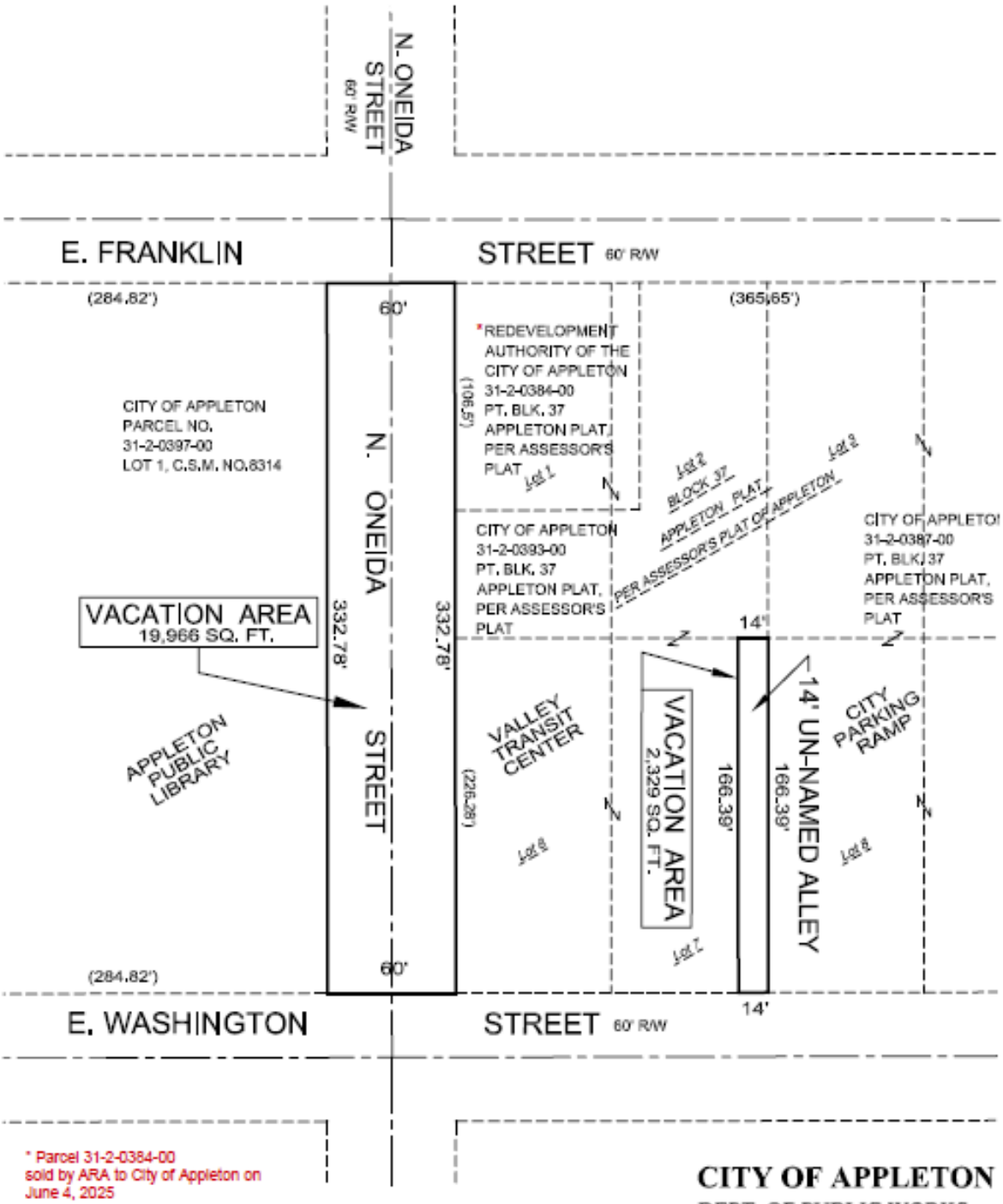
Date: _____

EXHIBIT "A"

All of a strip of land 60 feet in width and 332.78 feet m/l in length and containing 19,966 square feet of land m/l and being further described by: All that part of N. Oneida Street lying East of Lot 1 of Certified Survey Map No.8314, West of Block 37, Appleton Plat (aka Second Ward Plat), per the Assessor's Plat of the City of Appleton, South of the South line of E. Franklin Street, and North of the North line of E. Washington Street, being located in the Northeast Quarter (NE ¼) of the Southwest Quarter (SW ¼) of Section 26, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin

AND

A strip of land 14 feet in width and 166.39 feet m/l in length containing 2,329 square feet of land m/l and being described by: The East 14 feet of Lot 2 of Block 37, Appleton Plat (aka Second Ward Plat), per the Assessor's Plat of the City of Appleton, located in the Northwest Quarter (NW ¼) of the Southeast Quarter (SE ¼) of Section 26, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin.



* Parcel 31-2-0384-00
sold by ARA to City of Appleton on
June 4, 2025



SCALE IN FEET

0' 60' 120'

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

C:\cad\Acad Vers & Dwg\2025\Oneida_Washington to Franklin_0312_2025

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: Parks & Recreation Committee

FROM: Dean Gazza

DATE: July 21, 2025

RE: Action: Approve ordinance changes to Section 13-1(f) Special Use Areas, Section 13-5(o) Prohibited Items and Uses, and Section 13-8 Possession of Alcoholic Beverages

The following are recommended ordinance changes to Chapter 13 of the municipal code of the City of Appleton.

Section 13-1(f):
1. Removal of the Gardens of the Fox Valley Memorial Park. This group is no longer operating the Scheig Center and Gardens. The Parks and Recreation Department manages the facility.
2. Adding Vulcan Heritage Park to privately leased areas. Currently Fratellos Riverfront Restaurant is leasing park land for outdoor dining.

Section 13-5(o):
1. This is a new ordinance added to prohibited items and uses. This will address vandalism and inappropriate use of tennis and pickleball courts.

Section 13-8:
1. Removal of the permit requirements for the possession of alcoholic beverages. This was approved by committee and council.
2. Adding the possession and consumption of fermented malt beverages and wine is prohibited within 20’ of any pavilion or playground within a park. This was approved by committee and council.
3. Change Reid Golf Course time for serving alcoholic beverages from 9 a.m. to 8 a.m. When there are golf outings that have a shotgun start at 9 a.m., staff cannot provide beverage service before all players leave the clubhouse.

Please contact me at 832-5572 or at dean.gazza@appletonwi.gov with any questions.

ADOPTED:
PUBLISHED:
Office of the City Clerk

XX-25

AN ORDINANCE AMENDING SECTION 13-1(f) OF CHAPTER 13 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO DEFINITIONS AND TERMS; SPECIAL USE AREAS.

(Parks and Recreation Committee – XX-XX-XX (Date))

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

Section 1: That Section 13-1(f) of Chapter 13 of the Municipal Code of the City of Appleton, relating to definitions and terms; special use areas, is hereby amended to read as follows:

Sec. 13-1. Definitions and terms.

(f) ***Special Use Areas*** shall include properties and facilities, or portions thereof, under the jurisdiction of the Parks and Recreation Department or the Department of Public Works that are regulated by contracts or agreements approved by the committee of jurisdiction. Special Use Areas may be exempt from certain regulations set forth in this chapter subject to the terms of the contract or agreement and uses permitted therein as approved by the committee of jurisdiction. Special Use Areas include, but may not be limited to:

(1) Appleton Family Ice Center-Appleton Veterans Memorial Park.

(2) Rowing Club-Telulah Park.

(3) USA Youth, Inc.-USA Youth Sports Complex.

(4) Appleton Yacht Club-Lutz Park.

(5) Privately leased areas of Houdini Plaza and Vulcan Heritage Park.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.

Dated: _____

_____	_____
Jacob A. Woodford, Mayor	Amy Molitor, Deputy City Clerk

ADOPTED:
PUBLISHED:
Office of the City Clerk

XX-25

AN ORDINANCE AMENDING SECTION 13-5(o) OF CHAPTER 13 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PROHIBITED ITEMS AND USES.

(Parks and Recreation Committee – XX-XX-XX (Date))

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

Section 1: That Section 13-5(o) of Chapter 13 of the Municipal Code of the City of Appleton, relating to prohibited items and uses, is hereby amended to read as follows:

Sec 13-5. Prohibited items and uses.

In addition to otherwise illegal activities, the following shall be prohibited within the boundaries of any park and Special Use Area:

(o) Using any public park tennis court for any activity or purpose other than playing tennis or pickleball. Prohibited activities include, but are not limited to, skateboarding, rollerblading, bicycling, playing soccer, playing volleyball, gathering, or any other recreational or non-recreational use unrelated to tennis or pickleball.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.

Dated: _____

_____ _____

Jacob A. Woodford, Mayor Amy Molitor, Deputy City Clerk

ADOPTED:
PUBLISHED:
Office of the City Clerk

XX-25

AN ORDINANCE AMENDING SECTION 13-8 OF CHAPTER 13 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO POSSESSION OF ALCOHOLIC BEVERAGES.

(Parks and Recreation Committee – XX-XX-XX (Date))

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

Section 1: That Section 13-8 of Chapter 13 of the Municipal Code of the City of Appleton, relating to possession of alcoholic beverages, is hereby amended to read as follows:

Sec. 13-8. Possession of alcoholic beverages.

(a) No alcoholic beverages, other than fermented malt beverages and wine, are allowed in any park.

(b) The possession and consumption of fermented malt beverages and wine is prohibited within 20' of any pavilion or playground within a park.

(c) No person shall drink from or possess an open container of permitted alcoholic beverage in any park before 10:00 a.m. or after 10:00 p.m.

(1) Time limitations in this section shall be extended in the posted areas of Veterans Memorial Park while organized league or tournament play is in progress.

(2) Time limitations in this section shall be extended to 8:00 a.m. at Reid Golf Course.

(d) No alcoholic beverages of any kind may be carried into any area of Reid Golf Course at any time unless the alcoholic beverage was purchased at or provided by or on behalf of Reid Golf Course.

(e) A person violating this section may be subject to a forfeiture pursuant to Sec. 1-16 and Sec. 13-11 et. Seq.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.

Dated: _____

_____ _____

Jacob A. Woodford, Mayor Amy Molitor, Deputy City Clerk

Department of Parks & Recreation
1819 East Witzke Blvd.
Appleton, WI 54911
p: 920-832-3919
f: 920-993-3103
www.appleton.org

CITY OF APPLETON

TO: Finance Committee

FROM: Dean R. Gazza

DATE: July 21, 2025

RE: Action: Approve a contract to RJM Construction for construction services for a contract of $828,500 plus 10% for contingency not-to-exceed $$911,350.

On July 1st bid(s) were opened for construction services for the renovation of the Community & Economic Development department. Though four general contractors took out bid documents only one contractor submitted a bid. The bid received is within budget, therefore we are requesting approval to issue a contract to allow work to be completed by the end of this year.

Bid – RJM Construction $828,500. The budget includes $1.3 million which includes furniture and professional services. We anticipate the total project budget to be below our total budget upon completion.

A responsible 10% contingency is being requested to cover an unforsceen circumstances.

Please contact me at 832-5572 or at dean.gazza@appletonwi.gov with any questions.

COMMON COUNCIL
OF THE
CITY OF APPLETON, WISCONSIN

August 6, 2025 **Resolution No.: 2025-07**

A Resolution Authorizing and Providing for the Issuance and Establishing Parameters for the Sale of Not to Exceed $10,865,000 General Obligation Promissory Notes, Series 2025, and All Related Details

RECITALS

The Common Council (the "**Governing Body**") of the City of Appleton, Wisconsin (the "**Issuer**") makes the following findings and determinations:

1. The Issuer needs funds to finance infrastructure improvements including, but not limited to, safety cameras, bridges, asphalt, concrete, grade & gravel, and sidewalk programs; improvements to municipal buildings and grounds, including, but not limited to, electrical, hardscape infrastructure, facility renovations, and interior finishes and furniture; improvements to enterprise resource planning system; acquisition of equipment; and development of and improvements to parks and public grounds (collectively, the "**Project**").

2. The Governing Body now wishes to borrow the funds needed for the Project by selling and issuing its not to exceed $10,865,000 General Obligation Promissory Notes, Series 2025 (the "**Obligations**") pursuant to the provisions of Section 67.12(12) of the Wisconsin Statutes.

3. Robert W. Baird & Co. Incorporated (the "**Purchaser**"), or a group that it leads, has proposed to purchase the Obligations for a purchase price to be determined, which shall not be less than 98% or more than 115% of the principal amount of the Obligations to be issued, plus accrued interest, if any, to the date of delivery of the Obligations (the "**Purchase Price**").

4. The Issuer has taken all actions required by law and has the power to sell and issue the Obligations.

5. The Governing Body is adopting this resolution to sell the Obligations and provide for their issuance upon the terms and conditions set forth in this resolution.

RESOLUTIONS

The Governing Body resolves as follows:

Section 1. Definitions.

In addition to the capitalized terms defined in the recitals above, capitalized terms not otherwise defined in this resolution shall have the meanings set forth below unless the context requires another meaning.

"**Authorized Officer**" means the Mayor, the Director of Finance, or the Clerk, each having the authority to act alone on behalf of the Issuer for purposes of Sections 4 and 14 hereof.

"**Book-Entry System**" means a system in which no physical distribution of certificates representing ownership of the Obligations is made to the owners of the Obligations but instead all outstanding Obligations are registered in the name of a securities depository appointed by the Issuer, or in the name of such a depository's nominee, and the depository and its participants record beneficial ownership and effect transfers of the Obligations electronically.

"**Code**" means the Internal Revenue Code of 1986, as amended.

"**Continuing Disclosure Agreement**" means the Continuing Disclosure Agreement, dated as of the Original Issue Date, to be executed by the Issuer and delivered on the closing date of the Obligations.

"**Debt Service Fund**" means the fund created by the Issuer pursuant to Section 67.11 of the Wisconsin Statutes to provide for the payment of debt service on its general obligations.

"**Debt Service Fund Account**" has the meaning set forth in Section 16 of this resolution.

"**Depository**" means DTC or any successor appointed by the Issuer and acting as securities depository for the Obligations.

"**Director of Finance**" means the Issuer's Director of Finance.

"**DTC**" means The Depository Trust Company, New York, New York.

"**Fiscal Agent**" means the Director of Finance, or any successor fiscal agent appointed by the Issuer to act as authentication agent, paying agent, and registrar for the Obligations pursuant to Section 67.10(2) of the Wisconsin Statutes.

"**Governing Body**" has the meaning set forth in the recitals to this resolution.

"**Issuer**" has the meaning set forth in the recitals to this resolution.

"**Municipal Officers**" means the Mayor and the Clerk of the Issuer. These are the officers required by law to execute general obligations on the Issuer's behalf.

"**Obligations**" means the not to exceed $10,865,000 City of Appleton, Wisconsin General Obligation Promissory Notes, Series 2025, which are authorized to be issued pursuant to this resolution.

"**Original Issue Date**" means October 1, 2025, or such other date established for delivery of the Obligations pursuant to the Purchase Agreement.

"**Project**" has the meaning set forth in the recitals to this resolution.

"**Purchase Agreement**" means the purchase agreement signed and presented by the Purchaser to evidence the purchase of the Obligations and the final terms thereof as described in Section 14.

"**Purchase Price**" has the meaning set forth in the recitals to this resolution.

"**Purchaser**" has the meaning set forth in the recitals to this resolution.

"**Record Date**" means the 15th day (whether or not a business day) of the calendar month just before a regularly scheduled interest payment date for the Obligations.

"**Recording Officer**" means the Issuer's Clerk.

"**Register**" means the register maintained by the Fiscal Agent at its designated office, in which the Fiscal Agent records:

(i) The name and address of the registered owner of each Obligation.

(ii) All transfers of each Obligation.

Section 2. Exhibits.

The attached exhibits are also a part of this resolution as though they were fully written out in this resolution:

(i) *Exhibit A* — Form of Obligation.

(ii) *Exhibit B* — Notice to Electors of Sale.

Section 3. Purposes of Borrowing; Issuance of Obligations.

The Governing Body authorizes the Obligations and orders that they be prepared, executed, and issued, subject to the conditions set forth in Section 4. The Obligations will be fully registered, negotiable, general obligation promissory notes of the Issuer in the principal amount of not to exceed $10,865,000. The Obligations will be issued pursuant to the provisions of Section 67.12(12) of the Wisconsin Statutes to pay the costs of the Project and to pay certain costs of issuing the Obligations (including, but not limited to, printing costs and fees for underwriting, financial consultants, bond counsel, fiscal agent, rating agencies, bond insurance, and registration, as applicable).

Section 4. Terms of Obligations.

The Obligations will be named "City of Appleton, Wisconsin General Obligation Promissory Notes, Series 2025." The Obligations will be dated the Original Issue Date, even if they are actually issued or executed on another date. Each Obligation will also be dated the date on which it is authenticated by the Fiscal Agent. That date is its registration date.

The face amount of each Obligation will be $5,000 or any multiple thereof up to the principal amount authorized for that maturity.

The Purchaser will purchase the Obligations at the Purchase Price set forth in the Purchase Agreement.

The Obligations will bear interest from the Original Issue Date at the rates set forth in the Purchase Agreement pursuant to, and in compliance with, the terms set forth in this resolution and accepted by an Authorized Officer; *provided, however,* that (i) the true interest cost of the Obligations shall not exceed 4.50% (computed taking the Purchaser's compensation into account), (ii) actual debt service in any year does not exceed the amount levied for the same year in Section 15 hereof, and (iii) the difference between the offering price to the public for the Obligations and the Purchase Price to be paid to the Issuer for the Obligations shall not exceed 2.00% of the principal amount of the Obligations.

Interest will be due and payable on each April 1 and October 1, until the principal of the Obligations has been paid, beginning on April 1, 2026, or on such other date as set forth in the Purchase Agreement. Interest on each Obligation will be (i) computed on the basis of a 360-day year of twelve 30-day months and (ii) payable to the entity or person in whose name the Obligation is registered on the Register at the end of the day on the applicable Record Date. The Issuer and the Fiscal Agent may treat the entity or person in whose name any Obligation is registered on the Register as the absolute owner of the Obligations for all purposes whatsoever under this resolution. The Obligations will be numbered consecutively as may be required to comply with any applicable rules or customs or as determined by the Municipal Officers executing the Obligations.

The Obligations will mature on the dates and in the amounts shown in the following table; except that the principal amounts coming due each year below (i) may instead be mandatory sinking fund redemptions of term notes, and (ii) may be increased or decreased by up to $1,100,000 in each year and a maturity may be removed if the principal amount of such maturity is less than $1,100,000. The aggregate principal amount of the Obligations shall not exceed $10,865,000 and the table below assumes the Obligations are issued in that amount. The actual maturity schedule and interest rates per annum, within the parameters set forth in this Section, will be set forth in the Purchase Agreement and accepted by an Authorized Officer.

Maturity Date (April 1)	Principal Amount
2026	$ 200,000
2027	100,000
2028	100,000
2029	100,000
2030	700,000
2031	965,000
2032	2,015,000
2033	2,120,000
2034	2,225,000
2035	2,340,000

The principal of, and interest on, the Obligations will be payable in lawful money of the United States of America.

Section 5. Fiscal Agent; Redemption Agent.

The Issuer appoints the Fiscal Agent to act as authentication agent, paying agent, and registrar for the Obligations. Among other things, the Fiscal Agent shall maintain the Register.

If the Purchase Agreement specifies that certain maturities of the Obligations are term notes and subject to partial mandatory sinking fund redemption as described in Section 8, then the Issuer appoints Associated Trust Company, National Association (the "**Redemption Agent**") to act as redemption agent for such Obligations, which includes giving notice of redemption on behalf of the Issuer prior to each Sinking Fund Redemption Date (as defined in Section 8). The appropriate officers of the Issuer are authorized and directed to enter into a redemption agent agreement with the Redemption Agent on behalf of the Issuer. Such agreement may provide for the Issuer to pay the reasonable and customary fees of the Redemption Agent for its services.

Section 6. Appointment of Depository.

The Issuer appoints DTC to act as securities depository for the Obligations. An authorized representative of the Issuer has previously executed a blanket issuer letter of representations with DTC on the Issuer's behalf, and the Issuer ratifies and approves that document.

Section 7. Book-Entry System.

On the date of their initial delivery, the Obligations will be registered in the name of DTC or its nominee and maintained in a Book-Entry System. If the Issuer's relationship with DTC is terminated, then the Issuer may appoint a successor securities depository to maintain the Book-Entry System.

If on any date the Obligations are not being maintained in a Book-Entry System, then the Issuer will do the following:

(i) At its expense, the Issuer will prepare, authenticate, and deliver to the beneficial owners of the Obligations fully-registered, certificated Obligations in the denomination of $5,000 or any multiple thereof in the aggregate principal amount then outstanding. The beneficial owners will be those shown on the records of the Depository and its direct and indirect participants.

(ii) The Issuer will appoint a fiscal agent to act as authentication agent, paying agent, and registrar for the Obligations under Section 67.10(2) of the Wisconsin Statutes.

Section 8. Redemption.

The Purchase Agreement may specify that certain Obligations maturing on or after a certain date are subject to redemption at the Issuer's option before their stated maturity dates, in whole or in part, in the order of maturity selected by the Issuer, on a stated redemption date and on any date thereafter. If certain maturities of the Obligations are subject to such optional redemption, then the redemption price will be 100% of the principal amount redeemed, plus accrued interest to the redemption date, and no premium will be paid. If payment of an Obligation called for redemption has been made or provided for, then interest on the Obligation stops accruing on the stated redemption date. If less than all outstanding Obligations of a specific maturity are redeemed, then such Obligations will be redeemed in multiples of $5,000 in accordance with Sections 9 and 10 below, and if a portion, but not all, of a maturity that is subject to mandatory partial redemptions by operation of a sinking fund (as described below) is being redeemed, then the Issuer will select the amounts to be redeemed on future Sinking Fund Redemption Dates (as defined below) that are reduced as a result of the partial redemption.

If the Purchase Agreement specifies that certain maturities of the Obligations are term notes and subject to partial mandatory sinking fund redemption, then the Obligations maturing on such dates shall be subject to partial mandatory sinking fund redemption at a redemption price of 100% of the principal amount redeemed, plus accrued interest to the redemption date, on April 1 of the years (each a "**Sinking Fund Redemption Date**"), and in the respective principal amounts (subject to reduction as provided in the preceding paragraph), as set forth in the Purchase Agreement, consistent with Section 4 hereof.

Section 9. Manner of Payment/Transfers/Redemption Notices Under Book-Entry System.

So long as the Obligations are being maintained in a Book-Entry System, the following provisions apply:

Payment. The Fiscal Agent is directed to pay the principal of, and interest on, the Obligations by wire transfer to the Depository or its nominee in accordance with the Depository's rules that are then in effect.

Transfers. The Obligations are transferable, only upon the Register and only if the Depository ceases to act as securities depository for the Obligations and the Issuer appoints a successor securities depository. If that happens, then upon the surrender of the Obligations to the Fiscal Agent, the Issuer will issue new fully registered Obligations in the same aggregate principal amount to the successor securities depository, and the Obligations will be recorded as transferred to the successor securities depository in the Register.

The Fiscal Agent will not be required to make any transfer of the Obligations (i) during the 15 calendar days before the date of the sending of notice of any proposed redemption of the Obligations, or (ii) with respect to any particular Obligation, after such Obligation has been called for redemption.

Partial Redemption. If less than all the Obligations of a particular maturity are to be redeemed, then the Depository and its direct and indirect participants will select the beneficial owners of the Obligations to be redeemed. If less than all the principal amount of a specific maturity is redeemed, then on or after the redemption date and upon surrender to the Fiscal Agent of the Obligation, the Issuer will issue one or more new Obligations in the principal amount outstanding after the redemption.

Notice of Redemption. Notice of the redemption of any of the Obligations will be sent to the Depository, in the manner required by the Depository, not less than 30, and not more than 60, days prior to the proposed redemption date. A notice of optional redemption may be revoked by sending notice to the Depository, in the manner required by the Depository, not less than 15 days prior to the proposed optional redemption date.

Section 10. <u>Manner of Payment/Transfers/Redemption Notices *Not* Under Book-Entry System</u>.

If on any date the Obligations are not being maintained in a Book-Entry System, then the following provisions apply:

Payment. The Fiscal Agent will pay the principal of each Obligation upon its presentation and surrender on or after its maturity or earlier redemption date at the designated office of the Fiscal Agent, and the Fiscal Agent will pay, on each interest payment date, the interest on each Obligation by wire or other electronic funds transfer or by check of the Fiscal Agent sent by first class mail to the person or entity in whose name the Obligation is registered on the Register at the end of the day on the applicable Record Date.

Transfers. Each Obligation is transferable, only upon the Register, for a like aggregate principal amount of the same maturity and interest rate in denominations of $5,000 or any multiple thereof. A transfer may be requested by the registered owner in person or by a person with a written power of attorney. The Obligation shall be surrendered to the Fiscal Agent, together with a written instrument of transfer satisfactory to the Fiscal Agent signed by the registered owner or by the person with the written power of attorney. The Issuer will issue one or more new fully registered Obligations in the same aggregate principal amount to the transferee or transferees, as applicable, in exchange for the surrendered Obligations and upon the

payment of a charge sufficient to reimburse the Issuer or the Fiscal Agent for any tax, fee, or other governmental charge required to be paid with respect to such registration.

The Fiscal Agent will not be required to make any transfer of the Obligations (i) during the 15 calendar days before the date of the sending of notice of any proposed redemption of the Obligations, or (ii) with respect to any particular Obligation, after the Obligation has been called for redemption.

Partial Redemptions. If less than all the Obligations of a particular maturity are to be redeemed, then the Issuer or the Fiscal Agent will randomly select the Obligations to be redeemed. If an Obligation has been called for redemption but less than the entire principal amount thereof is redeemed, then on or after the redemption date and upon surrender of the Obligation to the Fiscal Agent, the Issuer will issue a new Obligation in the principal amount outstanding after the redemption.

Notice of Redemption. Notice of the redemption of any of the Obligations shall be sent by first class mail, not less than 30, and not more than 60, days before the redemption date to the registered owners of the Obligations to be redeemed at the respective addresses set forth in the Register. A notice of optional redemption may be revoked by sending a notice, by first class mail, not less than 15 days prior to the proposed optional redemption date to the registered owners of the Obligations which have been called for optional redemption.

Section 11. Form of Obligations.

The Obligations shall be in substantially the form shown in Exhibit A. Omissions, insertions, or variations are permitted if they are deemed necessary or desirable and are consistent with this resolution or any supplemental resolution. The Issuer may cause the approving opinion of bond counsel to be printed or reproduced on the Obligations.

Section 12. Execution of Obligations.

The Obligations shall be signed by the persons who are the Municipal Officers on the date on which the Obligations are signed. The Obligations shall be sealed with the Issuer's corporate seal (or a facsimile), if the Issuer has one, and the Obligations shall also be authenticated by the manual signature of the Fiscal Agent.

The Obligations will be valid and binding even if before they are delivered any person whose signature appears on the Obligations is no longer living or is no longer the person authorized to sign the Obligations. In that event, the Obligations will have the same effect as if the person were living or were still the person authorized to sign the Obligations.

A facsimile signature may be used as long as at least one signature of a Municipal Officer is a manual signature or the Fiscal Agent's certificate of authentication has a manual signature. If a facsimile signature is used, then it will be treated as the officer's own signature.

Section 13. Continuing Disclosure.

The appropriate officers of the Issuer are directed to sign the Continuing Disclosure Agreement, and the Issuer agrees to comply with all its terms.

Section 14. Authorization of Sale of Obligations.

Each Authorized Officer, acting alone on behalf of the Issuer, is hereby authorized and directed to obtain final pricing information from the Purchaser for the sale of the Obligations on behalf of the Issuer on a date deemed to be most advantageous to the Issuer by such Authorized Officer for the sale of the Obligations; provided, however, that such date shall not be later than December 17, 2025. The Authorized Officer shall reject the pricing information if it does not comply with the parameters set forth in Section 4 of this resolution.

Subject to the terms of this resolution, each Authorized Officer, acting alone on behalf of the Issuer, is hereby authorized and directed to award the sale of the Obligations to the Purchaser at the Purchase Price, plus any accrued interest from the Original Issue Date to the date of delivery of the Obligations, such award to be evidenced by and effected by the execution of the Purchase Agreement. If the Purchase Agreement signed and presented by the Purchaser complies with the parameters set forth in this resolution, then an Authorized Officer is hereby authorized to approve and accept the Purchase Agreement, and an Authorized Officer, acting alone on behalf of the Issuer, is directed (i) to sign the Purchase Agreement in the Issuer's name and (ii) to take any additional actions needed to complete the sale of the Obligations, including arranging for a specific date, time, and location of closing of the sale.

The Municipal Officers are directed to sign the Obligations and to arrange for delivery of the Obligations to the Purchaser through the facilities of DTC in accordance with the Purchase Agreement and this resolution. The Obligations shall be delivered to the Purchaser upon payment by the Purchaser of the Purchase Price as required by this resolution.

Unless waived by the Purchaser, the delivery of the Obligations is conditioned upon the Issuer furnishing the following items to the Purchaser:

(i) The Obligations, together with the written, unqualified approving opinion of the law firm of Foley & Lardner LLP, bond counsel, evidencing the legality of the Obligations and that interest on the Obligations will be excluded from gross income for federal income tax purposes.

(ii) A transcript of the proceedings relating to the issuance of the Obligations.

(iii) A certificate showing that no litigation has been threatened or is pending that would affect the legality of the Obligations or the right of the Issuer to issue them on the Original Issue Date.

Section 15. General Obligation Pledge; Tax Levy.

For the prompt payment of the principal of, and interest on, the Obligations, the Issuer irrevocably pledges its full faith and credit. The Issuer hereby levies upon all taxable

property in its territory a direct, annual, and irrepealable tax in an amount sufficient to pay, and for the express purpose of paying, the interest on the Obligations as it falls due and also to pay and discharge the principal of the Obligations on their maturity dates.

This tax shall be carried from year to year into the Issuer's tax roll. It shall be collected in addition to all other taxes and in the same manner and at the same time as all other taxes. The amount of this tax that is carried into the Issuer's tax roll may be reduced in any year by (i) the amount of any surplus money in the Debt Service Fund Account available to pay debt service on the Obligations for such year and (ii) any amount by which the actual debt service coming due in such year is less than the applicable levy amount set forth below. The tax for each year the levy is made will be in the following amounts:

Levy Year	Debt Service Amount Due in Following Year	Levy Year	Debt Service Amount Due in Following Year
2025	$ 850,000.00	2030	$1,550,000.00
2026	750,000.00	2031	2,650,000.00
2027	750,000.00	2032	2,650,000.00
2028	750,000.00	2033	2,650,000.00
2029	1,350,000.00	2034	2,650,000.00

Section 16. Debt Service Fund Account.

The Issuer shall create a separate account within the Debt Service Fund solely for the Obligations (the "**Debt Service Fund Account**"), which shall be maintained and administered as provided in Section 67.11 of the Wisconsin Statutes. The Director of Finance is directed to keep the proceeds of the taxes levied under this resolution, when they are collected, in the Debt Service Fund Account. Any accrued interest received on the Original Issue Date and the premium, if any, paid to the Issuer by the Purchaser in excess of the stated principal amount of the Obligations shall be deposited into the Debt Service Fund Account and used to pay interest on the Obligations. If the money in the Debt Service Fund Account is insufficient to make a payment of principal of, or interest on, the Obligations on a date on which such a payment is due, then the Issuer will promptly provide the necessary funds to make the payment from other available sources.

Section 17. Borrowed Money Fund.

The sale proceeds of the Obligations (not including any accrued interest or premium received) shall be deposited in and kept by the Director of Finance in a separate fund as provided in Section 67.10(3) of the Wisconsin Statutes. The fund shall be designated with both the name of the Obligations and the name Borrowed Money Fund (the "**Borrowed Money Fund**"). Money in the Borrowed Money Fund, including any earnings, shall be (a) used to pay the costs of the Project, the costs of issuing the Obligations, and the costs of investing amounts in

the Borrowed Money Fund, or (b) transferred to the Debt Service Fund Account as provided by law.

Section 18. Official Statement.

The Mayor, the Director of Finance, and the City Clerk of the Issuer (in consultation with the Purchaser) are each hereby authorized to cause a preliminary offering document for the Obligations (the "**Preliminary Official Statement**") to be prepared and distributed prior to the sale of the Obligations and the execution of the Purchase Agreement. The Mayor and the Director of Finance are hereby authorized, on behalf of the Issuer, to approve the form of Preliminary Official Statement and to deem it final as of its date for purposes of Securities and Exchange Commission Rule 15c2-12(b)(1), and to supply copies of the Preliminary Official Statement upon request.

The Issuer authorizes and directs a final offering document (the "**Official Statement**") to be prepared prior to the issuance of the Obligations; *provided, however*, that the Official Statement shall be substantially the form of the Preliminary Official Statement and shall include the final terms of the Obligations as set forth in the Purchase Agreement. The Municipal Officers are directed to deliver copies of the Official Statement to the Purchaser and, if the Purchaser requests, execute one or more copies on behalf of the Issuer. Execution and delivery of the Official Statement will conclusively evidence the approval of the Municipal Officers.

Section 19. Publication of Notice.

The Recording Officer is directed to publish notice that the Issuer has agreed to sell the Obligations. The notice shall be published in the Issuer's official newspaper as a class 1 notice under Chapter 985 of the Wisconsin Statutes promptly after the execution of the Purchase Agreement. The notice shall be in substantially the form shown in Exhibit B. The Recording Officer shall obtain proof, in affidavit form, of the publication, and shall compare the notice as published with the attached form to make sure that no mistake was made in publication.

Section 20. Authorization of Officers.

The appropriate officers of the Issuer are directed to prepare and furnish the following items to the Purchaser and the attorneys approving the legality of the Obligations:

(i) Certified copies of proceedings and records of the Issuer relating to the Obligations and to the financial condition and affairs of the Issuer.

(ii) Other affidavits, certificates, and information that may be required to show the facts about the legality of the Obligations, as such facts appear on the books and records under the officer's custody or control or as are otherwise known to the officer.

All certified copies, affidavits, certificates, and information furnished for such purpose will be representations of the Issuer as to the facts they present.

Section 21. Tax Law Covenants.

The Issuer covenants that it will comply with all requirements of the Code and the Treasury Regulations promulgated thereunder, that must be satisfied so that interest on the Obligations will be excluded from gross income for federal income tax purposes.

Section 22. Further Authorization.

The Issuer authorizes its officers, attorneys, and other agents or employees to do all acts required of them to carry out the purposes of this resolution.

Section 23. Conflict with Prior Acts.

In case any part of a prior action of the Governing Body conflicts with this resolution, that part of the prior action is hereby rescinded.

Section 24. Severability of Invalid Provisions.

If a court holds any provision of this resolution to be illegal or invalid, then the illegality or invalidity shall not affect any other provision of this resolution.

Section 25. Effective Date.

This resolution takes effect upon its adoption and approval in the manner provided by law.

Adopted: August 6, 2025

Approved: August ___, 2025

_____
Mayor

_____
Clerk

EXHIBIT A

FORM OF OBLIGATION

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("**DTC**"), to the issuer or its agent for registration of transfer, exchange, or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

STATE OF WISCONSIN
CITY OF APPLETON

Registered

No. R-___ $_____

GENERAL OBLIGATION PROMISSORY NOTE, SERIES 2025

Interest Rate	Maturity Date	Original Issue Date	CUSIP
_____%	April 1, 20__	_____, 2025	038105 ____

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT: _____ DOLLARS

THE CITY OF APPLETON, WISCONSIN (herein called the "**Issuer**"), hereby acknowledges itself to owe and for value received promises to pay the Principal Amount to the Registered Owner on the Maturity Date, and to pay interest on the Principal Amount from the Original Issue Date at the annual rate of the Interest Rate. Interest is due and payable on each April 1 and October 1, until the Principal Amount has been paid, beginning on April 1, 2026. Interest is computed on the basis of a 360 day year of twelve 30 day months.

This Obligation is one of a duly authorized issue of notes (the "**Obligations**") of the Issuer of an aggregate principal amount of $_____, all of like tenor, except as to denomination, interest rate, maturity date, and redemption provisions, issued by the Issuer pursuant to the provisions of Section 67.12(12) of the Wisconsin Statutes, and is authorized by the resolution duly adopted by the governing body of the Issuer on August 6, 2025, entitled: "A Resolution Authorizing and Providing for the Issuance and Establishing Parameters for the Sale of Not to Exceed $10,865,000 General Obligation Promissory Notes, Series 2025, and All Related Details" (the "**Resolution**"). The Obligations are issuable only in the form of fully registered notes.

On the date of their initial delivery, the Obligations will be maintained in a system in which no physical distribution of certificates representing ownership of the Obligations is made to the owners of the Obligations but instead all outstanding Obligations are registered in the name of a securities depository appointed by the Issuer (a "**Depository**"), or in the name of the Depository's nominee, and the Depository and its participants record beneficial ownership and effect transfers of the Obligations electronically (a "**Book-Entry System**"). So long as the Obligations are maintained in a Book-Entry System, then the principal of, and interest on, this Obligation will be paid by wire transfer to the Depository or its nominee in accordance with the Depository's rules that are then in effect by the Director of Finance of the Issuer, or any successor fiscal agent appointed by the Issuer under Section 67.10(2) of the Wisconsin Statutes (the "**Fiscal Agent**"), which will act as authentication agent, paying agent, and registrar for the Obligations.

If on any date the Obligations are *not* being maintained in a Book-Entry System, then (i) the principal of this Obligation will be paid by the Fiscal Agent upon its presentation and surrender on or after its maturity date or earlier redemption date at the designated office of the Fiscal Agent, and (ii) the interest on this Obligation will be paid by the Fiscal Agent, on each interest payment date, by wire or other electronic money transfer or by check of the Fiscal Agent sent by first class mail to the person or entity in whose name this Obligation is registered on the register (the "**Register**") maintained by the Fiscal Agent at the end of the day on the 15th day (whether or not a business day) of the calendar month just before each regularly scheduled interest payment date (the "**Record Date**"). The Issuer and the Fiscal Agent may treat the entity or person in whose name this Obligation is registered on the Register as the absolute owner of this Obligation for all purposes.

The principal of, and interest on, this Obligation is payable in lawful money of the United States of America. For the prompt payment of the principal of and interest on this Obligation, the Issuer has irrevocably pledged its full faith and credit. The Issuer has levied upon all taxable property in its territory a direct, annual, and irrepealable tax sufficient in amount to pay, and for the express purpose of paying, the interest on this Obligation as it falls due and the principal of this Obligation on the Maturity Date.

The Obligations maturing on and after April 1, 20__ are subject to redemption before their stated maturity dates, at the Issuer's option, in whole or in part, in the order of maturity selected by the Issuer, on April 1, 20__ and on any date thereafter. The redemption price will be 100% of the principal amount redeemed, plus accrued interest to the redemption date, and no premium will be paid. If payment of an Obligation called for redemption has been made or provided for, then interest on the Obligation stops accruing on the stated redemption date. If less than all outstanding Obligations are redeemed, then such Obligations will be redeemed in multiples of $5,000 as set forth below[, and if a portion, but not all, of a maturity that is subject to mandatory partial redemptions by operation of a sinking fund (as described below) is being redeemed, then the Issuer will select the amounts to be redeemed on future Sinking Fund Redemption Dates (as defined below) that are reduced as a result of the partial redemption].

[The Obligations maturing on April 1 in the years 20__ and 20__ (the "**Term Notes**") are also subject to partial mandatory partial redemptions prior to their stated maturity

dates, by operation of a sinking fund. On the following redemption dates (each a "**Sinking Fund Redemption Date**") the Issuer will redeem the following principal amounts (subject to reduction as provided in the immediately preceding paragraph) of the Term Notes:

Term Notes Maturing April 1, 20___

Sinking Fund Redemption Date (April 1)	Principal Amount To be Redeemed
20__	$,000
20__	,000
20__ (Stated Maturity)	,000

Term Notes Maturing April 1, 20___

Sinking Fund Redemption Date (April 1)	Principal Amount To be Redeemed
20__	$,000
20__	,000
20__ (Stated Maturity)	,000]

[The redemption price will be 100% of the principal amount redeemed, plus accrued interest to the Sinking Fund Redemption Date, and no premium will be paid. The particular Term Notes to be redeemed will be selected in the manner set forth below, and the Issuer will give notice of the redemption in the manner described below.]

So long as the Obligations are being maintained in a Book-Entry System, the following provisions apply:

Transfers. The Obligations are transferable, only upon the Register and only if the Depository ceases to act as securities depository for the Obligations and the Issuer appoints a successor securities depository. If that happens, then upon the surrender of the Obligations to the Fiscal Agent, the Issuer will issue new fully registered Obligations in the same aggregate principal amount to the successor securities depository and the Obligations will be recorded as transferred to the successor securities depository in the Register.

The Fiscal Agent will not be required to make any transfer of the Obligations (i) during the 15 calendar days before the date of the sending of notice of any proposed redemption of the Obligations, or (ii) with respect to any particular Obligation, after such Obligation has been called for redemption.

Partial Redemption. If less than all the Obligations of a particular maturity are to be redeemed, then the Depository and its direct and indirect participants will select the beneficial owners of the Obligations to be redeemed. If less than all the

principal amount of a specific maturity is redeemed, then on or after the redemption date and upon surrender to the Fiscal Agent of the Obligation, the Issuer will issue one or more new Obligations in the principal amount outstanding after the redemption.

Notice of Redemption. Notice of the redemption of any of the Obligations will be sent to the Depository, in the manner required by the Depository, not less than 30, and not more than 60, days prior to the proposed redemption date. A notice of optional redemption may be revoked by sending notice to the Depository, in the manner required by the Depository, not less than 15 days prior to the proposed optional redemption date.

If on any date the Obligations are *not* being maintained in a Book-Entry System, then the following provisions apply:

Transfers. Each Obligation is transferable, only upon the Register, for a like aggregate principal amount of the same maturity and interest rate in denominations of $5,000 or any multiple thereof. A transfer may be requested by the registered owner in person or by a person with a written power of attorney. The Obligation shall be surrendered to the Fiscal Agent, together with a written instrument of transfer satisfactory to the Fiscal Agent signed by the registered owner or by the person with the written power of attorney. The Issuer will issue one or more new fully registered Obligations, in the same aggregate principal amount to the transferee or transferees, as applicable, in exchange for the surrendered Obligations and upon the payment of a charge sufficient to reimburse the Issuer or the Fiscal Agent for any tax, fee, or other governmental charge required to be paid with respect to such registration.

The Fiscal Agent will not be required to make any transfer of the Obligations (i) during the 15 calendar days before the date of the sending of notice of any proposed redemption of the Obligations, or (ii) with respect to any particular Obligation, after such Obligation has been called for redemption.

Partial Redemption. If less than all the Obligations of a particular maturity are to be redeemed, then the Issuer or the Fiscal Agent will randomly select the Obligations to be redeemed. If an Obligation has been called for redemption but less than the entire principal amount thereof is redeemed, then on or after the redemption date and upon surrender of the Obligation to the Fiscal Agent, the Issuer will issue a new Obligation in the principal amount outstanding after the redemption.

Notice of Redemption. Notice of the redemption of any of the Obligations shall be sent by first class mail, not less than 30, and not more than 60, days before the redemption date, to the registered owners of any Obligations to be redeemed, at the respective addresses set forth in the Register. A notice of optional redemption may be revoked by sending a notice by first class mail, not less than 15 days prior

to the proposed optional redemption date, to the registered owners of the Obligations which have been called for optional redemption.

The Issuer certifies, recites, and declares that all acts, conditions, and procedures required by law to exist, to have happened, and to be performed, leading up to and in the issuing of this Obligation and of the issue of which it is a part, do exist, have happened, and have been performed in regular and due form, time, and manner as required by law; that the indebtedness of the Issuer, including this Obligation and the issue of which it is a part, does not exceed any limitation, general or special, imposed by law; and that a valid, direct, annual and irrepealable tax has been levied by the Issuer sufficient to pay the interest on this Obligation when it falls due and also to pay and discharge the principal of this Obligation at maturity.

IN WITNESS WHEREOF, the Issuer, by its governing body, has caused this Obligation to be executed in its name and on its behalf by the manual or facsimile signatures of its Mayor and Clerk and to be sealed with its corporate seal (or a facsimile thereof), if any, all as of the Original Issue Date.

CITY OF APPLETON, WISCONSIN

By: _____
Mayor

[SEAL]

And: _____
Clerk

CERTIFICATE OF AUTHENTICATION

Dated: _____, 2025

This Obligation is one of the Obligations described in the Resolution.

By: _____
Director of Finance,
as Fiscal Agent

ASSIGNMENT

For value received, the undersigned hereby sells, assigns, and transfers unto

PLEASE INSERT SOCIAL SECURITY OR
OTHER IDENTIFYING NUMBER OF ASSIGNEE

_____

_____
(Please Print or Type Name and Address of Assignee)

the within-mentioned Obligation and all rights thereunder and does hereby irrevocably constitute and appoint _____ attorney-in-fact, to transfer the same on the books of the registry in the office of the Fiscal Agent, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed

NOTICE: Signatures must be guaranteed by an "eligible guarantor institution" meeting the requirements of the Fiscal Agent. Those requirements include membership or participation in the Securities Transfer Association Medallion Program ("**STAMP**") or such other "signature guarantee program" as may be determined by the Fiscal Agent in addition to, or in substitution for, STAMP, all in accordance with the Securities Exchange Act of 1934, as amended.

Note: The signature to this assignment must correspond with the name as written on the face of the within Obligation in every particular, without any alteration or change. When assignment is made by a guardian, trustee, executor or administrator, an officer of a corporation, or anyone in a representative capacity, proof of the person's authority to act must accompany this Obligation.

EXHIBIT B

NOTICE TO THE ELECTORS OF THE
CITY OF APPLETON, WISCONSIN
RELATING TO NOTE SALE

On August 6, 2025, pursuant to Section 67.12(12) of the Wisconsin Statutes, a resolution was offered, read, approved, and adopted whereby the City of Appleton, Wisconsin (the "City") authorized the borrowing of money through the issuance of notes and authorized certain City officials to enter into a purchase agreement relating to said borrowing. On _____, 2025 the City entered into a purchase agreement with a purchaser to whom the City agreed to sell its general obligation promissory notes in the principal amount of $_____. It is anticipated that the closing of the notes will be held on or about _____, 2025. A copy of all proceedings had to date with respect to the authorization and sale of said notes is on file and may be examined in the office of the City Clerk, at 100 North Appleton Street, Appleton, Wisconsin between the hours of 9:00 a.m. and 4:30 p.m. on weekdays.

This notice is given pursuant to Section 893.77(2) of the Wisconsin Statutes, which provides that (i) an action or proceeding to contest the validity of such financing, for other than constitutional reasons, shall be commenced within 30 days after the date of publication of this notice, and (ii) the notice may not be published until after the issuer has entered into a contract for sale of the bond or other financing.

Publication Date: _____, 2025

/s/ Amy Molitor
City Clerk

CERTIFICATIONS BY CLERK

I, Amy Molitor, certify that I am the duly qualified acting Clerk of the City of Appleton, Wisconsin (the "**Municipality**"), and as such I have in my possession, or have access to, the complete corporate records of the Municipality and of its Common Council (the "**Governing Body**"), and that attached to this certificate is a true, correct, and complete copy of the resolution (the "**Resolution**") entitled:

A Resolution Authorizing and Providing for the Issuance and Establishing Parameters for the Sale of Not to Exceed $10,865,000 General Obligation Promissory Notes, Series 2025, and All Related Details

I further certify as follows:

1. Meeting Date. On August 6, 2025, a meeting of the Governing Body was held beginning at _____ p.m.

2. Posting. On August ____, 2025 (and not less than 24 hours prior to the meeting), I posted, or caused to be posted, at the Municipality's offices in Appleton, Wisconsin a notice setting forth the date, time, location, and subject matter of said meeting. The notice specifically referred to the Resolution.

3. Notification of Media. On August ____, 2025 (and not less than 24 hours prior to the meeting), I communicated or caused to be communicated, the date, time, location, and subject matter of said meeting to those news media that have filed a written request for such notice and to the official newspaper of the Municipality, if any. The communication specifically referred to the Resolution.

4. Open Meeting Law Compliance. The meeting was a regular meeting of the Governing Body that was held in open session in compliance with Subchapter V of Chapter 19 of the Wisconsin Statutes and any other applicable local rules and state statutes.

5. Members Present. The meeting was duly called to order by the Mayor (the "**Presiding Officer**"), who chaired the meeting. Upon roll call, I noted and recorded that there were ____ members of the Governing Body present at the meeting, such number being a quorum of the Governing Body.

6. Consideration of and Roll Call Vote on Resolution. Various matters and business were taken up during the course of the meeting without intervention of any closed session. One of the matters taken up was the Resolution. A proper quorum of the Governing Body was present for the consideration of the Resolution, and each member of the Governing Body had received a copy of the Resolution. All rules of the Governing Body that interfered with the consideration of the Resolution, if any, were suspended by a two-thirds vote of the Governing Body. The Resolution was then introduced, moved, and seconded, and after due consideration, upon roll call, ____ of the Governing Body members voted Aye, ____ voted Nay, and ____ Abstained.

7. **Adoption of Resolution**. The Resolution was supported by the affirmative vote of a majority of a quorum of the members of the Governing Body in attendance. The Presiding Officer then declared that the Resolution was adopted, and I recorded the adoption of the Resolution.

8. **Approval of Presiding Officer**. The Resolution was approved by the Presiding Officer on August ___, 2025, and I have recorded the approval. The approval is evidenced by the signature of the Presiding Officer on the copy of the Resolution to which this certificate is attached.

9. **Publication of Notice**. I have caused the Notice to Electors, in the form of Exhibit B to the Resolution, to be published in the Municipality's official newspaper as specified in the Resolution.

IN WITNESS WHEREOF, I have signed my name and affixed the seal of the Municipality, if any, on this certificate on August ____, 2025.

_____
Clerk

[SEAL]

COMMON COUNCIL
OF THE
CITY OF APPLETON, WISCONSIN

August 6, 2025 **Resolution No. 2025-08**

A Resolution Authorizing and Providing for the Issuance and Establishing the Parameters for the Sale of Not to Exceed $8,975,000 Water System Revenue Refunding Bonds, Series 2025, and All Related Details

RECITALS

The Common Council (the "**Governing Body**") of the City of Appleton, Wisconsin (the "**Municipality**") makes the following findings and determinations:

1. The Municipality currently owns and operates a municipal water system (the "**System**", as more fully defined below), which is a "public utility" (within the meaning of Section 66.0621 (1) (b) of the Wisconsin Statutes).

2. Under the provisions of Section 66.0621 of the Wisconsin Statutes, as amended (the "**Act**"), the Municipality may, by action of the Governing Body, provide for, among other things, the acquisition, construction, extension, improvement, operation, and management of the System, and the refunding of municipal obligations issued for such purposes, from the proceeds of obligations that are payable only from the income and revenues derived from the operation of the System.

3. On January 17, 2007, the Governing Body adopted a resolution (the "**2007A Resolution**") authorizing the issuance of the Municipality's $58,510,000 Water System Revenue Refunding Bonds, Series 2007A, dated February 6, 2007 (the "**Series 2007A Bonds**"). The outstanding Series 2007A Bonds were redeemed on January 1, 2017.

4. On July 18, 2012 the Governing Body adopted a resolution (the "**2012 Resolution**") authorizing the issuance of the Municipality's $2,510,000 Water System Revenue Bonds, Series 2012, dated August 8, 2012 (the "**Series 2012 Bonds**"). The Series 2012 Bonds are currently outstanding in the aggregate principal amount of $1,230,000.

5. On July 24, 2013 the Governing Body adopted a resolution (the "**2013 Resolution**") authorizing the issuance of the Municipality's $7,180,000 Water System Revenue Bonds, Series 2013, dated August 7, 2013 (the "**Series 2013 Bonds**"). The Series 2013 Bonds are currently outstanding in the aggregate principal amount of $3,695,000.

6. On August 20, 2014 the Governing Body adopted a resolution (the "**2014 Resolution**") authorizing the issuance of the Municipality's $3,850,000 Water System Revenue

Bonds, Series 2014, dated September 10, 2014 (the "**Series 2014 Bonds**"). The Series 2014 Bonds are currently outstanding in the aggregate principal amount of $2,140,000.

7. On October 7, 2015 the Governing Body adopted a resolution (the "**2015 Resolution**") authorizing the issuance of the Municipality's $22,735,000 Water System Revenue Refunding Bonds, Series 2015, dated October 28, 2015 (the "**Series 2015 Bonds**"). The Series 2015 Bonds are currently outstanding in the aggregate principal amount of $7,575,000.

8. On September 7, 2016 the Governing Body adopted a resolution (the "**2016 Resolution**") authorizing the issuance of the Municipality's $23,830,000 Water System Revenue Refunding Bonds, Series 2016, dated October 4, 2016 (the "**Series 2016 Bonds**"). The Series 2016 Bonds are currently outstanding in the aggregate principal amount of $2,290,000.

9. On July 15, 2020 the Governing Body adopted a resolution (the "**2020 Resolution**") authorizing the issuance of the Municipality's $6,865,000 Water System Revenue Bonds, Series 2020, dated August 6, 2020 (the "**Series 2020 Bonds**"). The Series 2020 Bonds are currently outstanding in the aggregate principal amount of $5,920,000.

10. On July 21, 2021 the Governing Body adopted a resolution (the "**2021 Resolution**") authorizing the issuance of the Municipality's $8,265,000 Water System Revenue Refunding Bonds, Series 2021, dated August 11, 2021 (the "**Series 2025 Bonds**"). The Series 2025 Bonds are currently outstanding in the aggregate principal amount of $6,875,000.

11. No other outstanding obligations are payable from the income and revenues derived from the operation of the System.

12. The Municipality needs funds to finance (i) certain additions, extensions, and improvements to the System, including, but not limited to, construction of and improvements to water mains, raw water lines, and intakes, and equipment replacement and upgrades (collectively, the "**Project**") and (ii) the current refunding of all or a portion of the outstanding Series 2013 Bonds and Series 2014 Bonds, subject to the parameters set forth in Section 4 of this resolution (the "**Refunding**").

13. The Governing Body wishes to finance the costs of the Project and the Refunding by authorizing, selling, and issuing its not to exceed $8,975,000 Water System Revenue Refunding Bonds, Series 2025 (the "**Bonds**"). The Bonds will be issued pursuant to the Act, on the terms and conditions described in this resolution, and will be secured by and payable from the income and revenues derived and to be derived from the operation of the System. The Bonds will be issued on a parity and equality of rank with the Series 2012 Bonds, the Series 2013 Bonds, the Series 2014 Bonds, the Series 2015 Bonds, the Series 2016 Bonds, the Series 2020 Bonds, and the Series 2021 Bonds (collectively, the "**Outstanding Bonds**").

14. Section 21 of the 2007A Resolution, which section is continued under each of the resolutions authorizing the issuance of the Outstanding Bonds, authorizes the issuance of additional bonds on a parity and equality of rank with the Outstanding Bonds upon compliance with the conditions set forth therein (the "**Additional Bonds Test**"). All conditions set forth under the Additional Bonds Test have been or will be satisfied prior to the issuance of the Bonds.

15. In accordance with the provisions of Section 66.0621 (4) (a) 2 of the Wisconsin Statutes and this resolution: (i) interest on the Bonds will be payable at least annually, and (ii) payment of principal of the Bonds will commence not later than 3 years after the date of issuance of the Bonds. The requirement each year to pay both principal of, and interest on, the Bonds will be reasonable and in accordance with prudent municipal utility management practices.

16. Robert W. Baird & Co. Incorporated, or a group that it leads (the "**Bond Purchaser**"), has proposed to purchase the Bonds for a purchase price to be determined, which shall not be less than 98% nor more than 110% of the principal amount of the Bonds to be issued, plus accrued interest, if any, to the date of delivery of the Bonds (the "**Purchase Price**").

17. The Municipality has taken all actions required by law and has the power to sell and issue the Bonds.

18. The Governing Body will adopt this resolution to sell and issue the Bonds.

RESOLUTIONS

The Governing Body resolves as follows:

Section 1. Definitions.

In addition to the capitalized terms defined in the recitals above, capitalized terms not otherwise defined in this resolution shall have the meanings set forth below unless the context requires another meaning.

"**Act**" means Section 66.0621 of the Wisconsin Statutes, as amended.

"**Authorized Officers**" means the Mayor, the Financial Officer, or the Clerk, each having the authority to act alone on behalf of the Municipality for purposes of Sections 4 and 25 hereof.

"**Bond Counsel**" means (i) as of the Original Issue Date, Foley & Lardner LLP, and (ii) after the Original Issue Date, either Foley & Lardner LLP or any other nationally recognized firm of attorneys, employed by the Municipality, experienced in municipal finance whose legal and tax opinions are generally accepted by purchasers of municipal obligations.

"**Bonds**" means the not to exceed $8,975,000 City of Appleton, Wisconsin Water System Revenue Refunding Bonds, Series 2025, which are authorized to be issued pursuant to this resolution.

"**Bond Purchase Agreement**" means the purchase contract presented by the Bond Purchaser evidencing the purchase of the Bonds as described in Section 25 of this resolution.

"**Bond Purchaser**" has the meaning given in the recitals to this resolution.

"**Bond Register**" means the register maintained by the Fiscal Agent at its designated office, in which the Fiscal Agent records:

(i) the name and address of the owner of each Bond.

(ii) all transfers of each Bond.

"**Book-Entry System**" means a system in which no physical distribution of certificates representing ownership of the Bonds is made to the owners of the Bonds but instead all outstanding Bonds are registered in the name of a securities depository appointed by the Municipality, or in the name of such a depository's nominee, and the depository and its participants record beneficial ownership and transfers of the Bonds electronically.

"**Code**" means the Internal Revenue Code of 1986, as amended.

"**Continuing Disclosure Agreement**" means the Continuing Disclosure Agreement, dated as of the Original Issue Date, to be executed by the Municipality and delivered on the closing date of the Bonds.

"**Current Expenses**" means the reasonable and necessary cost of operating, maintaining, administering, insuring, and repairing the System as determined in accordance with generally accepted accounting principles and shall include, but not be limited to, salaries, premiums for insurance, wages, cost of materials and supplies, insurance, and audits, but shall exclude allowances for depreciation, debt service on obligations of the System, tax equivalents, capital expenditures, and accumulations of reserves.

"**Depository**" means DTC or any successor appointed by the Municipality and acting as securities depository for the Bonds.

"**DTC**" means The Depository Trust Company, New York, New York.

"**Financial Officer**" means the Municipality's Director of Finance.

"**Fiscal Agent**" means the Municipality's Director of Finance or any successor fiscal agent appointed by the Municipality to act as authentication agent, paying agent, and registrar for the Bonds pursuant to Section 67.10 (2) of the Wisconsin Statutes.

"**Fiscal Year**" means the twelve-month period beginning on January 1 of each year and ending on December 31 of each year. The Municipality may change the Fiscal Year of the System if the Original Purchasers consent to the change. If the Original Purchasers consent to the change, then the change will not constitute a modification, change, amendment, or alteration of this resolution for purposes of Section 24 of this resolution.

"**Governing Body**" means the Municipality's Common Council.

"**Gross Revenues**" means the gross revenues of the System from all sources, excluding (i) customer deposits, (ii) collected taxes imposed by other governmental entities, and (iii) earnings on amounts held in the Special Redemption Fund.

"**Independent Consultant**" means a recognized engineer or firm of engineers or a recognized certified public accountant or firm of certified public accountants who or which is not an officer or regular employee of the Municipality or the System and who or which is not devoting substantially all of his, her, or its time and efforts to the affairs of the System.

"**Minimum Reserve Amount**" means the least of the following: (i) the maximum annual debt service coming due in any future year on the Bonds and Parity Bonds then outstanding, (ii) 10% of the then outstanding principal amount of the Bonds and Parity Bonds, or (iii) 125% of the average annual debt service on the Bonds and Parity Bonds then outstanding.

"**Municipal Officers**" means the Mayor and Clerk of the Municipality. These are the officers required by law to execute revenue obligations on the Municipality's behalf.

"**Municipality**" means the City of Appleton, Wisconsin.

"**Net Revenues**" means Gross Revenues after deduction of Current Expenses, plus earnings on moneys held in the Special Redemption Fund.

"**Original Issue Date**" means October 1, 2025, or such other date established for delivery of the Bonds pursuant to the Bond Purchase Agreement.

"**Original Purchasers**" means the Bond Purchaser and the initial purchaser of each issue of Parity Bonds (including the Outstanding Bonds), so long as the issue of Parity Bonds remains outstanding.

"**Outstanding Bonds**" has the meaning given in the recitals to this resolution.

"**Parity Bonds**" means all other obligations payable from the revenues of the System (including the Outstanding Bonds) other than the Bonds but issued on a parity and equality with the Bonds and the Outstanding Bonds pursuant to the restrictive provisions of the applicable sections of the Prior Resolutions and of Section 21 of this resolution.

"**Prior Resolutions**" means, collectively, the 2012 Resolution, the 2013 Resolution, the 2014 Resolution, the 2015 Resolution, the 2016 Resolution, the 2020 Resolution, and the 2021 Resolution, each as defined in the recitals to this resolution.

"**Project**" has the meaning given in the recitals to this resolution.

"**Purchase Price**" has the meaning given in the recitals to this resolution.

"**Record Date**" means the 15th day (whether or not a business day) of the calendar month just before each regularly scheduled interest payment date for the Bonds.

"**Recording Officer**" means the Municipality's Clerk.

"**Redemption Date**" means October 14, 2025, or such other date established for redemption of the Refunded Bonds pursuant to the Bond Purchase Agreement.

"**Refunded Bonds**" means all or a portion of the outstanding principal amount of the Series 2013 Bonds and the Series 2014 Bonds, each as defined in the recitals to this resolution, and as set forth in the Bond Purchase Agreement.

"**Refunding**" has the meaning given in the recitals to this resolution.

"**Reserve Account**" means the Reserve Account of the Special Redemption Fund.

"**Special Redemption Fund**" means the fund designated as such and described in Section 18 of this resolution.

"**System**" means the water utility of the Municipality, which shall include all property of every nature now or hereafter owned by the Municipality for the extraction, collection, storage, treatment, transmission, distribution, metering, and discharge of domestic, industrial, and potable public water, or constituting part of, or used or useful in connection with the water utility of the Municipality; and including all improvements and extensions thereto made by the Municipality while any of the Bonds or Parity Bonds remain outstanding and including all appurtenances, contracts, leases, franchises, and other intangibles.

Section 2. Exhibits.

The attached exhibits are also a part of this resolution as though they were fully written out in this resolution:

(i) *Exhibit A* - Form of Bond.

(ii) *Exhibit B* - Notice to Electors of Sale.

Section 3. Purposes of Borrowing; Issuance of Bonds.

The Governing Body authorizes the Bonds and orders that they be prepared, executed, and issued, subject to the parameters set forth in Section 4. The Bonds will be fully registered, negotiable, water system revenue refunding bonds of the Municipality in the aggregate principal amount of not to exceed $8,975,000. The Bonds will be issued pursuant to the Act to pay the costs of the Project, the Refunding, and issuing the Bonds (including, but not limited to, printing costs and fees for underwriting, financial consultants, bond counsel, fiscal agent, rating agencies, bond insurance, and registration, as applicable).

Section 4. Terms of Bonds.

The Bonds will be named "City of Appleton, Wisconsin Water System Revenue Refunding Bonds, Series 2025." The Bonds will be dated the Original Issue Date, even if they are actually issued or executed on another date. Each Bond will also be dated the date on which it is authenticated by the Fiscal Agent. That date is its registration date.

The face amount of each Bond will be $5,000 or any multiple thereof up to the principal amount authorized for that maturity.

The Bond Purchaser will purchase the Bonds at the Purchase Price set forth in the Bond Purchase Agreement.

The Bonds will bear interest from the Original Issue Date at the rates set forth in the Bond Purchase Agreement and accepted by an Authorized Officer; *provided, however,* that (i) the true interest cost of the Bonds shall not exceed 5.25% (computed taking the Bond Purchaser's compensation into account), and (ii) the difference between the offering price to the public for the Bonds and the Purchase Price to be paid to the Municipality for the Bonds shall not exceed 2.00% of the principal amount of the Bonds. All or a portion of the Refunded Bonds may be removed from the Refunding at the discretion of an Authorized Officer. The Refunded Bonds shall be determined by an Authorized Officer in the Bond Purchase Agreement.

Interest on the Bonds will be due and payable on each January 1 and July 1, until the principal of the Bonds has been paid, beginning on January 1, 2026, or on such other date as set forth in the Bond Purchase Agreement. Interest on each Bond will be (i) computed on the basis of a 360-day year of twelve 30-day months and (ii) payable to the entity or person in whose name the Bond is registered on the Bond Register at the end of the day on the applicable Record Date. The Municipality and the Fiscal Agent may treat the entity or person in whose name any Bond is registered on the Bond Register as the absolute owner of the Bonds for all purposes whatsoever under this resolution. The Bonds will be numbered consecutively as may be required to comply with any applicable rules or customs or as determined by the Municipal Officers executing the Bonds.

The following table shows when the Bonds will mature or be subject to mandatory sinking fund redemption, except that the principal amounts coming due each year below, whether by maturity or by mandatory sinking fund redemption of term bonds, may be increased or decreased by up to $1,000,000 in each year and a maturity may be removed if the principal amount of such maturity is less than $1,000,000. The aggregate principal amount of the Bonds shall not exceed $8,975,000 and the table below assumes the Bonds are issued in that amount. The actual maturity schedule, within the parameters set forth herein, will be set forth in the Bond Purchase Agreement and accepted by an Authorized Officer.

Principal Maturity Date (January 1)	Principal Amount
2026	$640,000
2027	695,000
2028	730,000
2029	770,000
2030	805,000
2031	845,000
2032	890,000
2033	930,000
2034	430,000
2035	155,000
2036	165,000

2037	170,000
2038	180,000
2039	190,000
2040	200,000
2041	210,000
2042	220,000
2043	230,000
2044	240,000
2045	280,000

The principal of, and interest on, the Bonds will be payable in lawful money of the United States of America.

Section 5. Fiscal Agent; Redemption Agent.

The Municipality appoints the Fiscal Agent to act as authentication agent, paying agent, and registrar for the Bonds. Among other things, the Fiscal Agent shall maintain the Bond Register.

If the Bond Purchase Agreement specifies that certain maturities of the Bonds are term bonds and subject to partial mandatory sinking fund redemption as described in Section 8, then the Municipality appoints Associated Trust Company, National Association (the "**Redemption Agent**") to act as redemption agent for such Bonds, which includes giving notice of redemption on behalf of the Municipality prior to each Sinking Fund Redemption Date (as defined in Section 8). The appropriate officers of the Municipality are authorized and directed to enter into a redemption agent agreement with the Redemption Agent on behalf of the Municipality. Such agreement may provide for the Municipality to pay the reasonable and customary fees of the Redemption Agent for its services.

Section 6. Appointment of Depository.

The Municipality appoints DTC to act as securities depository for the Bonds. An authorized representative of the Municipality has previously executed a blanket issuer letter of representations with DTC on the Municipality's behalf, and the Municipality ratifies and approves that document.

Section 7. Book-Entry System.

On the date of their initial delivery, the Bonds will be registered in the name of DTC or its nominee and maintained in a Book-Entry System. If the Municipality's relationship with DTC is terminated, then the Municipality may appoint another securities depository to maintain the Book-Entry System.

If on any date the Bonds are not being maintained in a Book-Entry System, then the Municipality will do the following:

(i) At its expense, the Municipality will prepare, authenticate, and deliver to the beneficial owners of the Bonds fully-registered, certificated Bonds in

the denomination of $5,000 or any multiple thereof in the aggregate principal amount then outstanding. The beneficial owners will be those shown on the records of the Depository and its direct and indirect participants.

(ii) The Municipality will appoint a fiscal agent to act as authentication agent, paying agent, and registrar for the Bonds under Section 67.10 (2) of the Wisconsin Statutes.

Section 8. Redemption.

The Bond Purchase Agreement may specify that certain Bonds maturing on or after a certain date are subject to redemption before their stated maturity dates, at the Municipality's option, in whole or in part, in the order of maturity selected by the Municipality, on a stated redemption date and on any date thereafter. If certain maturities of the Bonds are subject to such optional redemption, then the redemption price will be 100% of the principal amount redeemed, plus accrued interest to the redemption date, and no premium will be paid. If payment of a Bond called for redemption has been made or provided for, then interest on such Bond stops accruing on the stated redemption date. If less than all the principal amount of a specific maturity is redeemed, then the Bonds will be redeemed in $5,000 multiples in accordance with Sections 9 and 10 below, and if a portion, but not all, of a maturity that is subject to mandatory partial redemptions by operation of a sinking fund (as described below) is being redeemed, then the Municipality will select the amounts to be redeemed on future Sinking Fund Redemption Dates (as defined below) that are reduced as a result of the partial redemption.

If the Bond Purchase Agreement specifies that certain maturities of the Bonds are term bonds and subject to partial mandatory sinking fund redemption, then the Bonds maturing on such dates shall be subject to mandatory sinking fund redemption at a redemption price of 100% of the principal amount redeemed, plus accrued interest to the redemption date, on January 1 of the years (each a "**Sinking Fund Redemption Date**"), and in the respective principal amounts (subject to reduction as provided in the immediate preceding sentence), as set forth in the Bond Purchase Agreement and consistent with Section 4 hereof.

Section 9. Manner of Payment/Transfers/Redemption Notices Under Book-Entry System.

So long as the Bonds are being maintained in a Book-Entry System, the following provisions apply:

Payment. The Fiscal Agent is directed to pay the principal of, and interest on, the Bonds by wire transfer to the Depository or its nominee in accordance with the Depository's rules that are then in effect.

Transfers. The Bonds are transferable, only upon the Bond Register and only if the Depository ceases to act as securities depository for the Bonds and the Municipality appoints a successor securities depository. If that happens, then upon the surrender of the Bonds to the Fiscal Agent, the Municipality will issue new fully registered Bonds in the same aggregate

principal amount to the successor securities depository, and the Bonds will be recorded as transferred to the successor securities depository in the Bond Register.

The Fiscal Agent will not be required to make any transfer of the Bonds (i) during the 15 calendar days before the date of the sending of notice of any proposed redemption of the Bonds, or (ii) with respect to any particular Bond, after such Bond has been called for redemption.

Partial Redemption. If less than all the principal amount of a specific maturity is to be redeemed, then the Depository and its direct and indirect participants will select the beneficial owners of the Bonds to be redeemed. If a Bond has been called for redemption but less than all the principal amount of a specific maturity is redeemed, then on or after the redemption date and upon surrender to the Fiscal Agent of the Bond, the Municipality will issue one or more new Bonds in the principal amount outstanding after the redemption.

Notice of Redemption. Notice of the redemption of any of the Bonds will be sent to the Depository, in the manner required by the Depository, not less than 30, and not more than 60, days prior to the proposed redemption date. A notice of optional redemption may be revoked by sending notice to the Depository, in the manner required by the Depository, not less than 15 days prior to the proposed optional redemption date.

Section 10. Manner of Payment/Transfers/Redemption Notices *Not* Under Book-Entry System.

If on any date the Bonds are not being maintained in a Book-Entry System, then the following provisions apply:

Payment. The Fiscal Agent will pay the principal of each Bond upon its presentation and surrender on or after its maturity or earlier redemption date at the designated office of the Fiscal Agent, and the Fiscal Agent will pay, on each interest payment date, the interest on each Bond by wire or other electronic funds transfer, or by check of the Fiscal Agent sent by first class mail, to the person or entity in whose name the Bond is registered on the Bond Register at the end of the day on the applicable Record Date.

Transfers. Each Bond is transferable, only upon the Bond Register, for a like aggregate principal amount of the same maturity and interest rate in denominations of $5,000 or any multiple thereof. A transfer may be requested by the registered owner in person or by a person with a written power of attorney. The Bond shall be surrendered to the Fiscal Agent, together with a written instrument of transfer satisfactory to the Fiscal Agent signed by the registered owner or by the person with the written power of attorney. The Municipality will issue one or more new fully registered Bonds in the same aggregate principal amount to the transferee or transferees, as applicable, in exchange for the surrendered Bonds and upon the payment of a charge sufficient to reimburse the Municipality or the Fiscal Agent for any tax, fee, or other governmental charge required to be paid with respect to such registration.

The Fiscal Agent will not be required to make any transfer of the Bonds (i) during the 15 calendar days before the date of the sending of notice of any proposed redemption of the Bonds, or (ii) with respect to any particular Bond, after the Bond has been called for redemption.

Partial Redemptions. If less than all the principal amount of a specific maturity is to be redeemed, then the Municipality or the Fiscal Agent will randomly select the Bonds to be redeemed. If a Bond has been called for redemption but less than all the principal amount thereof is redeemed, then on or after the redemption date and upon surrender to the Fiscal Agent of the Bond, the Municipality will issue one or more new Bonds in the principal amount outstanding after the redemption.

Notice of Redemption. Notice of the redemption of any of the Bonds shall be sent by first-class mail not less than 30, and not more than 60, days before the redemption date to the registered owners of the Bonds to be redeemed, at the respective addresses set forth in the Bond Register. A notice of optional redemption may be revoked by sending a notice by first class mail not less than 15 days prior to the proposed optional redemption date to the registered owners of the Bonds which have been called for redemption.

Section 11. Form of Bonds.

The Bonds shall be in substantially the form shown in Exhibit A hereto. Omissions, insertions, or variations are permitted if they are deemed necessary or desirable and are consistent with this resolution or any supplemental resolution. The Municipality may cause the approving opinion of bond counsel to be printed or reproduced on the Bonds.

Section 12. Execution of Bonds.

The Bonds shall be signed by the persons who are the Municipal Officers on the date on which the Bonds are signed. The Bonds shall be sealed with the Municipality's corporate seal (or a facsimile thereof), if the Municipality has one, and the Bonds shall also be authenticated by the manual signature of the Fiscal Agent.

The Bonds will be valid and binding even if before they are delivered any person whose signature appears on the Bonds is no longer living or is no longer the person authorized to sign the Bonds. In that event, the Bonds will have the same effect as if the person were living or were still the person authorized to sign the Bonds.

A facsimile signature may be used as long as at least one signature of a Municipal Officer is a manual signature or the Fiscal Agent's certificate of authentication has a manual signature. If a facsimile signature is used, then it will be treated as the officer's own signature.

Section 13. Continuing Disclosure.

The appropriate officers of the Municipality are directed to sign the Continuing Disclosure Agreement, and the Municipality agrees to comply with all its terms.

Section 14. Payable Only From Special Redemption Fund.

The Bonds and any Parity Bonds, together with interest thereon, will be payable only out of the Special Redemption Fund as provided in the Prior Resolutions and in this resolution. The registered owners of the Bonds and any Parity Bonds will have a valid claim only against the Special Redemption Fund and the revenues pledged to such fund.

Section 15. Pledge.

The Municipality pledges sufficient revenues of the System to the Special Redemption Fund to pay the principal of, and interest on, the Bonds and any Parity Bonds as provided in this resolution. Such revenues will be used for no purpose other than to pay the principal of and interest on the Bonds and any Parity Bonds on the dates on which such amounts are due. The Bonds and any Parity Bonds, together with the interest thereon, shall not constitute an indebtedness of the Municipality within the meaning of any constitutional or statutory limitation or provision and shall not constitute a general obligation of the Municipality or a charge against its general credit or taxing power. The Municipality will not be liable for the payment of the principal of, and interest on, the Bonds, except as provided in this resolution.

Section 16. Equality of Lien.

All Bonds and any Parity Bonds, regardless of issue dates, maturity dates, or series designations, will be secured equally by the pledge of the Net Revenues of the System and all amounts in the Special Redemption Fund.

Section 17. Parity Bonds.

Except as permitted by Section 21(a) of this resolution, the Municipality will issue no bonds or other obligations payable from the revenues of the System, or enjoying a lien on the revenues or property of the System, that have a priority over the Outstanding Bonds and the Bonds with respect to their payment or security. The Municipality may issue Parity Bonds on the terms and conditions set forth in the applicable section of each Prior Resolution and Section 21 of this resolution.

Section 18. Funds and Accounts.

(a) Creation of Funds and Accounts; Purposes.

The Municipality affirms, and continues, or creates, as applicable, the following funds and accounts of the System, some of which were originally created under the 2007A Resolution (collectively, the "**Funds and Accounts**"), to provide for the collection, distribution, and use of the Gross Revenues and the proceeds of the Bonds:

(1) Water System Revenue Fund (the "**Revenue Fund**"), into which the entire Gross Revenues shall be deposited as received.

(2) Water System Operation and Maintenance Fund (the "**Operation and Maintenance Fund**"), which shall be used to hold amounts expected to be used for the payment of the reasonable and necessary expenses of operating and maintaining the System, including salaries, wages, materials, supplies, and insurance, and for the purposes described in Section 19(c)(1) of this resolution.

(3) Water System Special Redemption Fund (the "**Special Redemption Fund**"), which will be divided into the following

three accounts: (i) the "**Interest and Principal Account**", (ii) the "**Earnings Account**", and (iii) the "**Reserve Account**." Amounts held in the Interest and Principal Account and the Earnings Account will be used only to pay interest on and principal of the Bonds and Parity Bonds as provided in this resolution. Amounts held in the Reserve Account will be used to pay principal of or interest on the Bonds or any Parity Bonds on any date when amounts in the Interest and Principal Account and the Earnings Account are insufficient to make such payments. Notwithstanding the foregoing, to effect the Refunding an additional account shall be created within the Special Redemption Fund with the name "**2025 Escrow Account**". Funds held in the 2025 Escrow Account shall be used to pay the redemption price of the Refunded Bonds on the Redemption Date. Any balance remaining in the 2025 Escrow Account after the Redemption Date shall be transferred to the Earnings Account.

(4) Water System Surplus Fund (the "**Surplus Fund**"), amounts in which will be used for the purposes described in Section 19(c)(5) of this resolution.

(5) 2025 Water System Construction Fund (the "**2025 Construction Fund**"), amounts in which will be used only to pay (i) the costs of issuing of the Bonds (including fees for any bond insurance policies securing the Bonds) and the costs of the Project, or (ii) interest on the Bonds at any time when there shall be insufficient money in the Special Redemption Fund for that purpose. Any balance remaining in the 2025 Construction Fund after the completion of the Project shall be transferred to the Earnings Account.

(b) Limitation on the Use of Amounts in the Funds and Accounts.

Amounts held in the Funds and Accounts shall be used only for the purposes described in this resolution.

(c) Requirement to Maintain the Special Redemption Fund as a Separate Fund.

The Special Redemption Fund shall be maintained as a separate fund in the treasury of the Municipality. The other Funds and Accounts may be combined in a single investment or bank account.

(d) Investment of Amounts held in Funds and Accounts.

Amounts in the Funds and Accounts may be invested in any manner permitted by the laws of Wisconsin, subject to the following limitations:

(i) The investments in each Fund or Account shall be sold whenever necessary to provide funds for the purposes for which the Fund or Account was created.

(ii) or its retention would cause any Bond to be an "arbitrage bond" (within the meaning of Section 148 of the Code or the Treasury Regulations promulgated thereunder).

(iii) All investments held in the Funds and Accounts shall be secured to the fullest extent required by the laws of Wisconsin.

(e) Required Transfers of Earnings on Certain Funds and Accounts.

All income from the investment of amounts in the Special Redemption Fund shall be transferred to the Earnings Account. All income from the investment of amounts in the 2025 Construction Fund shall be retained in the 2025 Construction Fund. All income from the investment of amounts in all other Funds and Accounts shall be deposited in the Revenue Fund and regarded as revenues of the System.

(f) Rebate Matters.

To comply with the rebate requirements of Section 148(f) of the Code and the related Treasury Regulations:

(i) The Municipality shall cause a determination to be made of the amount, if any, of rebate required to be paid to the United States Treasury with respect to the Bonds at least every five years after the date of the issuance of the Bonds and upon the retirement of the last Bond. The Municipality may engage Bond Counsel or another qualified rebate determination provider to prepare the determination, and the Municipality may pay reasonable compensation to the rebate determination provider for the performance of such services.

(ii) The Municipality shall make required rebate payments to the United States Treasury with respect to the Bonds at such times and in such amounts and manner as are required by the Code and the related Treasury Regulations.

(iii) The Municipality shall keep records of the rebate determinations prepared and any rebate payments made until three years after the April 15th following the retirement of the last Bond.

Section 19. Application of Revenues.

(a) Deposits to Revenue Fund and Transfers From Revenue Fund.

Until all Bonds and Parity Bonds, if any, have been retired, or until there is on deposit in the Special Redemption Fund an amount sufficient to provide for the payment of the principal of all outstanding Bonds and Parity Bonds, if any, together with the interest thereon to maturity, the Gross Revenues shall, to the extent permitted by law, be deposited as collected in the Revenue Fund and shall be transferred from the Revenue Fund and deposited in the Operation and Maintenance Fund, the Special Redemption Fund, and the Surplus Fund in the following order:

(1) A sum sufficient of the money in the Revenue Fund for the purposes of the Operation and Maintenance Fund shall be deposited in the Operation and Maintenance Fund.

(2) A sum sufficient of the money in the Revenue Fund for the purposes of the Special Redemption Fund shall be deposited in the Special Redemption Fund.

(3) The remainder of the money in the Revenue Fund shall be deposited in the Surplus Fund.

Transfers from the Revenue Fund to the Operation and Maintenance Fund, the Special Redemption Fund, and the Surplus Fund shall be made in the order indicated above, at such times as are necessary to carry out the purposes of the respective funds.

(b) Transfers to the Special Redemption Fund.

The Governing Body intends that the amount of money deposited in the Special Redemption Fund from all sources will be sufficient (i) to pay the interest on the Bonds and any Parity Bonds as the same becomes due, (ii) to retire the Bonds and any Parity Bonds at maturity, and (iii) to provide for any required monthly deposits to the Reserve Account.

(c) Transfers Among Certain Funds and Accounts; Uses of Amounts in Funds and Accounts.

Amounts deposited in the following Funds and Accounts shall be held, used, or transferred as follows:

(1) *Operation and Maintenance Fund.* Amounts deposited in the Operation and Maintenance Fund shall be used for the purposes described in Section 18(a)(2) of this resolution, unless the balance in the Operation and Maintenance Fund exceeds the estimated operating and maintenance expenses of the System for the next succeeding sixty days, in which case the excess amount shall (i) be transferred to the Special Redemption Fund to remedy any deficiency in the Special Redemption Fund, or (ii) if or to the

extent that no such deficiency exists, then the remaining excess amount shall be transferred to the Surplus Fund.

(2) *Interest and Principal Account and Earnings Account.* Amounts deposited in the Special Redemption Fund shall first be used to deposit each month into the Interest and Principal Account an amount equal to one-sixth (1/6) of the next installment of interest due on the Bonds and Parity Bonds then outstanding, plus an amount equal to one-twelfth (1/12) of the next installment of principal of the Bonds and Parity Bonds coming due, until the full amount of such installments is on deposit in the Interest and Principal Account. The deposits shall be made first from the Earnings Account until it is depleted, and all moneys in the Earnings Account will be deemed to have been used first in payment of interest on the Bonds and Parity Bonds. Any funds remaining in the Earnings Account after each such transfer shall first be transferred to the Interest and Principal Account until there is on hand in the Interest and Principal Account an amount equal to the full amount of principal of, and interest on, the Bonds and any Parity Bonds then outstanding coming due during the 12 months following the date of such transfer and after that either (i) be used to retire Bonds or Parity Bonds in advance of maturity by redemption or by purchase of such bonds on the open market or an invitation and receipt of tenders of the lowest dollar price or prices obtainable, but not exceeding the lowest price at which such bonds could be redeemed on the next succeeding redemption date or (ii) be invested so as to restrict the yield thereon to avoid the Bonds or Parity Bonds being classified as "arbitrage bonds" within the meaning of Section 148 of the Code or any Treasury Regulations promulgated thereunder. Notwithstanding the foregoing, unless the Municipality is provided with an opinion of Bond Counsel that the action specified below will not adversely affect the exclusion of interest on the Bonds or the applicable issue of Parity Bonds from gross income for federal income tax purposes (i) moneys in the Earnings Account that are allocable to "proceeds" (within the meaning of Treas. Reg. § 1.148-1(b)) of the Bonds or any issue of Parity Bonds may only be deposited in the Interest and Principal Account if such moneys will be used to pay principal of, or interest on, the issue to which such proceeds are allocable, and (ii) no moneys that are allocable to proceeds of the Bonds or any issue of Parity Bonds may be used to pay interest on or principal of obligations that are not part of the issue to which the proceeds are allocable.

(3) *Reserve Account.* The next available amounts in the Special Redemption Fund shall be used to make monthly transfers to the Reserve Account until there is on hand in the Reserve Account an

amount equal to the Minimum Reserve Amount. Amounts in the Reserve Account shall be used whenever necessary to pay principal of or interest on the Bonds and Parity Bonds whenever the Interest and Principal Account and the Earnings Account are insufficient for that purpose. Any amounts in the Reserve Account in excess of the Minimum Reserve Amount shall be transferred to the Earnings Account. For the purpose of computing the Minimum Reserve Amount, all investments in the Reserve Account shall be valued semiannually, on each interest payment date, at then current market value. In the event that amounts are withdrawn from the Reserve Account or amounts on deposit in the Reserve Account on any valuation date are less than the Minimum Reserve Amount, the Municipality, from revenues of the System, shall restore any amounts so withdrawn or any shortfall so that 12 months following such withdrawal or shortfall the amount on deposit in the Reserve Account equals the Minimum Reserve Amount.

(4) *Moral Obligation to Restore Reserve Account.* If, on July 2nd of any Fiscal Year, the amount on deposit in the Reserve Account is less than the Minimum Reserve Amount, then before October 1st of that Fiscal Year the Financial Officer shall certify to the Governing Body the amount necessary to restore the Reserve Account to the Minimum Reserve Amount. Recognizing its moral obligation to do so, the Governing Body expresses its expectation and aspiration that, if presented with such a certification, it will, by December 31st of the Fiscal Year in which such a certification is presented to the Governing Body, make an appropriation of funds sufficient to restore the Reserve Account to the Minimum Reserve Amount. The Governing Body determines that the System and any appropriation of funds pursuant to this moral obligation pledge serves a public purpose by safeguarding the health and welfare of its citizens.

(5) *Surplus Fund.* Amounts in the Surplus Fund shall first be used whenever necessary to pay principal of or interest on the Bonds and Parity Bonds when the Special Redemption Fund is insufficient for that purpose, and thereafter:

(i) to remedy any deficiency in any of the Funds or Accounts;

(ii) to pay local and school tax equivalents;

(iii) to pay the cost of additions, repairs, or improvements to the System;

(iv) to pay any other necessary disbursements or indebtedness with respect to the System; or

(v) if at the close of any Fiscal Year there are amounts in the Surplus Fund in excess of what is needed for the foregoing purposes, then such amounts may be used for any other purpose permitted by the Wisconsin Statutes.

All transfers and deposits within any Fund or Account or to any other Fund or Account required or permitted by this section shall be made at such times as are necessary to carry out the purposes of the applicable Fund or Account.

Section 20. Agreements and Covenants Regarding the Operation of the System.

The Municipality agrees and covenants with each and every registered owner of the Bonds and Parity Bonds as follows:

(a) The reasonable cost and value of any service rendered to the Municipality by the System by furnishing utility services, including, but not limited to, fire, police, safety and health protection, will, to the extent permitted by law, be charged against the Municipality and be paid by it monthly as the service accrues out of the current revenues of the Municipality collected or in process of collection, but not from Gross Revenues, and, if necessary, out of the tax levy of the Municipality made by it to raise money to meet its necessary current expenses.

(b) The Municipality will faithfully and punctually perform all duties concerning the System required by the constitution and statutes of the State of Wisconsin, including the making and collecting of reasonable, lawful, and sufficient rates for services rendered by the System and the segregation and application of the revenues of the System as provided in this resolution.

(c) The Municipality will not sell, lease, or in any manner dispose of all or any part of the System, or any additions or extensions that may be made to the System, until all Bonds and Parity Bonds have been paid in full, both principal and interest, or until provision has been made for the payment in full of all Bonds and Parity Bonds, both principal and interest, unless the property to be sold, leased, or otherwise disposed of has been found by the Governing Body not to be necessary or useful in the operation of the System. The proceeds received from any sale, lease, or disposal of any such property of the System shall be paid into (i) the Earnings Account of the Special Redemption Fund, if the property sold was acquired or improved with proceeds of the Bonds or any Parity Bonds that are tax-exempt obligations, or (ii) the Revenue Fund, in all other cases.

(d) The Municipality will: (i) operate and maintain the System in good condition; (ii) charge and collect such lawfully established rates and charges for the service rendered by the System so that the Gross Revenues of the System will be sufficient to make the payments into the Funds and Accounts created or continued by this resolution and provide for Net Revenues at least equal to 1.10 times the highest combined annual interest and principal requirements on all Bonds and Parity Bonds then outstanding; and (iii) promptly take such actions as are necessary to adopt and enforce increased rates whenever such increase shall be necessary to fulfill any covenant of this resolution.

(e) The Municipality will keep proper books and accounts relating to the System separate from all other records of the Municipality and will cause such books and accounts to be audited annually by a recognized independent firm of certified public accountants and will make available to the owners of any of the Bonds or Parity Bonds the latest balance sheet and the profit and loss statement of the System as certified by such accountants. The registered owners of any Bonds or Parity Bonds will have the right to inspect the System and the records, accounts, and data of the Municipality relating to the System at all reasonable times. Each audit of the books and accounts of the System, in addition to whatever matters may be thought proper by the accountants to be included therein, shall include the following: (i) a statement in detail of the revenues and expenditures of the System for the Fiscal Year; (ii) a statement of the Net Revenues as herein defined for the Fiscal Year; (iii) a balance sheet as of the end of the Fiscal Year; (iv) the accountants' comment regarding the manner in which the Municipality has carried out the requirements of this resolution and the accountants' recommendation for any changes or improvements in the operation of the System; (v) a list of the insurance policies in force at the end of the Fiscal Year setting out as to each policy the amount of the policy, the risks covered, the name of the insurer and the expiration date of the policy; and (vi) the number and types of connections at the end of the Fiscal Year.

(f) The Municipality will carry, for the benefit of the registered owners of the Bonds and Parity Bonds, insurance of a kind and in such amounts as would usually be carried by private companies or other public bodies engaged in operating a similar utility system. All amounts received for losses under any of such insurance policies, except public liability, shall be used in repairing the damage or in replacing the property destroyed, unless the Governing Body finds that it is not advisable to repair such damage or replace such property and that the operation of the System will not be impaired if such property is not repaired or such property is not replaced, in which case such amounts shall be deposited in the Earnings Account, provided that any amounts deposited in the Earnings Account shall not reduce the amounts otherwise required to be paid into the Special Redemption Fund.

(g) The Municipality will grant no franchise for the operation of another System (or any part thereof) within the geographic limits of the Municipality, unless the denial of such franchise would be in violation of any law.

(h) The Municipality will by resolution of its Governing Body require all buildings in the Municipality used for human habitation and located adjacent to service from the System, or located in a block through which service from the System extends, to be connected with service from the System.

(i) The Municipality will not enter into any contract with any person or persons which would cause any Outstanding Bonds, that were issued with the intent that interest on the issue would be excluded from gross income for federal income tax purposes, or Bonds to become "private activity bonds," within the meaning of Section 141(a) of the Code or any Treasury Regulations promulgated thereunder.

(j) The Municipality will comply with all requirements of the Code that shall be satisfied subsequent to the issuance of the Bonds in order that interest thereon be (or continue to be) excluded from gross income for federal income tax purposes, including, but not limited to the rebate requirements set forth in the Code and the Treasury Regulations. The Municipality will comply with the provisions of the Tax Certificate delivered in connection with the issuance of the Bonds relating to these requirements.

Section 21. Additional Bonds.

The Municipality will issue no notes, bonds, or any other obligations of any kind or nature payable from or enjoying a lien on the Gross Revenues, the Special Redemption Fund, or properties of the System on a parity with or having a priority over the Outstanding Bonds or the Bonds, except as provided in this Section:

(a) Notes (including bond anticipation notes) or bonds may be issued having a priority over the Bonds and Parity Bonds if either (i) such notes or bonds are issued, wholly or in part, for the purpose of paying, and will provide an amount sufficient, together with the earnings thereon and all other funds legally available therefor to pay, the entire principal of, and all interest on, the Bonds and Parity Bonds to their maturity or early redemption; or (ii) immediately upon the issuance of such notes or bonds, the Municipality has discharged all the Bonds and Parity Bonds in the manner provided in Section 23 of this resolution.

(b) Additional notes (including bond anticipation notes) or bonds may be issued on a parity with the Bonds and Parity Bonds if such notes or bonds are issued for the purpose of refunding any of the Bonds or Parity Bonds which either (i) have matured, or (ii) will mature not later than 90 days

after the date of delivery of such refunding notes or bonds, if there is insufficient amounts in the Special Redemption Fund to provide for the required payments.

(c) Additional notes (including bond anticipation notes) or bonds may be issued on a parity with the Bonds and Parity Bonds if all of the following conditions have been satisfied:

(1) If (A) the Net Revenues of the System for the last completed Fiscal Year were at least 1.10 times the highest combined annual interest and principal requirements on all bonds and notes then outstanding payable from the Gross Revenues of the System (other than bonds being refunded) and the bonds or notes so proposed to be issued for any succeeding Bond Year in which there will be a principal maturity on such outstanding bonds or notes; *provided, however,* that if prior to the authorization of such additional bonds or notes the Municipality has adopted and put into effect a revised schedule of rates, then the Net Revenues of the System for the last completed Fiscal Year which would, in the written opinion of an Independent Consultant employed for that purpose, have resulted from such rates had they been in effect for such period, may be used in lieu of the actual Net Revenues for the last completed Fiscal Year; (B) the need for such financing is evidenced by a certificate or certificates of an Independent Consultant with recognized expertise in utility ratemaking before the Public Service Commission of Wisconsin employed for that purpose, giving a detailed description of the proposed projects to be financed, an estimate of the cost of the proposed projects including proposed capitalized interest, if any, and an estimate of the time of completion of the proposed projects, and showing the feasibility of such financing with reference to projected Net Revenues based on rates and charges projected to be in effect upon completion of such projects; provided, that such feasibility shall not be deemed shown unless the projected Net Revenues for each of the two full Fiscal Years next succeeding the estimated date of completion of such projects shall be equal to at least equal to 1.10 times the highest combined annual interest and principal requirements on all bonds and notes then outstanding payable from the Gross Revenues of the System (other than bonds being refunded) and the bonds or notes so proposed to be issued for any succeeding Fiscal Year in which there shall be a principal maturity on such outstanding bonds or notes; or (C) the proceeds of the additional bonds or notes will be used to refund Bonds or Parity Bonds and, after giving effect to the refunding, the payments due in each year of the interest and principal on the Bonds and Parity Bonds then outstanding (not including the obligations being refunded), and the additional bonds or notes proposed to be issued will be less than the payments due

in each year of the principal of, and interest on, the Bonds and Parity Bonds then outstanding (in other words, the refunding will produce debt service savings in each year). For purposes of this subsection, except as otherwise provided, Net Revenues for any Fiscal Year will be either (x) the Net Revenues shown in the audit of the System's books and accounts for the Fiscal Year required by Section 20(e) of this resolution, if such an audit is available, or (y) if such an audit is not available, then the estimated, unaudited Net Revenues of the System for the last completed Fiscal Year.

(2) The payments required to be made into the Funds and Accounts created or continued pursuant to Section 18 of this resolution shall be current.

(3) There shall be on hand in the Reserve Account immediately upon the issuance of such additional bonds or notes an amount not less than the Minimum Reserve Amount.

(4) The additional bonds or notes shall be payable as to principal on January 1 of each year and as to interest on January 1 and July 1 of each year.

(5) The proceeds of the additional bonds or notes shall be used only to refund Bonds or Parity Bonds, or for acquiring or constructing additions, extensions, improvements, renewals, or replacements to the System.

In the case of bond anticipation notes, the provisions of the Act shall govern with respect to all matters relating to the lien and sources of payment of such notes.

Section 22. Resolution a Contract; Remedies of Bondholders.

The provisions of this resolution constitute a contract between the Municipality and the registered owners of the Bonds. After the issuance of the Bonds no change or alteration in the provisions of this resolution may be made, except as provided in Section 24 of this resolution and in the definition of "Fiscal Year" in Section 1 of this resolution, until all Bonds have been paid in full as to both principal and interest.

The registered owners of any of the Bonds will have the right, in addition to all other rights, by mandamus or other suit or action in any court of competent jurisdiction, to enforce their rights against the Municipality, the Governing Body, and any and all officers and agents thereof, including, but not limited to, the right to require the Municipality, the Governing Body, and any other authorized body to fix and collect rates and charges fully adequate to carry out all provisions and agreements contained in this resolution, and the right to have a receiver appointed for the System in the event of a default in the payment of principal of or interest on the Bonds.

Section 23. Discharge and Satisfaction of Bonds and Covenants.

The agreements, covenants, liens, and pledges entered into, created, or imposed pursuant to this resolution may be fully discharged and satisfied with respect to any or all of the Bonds in any one or more of the following ways:

(a) By paying the Bonds when they become due and payable, or upon their prior redemption, in the manner provided in this resolution;

(b) By depositing with the appropriate fiscal agent(s) for the Bonds funds in the amount necessary, without consideration of any reinvestment thereof, to pay the principal of, and interest on, the Bonds until their maturity or earlier redemption; provided that if the Bonds are to be redeemed prior to their stated maturities, then (i) the Bonds shall have been irrevocably called for redemption by the Governing Body, and (ii) provision shall have been made for the required notice of the redemption in the manner provided in this resolution; or

(c) By depositing with a trustee or an escrow agent, in trust for such purpose, on or before the date of maturity or redemption, money and/or direct obligations of, or obligations the principal of, and interest on, which are fully guaranteed by, the United States of America, in such amount as, together with the income or increment to accrue thereon without consideration of any reinvestment thereof, will be fully sufficient to pay or redeem (when redeemable) the Bonds at or before their respective maturity dates; *provided, that* if a Bond is to be redeemed prior to its stated maturity date, then (i) the Bond shall have been irrevocably called for redemption by the Governing Body, and (ii) provision shall have been made for the required notice of the redemption in the manner provided in this resolution; *provided, further,* that any such deposit can only be made if the deposit will not adversely affect the exclusion of interest on the Bonds from gross income of the owners thereof for federal income tax purposes.

Upon a payment or a deposit of money or investments in the amount and manner required by this section, all liability of the Municipality with respect to the relevant Bonds will cease, determine, and be completely discharged, and the registered owners of any Bonds that are not then retired will be entitled only to payment out of the money and investments deposited as required by this section.

Section 24. Amendment of Resolution.

Amendment Without the Consent of the Owners. This resolution may be amended from time to time without the consent of the registered owners of the Bonds to make any change that does not adversely affect the registered owners of the Bonds, including, without limitation, to cure any ambiguities, inconsistencies, or typographical errors that may be contained in this resolution.

Amendment With the Consent of the Owners. This resolution may also be amended from time to time with the written consent of the registered owners of not less than two-thirds in outstanding principal amount of the Bonds and any Parity Bonds (not including any Bonds or Parity Bonds that are held or owned by or for the account of the Municipality) if such amendment affects the owners of any Parity Bonds; however, this resolution may be amended only with the unanimous written consent of:

(a) The registered owners of the Bonds (not including any Bonds that are held or owned by or for the account of the Municipality):

(i) To make any change in the stated maturity date of or interest rate on any Bond; to modify the terms of payment of principal of, or interest on, any Bond; or to impose any conditions with respect to payment of principal of or interest on any Bond;

(ii) To materially affect the rights of the owners of less than all Bonds then outstanding; or

(iii) To reduce the required outstanding principal amount of the Bonds for which consent shall be given to effect any future amendments to this resolution; and

(b) The registered owners of any series of Parity Bonds (not including any Parity Bonds of the series that are held or owned by or for the account of the Municipality):

(i) To make any change in the stated maturity date of or interest rate on any Parity Bond of the series; to modify the terms of payment of principal of or interest on any Parity Bond of the series; or to impose any conditions with respect to payment of principal of, or interest on, any Parity Bond of the series;

(ii) To materially affect the rights of the owners of less than all Parity Bonds of the series then outstanding; or

(iii) To reduce the required outstanding principal amount of Parity Bonds of the series for which consent shall be given to effect any future amendments to this resolution.

Notice. If the Municipality proposes to amend this resolution under any provision of this section, then the Municipality shall cause notice of the proposed amendment (the "**Amendment Notice**") and, if consent is required, a form of consent to the proposed amendment (the "**Consent**") to be (i) sent by certified mail to all registered owners of the Bonds and, if appropriate, any Parity Bonds, and (ii) filed with the Bond Purchaser. The Amendment Notice shall briefly describe the nature of the proposed amendment and shall state that a copy of the proposed amendment is on file for public inspection in the office of the Recording Officer. The Consent shall refer to the proposed amendment, specifically evidence consent to and approval of the proposed amendment, and be dated by the owner of the Bonds and, if appropriate, the Parity

Bonds upon execution of the Consent. The Amendment Notice and Consent may be one instrument.

If, on any date prior to one year after the date of the sending of the Amendment Notice and Consent, the Recording Officer receives Consents executed by the registered owners of the Bonds and Parity Bonds owning not less than the required outstanding principal amount to approve the amendment, then the Governing Body may adopt a resolution effecting the proposed amendment, and upon the adoption of the resolution effecting the proposed amendment, the proposed amendment will become effective and binding upon the registered owners of all of the Bonds and Parity Bonds issued after the Bonds.

Any Consent given by the registered owner of a Bond or Parity Bond pursuant to the provisions of this section will be irrevocable for a period of six months from the date of the Consent and will be conclusive and binding upon all future registered owners of the same Bonds or Parity Bonds during the six-month period. A Consent may be revoked on any date after the six-month period by the registered owner who gave the Consent or by a successor in title by filing notice of such revocation with the Recording Officer; *provided* that a revocation will not be effective if the Recording Officer has already received Consents from registered owners of the Bonds and Parity Bonds owning not less than the required outstanding principal amount to approve the amendment, evidencing their consent to, and approval of, the proposed amendment that was the subject of the Consent.

Section 25. Sale of Bonds.

Each Authorized Officer, acting alone on behalf of the Municipality, is hereby authorized to receive final pricing information from the Bond Purchaser for the sale of the Bonds on behalf of the Municipality on a date deemed to be most advantageous to the Municipality by such Authorized Officers for the sale of the Bonds; provided, however, that such date shall not be later than December 17, 2025. The Authorized Officer shall reject the pricing information if it does not comply with the parameters set forth in Section 4 of this resolution.

Subject to the terms of this resolution, each Authorized Officer, acting alone on behalf of the Municipality, is hereby authorized and directed to award the sale of the Bonds to the Bond Purchaser at the Purchase Price, plus any accrued interest from the Original Issue Date to the date of delivery of the Bonds, such award to be evidenced by and effected by the execution by an Authorized Officer of the Bond Purchase Agreement. If the Bond Purchase Agreement signed and presented by the Bond Purchaser complies with the parameters set forth in this resolution, then an Authorized Officer is also hereby authorized and directed (i) to approve and accept the Bond Purchase Agreement, (ii) to sign the Bond Purchase Agreement in the Municipality's name, and (iii) to take any additional actions needed to complete the sale of the Bonds, including arranging for a specific date, time, and location of closing of the sale.

The Municipal Officers are directed to sign the Bonds and to deliver the Bonds to the Bond Purchaser through the facilities of DTC in accordance with the Bond Purchase Agreement and this resolution. The Bonds may be delivered to the Bond Purchaser upon payment by the Bond Purchaser of the Purchase Price, plus any accrued interest, as required by this resolution.

Unless waived by the Bond Purchaser, the delivery of the Bonds is conditioned upon the Municipality furnishing the following items to the Bond Purchaser:

(i) The Bonds, together with the written, unqualified approving opinion of Bond Counsel, evidencing the legality of the Bonds and that interest on the Bonds will be excluded from gross income for federal income tax purposes.

(ii) A transcript of the proceedings relating to the issuance of the Bonds.

(iii) A certificate showing that no litigation has been threatened or is pending that would affect the legality of the Bonds or the right of the Municipality to issue them at the time of their delivery.

Section 26. Redemption of Refunded Bonds.

Subject to the parameters set forth in Section 4, the delivery of the Bonds, and the receipt of the Purchase Price for the Bonds from the Bond Purchaser, the Municipality irrevocably directs that the principal amount of the Refunded Bonds be redeemed and paid in full in advance of their stated maturity dates on the Redemption Date. The appropriate officers of the Municipality are directed to instruct the fiscal agent for the Refunded Bonds to take all actions required to call the Refunded Bonds for redemption on the Redemption Date, including giving notice in the manner that the governing documents for the Refunded Bonds require. The Municipality ratifies and approves any action that has been taken in connection with the redemption of the Refunded Bonds prior to the Original Issue Date, including giving notice as described above.

Section 27. Disposition of Bond Proceeds; Transfers.

(a) The proceeds from the sale of the Bonds shall be disbursed as follows:

(i) Any accrued interest shall be deposited into the Interest and Principal Account of the Special Redemption Fund.

(ii) The amount necessary to effect the Refunding as set forth in the Bond Purchase Agreement, subject to the parameters in Section 4, shall be deposited in the 2025 Escrow Account of the Special Redemption Fund for the purpose of the paying the Refunded Bonds as described in Section 18(a)(3).

(iii) Any contingency or rounding amount shall be deposited in the Interest and Principal Account of the Special Redemption Fund and used to pay interest on the Bonds.

(iv) The remaining proceeds from the sale of the Bonds shall be deposited into the 2025 Construction Fund and used as described in Section 18(a)(5).

(b) Any amount in the Reserve Account, which is the amount in excess of the Minimum Reserve Amount, shall be transferred on the Original Issue Date from the Reserve Account to the Earnings Account of the Special Redemption Fund.

Section 28. Official Statement.

The Municipal Officers, the Financial Officer, and the officers of the Municipality's sewer utility (in consultation with the Bond Purchaser), are each hereby authorized to cause a preliminary offering document for the Bonds (the "**Preliminary Official Statement**") to be prepared and distributed prior to the sale of the Bonds and the execution of the Bond Purchase Agreement. The Municipal Officers and the Financial Officer are hereby authorized, on behalf of the Municipality, to approve the form of Preliminary Official Statement and to deem it final as of its date for purposes of Securities and Exchange Commission Rule 15c2-12(b)(1), and to supply copies of the Preliminary Official Statement upon request.

The Municipality authorizes and directs the final version of such document (the "**Official Statement**") to be prepared and distributed prior to the issuance of the Bonds; provided, however, that the Official Statement shall be substantially the form of the Preliminary Official Statement and shall include the final terms of the Bonds as set forth in the Bond Purchase Agreement. The Municipal Officers are directed to deliver copies of the Official Statement to the Bond Purchaser and, if the Bond Purchaser requests, execute one or more copies on behalf of the Municipality. Execution and delivery of the Official Statement conclusively evidences the approval of the Municipal Officers.

Section 29. Publication of Notice.

The Recording Officer is directed to publish notice that the Municipality has agreed to sell the Bonds. The notice shall be published in the Municipality's official newspaper as a class 1 notice under Chapter 985 of the Wisconsin Statutes promptly after the execution of the Bond Purchase Agreement. The notice shall be in substantially the form shown in Exhibit B hereto. The Recording Officer shall obtain proof, in affidavit form, of the publication, and shall compare the notice as published with the attached form to make sure that no mistake was made in publication.

Section 30. Authorization of Officers.

The appropriate officers of the Municipality are directed to prepare and furnish the following items to the Bond Purchaser and the attorneys approving the legality of the Bonds:

(i) Certified copies of proceedings and records of the Municipality relating to the Bonds and to the financial condition and affairs of the Municipality.

(ii) Other affidavits, certificates, and information as may be required to show the facts about the legality of the Bonds as such facts appear on the books and records under the officer's custody or control or as are otherwise known to the officer.

All certified copies, affidavits, certificates, and information furnished for such purpose are representations of the Municipality as to the facts they present.

Section 31. Tax Law Covenants.

The Municipality covenants that it will comply with all requirements of the Code, and the Treasury Regulations promulgated thereunder, that shall be satisfied so that interest on the Bonds will be excluded from gross income for federal income tax purposes.

Section 32. Further Authorization.

The Municipality authorizes its officers, attorneys, and other agents or employees to do all acts required of them to carry out the purposes of this resolution.

Section 33. Conflict with Prior Acts.

In case any part of a prior action of the Governing Body conflicts with this resolution, that part of the prior action is hereby rescinded, except that this section shall not be interpreted as rescinding any part of the Prior Resolutions.

Section 34. Severability of Invalid Provisions.

If a court holds any provision of this resolution to be illegal or invalid, then the illegality or invalidity shall not affect any other provision of this resolution.

Section 35. Effective Date.

This resolution takes effect upon its adoption and approval in the manner provided by law.

* * * * * * * * * *

Adopted: August 6, 2025

Approved: August __, 2025

_____
Mayor

_____
Clerk

EXHIBIT A

FORM OF BOND

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("**DTC**"), to the issuer or its agent for registration of transfer, exchange, or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

UNITED STATE OF AMERICA
STATE OF WISCONSIN
CITY OF APPLETON

No. R-___ Registered $_____

WATER SYSTEM REVENUE REFUNDING BOND, SERIES 2025

Interest Rate	Maturity Date	Original Issue Date	CUSIP
_____%	January 1, 20__	August 11, 2025	038141 ____

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT: _____ DOLLARS

THE CITY OF APPLETON, WISCONSIN (herein called the "**Municipality**") hereby acknowledges itself to owe and for value received promises to pay the Principal Amount to the Registered Owner, only from the income and revenues hereinafter specified on the Maturity Date, and interest on the Principal Amount from the Original Issue Date at the annual rate of the Interest Rate. Interest is payable on each January 1 and July 1, until the Principal Amount has been paid, beginning on [January 1, 2026]. Interest is computed on the basis of a 360 day year of twelve 30 day months.

This Bond is one of a duly authorized issue of revenue bonds (the "**Bonds**") of the Municipality of an aggregate principal amount of $_____, all of like tenor, except as to denomination, interest rate, maturity date, and redemption provisions, issued by the Municipality pursuant to Article XI, Section 3 of the Wisconsin Constitution and Section 66.0621 of the Wisconsin Statutes, and acts supplementary thereto.

This Bond, together with interest hereon, is payable in lawful money of the United States of America, together with the Municipality's outstanding (i) $2,510,000 Water

System Revenue Bonds, Series 2012, dated August 8, 2012, $3,850,000 Water System Revenue Bonds, Series 2014, dated September 10, 2014, (ii) $7,180,000 Water System Revenue Bonds, Series 2013, dated August 7, 2013, (iii) $3,850,000 Water System Revenue Bonds, Series 2014, dated September 10, 2014, (iv) $22,735,000 Water System Revenue Refunding Bonds, Series 2015, dated October 28, 2015, (v) $23,830,000 Water System Revenue Refunding Bonds, Series 2016, dated October 4, 2016, (vi) $6,685,000 Water System Revenue Bonds, Series 2020, dated August 6, 2020, and (vi) $8,265,000 Water System Revenue Refunding Bonds, Series 2021, dated August 11, 2021 (collectively, the "**Outstanding Bonds**"), only from the income and revenues to be derived from the operation of the Municipality's water utility (the "**System**") and set aside in the "Water System Special Redemption Fund," which was created by a resolution adopted by the governing body of the Municipality on January 17, 2007 and affirmed and continued by subsequent resolutions, including a resolution adopted by the governing body of the Municipality on August 6, 2025 (the "**2025 Resolution**"). The 2025 Resolution is entitled "A Resolution Authorizing and Providing for the Issuance and Establishing the Parameters for the Sale of Not to Exceed $8,975,000 Water System Revenue Bonds, Series 2025, and All Related Details." Reference is hereby made to the 2025 Resolution for a more complete statement of the revenues from which and conditions under which this Bond is payable, the provisions pursuant to which this Bond has been issued, and the conditions under which bonds may hereafter be issued on a parity with this Bond. The Bonds rank on a parity with the Outstanding Bonds. This Bond does not constitute an indebtedness of the Municipality within the meaning of any constitutional or statutory limitation or provision.

This Bond is a valid claim of the registered owner hereof only against the Water System Special Redemption Fund and the revenues of the System pledged to the Water System Special Redemption Fund. Sufficient revenues of the System have been pledged to the Water System Special Redemption Fund and will be used for no other purpose than to pay the principal of, and interest on, the Bonds and all other obligations payable from the revenues of the System (including the Outstanding Bonds) that are issued on a parity and equality with the Bonds and the Outstanding Bonds, as the same becomes due.

On the date of their initial delivery, the Bonds will be maintained in a system in which no physical distribution of certificates representing ownership of the Bonds is made to the owners of the Bonds but instead all outstanding Bonds are registered in the name of a securities depository appointed by the Municipality (a "**Depository**"), or in the name of the Depository's nominee, and the Depository and its participants record beneficial ownership and effect transfers of the Bonds electronically (a "**Book-Entry System**"). So long as the Bonds are maintained in a Book-Entry System, the principal of, and interest on, this Bond will be paid by wire transfer to the Depository or its nominee in accordance with the Depository's rules that are then in effect by the Director of Finance of the Municipality or any successor fiscal agent appointed by the Municipality (hereinafter, the "**Fiscal Agent**"), which will act as authentication agent, paying agent, and registrar for the Bonds.

If on any date the Bonds are not being maintained in a Book-Entry System, then (i) the principal of this Bond will be paid by the Fiscal Agent upon its presentation and surrender on or after its maturity date or prior redemption date at the designated office of the Fiscal Agent, and (ii) the interest on this Bond will be paid by the Fiscal Agent on each interest payment date by wire or other electronic funds transfer, or by check of the Fiscal Agent sent by first class mail,

to the person or entity in whose name this Bond is registered in the register (the "**Register**") maintained by the Fiscal Agent at the end of the day on the 15th day (whether or not a business day) of the calendar month just before each regularly scheduled interest payment date (the "**Record Date**"). The Municipality and the Fiscal Agent may treat the entity or person in whose name this Bond is registered on the Register as the absolute owner of this Bond for all purposes.

The Bonds maturing on or after January 1, 20__ are subject to redemption prior to their stated maturity dates, at the Municipality's option, in whole or in part, in the order of maturity selected by the Municipality, on January 1, 20__ and on any date thereafter. The redemption price will be 100% of the principal amount redeemed plus accrued interest to the redemption date, and no premium will be paid. If payment of a Bond called for redemption has been made or provided for, then interest on the Bond stops accruing on the stated redemption date. If less than all outstanding Bonds are redeemed, then the Bonds will be redeemed in $5,000 multiples as described below[, and if a portion, but not all, of a maturity that is subject to mandatory partial redemptions by operation of a sinking fund (as described below) is being redeemed, then the Municipality will select the amounts to be redeemed on future Sinking Fund Redemption Dates (as defined below) that are reduced as a result of the partial redemption].

[The Bonds maturing on January 1 in the years 20__ and 20__ (collectively, the "**Term Bonds**") are also subject to mandatory partial redemptions prior to their stated maturity dates, by operation of a sinking fund. On the following redemption dates (each a "**Sinking Fund Redemption Date**") the Municipality will redeem the following principal amounts (subject to reduction as provided in the immediately preceding paragraph) of the Term Bonds:

Term Bonds Maturing January 1, 20___

Sinking Fund Redemption Date (January 1)	Principal Amount To be Redeemed
20__	$,000
20__	,000
20__ (Stated Maturity)	,000

Term Bonds Maturing January 1, 20___

Sinking Fund Redemption Date (January 1)	Principal Amount To be Redeemed
20__	$,000
20__	,000
20__ (Stated Maturity)	,000]

[The redemption price will be 100% of the principal amount so redeemed, plus accrued interest thereon to the Sinking Fund Redemption Date, and no premium will be paid.

The particular Term Bonds to be redeemed will be selected in the manner described below, and the Municipality will give notice of the redemption in the manner described below.].

So long as the Bonds are being maintained in a Book-Entry System, the following provisions apply:

Transfers. The Bonds are transferable, only upon the Register and only if the Depository ceases to act as securities depository for the Bonds and the Municipality appoints a successor securities depository. If that happens, then upon the surrender of the Bonds to the Fiscal Agent, the Municipality will issue new fully registered Bonds in the same aggregate principal amounts to the successor securities depository and the Bonds will be recorded as transferred to the successor securities depository in the Register.

The Fiscal Agent will not be required to make any transfer of the Bonds (i) during the 15 calendar days before the date of the sending of notice of any proposed redemption of the Bonds, or (ii) with respect to any particular Bond, after such Bond has been called for redemption.

Partial Redemption. If less than all the principal amount of a specific maturity is to be redeemed, then the Depository and its direct and indirect participants will select the beneficial owners of the Bonds to be redeemed. If a Bond has been called for redemption but less than all the principal amount of a specific maturity is redeemed, then on or after the redemption date and upon surrender to the Fiscal Agent of the Bond, the Municipality will issue one or more new Bonds in the principal amount outstanding after the redemption.

Notice of Redemption. Notice of the redemption of any of the Bonds will be sent to the Depository, in the manner required by the Depository, not less than 30, and not more than 60, days prior to the proposed redemption date. A notice of optional redemption may be revoked by sending notice to the Depository, in the manner required by the Depository, not less than 15 days prior to the proposed optional redemption date.

If on any date the Bonds are not being maintained in a Book-Entry System, then the following provisions apply:

Transfers. Each Bond is transferable, only upon the Register, for a like aggregate principal amount of the same maturity and interest rate in denominations of $5,000 or any multiple thereof. A transfer may be requested by the registered owner in person or by a person with a written power of attorney. The Bond shall be surrendered to the Fiscal Agent, together with a written instrument of transfer satisfactory to the Fiscal Agent signed by the registered owner or by the person with the written power of attorney. The Municipality will issue one or more new fully registered Bonds, in the same aggregate principal amount to the transferee or transferees, as applicable, in exchange for the surrendered Bonds and upon the payment of a charge sufficient to reimburse the Municipality or the Fiscal Agent

for any tax, fee, or other governmental charge required to be paid with respect to such registration.

The Fiscal Agent will not be required to make any transfer of the Bonds (i) during the 15 calendar days before the date of the sending of notice of any proposed redemption of the Bonds, or (ii) with respect to any particular Bond, after such Bond has been called for redemption.

Partial Redemption. If less than all the principal amount of a specific maturity is to be redeemed, then the Municipality or the Fiscal Agent will randomly select the Bonds to be redeemed. If a Bond has been called for redemption but less than all the principal amount thereof is redeemed, then on or after the redemption date and upon surrender to the Fiscal Agent of the Bond, the Municipality will issue one or more new Bonds in the principal amount outstanding after the redemption.

Notice of Redemption. Notice of the redemption of any of the Bonds shall be sent by first class mail not less than 30, and not more than 60, days before the redemption date to the registered owners of any Bonds to be redeemed, at the respective addresses set forth in the Register. A notice of optional redemption may be revoked by sending a notice by first class mail not less than 15 days prior to the proposed optional redemption date to the registered owners of the Bonds which have been called for redemption.

The Municipality certifies, recites, and declares that all acts, conditions, and procedures required by law to exist, to have happened, and to be performed, leading up to and in the issuing of this Bond and of the issue of which it is a part, do exist, have happened, and have been performed in regular and due form, time, and manner as required by law; and that a sufficient amount of the income and revenue to be received by the Municipality from the operation of the System has been pledged to and will be set aside into a special fund for the payment of the principal of, and interest on, this Bond.

IN WITNESS WHEREOF, the Municipality, by its governing body, has caused this Bond to be executed in its name and on its behalf by the manual or facsimile signatures of its Mayor and Clerk, and to be sealed with its corporate seal (or a facsimile thereof), if any, all as of the Original Issue Date.

CITY OF APPLETON, WISCONSIN

By: _____
Mayor

[SEAL]

And: _____
Clerk

CERTIFICATE OF AUTHENTICATION:

Dated: _____, 2025

This Bond is one of the Bonds described in the within-mentioned Resolution.

_____
Director of Finance, as Fiscal Agent

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto

PLEASE INSERT SOCIAL SECURITY OR
OTHER IDENTIFYING NUMBER OF ASSIGNEE

_____

_____

(Please Print or Type Name and Address of Assignee)

the within-mentioned Bond and all rights thereunder and does hereby irrevocably constitute and appoint _____ attorney-in-fact, to transfer the same on the books of the registry in the office of the Fiscal Agent, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed

NOTICE: Signatures must be guaranteed by an "eligible guarantor institution" meeting the requirements of the Fiscal Agent, which requirements include membership or participation in the Securities Transfer Association Medallion Program ("**STAMP**") or such other "signature guarantee program" as may be determined by the Fiscal Agent in addition to, or in substitution for, STAMP, all in accordance with the Securities Exchange Act of 1934, as amended.

NOTE: The signature to this assignment must correspond with the name as written on the face of the within Bond in every particular, without alteration or enlargement or change whatsoever. When assignment is made by a guardian, trustee, executor or administrator, an officer of a corporation, or anyone in a representative capacity, proof of such person's authority to act must accompany this Bond.

EXHIBIT B

NOTICE TO THE ELECTORS OF THE
CITY OF APPLETON, WISCONSIN
RELATING TO
WATER SYSTEM REVENUE REFUNDING BOND SALE

On August 6, 2025, pursuant to Section 66.0621 of the Wisconsin Statutes, a resolution was offered, read, approved, and adopted whereby the City of Appleton, Wisconsin (the "City") authorized the borrowing of money and authorized certain City officials to enter into a purchase contract relating to said borrowing. On _____, 2025 the City entered into a purchase contract with a purchaser to whom the City agreed to sell its water system revenue refunding bonds in the principal amount of $_____. It is anticipated that the closing of the bonds will be held on or about _____, 2025. A copy of all proceedings had to date with respect to the authorization and sale of said bonds is on file and may be examined in the office of the City Clerk at 100 North Appleton Street, Appleton, Wisconsin between the hours of 9:00 a.m. and 4:30 p.m. on weekdays.

This notice is given pursuant to Section 893.77(2) of the Wisconsin Statutes, which provides that (i) an action or proceeding to contest the validity of such financing, for other than constitutional reasons, shall be commenced within 30 days after the date of publication of this notice, and (ii) the notice may not be published until after the issuer has entered into a contract for sale of the bond or other financing.

Publication Date: _____, 2025

/s/ Amy Molitor
City Clerk

CERTIFICATIONS BY CLERK

I, Amy Molitor, certify that I am the duly qualified Clerk of the City of Appleton, Wisconsin (the "**Municipality**"), and as such I have in my possession, or have access to, the complete corporate records of the Municipality and of its Common Council (the "**Governing Body**"), and that attached to this certificate is a true, correct, and complete copy of the resolution (the "**Resolution**") entitled:

A Resolution Authorizing and Providing for the Issuance and Establishing the Parameters for the Sale of Not to Exceed $8,975,000 Water System Revenue Refunding Bonds, Series 2025, and All Related Details

I further certify as follows:

1. Meeting Date. On August 6, 2025, a meeting of the Governing Body was held beginning at _____ p.m.

2. Posting. On August ____, 2025 (and not less than 24 hours prior to the meeting), I posted, or caused to be posted, at the Municipality's offices in Appleton, Wisconsin a notice setting forth the date, time, location, and subject matter of said meeting. The notice specifically referred to the Resolution.

3. Notification of Media. On August ____, 2025 (and not less than 24 hours prior to the meeting), I communicated or caused to be communicated, the date, time, location, and subject matter of said meeting to those news media who have filed a written request for such notice and to the official newspaper of the Municipality. The communication specifically referred to the Resolution.

4. Open Meeting Law Compliance. The meeting was a regular meeting of the Governing Body that was held in open session in compliance with Subchapter V of Chapter 19 of the Wisconsin Statutes and any other applicable local rules and state statutes.

5. Members Present. The meeting was duly called to order by the Mayor (the "**Presiding Officer**"), who chaired the meeting. Upon roll call, I noted and recorded that there were ___ members of the Governing Body present at the meeting, such number being a quorum of the Governing Body.

6. Consideration of and Roll Call Vote on Resolution. Various matters and business were taken up during the course of the meeting without intervention of any closed session. One of the matters taken up was the Resolution. A proper quorum of the Governing Body was present for the consideration of the Resolution, and each member of the Governing Body had received a copy of the Resolution. All rules of the Governing Body that interfered with the consideration of the Resolution, if any, were suspended by a two-thirds vote of the Governing Body. The Resolution was then introduced, moved, and seconded, and after due consideration, upon roll call, ___ of the Governing Body members voted Aye, ___ voted Nay, and ___ Abstained.

7. **Adoption of Resolution.** The Resolution was supported by the affirmative vote of a majority of a quorum of the members of the Governing Body in attendance. The Presiding Officer then declared that the Resolution was adopted, and I recorded the adoption of the Resolution.

8. **Approval of Presiding Officer.** The Resolution was approved by the Presiding Officer on August __, 2025, and I have recorded the approval. The approval is evidenced by the signature of the Presiding Officer on the copy of the Resolution to which this certificate is attached.

9. **Publication of Notice.** I have caused the Notice to Electors, in the form of Exhibit B to the Resolution, to be published in the place specified in the Resolution.

IN WITNESS WHEREOF, I have signed my name and affixed the seal of the Municipality, if any, on this certificate on August ____, 2025.

_____
Clerk

[SEAL]

COMMON COUNCIL
OF THE
CITY OF APPLETON, WISCONSIN

August 6, 2025 **Resolution No.: 2025-09**

A Resolution Authorizing and Providing for the Issuance and Establishing the Parameters for the Sale of Not to Exceed $4,725,000 Sewerage System Revenue Bonds, Series 2025, and All Related Details

RECITALS

The Common Council (the "**Governing Body**") of the City of Appleton, Wisconsin (the "**Municipality**") makes the following findings and determinations:

1. The Municipality currently owns and operates a municipal sewerage system (the "**System**", as more fully defined below), which is a "public utility" (within the meaning of Section 66.0621 (1)(b) of the Wisconsin Statutes).

2. Under the provisions of Section 66.0621 of the Wisconsin Statutes, as amended (the "**Act**"), the Municipality may, by action of the Governing Body, provide for purchasing, acquiring, leasing, constructing, extending, adding to, improving, conducting, controlling, operating, or managing the System, and the refunding of municipal obligations issued for such purposes, from the proceeds of obligations that are payable only from the income and revenues derived from the operation of the System.

3. On September 21, 2005, the Governing Body adopted a resolution, which was amended on October 5, 2005 (together, the "**2005 Resolution**"), authorizing the issuance of the Municipality's $4,735,000 Sewerage System Revenue Refunding Bonds, Series 2005, dated October 15, 2005 (the "**Series 2005 Bonds**"). The Series 2005 Bonds were retired on May 1, 2010.

4. On September 5, 2018, the Governing Body adopted a resolution (the "**2018 Resolution**"), authorizing the issuance of the Municipality's $5,245,000 Sewerage System Revenue Refunding Bonds, Series 2018, dated October 9, 2018 (the "**Series 2018 Bonds**"). The Series 2018 Bonds are currently outstanding in the aggregate principal amount of $1,390,000.

5. On July 15, 2020, the Governing Body adopted a resolution (the "**2020 Resolution**"), authorizing the issuance of the Municipality's $10,850,000 Sewerage System Revenue Refunding Bonds, Series 2020, dated August 6, 2020 (the "**Series 2020 Bonds**"). The Series 2020 Bonds are currently outstanding in the aggregate principal amount of $8,035,000.

6. On July 21, 2021, the Governing Body adopted a resolution (the "**2021 Resolution**"), authorizing the issuance of the Municipality's $8,845,000 Sewerage System

Revenue Refunding Bonds, Series 2021, dated August 11, 2021 (the "**Series 2021 Bonds**"). The Series 2021 Bonds are currently outstanding in the aggregate principal amount of $7,115,000.

7. On May 18, 2022, the Governing Body adopted a resolution (the "**2022 Resolution**"), authorizing the issuance of the Municipality's $11,710,000 Sewerage System Revenue Bonds, Series 2022, dated June 15, 2022 (the "**Series 2022 Bonds**"). The Series 2022 Bonds are currently outstanding in the aggregate principal amount of $10,570,000.

8. On August 7, 2024, the Governing Body adopted a resolution (the "**2024 Resolution**"), authorizing the issuance of the Municipality's $12,630,000 Sewerage System Revenue Bonds, Series 2024, dated August 28, 2024 (the "**Series 2024 Bonds**"). The Series 2024 Bonds are currently outstanding in the aggregate principal amount of $12,630,000.

9. No other outstanding obligations are payable from the income and revenues derived from the operation of the System.

10. The Municipality needs funds to finance certain additions, extensions, and improvements to the System, including, but not limited to, construction of and improvements to sewer mains, laterals, and lift stations, and equipment, building, and hardscape improvements at the wastewater treatment facility (collectively, the "**Project**").

11. The Governing Body wishes to finance the costs of the Project by authorizing, selling, and issuing its not to exceed $4,725,000 Sewerage System Revenue Bonds, Series 2025 (the "**Bonds**"). The Bonds will be issued pursuant to the provisions of the Act, on the terms and conditions described in this resolution, and will be secured by and payable from the income and revenues derived and to be derived from the operation of the System. The Bonds will be issued on a parity and equality of rank with the Series 2018 Bonds, the Series 2020 Bonds, the Series 2021 Bonds, the Series 2022 Bonds, and the Series 2024 Bonds (collectively, the "**Outstanding Bonds**").

12. Section 21 of the 2005 Resolution, which section is continued under each of the resolutions authorizing the issuance of the Outstanding Bonds, authorizes the issuance of additional bonds on a parity and equality of rank with the Outstanding Bonds upon compliance with the conditions set forth therein (the "**Additional Bonds Test**"). All conditions set forth under the Additional Bonds Test have been or will be satisfied prior to the issuance of the Bonds.

13. In accordance with the provisions of Section 66.0621 (4)(a)2 of the Wisconsin Statutes and this resolution (i) interest on the Bonds will be payable at least annually, and (ii) payment of principal of the Bonds will commence not later than 3 years after the date of issuance of the Bonds. The requirement each year to pay both principal of and interest on the Bonds will be reasonable and in accordance with prudent municipal utility management practices.

14. Robert W. Baird & Co. Incorporated, or a group that it leads (the "**Bond Purchaser**"), has proposed to purchase the Bonds for a purchase price to be determined, which shall not be less than 97.75% nor more than 110% of the principal amount of the Bonds to be issued, plus accrued interest, if any, to the date of delivery of the Bonds (the "**Purchase Price**").

15. The Municipality has taken all actions required by law and has the power to sell and issue the Bonds.

16. The Governing Body will adopt this resolution to sell and issue the Bonds.

RESOLUTIONS

The Governing Body resolves as follows:

Section 1. Definitions.

In addition to the capitalized terms defined in the recitals above, capitalized terms not otherwise defined in this resolution shall have the meanings set forth below unless the context requires another meaning.

"**Act**" means Section 66.0621 of the Wisconsin Statutes, as amended.

"**Authorized Officers**" means the Mayor, the Financial Officer, or the Clerk, each having the authority to act alone on behalf of the Municipality for purposes of Sections 4 and 25 hereof.

"**Bond Counsel**" means (i) as of the Original Issue Date, Foley & Lardner LLP, and (ii) after the Original Issue Date, either Foley & Lardner LLP or any other nationally recognized firm of attorneys, employed by the Municipality, experienced in municipal finance whose legal and tax opinions are generally accepted by purchasers of municipal obligations.

"**Bonds**" means the not to exceed $4,725,000 City of Appleton, Wisconsin Sewerage System Revenue Bonds, Series 2025, which are authorized to be issued pursuant to this resolution.

"**Bond Purchase Agreement**" means the purchase contract presented by the Bond Purchaser evidencing the purchase of the Bonds as described in Section 25 of this resolution.

"**Bond Purchaser**" has the meaning given in the recitals to this resolution.

"**Bond Register**" means the register maintained by the Fiscal Agent at its designated office, in which the Fiscal Agent records:

(i) the name and address of the owner of each Bond.

(ii) all transfers of each Bond.

"**Book-Entry System**" means a system in which no physical distribution of certificates representing ownership of the Bonds is made to the owners of the Bonds but instead all outstanding Bonds are registered in the name of a securities depository appointed by the Municipality, or in the name of such a depository's nominee, and the depository and its participants record beneficial ownership and transfers of the Bonds electronically.

"**Code**" means the Internal Revenue Code of 1986, as amended.

"**Continuing Disclosure Agreement**" means the Continuing Disclosure Agreement, dated as of the Original Issue Date, to be executed by the Municipality and delivered on the closing date of the Bonds.

"**Current Expenses**" means the reasonable and necessary cost of operating, maintaining, administering, insuring, and repairing the System as determined in accordance with generally accepted accounting principles and shall include, but not be limited to, salaries, premiums for insurance, wages, cost of materials and supplies, insurance, and audits but shall exclude allowances for depreciation, debt service on obligations of the System, tax equivalents, capital expenditures, and accumulations of reserves.

"**Depository**" means DTC or any successor appointed by the Municipality and acting as securities depository for the Bonds.

"**DTC**" means The Depository Trust Company, New York, New York.

"**Financial Officer**" means the Municipality's Director of Finance.

"**Fiscal Agent**" means the Municipality's Director of Finance, or any successor fiscal agent appointed by the Municipality to act as authentication agent, paying agent, and registrar for the Bonds pursuant to Section 67.10 (2) of the Wisconsin Statutes.

"**Fiscal Year**" means the twelve-month period beginning on January 1 of each year and ending on December 31 of each year. The Municipality may change the Fiscal Year of the System if the Original Purchasers consent to the change. If the Original Purchasers consent to the change, then the change will not constitute a modification, change, amendment, or alteration of this resolution for purposes of Section 24 of this resolution.

"**Governing Body**" means the Municipality's Common Council.

"**Gross Revenues**" means the gross revenues of the System from all sources, excluding (i) customer deposits, (ii) collected taxes imposed by other governmental entities, and (iii) earnings on amounts held in the Special Redemption Fund, the Depreciation Fund, and any construction or proceeds fund created under this resolution or under a resolution authorizing the issuance of Parity Bonds.

"**Independent Consultant**" means a recognized engineer or firm of engineers or a recognized certified public accountant or firm of certified public accountants who or which is not an officer or regular employee of the Municipality or the System and who or which is not devoting substantially all of his, her or its time and efforts to the affairs of the System.

"**Minimum Reserve Amount**" means the maximum annual debt service coming due in any future year on the Bonds and Parity Bonds then outstanding.

"**Municipal Officers**" means the Mayor and Clerk of the Municipality. These are the officers required by law to execute revenue obligations on the Municipality's behalf.

"**Municipality**" means the City of Appleton, Wisconsin.

"**Net Revenues**" means Gross Revenues after deduction of Current Expenses, plus earnings on moneys held in the Special Redemption Fund.

"**Original Issue Date**" means October 1, 2025, or such other date established for delivery of the Bonds pursuant to the Bond Purchase Agreement.

"**Original Purchasers**" means the Bond Purchaser and the initial purchaser of each issue of Parity Bonds (including the Outstanding Bonds), so long as the issue of Parity Bonds remains outstanding.

"**Outstanding Bonds**" has the meaning given in the recitals to this resolution.

"**Parity Bonds**" means all other obligations payable from the revenues of the System (including the Outstanding Bonds) other than the Bonds, but issued on a parity and equality with the Bonds and the Outstanding Bonds pursuant to the restrictive provisions of the applicable sections of the Prior Resolutions and of Section 21 of this resolution.

"**Prior Resolutions**" means the 2018 Resolution, the 2020 Resolution, the 2021 Resolution, the 2022 Resolution, and the 2024 Resolution, each as defined in the recitals to this resolution.

"**Project**" has the meaning given in the recitals to this resolution.

"**Purchase Price**" has the meaning given in the recitals to this resolution.

"**Record Date**" means the 15th day (whether or not a business day) of the calendar month just before each regularly scheduled interest payment date for the Bonds.

"**Recording Officer**" means the Municipality's Clerk.

"**Reserve Account**" means the Reserve Account of the Special Redemption Fund.

"**Special Redemption Fund**" means the fund designated as such and described in Section 18 of this resolution.

"**System**" means the sewer utility of the Municipality, which shall include all property of every nature now or hereafter owned by the Municipality for the collection, treatment, storage, metering, transmission, and disposal of domestic, industrial, and public sewage, including all improvements and extensions thereto made by the Municipality while any of the Bonds or Parity Bonds remain outstanding and including all appurtenances, contracts, leases, franchises, and other intangibles.

Section 2. Exhibits.

The attached exhibits are also a part of this resolution as though they were fully written out in this resolution:

(i) *Exhibit A* - Form of Bond.

(ii) *Exhibit B* - Notice to Electors of Sale.

Section 3. Purposes of Borrowing; Issuance of Bonds.

The Governing Body authorizes the Bonds and orders that they be prepared, executed, and issued, subject to the parameters set forth in Section 4. The Bonds will be fully registered, negotiable, sewerage system revenue bonds of the Municipality in the aggregate principal amount of not to exceed $4,725,000. The Bonds will be issued pursuant to the Act to pay the costs of the Project and issuing the Bonds (including, but not limited to, printing costs and fees for underwriting, financial consultants, bond counsel, fiscal agent, rating agencies, bond insurance, and registration, as applicable).

Section 4. Terms of Bonds.

The Bonds will be named "City of Appleton, Wisconsin Sewerage System Revenue Bonds, Series 2025." The Bonds will be dated the Original Issue Date, even if they are actually issued or executed on another date. Each Bond will also be dated the date on which it is authenticated by the Fiscal Agent. That date is its registration date.

The face amount of each Bond will be $5,000 or any multiple thereof up to the principal amount authorized for that maturity.

The Bond Purchaser will purchase the Bonds at the Purchase Price set forth in the Bond Purchase Agreement.

The Bonds will bear interest from the Original Issue Date at the rates set forth in the Bond Purchase Agreement and accepted by an Authorized Officer; *provided, however,* that (i) the true interest cost of the Bonds shall not exceed 5.25% (computed taking the Bond Purchaser's compensation into account) and (ii) the difference between the offering price to the public for the Bonds and the Purchase Price to be paid to the Municipality for the Bonds shall not exceed 2.25% of the principal amount of the Bonds.

Interest on the Bonds will be due and payable on each May 1 and November 1 until the principal of the Bonds has been paid, beginning on May 1, 2026, or on such other date as set forth in the Bond Purchase Agreement. Interest on each Bond will be (i) computed on the basis of a 360-day year of twelve 30-day months and (ii) payable to the entity or person in whose name the Bond is registered on the Bond Register at the end of the day on the applicable Record Date. The Municipality and the Fiscal Agent may treat the entity or person in whose name any Bond is registered on the Bond Register as the absolute owner of the Bonds for all purposes whatsoever under this resolution. The Bonds will be numbered consecutively as may be required

to comply with any applicable rules or customs or as determined by the Municipal Officers executing the Bonds.

The following table shows when the Bonds will mature or be subject to mandatory sinking fund redemption, except that the principal amounts coming due each year below, whether by maturity or by mandatory sinking fund redemption of term bonds, may be increased or decreased by up to $500,000 in each year and a maturity may be removed if the principal amount of such maturity is less than $500,000. The aggregate principal amount of the Bonds shall not exceed $4,725,000 and the table below assumes the Bonds are issued in that amount. The actual maturity schedule, within the parameters set forth herein, will be set forth in the Bond Purchase Agreement and accepted by an Authorized Officer.

Principal Maturity Date (May 1)	Principal Amount
2026	$100,000
2027	60,000
2028	235,000
2029	165,000
2030	175,000
2031	180,000
2032	190,000
2033	195,000
2034	210,000
2035	220,000
2036	235,000
2037	245,000
2038	260,000
2039	275,000
2040	285,000
2041	300,000
2042	320,000
2043	340,000
2044	360,000
2045	375,000

The principal of, and interest on, the Bonds will be payable in lawful money of the United States of America.

Section 5. Fiscal Agent; Redemption Agent.

The Municipality appoints the Fiscal Agent to act as authentication agent, paying agent, and registrar for the Bonds. Among other things, the Fiscal Agent shall maintain the Bond Register.

If the Bond Purchase Agreement specifies that certain maturities of the Bonds are term bonds and subject to partial mandatory sinking fund redemption as described in Section 8, then the Municipality appoints Associated Trust Company, National Association (the "**Redemption Agent**") to act as redemption agent for such Bonds, which includes giving notice of redemption on behalf of the Municipality prior to each Sinking Fund Redemption Date (as defined in Section 8). The appropriate officers of the Municipality are authorized and directed to enter into a redemption agent agreement with the Redemption Agent on behalf of the Municipality. Such agreement may provide for the Municipality to pay the reasonable and customary fees of the Redemption Agent for its services.

Section 6. Appointment of Depository.

The Municipality appoints DTC to act as securities depository for the Bonds. An authorized representative of the Municipality has previously executed a blanket issuer letter of representations with DTC on the Municipality's behalf, and the Municipality ratifies and approves that document.

Section 7. Book-Entry System.

On the date of their initial delivery, the Bonds will be registered in the name of DTC or its nominee and maintained in a Book-Entry System. If the Municipality's relationship with DTC is terminated, then the Municipality may appoint another securities depository to maintain the Book-Entry System.

If on any date the Bonds are not being maintained in a Book-Entry System, then the Municipality will do the following:

(i) At its expense, the Municipality will prepare, authenticate, and deliver to the beneficial owners of the Bonds fully-registered, certificated Bonds in the denomination of $5,000 or any multiple thereof in the aggregate principal amount then outstanding. The beneficial owners will be those shown on the records of the Depository and its direct and indirect participants.

(ii) The Municipality will appoint a fiscal agent to act as authentication agent, paying agent, and registrar for the Bonds under Section 67.10 (2) of the Wisconsin Statutes.

Section 8. Redemption.

The Bond Purchase Agreement may specify that certain Bonds maturing on or after a certain date are subject to redemption before their stated maturity dates, at the Municipality's option, in whole or in part, in the order of maturity selected by the Municipality, on a stated redemption date and on any date thereafter. If certain maturities of the Bonds are subject to such optional redemption, then the redemption price will be 100% of the principal amount redeemed, plus accrued interest to the redemption date, and no premium will be paid. If payment of a Bond called for redemption has been made or provided for, then interest on such Bond stops accruing on the stated redemption date. If less than all the principal amount of a

specific maturity is redeemed, then the Bonds will be redeemed in $5,000 multiples in accordance with Sections 9 and 10 below, and if a portion, but not all, of a maturity that is subject to mandatory partial redemptions by operation of a sinking fund (as described below) is being redeemed, then the Municipality will select the amounts to be redeemed on future Sinking Fund Redemption Dates (as defined below) that are reduced as a result of the partial redemption.

If the Bond Purchase Agreement specifies that certain maturities of the Bonds are term bonds and subject to partial mandatory sinking fund redemption, then the Bonds maturing on such dates shall be subject to mandatory sinking fund redemption at a redemption price of 100% of the principal amount redeemed, plus accrued interest to the redemption date, on May 1 of the years (each a "**Sinking Fund Redemption Date**"), and in the respective principal amounts (subject to reduction as provided in the immediate preceding sentence), as set forth in the Bond Purchase Agreement and consistent with Section 4 hereof.

Section 9. Manner of Payment/Transfers/Redemption Notices Under Book-Entry System.

So long as the Bonds are being maintained in a Book-Entry System, the following provisions apply:

Payment. The Fiscal Agent is directed to pay the principal of, and interest on, the Bonds by wire transfer to the Depository or its nominee in accordance with the Depository's rules that are then in effect.

Transfers. The Bonds are transferable, only upon the Bond Register and only if the Depository ceases to act as securities depository for the Bonds and the Municipality appoints a successor securities depository. If that happens, then upon the surrender of the Bonds to the Fiscal Agent, the Municipality will issue new fully registered Bonds in the same aggregate principal amount to the successor securities depository, and the Bonds will be recorded as transferred to the successor securities depository in the Bond Register.

The Fiscal Agent will not be required to make any transfer of the Bonds (i) during the 15 calendar days before the date of the sending of notice of any proposed redemption of the Bonds, or (ii) with respect to any particular Bond, after such Bond has been called for redemption.

Partial Redemption. If less than all the principal amount of a specific maturity is to be redeemed, then the Depository and its direct and indirect participants will select the beneficial owners of the Bonds to be redeemed. If a Bond has been called for redemption but less than all the principal amount of a specific maturity is redeemed, then on or after the redemption date and upon surrender to the Fiscal Agent of the Bond, the Municipality will issue one or more new Bonds in the principal amount outstanding after the redemption.

Notice of Redemption. Notice of the redemption of any of the Bonds will be sent to the Depository, in the manner required by the Depository, not less than 30, and not more than 60, days prior to the proposed redemption date. A notice of optional redemption may be revoked by sending notice to the Depository, in the manner required by the Depository, not less than 15 days prior to the proposed optional redemption date.

Section 10. Manner of Payment/Transfers/Redemption Notices Not Under Book-Entry System.

If on any date the Bonds are *not* being maintained in a Book-Entry System, then the following provisions apply:

Payment. The Fiscal Agent will pay the principal of each Bond upon its presentation and surrender on or after its maturity or earlier redemption date at the designated office of the Fiscal Agent, and the Fiscal Agent will pay, on each interest payment date, the interest on each Bond by wire or other electronic funds transfer, or by check of the Fiscal Agent sent by first class mail, to the person or entity in whose name the Bond is registered on the Bond Register at the end of the day on the applicable Record Date.

Transfers. Each Bond is transferable, only upon the Bond Register, for a like aggregate principal amount of the same maturity and interest rate in denominations of $5,000 or any multiple thereof. A transfer may be requested by the registered owner in person or by a person with a written power of attorney. The Bond shall be surrendered to the Fiscal Agent, together with a written instrument of transfer satisfactory to the Fiscal Agent signed by the registered owner or by the person with the written power of attorney. The Municipality will issue one or more new fully registered Bonds in the same aggregate principal amount to the transferee or transferees, as applicable, in exchange for the surrendered Bonds and upon the payment of a charge sufficient to reimburse the Municipality or the Fiscal Agent for any tax, fee, or other governmental charge required to be paid with respect to such registration.

The Fiscal Agent will not be required to make any transfer of the Bonds (i) during the 15 calendar days before the date of the sending of notice of any proposed redemption of the Bonds, or (ii) with respect to any particular Bond, after the Bond has been called for redemption.

Partial Redemptions. If less than all the principal amount of a specific maturity is to be redeemed, then the Municipality or the Fiscal Agent will randomly select the Bonds to be redeemed. If a Bond has been called for redemption but less than all the principal amount thereof is redeemed, then on or after the redemption date and upon surrender to the Fiscal Agent of the Bond, the Municipality will issue one or more new Bonds in the principal amount outstanding after the redemption.

Notice of Redemption. Notice of the redemption of any of the Bonds shall be sent by first class mail not less than 30, and not more than 60, days before the redemption date to the registered owners of the Bonds to be redeemed at the respective addresses set forth in the Bond Register. A notice of optional redemption may be revoked by sending a notice by first class mail not less than 15 days prior to the proposed optional redemption date to the registered owners of the Bonds which have been called for redemption.

Section 11. Form of Bonds.

The Bonds shall be in substantially the form shown in Exhibit A hereto. Omissions, insertions, or variations are permitted if they are deemed necessary or desirable and are consistent with this resolution or any supplemental resolution. The Municipality may cause the approving opinion of bond counsel to be printed or reproduced on the Bonds.

Section 12. Execution of Bonds.

The Bonds shall be signed by the persons who are the Municipal Officers on the date on which the Bonds are signed. The Bonds shall be sealed with the Municipality's corporate seal (or a facsimile thereof), if the Municipality has one, and the Bonds shall also be authenticated by the manual signature of the Fiscal Agent.

The Bonds will be valid and binding even if before they are delivered any person whose signature appears on the Bonds is no longer living or is no longer the person authorized to sign the Bonds. In that event, the Bonds will have the same effect as if the person were living or were still the person authorized to sign the Bonds.

A facsimile signature may be used as long as at least one signature of a Municipal Officer is a manual signature or the Fiscal Agent's certificate of authentication has a manual signature. If a facsimile signature is used, then it will be treated as the officer's own signature.

Section 13. Continuing Disclosure.

The appropriate officers of the Municipality are directed to sign the Continuing Disclosure Agreement, and the Municipality agrees to comply with all its terms.

Section 14. Payable Only From Special Redemption Fund.

The Bonds and any Parity Bonds, together with interest thereon, will be payable only out of the Special Redemption Fund as provided in the Prior Resolutions and in this resolution. The registered owners of the Bonds and any Parity Bonds will have a valid claim only against the Special Redemption Fund and the revenues pledged to such fund.

Section 15. Pledge.

The Municipality pledges sufficient revenues of the System to the Special Redemption Fund to pay the principal of and interest on the Bonds and any Parity Bonds as provided in this resolution. Such revenues will be used for no purpose other than to pay the principal of and interest on the Bonds and any Parity Bonds on the dates on which such amounts are due. The Bonds and any Parity Bonds, together with the interest thereon, shall not constitute an indebtedness of the Municipality within the meaning of any constitutional or statutory limitation or provision and shall not constitute a general obligation of the Municipality or a charge against its general credit or taxing power. The Municipality will not be liable for the payment of the principal of and interest on the Bonds, except as provided in this resolution.

Section 16. Equality of Lien.

All Bonds and any Parity Bonds, regardless of issue dates, maturity dates, or series designations, will be secured equally by the pledge of the Net Revenues of the System and all amounts in the Special Redemption Fund.

Section 17. Parity Bonds.

Except as permitted by Section 21(a) of this resolution, the Municipality will issue no bonds or other obligations payable from the revenues of the System, or enjoying a lien on the revenues or property of the System, that have a priority over the Outstanding Bonds and the Bonds with respect to their payment or security. The Municipality may issue Parity Bonds on the terms and conditions set forth in the applicable section of each Prior Resolution and Section 21 of this resolution.

Section 18. Funds and Accounts.

(a) **Funds and Accounts.**

The Municipality affirms and continues or creates, as applicable, the following funds and accounts of the System, some of which were originally created under the 2005 Resolution (collectively, the "**Funds and Accounts**"), to provide for the collection, distribution, and use of the Gross Revenues and the proceeds of the Bonds:

(1) Sewerage System Revenue Fund (the "**Revenue Fund**"), into which the entire Gross Revenues shall be deposited as received.

(2) Sewerage System Operation and Maintenance Fund (the "**Operation and Maintenance Fund**"), which shall be used to hold amounts expected to be used for the payment of the reasonable and necessary expenses of operating and maintaining the System, including salaries, wages, materials, supplies, and insurance, and for the purposes described in Section 19(c)(1) of this resolution.

(3) Sewerage System Special Redemption Fund, which will be divided into the following three accounts: (i) the "**Interest and Principal Account**", (ii) the "**Earnings Account**", and (iii) the "**Reserve Account**." Amounts held in the Interest and Principal Account and the Earnings Account will be used only to pay interest on and principal of the Bonds and Parity Bonds as provided in this resolution. Amounts held in the Reserve Account will be used to pay principal of or interest on the Bonds or any Parity Bonds on any date when amounts in the Interest and Principal Account and the Earnings Account are insufficient to make those payments.

(4) Sewerage System Depreciation Fund (the "**Depreciation Fund**"), which will be used to hold amounts expected to be used to pay for repairs, replacements, extensions, or additions to the System, provided that amounts in the Depreciation Fund can be used for any such purpose only if such amounts are not needed to make up any deficiency in the Interest and Principal Account or the Reserve Account.

(5) Sewerage System Surplus Fund (the "**Surplus Fund**"), amounts in which will be used for the purposes described in Section 19(c)(4) of this resolution.

(6) 2025 Sewerage System Construction Fund (the "**2025 Construction Fund**"), amounts in which will be used to pay (i) the costs of issuing of the Bonds (including fees for any bond insurance policies securing the Bonds) and the costs of the Project, or (ii) interest on the Bonds at any time when there shall be insufficient money in the Special Redemption Fund for that purpose. Any balance remaining in the 2025 Construction Fund after completion of the Project shall be transferred to the Earnings Account.

(b) **Limitation on the Use of Amounts in the Funds and Accounts.**

Amounts held in the Funds and Accounts shall be used only for the purposes described in this resolution.

(c) **Requirement to Maintain the Special Redemption Fund as a Separate Fund.**

The Special Redemption Fund shall be maintained as a separate fund in the treasury of the Municipality. The other Funds and Accounts may be combined in a single investment or bank account.

(d) **Investment of Amounts held in Funds and Accounts.**

Amounts in the Funds and Accounts may be invested in any manner permitted by the laws of Wisconsin, subject to the following limitations:

(1) The investments in each Fund or Account shall be sold whenever necessary to provide funds for the purposes for which the Fund or Account was created.

(2) In particular, amounts in the Reserve Account shall be invested so that sufficient funds will be available on each interest payment date for the Bonds and any Parity Bonds to make the required interest and principal payments in the event amounts in the Interest and Principal Account and the Earnings Account are insufficient to make the payments.

(3) No investment may be purchased or retained if the purchase of the investment or its retention would cause any Bond to be an "arbitrage bond" (within the meaning of Section 148 of the Code or the Treasury Regulations promulgated thereunder).

(4) All investments held in the Funds and Accounts shall be secured to the fullest extent required by the laws of Wisconsin.

(e) **Required Transfers of Earnings on Certain Funds and Accounts.**

All income from the investment of amounts in the Special Redemption Fund shall be transferred to the Earnings Account. All income from the investment of amounts in the 2025 Construction Fund shall be retained in the 2025 Construction Fund. All income from the investment of amounts in the Depreciation Fund shall be retained in the Depreciation Fund. All income from the investment of amounts in all other Funds and Accounts shall be deposited in the Revenue Fund and regarded as revenues of the System.

(f) **Rebate Matters.**

To comply with the rebate requirements of Section 148(f) of the Code and the related Treasury Regulations:

(1) The Municipality shall cause a determination to be made, by engaging Bond Counsel or another qualified rebate determination provider, of the amount, if any, of rebate required to be paid with respect to the Bonds to the United States Treasury at least every five years (as of the anniversary date of the issuance of the Bonds) and upon the retirement of the last Bond. The Municipality may pay reasonable compensation to the rebate determination provider for the performance of such services.

(2) The Municipality shall make required rebate payments to the United States Treasury with respect to the Bonds at such times and in such amounts and manner as are required by the Code and the related Treasury Regulations.

(3) The Municipality shall keep records of the rebate determinations prepared and rebate payments made until three years after the April 15th following the retirement of the last Bond.

Section 19. Application of Revenues.

(a) **Deposits to Revenue Fund and Transfers From Revenue Fund.**

Until all Bonds and Parity Bonds, if any, have been retired, or until there is on deposit in the Special Redemption Fund an amount sufficient to provide for the payment of the principal of all outstanding Bonds and Parity Bonds, if any, together with the interest thereon to maturity, the Gross Revenues shall, to the extent permitted by law, be deposited as collected in the Revenue Fund and shall be transferred from the Revenue Fund and deposited in the Operation and Maintenance Fund, the Special Redemption Fund, the Depreciation Fund and the Surplus Fund in the following order:

(1) A sum sufficient of the money in the Revenue Fund for the purposes of the Operation and Maintenance Fund shall be deposited in the Operation and Maintenance Fund.

(2) A sum sufficient of the money in the Revenue Fund for the purposes of the Special Redemption Fund shall be deposited in the Special Redemption Fund.

(3) A sum sufficient of the money in the Revenue Fund for the purposes of the Depreciation Fund shall be deposited in the Depreciation Fund.

(4) The remainder of the money in the Revenue Fund shall be deposited in the Surplus Fund.

Transfers from the Revenue Fund to the Operation and Maintenance Fund, the Special Redemption Fund, the Depreciation Fund, and the Surplus Fund shall be made in the order indicated above, at such times as are necessary to carry out the purposes of the respective funds.

(b) **Transfers to the Special Redemption Fund.**

The Governing Body intends that the amount of money deposited in the Special Redemption Fund from all sources will be sufficient to (i) pay the interest on the Bonds and any Parity Bonds as the same becomes due, (ii) retire the principal amounts of the Bonds and any Parity Bonds at maturity, and (iii) provide for any required monthly deposits to the Reserve Account.

(c) **Transfers Among Certain Funds and Accounts; Uses of Amounts in Funds and Accounts.**

Amounts deposited in the following Funds and Accounts shall be held, used or transferred as follows:

(1) *Operation and Maintenance Fund*. Amounts deposited in the Operation and Maintenance Fund shall be used for the purposes described in Section 18(a)(2) of this resolution, unless the balance in the Operation and Maintenance Fund exceeds the estimated operating and maintenance expenses of the System for the next succeeding sixty days, in which case (i) the excess amount shall be transferred to the Special Redemption Fund to remedy any deficiency in the Special Redemption Fund or, (ii) if or to the extent that no such deficiency exists, then the remaining excess amount shall be transferred to the Surplus Fund.

(2) *Interest and Principal Account and Earnings Account*. Amounts deposited in the Special Redemption Fund shall first be used to deposit each month into the Interest and Principal Account an amount equal to one-sixth (1/6) of the next installment of interest due on the Bonds and Parity Bonds then outstanding, plus an amount equal to one-twelfth (1/12) of the next installment of principal of the Bonds and Parity Bonds coming due, until the full amount of such installments is on deposit in the Interest and Principal Account. The deposits shall be made first from the Earnings Account until it is depleted, and all moneys in the Earnings Account will

be deemed to have been used first in payment of interest on the Bonds and Parity Bonds. Any funds remaining in the Earnings Account after each such transfer shall first be transferred to the Interest and Principal Account until there is on hand in the Interest and Principal Account an amount equal to the full amount of interest and principal coming due on the Bonds and any Parity Bonds then outstanding during the 12 months following the date of such transfer and after that either (i) be used to retire the Bonds or Parity Bonds in advance of maturity by redemption or by purchase of such bonds on the open market or an invitation and receipt of tenders of the lowest dollar price or prices obtainable, but not exceeding the lowest price at which such bonds could be redeemed on the next succeeding redemption date or (ii) be invested so as to restrict the yield thereon to avoid the Bonds or Parity Bonds being classified as "arbitrage bonds" within the meaning of Section 148 of the Code or any Treasury Regulations promulgated thereunder. Notwithstanding the foregoing, unless the Municipality is provided with an opinion of Bond Counsel that the action specified below will not adversely affect the exclusion of interest on the Bonds or the applicable issue of Parity Bonds from gross income for federal income tax purposes (i) moneys in the Earnings Account that are allocable to "proceeds" (within the meaning of Treas. Reg. § 1.148-1(b)) of the Bonds or any issue of Parity Bonds may only be deposited in the Interest and Principal Account if such moneys will be used to pay interest on or principal of the issue to which such proceeds are allocable, and (ii) no moneys that are allocable to proceeds of the Bonds or any issue of Parity Bonds may be used to pay interest on or principal of obligations that are not part of the issue to which the proceeds are allocable.

(3) *Reserve Account*. The next available amounts in the Special Redemption Fund shall be used to make monthly transfers to the Reserve Account until there is on hand in the Reserve Account an amount equal to the Minimum Reserve Amount. Amounts in the Reserve Account shall be used whenever necessary to pay principal of or interest on the Bonds and Parity Bonds whenever the Interest and Principal Account and the Earnings Account are insufficient for that purpose. Any amounts in the Reserve Account in excess of the Minimum Reserve Amount shall be transferred to the Earnings Account. For the purpose of computing the Minimum Reserve Amount, all investments in the Reserve Account shall be valued semiannually, on each interest payment date, at then current market value. In the event that amounts are withdrawn from the Reserve Account or amounts on deposit in the Reserve Account on any valuation date are less than the Minimum Reserve Amount, the Municipality, from revenues of the System, shall restore any amounts so withdrawn or any shortfall so that 12 months following such withdrawal or shortfall the amount on deposit in the Reserve Account equals the Minimum Reserve Amount. If, 12 months following any withdrawal from the Reserve Account, the amount on deposit in the Reserve Account is less than the Minimum

Reserve Amount, then the Financial Officer shall certify to the Governing Body the amount necessary to restore the Reserve Account to the Minimum Reserve Amount. Recognizing its moral obligation to do so, the Governing Body expresses its expectation and aspiration that, if presented with such a certification, it will make an appropriation of funds sufficient to restore the Reserve Account to the Minimum Reserve Amount. The Governing Body determines that the System and any appropriation of funds pursuant to this moral obligation pledge serves a public purpose by safeguarding the health and welfare of its citizens.

(4) *Surplus Fund*. Amounts in the Surplus Fund shall first be used whenever necessary to pay principal of or interest on the Bonds and Parity Bonds when the Special Redemption Fund is insufficient for that purpose, and thereafter to remedy any deficiency in any of the Funds or Accounts, or if at the close of any Fiscal Year there is no such deficiency, then such amounts may be disbursed as follows:

(i) to retire Bonds or Parity Bonds in advance of maturity by redemption or by purchase of such bonds on the open market or an invitation and receipt of tenders at the lowest dollar price or prices obtainable, but not exceeding the lowest price at which such bonds could be redeemed on the next succeeding redemption date; or

(ii) to rebate payments made by customers of the System pursuant to any plan adopted by the Governing Body of the Municipality; or

(iii) to the general fund of the Municipality.

All transfers and deposits within any Fund or Account or to any other Fund or Account required or permitted by this section shall be made at such times as are necessary to carry out the purposes of the applicable Fund or Account.

Section 20. <u>Agreements and Covenants Regarding the Operation of the System</u>.

The Municipality agrees and covenants with each and every registered owner of the Bonds and Parity Bonds as follows:

(a) The reasonable cost and value of any service rendered to the Municipality by the System by furnishing utility services, including, but not limited to, fire, police, safety, and health protection, will, to the extent permitted by law, be charged against the Municipality and be paid by it monthly as the service accrues out of the current revenues of the Municipality collected or in process of collection, but not from Gross Revenues, and, if necessary, out of the tax levy of the Municipality made by it to raise money to meet its necessary current expenses.

(b) The Municipality will faithfully and punctually perform all duties concerning the System required by the constitution and statutes of the State of Wisconsin, including the making and collecting of reasonable, lawful, and sufficient rates for services rendered by the System and the segregation and application of the revenues of the System as provided in this resolution.

(c) The Municipality will not sell, lease, or in any manner dispose of all or any part of the System, or any additions or extensions that may be made to the System, until all Bonds and Parity Bonds have been paid in full, both principal and interest, or until provision has been made for the payment in full of all Bonds and Parity Bonds, both principal and interest, unless the property to be sold, leased or otherwise disposed of has been found by the Governing Body not to be necessary or useful in the operation of the System. The proceeds received from any sale, lease, or disposal of any such property of the System shall be paid into (i) the Earnings Account of the Special Redemption Fund, if the property sold was acquired or improved with proceeds of the Bonds or any Parity Bonds that are tax-exempt obligations, or (ii) the Revenue Fund, in all other cases but shall not be permitted to reduce the amount otherwise required to be paid into said funds.

(d) The Municipality will: (i) operate and maintain the System in good condition; (ii) charge and collect such lawfully established rates and charges for the service rendered by the System so that the Gross Revenues of the System will be sufficient to make the payments into the Funds and Accounts created or continued by this resolution and provide for Net Revenues at least equal to 1.20 times the highest combined annual interest and principal requirements on all Bonds and Parity Bonds then outstanding; and (iii) promptly take such actions as are necessary to adopt and enforce increased rates whenever such increase shall be necessary to fulfill any covenant of this resolution.

(e) The Municipality will keep proper books and accounts relating to the System separate from all other records of the Municipality and will cause such books and accounts to be audited annually by a recognized independent firm of certified public accountants and will make available to the owners of any of the Bonds or Parity Bonds the latest balance sheet and the profit and loss statement of the System as certified by such accountants. The registered owners of any Bonds or Parity Bonds will have the right to inspect the System and the records, accounts and data of the Municipality relating to the System at all reasonable times. Each audit of the books and accounts of the System, in addition to whatever matters may be thought proper by the accountants to be included therein, shall include the following: (i) a statement in detail of the revenues and expenditures of the System for the Fiscal Year; (ii) a statement of the Net Revenues as herein defined for the Fiscal Year; (iii) a balance sheet as of

the end of the Fiscal Year; (iv) the accountants' comment regarding the manner in which the Municipality has carried out the requirements of this resolution and the accountants' recommendation for any changes or improvements in the operation of the System; (v) a list of the insurance policies in force at the end of the Fiscal Year setting out as to each policy the amount of the policy, the risks covered, the name of the insurer and the expiration date of the policy; and (vi) the number and types of connections at the end of the Fiscal Year.

(f) The Municipality will carry, for the benefit of the registered owners of the Bonds and Parity Bonds, insurance of a kind and in such amounts as would usually be carried by private companies or other public bodies engaged in operating a similar utility system. All amounts received for losses under any of such insurance policies, except public liability, shall be used in repairing the damage or in replacing the property destroyed, unless the Governing Body finds that it is not advisable to repair such damage or replace such property and that the operation of the System will not be impaired if such property is not repaired or such property is not replaced, in which case such amounts shall be deposited in the Earnings Account, provided that any amounts deposited in the Earnings Account shall not reduce the amounts otherwise required to be paid into the Special Redemption Fund.

(g) The Municipality will grant no franchise for the operation of another System (or any part thereof) within the geographic limits of the Municipality, unless the denial of such franchise would be in violation of any law.

(h) The Municipality will by resolution of its Governing Body require all buildings in the Municipality used for human habitation and located adjacent to service from the System, or located in a block through which service from the System extends, to be connected with service from the System.

(i) The Municipality will not enter into any contract with any person or persons which would cause any Outstanding Bonds, that were issued with the intent that interest on the issue would be excluded from gross income for federal income tax purposes, or Bonds to become "private activity bonds," within the meaning of Section 141(a) of the Code or any Treasury Regulations promulgated thereunder.

(j) The Municipality will comply with all requirements of the Code that shall be satisfied subsequent to the issuance of the Bonds in order that interest thereon be (or continue to be) excluded from gross income for federal income tax purposes, including, but not limited to, the rebate requirements set forth in the Code and the Treasury Regulations. The Municipality will

comply with the provisions of the Tax Certificate delivered in connection with the issuance of the Bonds relating to these requirements.

Section 21. Additional Bonds.

The Municipality will issue no notes, bonds, or any other obligations of any kind or nature payable from or enjoying a lien on the Gross Revenues, the Special Redemption Fund or properties of the System on a parity with or having a priority over the Outstanding Bonds or the Bonds, except as provided in this Section:

(a) Notes (including bond anticipation notes) or bonds may be issued having a priority over the Bonds and Parity Bonds if either (i) such notes or bonds are issued, wholly or in part, for the purpose of paying, and will provide an amount sufficient, together with the earnings thereon and all other funds legally available therefor to pay, the entire principal of and all interest on the Bonds and Parity Bonds to their maturity or early redemption; or (ii) immediately upon the issuance of such notes or bonds, the Municipality has discharged all Bonds and Parity Bonds in the manner provided in Section 23 of this resolution.

(b) Additional notes (including bond anticipation notes) or bonds may be issued on a parity with the Bonds and Parity Bonds if such notes or bonds are issued for the purpose of refunding any of the Bonds or Parity Bonds which either (i) have matured or (ii) will mature not later than 90 days after the date of delivery of such refunding notes or bonds if there is insufficient amounts in the Special Redemption Fund to provide for the required payments.

(c) Additional notes (including bond anticipation notes) or bonds may be issued on a parity with the Bonds and Parity Bonds if all of the following conditions have been satisfied:

(1) Either (A) the Net Revenues of the System for the last completed Fiscal Year were at least 1.20 times the highest combined annual interest and principal requirements on all bonds and notes then outstanding payable from the Gross Revenues of the System (other than bonds being refunded) and the bonds or notes so proposed to be issued for any succeeding Bond Year in which there will be a principal maturity on such outstanding bonds or notes; provided, however, that if, prior to the authorization of such additional bonds or notes, the Municipality has adopted and put into effect a revised schedule of rates, then the Net Revenues of the System for the last completed Fiscal Year which would, in the written opinion of an Independent Consultant employed for that purpose, have resulted from such rates had they been in effect for such period, may be used in lieu of the actual net income for the last completed Fiscal Year; or (B) the need for such financing is evidenced by a certificate or certificates of an Independent Consultant with recognized expertise in utility ratemaking

before the Public Service Commission of Wisconsin employed for that purpose, giving a detailed description of the proposed projects to be financed, an estimate of the cost of the proposed projects including proposed capitalized interest, if any, and an estimate of the time of completion of the proposed projects, and showing the feasibility of such financing with reference to projected Net Revenues based on rates and charges projected to be in effect upon completion of such projects; provided, that such feasibility shall not be deemed shown unless the projected Net Revenues for each of the two full Fiscal Years next succeeding the estimated date of completion of such projects shall be equal to at least equal to 1.20 times the highest combined annual interest and principal requirements on all bonds and notes then outstanding payable from the Gross Revenues of the System (other than bonds being refunded) and the bonds or notes so proposed to be issued for any succeeding Fiscal Year in which there shall be a principal maturity on such outstanding bonds or notes. For purposes of this subsection, actual Net Revenues for any Fiscal Year will be the Net Revenues shown in the audit of the System's books and accounts for the Fiscal Year required by Section 20(e) of this resolution.

(2) The payments required to be made into the Funds and Accounts created or continued pursuant to Section 18 of this resolution shall be current.

(3) There shall be on hand in the Reserve Account, immediately upon the issuance of such additional bonds or notes, an amount not less than the Minimum Reserve Amount.

(4) The additional bonds or notes shall be payable as to principal on May 1 of each year and as to interest on May 1 and November 1 of each year.

(5) The proceeds of the additional bonds or notes shall be used solely to refund Bonds or Parity Bonds, or to provide for purchasing, acquiring, leasing, constructing, extending, adding to, improving, conducting, controlling, operating, or managing the System.

In the case of bond anticipation notes, the provisions of the Act shall govern with respect to all matters relating to the lien and sources of payment of such notes.

Section 22. Resolution a Contract; Remedies of Bondholders.

The provisions of this resolution constitute a contract between the Municipality and the registered owners of the Bonds. After the issuance of the Bonds no change or alteration in the provisions of this resolution may be made, except as provided in Section 24 of this resolution and in the definition of "Fiscal Year" in Section 1 of this resolution, until all Bonds have been paid in full as to both principal and interest.

The registered owners of any of the Bonds will have the right, in addition to all other rights, by mandamus or other suit or action in any court of competent jurisdiction, to

enforce their rights against the Municipality, the Governing Body, and any and all officers and agents thereof, including, but not limited to, the right to require the Municipality, the Governing Body, and any other authorized body to fix and collect rates and charges fully adequate to carry out all provisions and agreements contained in this resolution, and the right to have a receiver appointed for the System in the event of a default in the payment of principal of or interest on the Bonds.

Section 23. Discharge and Satisfaction of Bonds and Covenants.

The agreements, covenants, liens and pledges entered into, created, or imposed pursuant to this resolution may be fully discharged and satisfied with respect to any or all of the Bonds in any one or more of the following ways:

(a) By paying the Bonds when they become due and payable, or upon their prior redemption in the manner provided in this resolution;

(b) By depositing with the appropriate fiscal agent(s) for the Bonds funds in the amount necessary, without consideration of any reinvestment thereof, to pay the principal of and interest on the Bonds until their maturity or earlier redemption; provided that if the Bonds are to be redeemed prior to their stated maturities, then (i) the Bonds shall have been irrevocably called for redemption by the Governing Body, and (ii) provision shall have been made for the required notice of the redemption in the manner provided in this resolution; or

(c) By depositing with a trustee or an escrow agent, in trust for such purpose, on or before the date of maturity or redemption, money or direct obligations of, or obligations the principal of and interest on which are fully guaranteed by the United States of America, in such amount as, together with the income or increment to accrue thereon without consideration of any reinvestment thereof, will be fully sufficient to pay or redeem (when redeemable) the Bonds at or before their respective maturity dates; *provided, that* if a Bond is to be redeemed prior to its stated maturity date, then (i) the Bond shall have been irrevocably called for redemption by the Governing Body, and (ii) provision shall have been made for the required notice of the redemption in the manner provided in this resolution; *provided, further*, that any such deposit can only be made if the deposit will not adversely affect the exclusion of interest on the Bonds from gross income of the owners thereof for federal income tax purposes.

Upon a payment or a deposit of money or investments in the amount and manner required by this section, all liability of the Municipality with respect to the relevant Bonds will cease, determine, and be completely discharged, and the registered owners of any Bonds that are not then retired will be entitled only to payment out of the money and investments deposited as required by this section.

Section 24. Amendment of Resolution.

Amendment Without the Consent of the Owners. This resolution may be amended from time to time without the consent of the registered owners of the Bonds to make any change that does not adversely affect the registered owners of the Bonds, including, without limitation, to cure any ambiguities, inconsistencies, or typographical errors that may be contained in this resolution.

Amendment With the Consent of the Owners. This resolution may also be amended from time to time with the written consent of the registered owners of not less than two-thirds in outstanding principal amount of the Bonds and any Parity Bonds (not including any Bonds or Parity Bonds that are held or owned by or for the account of the Municipality) if such amendment affects the owners of any Parity Bonds; however this resolution may be amended only with the unanimous written consent of:

(a) The registered owners of the Bonds (not including any Bonds that are held or owned by or for the account of the Municipality):

(i) To make any change in the stated maturity date of or interest rate on any Bond; to modify the terms of payment of principal of or interest on any Bond; or to impose any conditions with respect to payment of principal of or interest on any Bond;

(ii) To materially affect the rights of the owners of less than all Bonds then outstanding; or

(iii) To reduce the required outstanding principal amount of the Bonds for which consent shall be given to effect any future amendments to this resolution; and

(b) The registered owners of any series of Parity Bonds (not including any Parity Bonds of the series that are held or owned by or for the account of the Municipality):

(i) To make any change in the stated maturity date of or interest rate on any Parity Bond of the series; to modify the terms of payment of principal of or interest on any Parity Bond of the series; or to impose any conditions with respect to payment of principal of or interest on any Parity Bond of the series;

(ii) To materially affect the rights of the owners of less than all Parity Bonds of the series then outstanding; or

(iii) To reduce the required outstanding principal amount of Parity Bonds of the series for which consent shall be given to effect any future amendments to this resolution.

Notice. If the Municipality proposes to amend this resolution under any provision of this section, then the Municipality shall cause notice of the proposed amendment (the "**Amendment Notice**") and, if consent is required, a form of consent to the proposed amendment (the "**Consent**") to be (i) sent by certified mail to all registered owners of the Bonds and, if appropriate, any Parity Bonds, and (ii) filed with the Bond Purchaser. The Amendment Notice shall briefly describe the nature of the proposed amendment and shall state that a copy of the proposed amendment is on file for public inspection in the office of the Recording Officer. The Consent shall refer to the proposed amendment, specifically evidence consent to and approval of the proposed amendment, and be dated by the owner of the Bonds and, if appropriate, any Parity Bonds, upon execution of the Consent. The Amendment Notice and Consent may be one instrument.

If, on any date prior to one year after the date of the sending of the Amendment Notice and Consent, the Recording Officer receives Consents executed by the owners of the Bonds and Parity Bonds owning not less than the required outstanding principal amount to approve the amendment, then the Governing Body may adopt a resolution effecting the proposed amendment and, upon the adoption of the resolution effecting the proposed amendment, the proposed amendment will become effective and binding upon the registered owners of all of the Bonds and any Parity Bonds issued after the Bonds.

Any Consent given by the registered owner of a Bond or Parity Bond pursuant to the provisions of this section will be irrevocable for a period of six months from the date of the Consent and will be conclusive and binding upon all future registered owners of the same Bonds or Parity Bonds during the six-month period. A Consent may be revoked on any date after the six-month period by the registered owner who gave the Consent or by a successor in title by filing notice of such revocation with the Recording Officer; provided that a revocation will not be effective if the Recording Officer has already received Consents from registered owners of the Bonds and Parity Bonds owning not less than the required outstanding principal amount to approve the amendment, evidencing their consent to and approval of the proposed amendment that was the subject of the Consent.

Section 25. Sale of Bonds.

Each Authorized Officer, acting alone on behalf of the Municipality, is hereby authorized to receive final pricing information from the Bond Purchaser for the sale of the Bonds on behalf of the Municipality on a date deemed to be most advantageous to the Municipality by such Authorized Officers for the sale of the Bonds; provided, however, that such date shall not be later than December 17, 2025. The Authorized Officer shall reject the pricing information if it does not comply with the parameters set forth in Section 4 of this resolution.

Subject to the terms of this resolution, each Authorized Officer, acting alone on behalf of the Municipality, is hereby authorized and directed to award the sale of the Bonds to the Bond Purchaser at the Purchase Price, plus any accrued interest from the Original Issue Date to the date of delivery of the Bonds, such award to be evidenced by and effected by the execution by an Authorized Officer of the Bond Purchase Agreement. If the Bond Purchase Agreement signed and presented by the Bond Purchaser complies with the parameters set forth in this resolution, then an Authorized Officer is also hereby authorized and directed (i) to approve and

accept the Bond Purchase Agreement, (ii) to sign the Bond Purchase Agreement in the Municipality's name, and (iii) to take any additional actions needed to complete the sale of the Bonds, including arranging for a specific date, time, and location of closing of the sale.

The Municipal Officers are directed to sign the Bonds and to deliver the Bonds to the Bond Purchaser through the facilities of DTC in accordance with the Bond Purchase Agreement and this resolution. The Bonds may be delivered to the Bond Purchaser upon payment by the Bond Purchaser of the Purchase Price, plus any accrued interest, as required by this resolution.

Unless waived by the Bond Purchaser, the delivery of the Bonds is conditioned upon the Municipality furnishing the following items to the Bond Purchaser:

(a) The Bonds, together with the written, unqualified approving opinion of Bond Counsel, evidencing the legality of the Bonds and that interest on the Bonds will be excluded from gross income for federal income tax purposes.

(b) A transcript of the proceedings relating to the issuance of the Bonds.

(c) A certificate showing that no litigation has been threatened or is pending that would affect the legality of the Bonds or the right of the Municipality to issue them at the time of their delivery.

Section 26. Disposition of Bond Proceeds.

The proceeds from the sale of the Bonds shall be disbursed as follows:

(a) Any accrued interest shall be deposited into the Interest and Principal Account of the Special Redemption Fund.

(b) Any amount necessary to meet the Minimum Reserve Amount shall be deposited in the Reserve Account of the Special Redemption Fund as set forth in the Bond Purchase Agreement.

(c) Any contingency or rounding amount shall be deposited in the Interest and Principal Account of the Special Redemption Fund and used to pay interest on the Bonds.

(d) The remaining proceeds from the sale of the Bonds shall be deposited into the 2025 Construction Fund and used as described in Section 18(a)(6).

Section 27. Official Statement.

The Municipal Officers, the Financial Officer, and the officers of the Municipality's sewer utility (in consultation with the Bond Purchaser), are each hereby authorized to cause a preliminary offering document for the Bonds (the "**Preliminary Official Statement**") to be prepared and distributed prior to the sale of the Bonds and the execution of

the Bond Purchase Agreement. The Municipal Officers and the Financial Officer are hereby authorized, on behalf of the Municipality, to approve the form of Preliminary Official Statement and to deem it final as of its date for purposes of Securities and Exchange Commission Rule 15c2-12(b)(1), and to supply copies of the Preliminary Official Statement upon request.

The Municipality authorizes and directs the final version of such document (the "**Official Statement**") to be prepared and distributed prior to the issuance of the Bonds; *provided, however,* that the Official Statement shall be substantially the form of the Preliminary Official Statement and shall include the final terms of the Bonds as set forth in the Bond Purchase Agreement. The Municipal Officers are directed to deliver copies of the Official Statement to the Bond Purchaser and, if the Bond Purchaser requests, execute one or more copies on behalf of the Municipality. Execution and delivery of the Official Statement conclusively evidences the approval of the Municipal Officers.

Section 28. Publication of Notice.

The Recording Officer is directed to publish notice that the Municipality has agreed to sell the Bonds. The notice shall be published in the Municipality's official newspaper as a class 1 notice under Chapter 985 of the Wisconsin Statutes promptly after the execution of the Bond Purchase Agreement. The notice shall be in substantially the form shown in Exhibit B hereto. The Recording Officer shall obtain proof, in affidavit form, of the publication and shall compare the notice as published with the attached form to make sure that no mistake was made in publication.

Section 29. Authorization of Officers.

The appropriate officers of the Municipality are directed to prepare and furnish the following items to the Bond Purchaser and the attorneys approving the legality of the Bonds:

(i) Certified copies of proceedings and records of the Municipality relating to the Bonds and to the financial condition and affairs of the Municipality.

(ii) Other affidavits, certificates, and information as may be required to show the facts about the legality of the Bonds as such facts appear on the books and records under the officer's custody or control or as are otherwise known to the officer.

All certified copies, affidavits, certificates, and information furnished for such purpose are representations of the Municipality as to the facts they present.

Section 30. Tax Law Covenants.

The Municipality covenants that it will comply with all requirements of the Code, and the Treasury Regulations promulgated thereunder, that shall be satisfied so that interest on the Bonds will be excluded from gross income for federal income tax purposes.

Section 31. Further Authorization.

The Municipality authorizes its officers, attorneys, and other agents or employees to do all acts required of them to carry out the purposes of this resolution.

Section 32. Conflict with Prior Acts.

In case any part of a prior action of the Governing Body conflicts with this resolution, that part of the prior action is hereby rescinded, except that this section shall not be interpreted as rescinding any part of the Prior Resolutions.

Section 33. Severability of Invalid Provisions.

If a court holds any provision of this resolution to be illegal or invalid, then the illegality or invalidity shall not affect any other provision of this resolution.

Section 34. Effective Date.

This resolution takes effect upon its adoption and approval in the manner provided by law.

* * * * * * * * * *

Adopted: August 6, 2025

Approved: August __, 2025

_____
Mayor

_____
Clerk

EXHIBIT A

FORM OF BOND

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("**DTC**"), to the issuer or its agent for registration of transfer, exchange, or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

UNITED STATES OF AMERICA
STATE OF WISCONSIN
CITY OF APPLETON

Registered

No. R-____ $_____

SEWERAGE SYSTEM REVENUE BOND, SERIES 2025

Interest Rate	Maturity Date	Original Issue Date	CUSIP
_____%	May 1, 20__	_____, 2025	038132 ___

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT: _____ DOLLARS

THE CITY OF APPLETON, WISCONSIN (herein called the "**Municipality**") hereby acknowledges itself to owe and for value received promises to pay the Principal Amount to the Registered Owner, only from the income and revenues hereinafter specified, on the Maturity Date, and interest on the Principal Amount from the Original Issue Date at the annual rate of the Interest Rate. Interest is payable on each May 1 and November 1, until the Principal Amount has been paid, beginning on May 1, 2026. Interest is computed on the basis of a 360 day year of twelve 30 day months.

This Bond is one of a duly authorized issue of revenue bonds (the "**Bonds**") of the Municipality of an aggregate principal amount of $_____, all of like tenor, except as to denomination, interest rate, maturity date, and redemption provisions, issued by the Municipality pursuant to Article XI, Section 3 of the Wisconsin Constitution and Section 66.0621 of the Wisconsin Statutes, and acts supplementary thereto.

This Bond, together with interest hereon, is payable in lawful money of the United States of America, together with the Municipality's outstanding (i) $5,245,000 Sewerage System Revenue Refunding Bonds, Series 2018, dated October 9, 2018, (ii) $10,850,000

Sewerage System Revenue Refunding Bonds, Series 2020, dated August 6, 2020, (iii) $8,845,000 Sewerage System Revenue Refunding Bonds, Series 2021, dated August 11, 2021, (iv) $11,710,000 Sewerage System Revenue Bonds, Series 2022, dated June 15, 2022, and (v) $12,630,000 Sewerage System Revenue Bonds, Series 2024, dated August 28, 2024 (collectively, the "**Outstanding Bonds**"), only from the income and revenues to be derived from the operation of the Municipality's sewer utility (the "**System**") and set aside in the "Sewerage System Special Redemption Fund," which was created by a resolution adopted by the governing body of the Municipality on September 21, 2005, and affirmed and continued by subsequent resolutions, including a resolution adopted by the governing body of the Municipality on August 6, 2025 (the "**2025 Resolution**"). The 2025 Resolution is entitled "A Resolution Authorizing and Providing for the Issuance and Establishing the Parameters for the Sale of Not to Exceed $4,725,000 Sewerage System Revenue Bonds, Series 2025 and All Related Details". Reference is hereby made to the 2025 Resolution for a more complete statement of the revenues from which and conditions under which this Bond is payable, the provisions pursuant to which this Bond has been issued, and the conditions under which bonds may hereafter be issued on a parity with this Bond. The Bonds rank on a parity with the Outstanding Bonds. This Bond does not constitute an indebtedness of the Municipality within the meaning of any constitutional or statutory limitation or provision.

This Bond is a valid claim of the registered owner hereof only against the Sewerage System Special Redemption Fund and the revenues of the System pledged to the Sewerage System Special Redemption Fund. Sufficient revenues of the System have been pledged to the Sewerage System Special Redemption Fund and will be used for no other purpose than to pay the principal of and interest on the Bonds and all other obligations payable from the revenues of the System (including the Outstanding Bonds) that are issued on a parity and equality with the Bonds and the Outstanding Bonds, as the same becomes due.

On the date of their initial delivery, the Bonds will be maintained in a system in which no physical distribution of certificates representing ownership of the Bonds is made to the owners of the Bonds but instead all outstanding Bonds are registered in the name of a securities depository appointed by the Municipality (a "**Depository**"), or in the name of the Depository's nominee, and the Depository and its participants record beneficial ownership and effect transfers of the Bonds electronically (a "**Book-Entry System**"). So long as the Bonds are maintained in a Book-Entry System, the principal of, and interest on, this Bond will be paid by wire transfer to the Depository or its nominee in accordance with the Depository's rules that are then in effect by the Director of Finance of the Municipality or any successor fiscal agent appointed by the Municipality (hereinafter, the "**Fiscal Agent**"), which will act as authentication agent, paying agent, and registrar for the Bonds.

If on any date the Bonds are *not* being maintained in a Book-Entry System, then (i) the principal of this Bond will be paid by the Fiscal Agent upon its presentation and surrender on or after its maturity date or prior redemption date at the designated office of the Fiscal Agent, and (ii) the interest on this Bond will be paid by the Fiscal Agent, on each interest payment date, by wire or other electronic funds transfer, or by check of the Fiscal Agent sent by first class mail to the person or entity in whose name this Bond is registered in the register (the "**Register**") maintained by the Fiscal Agent at the end of the day on the 15th day (whether or not a business day) of the calendar month just before each regularly scheduled interest payment date (the

"**Record Date**"). The Municipality and the Fiscal Agent may treat the entity or person in whose name this Bond is registered on the Register as the absolute owner of this Bond for all purposes.

The Bonds maturing on or after May 1, 20__ are subject to redemption prior to their stated maturity dates, at the Municipality's option, in whole or in part, in the order of maturity selected by the Municipality, on May 1, 20__ and on any date thereafter. The redemption price will be 100% of the principal amount redeemed plus accrued interest to the redemption date, and no premium will be paid. If payment of a Bond called for redemption has been made or provided for, then interest on the Bond stops accruing on the stated redemption date. If less than all outstanding Bonds are redeemed, then the Bonds will be redeemed in $5,000 multiples as described below[, and if a portion, but not all, of a maturity that is subject to mandatory partial redemptions by operation of a sinking fund (as described below) is being redeemed, then the Municipality will select the amounts to be redeemed on future Sinking Fund Redemption Dates (as defined below) that are reduced as a result of the partial redemption].

[The Bonds maturing on May 1 in the years 20__ and 20__ (collectively, the "**Term Bonds**") are also subject to mandatory partial redemptions prior to their stated maturity dates, by operation of a sinking fund. On the following redemption dates (each a "**Sinking Fund Redemption Date**") the Municipality will redeem the following principal amounts (subject to reduction as provided in the immediately preceding paragraph) of the Term Bonds:

Term Bonds Maturing May 1, 20___

Sinking Fund Redemption Date (May 1)	Principal Amount To be Redeemed
20__	$,000
20__	,000
20__ (Stated Maturity)	,000

Term Bonds Maturing May 1, 20___

Sinking Fund Redemption Date (May 1)	Principal Amount To be Redeemed
20__	$,000
20__	,000
20__ (Stated Maturity)	,000]

[The redemption price will be 100% of the principal amount so redeemed, plus accrued interest thereon to the Sinking Fund Redemption Date, and no premium will be paid. The particular Term Bonds to be redeemed will be selected in the manner described below, and the Municipality will give notice of the redemption in the manner described below.]

So long as the Bonds are being maintained in a Book-Entry System, the following provisions apply:

Transfers. The Bonds are transferable, only upon the Register and only if the Depository ceases to act as securities depository for the Bonds and the Municipality appoints a successor securities depository. If that happens, then upon the surrender of the Bonds to the Fiscal Agent, the Municipality will issue new fully registered Bonds in the same aggregate principal amounts to the successor securities depository and the Bonds will be recorded as transferred to the successor securities depository in the Register.

The Fiscal Agent will not be required to make any transfer of the Bonds (i) during the 15 calendar days before the date of the sending of notice of any proposed redemption of the Bonds, or (ii) with respect to any particular Bond, after such Bond has been called for redemption.

Partial Redemption. If less than all the principal amount of a specific maturity is to be redeemed, then the Depository and its direct and indirect participants will select the beneficial owners of the Bonds to be redeemed. If a Bond has been called for redemption but less than all the principal amount of a specific maturity is redeemed, then on or after the redemption date and upon surrender to the Fiscal Agent of the Bond, the Municipality will issue one or more new Bonds in the principal amount outstanding after the redemption.

Notice of Redemption. Notice of the redemption of any of the Bonds will be sent to the Depository, in the manner required by the Depository, not less than 30, and not more than 60, days prior to the proposed redemption date. A notice of optional redemption may be revoked by sending notice to the Depository, in the manner required by the Depository, not less than 15 days prior to the proposed optional redemption date.

If on any date the Bonds are not being maintained in a Book-Entry System, then the following provisions apply:

Transfers. Each Bond is transferable, only upon the Register, for a like aggregate principal amount of the same maturity and interest rate in denominations of $5,000 or any multiple thereof. A transfer may be requested by the registered owner in person or by a person with a written power of attorney. The Bond shall be surrendered to the Fiscal Agent, together with a written instrument of transfer satisfactory to the Fiscal Agent signed by the registered owner or by the person with the written power of attorney. The Municipality will issue one or more new fully registered Bonds, in the same aggregate principal amount to the transferee or transferees, as applicable, in exchange for the surrendered Bonds and upon the payment of a charge sufficient to reimburse the Municipality or the Fiscal Agent for any tax, fee, or other governmental charge required to be paid with respect to such registration.

The Fiscal Agent will not be required to make any transfer of the Bonds (i) during the 15 calendar days before the date of the sending of notice of any proposed redemption of the Bonds, or (ii) with respect to any particular Bond, after such Bond has been called for redemption.

Partial Redemption. If less than all the principal amount of a specific maturity is to be redeemed, then the Municipality or the Fiscal Agent will randomly select the Bonds to be redeemed. If a Bond has been called for redemption but less than all the principal amount thereof is redeemed, then on or after the redemption date and upon surrender to the Fiscal Agent of the Bond, the Municipality will issue one or more new Bonds in the principal amount outstanding after the redemption.

Notice of Redemption. Notice of the redemption of any of the Bonds shall be sent by first class mail not less than 30, and not more than 60, days before the redemption date to the registered owners of any Bonds to be redeemed, at the respective addresses set forth in the Register. A notice of optional redemption may be revoked by sending a notice by first class mail not less than 15 days prior to the proposed optional redemption date to the registered owners of the Bonds which have been called for redemption.

The Municipality certifies, recites, and declares that all acts, conditions, and procedures required by law to exist, to have happened, and to be performed, leading up to and in the issuing of this Bond and of the issue of which it is a part, do exist, have happened, and have been performed in regular and due form, time, and manner as required by law; and that a sufficient amount of the income and revenue to be received by the Municipality from the operation of the System has been pledged to and will be set aside into a special fund for the payment of the principal of, and interest on, this Bond.

IN WITNESS WHEREOF, the Municipality, by its governing body, has caused this Bond to be executed in its name and on its behalf by the manual or facsimile signatures of its Mayor and Clerk, and to be sealed with its corporate seal (or a facsimile thereof), if any, all as of the Original Issue Date.

CITY OF APPLETON, WISCONSIN

By:_____
Mayor

[SEAL]

And:_____
Clerk

CERTIFICATE OF AUTHENTICATION:

Dated: _____, 2025

This Bond is one of the Bonds described in the within-mentioned Resolution.

_____
Director of Finance, as Fiscal Agent

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto

PLEASE INSERT SOCIAL SECURITY OR
OTHER IDENTIFYING NUMBER OF ASSIGNEE

_____

_____

(Please Print or Type Name and Address of Assignee)

the within-mentioned Bond and all rights thereunder and does hereby irrevocably constitute and appoint _____ attorney-in-fact, to transfer the same on the books of the registry in the office of the Fiscal Agent, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed

NOTICE: Signatures must be guaranteed by an "eligible guarantor institution" meeting the requirements of the Fiscal Agent, which requirements include membership or participation in the Securities Transfer Association Medallion Program ("**STAMP**") or such other "signature guarantee program" as may be determined by the Fiscal Agent in addition to, or in substitution for, STAMP, all in accordance with the Securities Exchange Act of 1934, as amended.

Note: The signature to this assignment must correspond with the name as written on the face of the within Bond in every particular, without alteration or enlargement or change whatsoever. When assignment is made by a guardian, trustee, executor or administrator, an officer of a corporation, or anyone in a representative capacity, proof of such person's authority to act must accompany this Bond.

EXHIBIT B

NOTICE TO THE ELECTORS OF THE
CITY OF APPLETON, WISCONSIN
RELATING TO
SEWERAGE SYSTEM REVENUE BOND SALE

On August 6, 2025, pursuant to Section 66.0621 of the Wisconsin Statutes, a resolution was offered, read, approved, and adopted whereby the City of Appleton, Wisconsin (the "City") authorized the borrowing of money and authorized certain City officials to enter into a purchase contract relating to said borrowing. On _____, 2025 the City entered into a purchase contract with a purchaser to whom the City agreed to sell its sewerage system revenue bonds in the principal amount of $_____. It is anticipated that the closing of the bonds will be held on or about _____, 2025. A copy of all proceedings had to date with respect to the authorization and sale of said bonds is on file and may be examined in the office of the City Clerk at 100 North Appleton Street, Appleton, Wisconsin between the hours of 9:00 a.m. and 4:30 p.m. on weekdays.

This notice is given pursuant to Section 893.77(2) of the Wisconsin Statutes, which provides that (i) an action or proceeding to contest the validity of such financing, for other than constitutional reasons, shall be commenced within 30 days after the date of publication of this notice, and (ii) the notice may not be published until after the issuer has entered into a contract for sale of the bond or other financing.

Publication Date: _____, 2025

/s/ Amy Molitor
City Clerk

CERTIFICATIONS BY CLERK

I, Amy Molitor, certify that I am the duly qualified Clerk of the City of Appleton, Wisconsin (the "**Municipality**"), and as such I have in my possession, or have access to, the complete corporate records of the Municipality and of its Common Council (the "**Governing Body**"), and that attached to this certificate is a true, correct, and complete copy of the resolution (the "**Resolution**") entitled:

A Resolution Authorizing and Providing for the Issuance and Establishing the Parameters for the Sale of Not to Exceed $4,725,000 Sewerage System Revenue Bonds, Series 2025, and All Related Details

I further certify as follows:

1. Meeting Date. On August 6, 2025, a meeting of the Governing Body was held beginning at _____ p.m.

2. Posting. On August ___, 2025 (and not less than 24 hours prior to the meeting), I posted, or caused to be posted, at the Municipality's offices in Appleton, Wisconsin a notice setting forth the date, time, location, and subject matter of said meeting. The notice specifically referred to the Resolution.

3. Notification of Media. On August ____, 2025 (and not less than 24 hours prior to the meeting), I communicated or caused to be communicated, the date, time, location, and subject matter of said meeting to those news media who have filed a written request for such notice and to the official newspaper of the Municipality. The communication specifically referred to the Resolution.

4. Open Meeting Law Compliance. The meeting was a regular meeting of the Governing Body that was held in open session in compliance with Subchapter V of Chapter 19 of the Wisconsin Statutes and any other applicable local rules and state statutes.

5. Members Present. The meeting was duly called to order by the Mayor (the "**Presiding Officer**"), who chaired the meeting. Upon roll call, I noted and recorded that there were ____ members of the Governing Body present at the meeting, such number being a quorum of the Governing Body.

6. Consideration of and Roll Call Vote on Resolution. Various matters and business were taken up during the course of the meeting without intervention of any closed session. One of the matters taken up was the Resolution. A proper quorum of the Governing Body was present for the consideration of the Resolution, and each member of the Governing Body had received a copy of the Resolution. All rules of the Governing Body that interfered with the consideration of the Resolution, if any, were suspended by a two-thirds vote of the Governing Body. The Resolution was then introduced, moved, and seconded, and after due consideration, upon roll call, ____ of the Governing Body members voted Aye, ____ voted Nay, and ____ Abstained.

7. **Adoption of Resolution**. The Resolution was supported by the affirmative vote of a majority of a quorum of the members of the Governing Body in attendance. The Presiding Officer then declared that the Resolution was adopted, and I recorded the adoption of the Resolution.

8. **Approval of Presiding Officer**. The Resolution was approved by the Presiding Officer on August ___, 2025, and I have recorded the approval. The approval is evidenced by the signature of the Presiding Officer on the copy of the Resolution to which this certificate is attached.

9. **Publication of Notice**. I have caused the Notice to Electors, in the form of Exhibit B to the Resolution, to be published in the place specified in the Resolution.

IN WITNESS WHEREOF, I have signed my name and affixed the seal of the Municipality, if any, on this certificate on August ____, 2025.

_____
Clerk

[SEAL]

COMMON COUNCIL
OF THE
CITY OF APPLETON, WISCONSIN

August 6, 2025 **Resolution No. 2025-10**

A Resolution Authorizing and Providing for the Issuance and Establishing the Parameters for the Sale of Not to Exceed $8,800,000 Storm Water System Revenue Refunding Bonds, Series 2025, and All Related Details

RECITALS

The Common Council (the "**Governing Body**") of the City of Appleton, Wisconsin (the "**Municipality**") makes the following findings and determinations:

1. The Municipality currently owns and operates a municipal storm water system (the "**System**", as more fully defined below), which is a "public utility" (within the meaning of Section 66.0621 (1) (b) of the Wisconsin Statutes).

2. Under the provisions of Section 66.0621 of the Wisconsin Statutes, as amended (the "**Act**"), the Municipality may, by action of the Governing Body, provide for purchasing, acquiring, leasing, constructing, extending, adding to, improving, conducting, controlling, operating, or managing the System, and the refunding of municipal obligations issued for such purposes, from the proceeds of obligations that are payable only from the income and revenues derived from the operation of the System.

3. On July 21, 1999 the Governing Body adopted a resolution (the "**1999 Resolution**") authorizing the issuance of the Municipality's $3,080,000 Storm Water System Revenue Bonds, Series 1999, dated August 1, 1999 (the "**Series 1999 Bonds**"). The outstanding Series 1999 Bonds were redeemed on April 1, 2009.

4. On July 18, 2012 the Governing Body adopted a resolution (the "**2012 Resolution**") authorizing the issuance of the Municipality's $13,190,000 Storm Water System Revenue Refunding Bonds, Series 2012, dated August 8, 2012 (the "**Series 2012 Bonds**"). The Series 2012 Bonds are currently outstanding in the aggregate principal amount of $2,010,000.

5. On July 24, 2013 the Governing Body adopted a resolution (the "**2013 Resolution**") authorizing the issuance of the Municipality's $6,440,000 Storm Water System Revenue Bonds, Series 2013, dated August 7, 2013 (the "**Series 2013 Bonds**"). The Series 2013 Bonds are currently outstanding in the aggregate principal amount of $3,305,000.

6. On August 20, 2014 the Governing Body adopted a resolution (the "**2014 Resolution**") authorizing the issuance of the Municipality's $3,450,000 Storm Water System

Revenue Bonds, Series 2014, dated September 10, 2014 (the "**Series 2014 Bonds**"). The Series 2014 Bonds are currently outstanding in the aggregate principal amount of $1,920,000.

7. On October 7, 2015 the Governing Body adopted a resolution (the "**2015 Resolution**") authorizing the issuance of the Municipality's $9,425,000 Storm Water System Revenue Refunding Bonds, Series 2015, dated October 28, 2015 (the "**Series 2015 Bonds**"). The Series 2015 Bonds are currently outstanding in the aggregate principal amount of $3,495,000.

8. On September 7, 2016 the Governing Body adopted a resolution (the "**2016 Resolution**") authorizing the issuance of the Municipality's $14,935,000 Storm Water System Revenue Refunding Bonds, Series 2016, dated October 4, 2016 (the "**Series 2016 Bonds**"). The Series 2016 Bonds are currently outstanding in the aggregate principal amount of $6,535,000.

9. On September 6, 2017 the Governing Body adopted a resolution (the "**2017 Resolution**") authorizing the issuance of the Municipality's $5,000,000 Storm Water System Revenue Bonds, Series 2017, dated October 2, 2017 (the "**Series 2017 Bonds**"). The Series 2017 Bonds are currently outstanding in the aggregate principal amount of $3,885,000.

10. On September 5, 2018 the Governing Body adopted a resolution (the "**2018 Resolution**") authorizing the issuance of the Municipality's $3,000,000 Storm Water System Revenue Bonds, Series 2018, dated October 9, 2018 (the "**Series 2018 Bonds**"). The Series 2018 Bonds are currently outstanding in the aggregate principal amount of $2,495,000.

11. On July 15, 2020 the Governing Body adopted a resolution (the "**2020 Resolution**") authorizing the issuance of the Municipality's $2,965,000 Storm Water System Revenue Bonds, Series 2020, dated August 6, 2020 (the "**Series 2020 Bonds**"). The Series 20 Bonds are currently outstanding in the aggregate principal amount of $2,585,000.

12. No other outstanding obligations are payable from the income and revenues derived from the operation of the System.

13. The Municipality needs funds to finance the current refunding of all or a portion of the outstanding Series 2013 Bonds, Series 2014 Bonds, and Series 2015 Bonds, subject to the parameters set forth in Section 4 of this resolution (the "**Refunding**").

14. The Governing Body wishes to finance the costs of the Project by authorizing, selling, and issuing its not to exceed $8,800,000 Storm Water System Revenue Refunding Bonds, Series 2025 (the "**Bonds**"). The Bonds will be issued pursuant to the Act, on the terms and conditions described in this resolution, and will be secured by and payable from the income and revenues derived and to be derived from the operation of the System. The Bonds will be issued on a parity and equality of rank with the Series 2012 Bonds, the Series 2013 Bonds, the Series 2014 Bonds, the Series 2015 Bonds, the Series 2016 Bonds, the Series 2017 Bonds, the Series 2018 Bonds, and the Series 2020 Bonds (collectively, the "**Outstanding Bonds**").

15. Section 20 of the 1999 Resolution, which section is continued under each of the resolutions authorizing the issuance of the Outstanding Bonds, authorizes the issuance of additional bonds on a parity and equality of rank with the Outstanding Bonds upon compliance with the conditions set forth therein (the "**Additional Bonds Test**"). All conditions set forth under the Additional Bonds Test have been or will be satisfied prior to the issuance of the Bonds.

16. In accordance with the provisions of Section 66.0621 (4) (a) 2 of the Wisconsin Statutes and this resolution: (i) interest on the Bonds will be payable at least annually, and (ii) payment of principal of the Bonds will commence not later than 3 years after the date of issuance of the Bonds. The requirement each year to pay both principal of, and interest on, the Bonds will be reasonable and in accordance with prudent municipal utility management practices.

17. Robert W. Baird & Co. Incorporated, or a group that it leads (the "**Bond Purchaser**"), has proposed to purchase the Bonds for a purchase price to be determined, which shall not be less than 98% nor more than 110% of the principal amount of the Bonds to be issued, plus accrued interest, if any, to the date of delivery of the Bonds (the "**Purchase Price**").

18. The Municipality has taken all actions required by law and has the power to sell and issue the Bonds.

19. The Governing Body will adopt this resolution to sell and issue the Bonds.

RESOLUTIONS

The Governing Body resolves as follows:

Section 1. Definitions.

In addition to the capitalized terms defined in the recitals above, capitalized terms not otherwise defined in this resolution shall have the meanings set forth below unless the context requires another meaning.

"**Act**" means Section 66.0621 of the Wisconsin Statutes, as amended.

"**Authorized Officers**" means the Mayor, the Financial Officer, or the Clerk, each having the authority to act alone on behalf of the Municipality for purposes of Sections 4 and 25 hereof.

"**Bond Counsel**" means (i) as of the Original Issue Date, Foley & Lardner LLP, and (ii) after the Original Issue Date, either Foley & Lardner LLP or any other nationally recognized firm of attorneys, employed by the Municipality, experienced in municipal finance, whose legal and tax opinions are generally accepted by purchasers of municipal obligations.

"**Bonds**" means the not to exceed $8,800,000 City of Appleton, Wisconsin Storm Water System Revenue Refunding Bonds, Series 2025, which are authorized to be issued pursuant to this resolution.

"**Bond Purchase Agreement**" means the purchase contract presented by the Bond Purchaser to evidencing the purchase of the Bonds as described in Section 25 of this resolution.

"**Bond Purchaser**" has the meaning given in the recitals to this resolution.

"**Bond Register**" means the register maintained by the Fiscal Agent at its designated office, in which the Fiscal Agent records:

(i) the name and address of the owner of each Bond.

(ii) all transfers of each Bond.

"**Book-Entry System**" means a system in which no physical distribution of certificates representing ownership of the Bonds is made to the owners of the Bonds but instead all outstanding Bonds are registered in the name of a securities depository appointed by the Municipality, or in the name of such a depository's nominee, and the depository and its participants record beneficial ownership and transfers of the Bonds electronically.

"**Code**" means the Internal Revenue Code of 1986, as amended.

"**Continuing Disclosure Agreement**" means the Continuing Disclosure Agreement, dated as of the Original Issue Date, to be executed by the Municipality and delivered on the closing date of the Bonds.

"**Current Expenses**" means the reasonable and necessary cost of operating, maintaining, administering, insuring, and repairing the System, as determined in accordance with generally accepted accounting principles, including, but not limited to, salaries, premiums for insurance, wages, cost of materials and supplies, insurance, and audits but shall exclude allowances for depreciation, debt service on obligations of the System, tax equivalents, replacements, capital expenditures, and accumulations of reserves.

"**Depository**" means DTC or any successor appointed by the Municipality and acting as securities depository for the Bonds.

"**DTC**" means The Depository Trust Company, New York, New York.

"**Financial Officer**" means the Municipality's Director of Finance.

"**Fiscal Agent**" means the Municipality's Director of Finance or any successor fiscal agent appointed by the Municipality to act as authentication agent, paying agent, and registrar for the Bonds pursuant to Section 67.10 (2) of the Wisconsin Statutes.

"**Fiscal Year**" means the twelve-month period beginning on January 1 of each year and ending on December 31 of each year. The Municipality may change the Fiscal Year of the System if the Original Purchasers consent to the change. If the Original Purchasers consent to the change, then the change will not constitute a modification, change, amendment, or alteration of this resolution for purposes of Section 24 of this resolution.

"**Governing Body**" means the Municipality's Common Council.

"**Gross Revenues**" means the gross revenues of the System from all sources, excluding earnings on the Storm Water System Special Redemption Fund, customer deposits, and collected taxes imposed by other governmental entities.

"**Independent Consulting Firm**" means a recognized consultant, auditor, or engineer, or firm of auditors, consultants, or engineers, who or which is not an officer or regular employee of the Municipality or the System and who or which is not devoting substantially all his, her, or its time and efforts to the affairs of the System.

"**Minimum Reserve Amount**" means the least of the following: (i) the maximum annual debt service coming due in any future year on the Bonds and Parity Bonds then outstanding, (ii) 10% of the outstanding principal amount of the Bonds and Parity Bonds, or (iii) 125% of the average annual debt service on the Bonds and Parity Bonds.

"**Municipal Officers**" means the Mayor and Clerk of the Municipality. These are the officers required by law to execute revenue obligations on the Municipality's behalf.

"**Municipality**" means the City of Appleton, Wisconsin.

"**Net Revenues**" means Gross Revenues after deduction of Current Expenses.

"**Original Issue Date**" means October 1, 2025, or such other date established for delivery of the Bonds pursuant to the Bond Purchase Agreement.

"**Original Purchasers**" means the Bond Purchaser and the initial purchaser of each issue of Parity Bonds (including the Outstanding Bonds), so long as the issue of Parity Bonds remains outstanding.

"**Outstanding Bonds**" has the meaning given in the recitals to this resolution.

"**Parity Bonds**" means all other obligations payable from the revenues of the System (including the Outstanding Bonds) other than the Bonds but issued on a parity and equality with the Bonds and the Outstanding Bonds pursuant to the restrictive provisions of the applicable sections of the Prior Resolutions and of Section 21 of this resolution.

"**Prior Resolutions**" means, collectively, the 2012 Resolution, the 2013 Resolution, the 2014 Resolution, the 2015 Resolution, the 2016 Resolution, the 2017 Resolution, the 2018 Resolution, and the 2020 Resolution, each as defined in the recitals to this resolution.

"**Project**" has the meaning given in the recitals to this resolution.

"**Purchase Price**" has the meaning given in the recitals to this resolution.

"**Record Date**" means the 15th day (whether or not a business day) of the calendar month just before each regularly scheduled interest payment date for the Bonds.

"**Recording Officer**" means the Municipality's Clerk.

"**Redemption Date**" means October 14, 2025, or such other date established for redemption of the Refunded Bonds pursuant to the Bond Purchase Agreement.

"**Refunded Bonds**" means all or a portion of the outstanding principal amount of the Series 2013 Bonds, the Series 2014 Bonds, and the Series 2015 Bonds, each as defined in the recitals to this resolution, and as set forth in the Bond Purchase Agreement.

"**Refunding**" has the meaning given in the recitals to this resolution.

"**Reserve Account**" means the Reserve Account of the Special Redemption Fund.

"**Special Redemption Fund**" means the fund designated as such and described in Section 18 of this Resolution.

"**System**" means the storm water utility of the Municipality, which shall include all property of every nature now or hereafter owned by the Municipality for the collection, storage, treatment, transmission, distribution, metering, and discharge of storm water, or constituting part of, or used or useful in connection with, the storm water utility of the Municipality; and including all improvements and extensions thereto made by the Municipality while any of the Bonds or the Outstanding Bonds remain outstanding and including all appurtenances, contracts, leases, franchises, and other intangibles.

Section 2. Exhibits.

The attached exhibits are also a part of this resolution as though they were fully written out in this resolution:

(i) *Exhibit A* - Form of Bond.

(ii) *Exhibit B* - Notice to Electors of Sale.

Section 3. Purposes of Borrowing; Issuance of Bonds.

The Governing Body authorizes the Bonds and orders that they be prepared, executed, and issued, subject to the parameters set forth in Section 4. The Bonds will be fully registered, negotiable, storm water system revenue refunding bonds of the Municipality in the aggregate principal amount of not to exceed $8,800,000. The Bonds will be issued pursuant to the Act to pay the costs of the Refunding and issuing the Bonds (including, but not limited to, printing costs and fees for underwriting, financial consultants, bond counsel, fiscal agent, rating agencies, bond insurance, and registration, as applicable).

Section 4. Terms of Bonds.

The Bonds will be named "City of Appleton, Wisconsin Storm Water System Revenue Refunding Bonds, Series 2025." The Bonds will be dated the Original Issue Date, even

if they are actually issued or executed on another date. Each Bond will also be dated the date on which it is authenticated by the Fiscal Agent. That date is its registration date.

The face amount of each Bond will be $5,000 or any multiple thereof up to the principal amount authorized for that maturity.

The Bond Purchaser will purchase the Bonds at the Purchase Price set forth in the Bond Purchase Agreement.

The Bonds will bear interest from the Original Issue Date at the rates set forth in the Bond Purchase Agreement and accepted by an Authorized Officer; *provided, however,* that (i) the true interest cost of the Bonds shall not exceed 4.50% (computed taking the Bond Purchaser's compensation into account), and (ii) the difference between the offering price to the public for the Bonds and the Purchase Price to be paid to the Municipality for the Bonds shall not exceed 2.00% of the principal amount of the Bonds. All or a portion of the Refunded Bonds may be removed from the Refunding at the discretion of an Authorized Officer. The Refunded Bonds shall be determined by an Authorized Officer in the Bond Purchase Agreement.

Interest on the Bonds will be due and payable on each April 1 and October 1, until the principal of the Bonds has been paid, beginning on April 1, 2026, or on such other date as set forth in the Bond Purchase Agreement. Interest on each Bond will be (i) computed on the basis of a 360-day year of twelve 30-day months and (ii) payable to the entity or person in whose name the Bond is registered on the Bond Register at the end of the day on the applicable Record Date. The Municipality and the Fiscal Agent may treat the entity or person in whose name any Bond is registered on the Bond Register as the absolute owner of the Bonds for all purposes whatsoever under this resolution. The Bonds will be numbered consecutively as may be required to comply with any applicable rules or customs or as determined by the Municipal Officers executing the Bonds.

The following table shows when the Bonds will mature or be subject to mandatory sinking fund redemption, except that the principal amounts coming due each year below, whether by maturity or by mandatory sinking fund redemption of term bonds, may be increased or decreased by up to $1,275,000 in each year and a maturity may be removed if the principal amount of such maturity is less than $1,275,000. The aggregate principal amount of the Bonds shall not exceed $8,800,000 and the table below assumes the Bonds are issued in that amount. The actual maturity schedule, within the parameters set forth herein, will be set forth in the Bond Purchase Agreement and accepted by an Authorized Officer.

Principal Maturity Date (April 1)	Principal Amount
2026	$1,275,000
2027	1,085,000
2028	785,000
2029	815,000
2030	855,000
2031	890,000
2032	945,000
2033	990,000
2034	560,000
2035	600,000

The principal of, and interest on, the Bonds will be payable in lawful money of the United States of America.

Section 5. Fiscal Agent; Redemption Agent.

The Municipality appoints the Fiscal Agent to act as authentication agent, paying agent, and registrar for the Bonds. Among other things, the Fiscal Agent shall maintain the Bond Register.

If the Bond Purchase Agreement specifies that certain maturities of the Bonds are term bonds and subject to partial mandatory sinking fund redemption as described in Section 8, then the Municipality appoints Associated Trust Company, National Association (the "**Redemption Agent**") to act as redemption agent for such Bonds, which includes giving notice of redemption on behalf of the Municipality prior to each Sinking Fund Redemption Date (as defined in Section 8). The appropriate officers of the Municipality are authorized and directed to enter into a redemption agent agreement with the Redemption Agent on behalf of the Municipality. Such agreement may provide for the Municipality to pay the reasonable and customary fees of the Redemption Agent for its services.

Section 6. Appointment of Depository.

The Municipality appoints DTC to act as securities depository for the Bonds. An authorized representative of the Municipality has previously executed a blanket issuer letter of

representations with DTC on the Municipality's behalf, and the Municipality ratifies and approves that document.

Section 7. Book-Entry System.

On the date of their initial delivery, the Bonds will be registered in the name of DTC or its nominee and maintained in a Book-Entry System. If the Municipality's relationship with DTC is terminated, then the Municipality may appoint another securities depository to maintain the Book-Entry System.

If on any date the Bonds are not being maintained in a Book-Entry System, then the Municipality will do the following:

(i) At its expense, the Municipality will prepare, authenticate, and deliver to the beneficial owners of the Bonds fully-registered, certificated Bonds in the denomination of $5,000 or any multiple thereof in the aggregate principal amount then outstanding. The beneficial owners will be those shown on the records of the Depository and its direct and indirect participants.

(ii) The Municipality will appoint a fiscal agent to act as authentication agent, paying agent, and registrar for the Bonds under Section 67.10 (2) of the Wisconsin Statutes.

Section 8. Redemption.

The Bond Purchase Agreement may specify that certain Bonds maturing on or after a certain date are subject to redemption before their stated maturity dates, at the Municipality's option, in whole or in part, in the order of maturity selected by the Municipality, on a stated redemption date and on any date thereafter. If certain maturities of the Bonds are subject to such optional redemption, then the redemption price will be 100% of the principal amount redeemed, plus accrued interest to the redemption date, and no premium will be paid. If payment of a Bond called for redemption has been made or provided for, then interest on such Bond stops accruing on the stated redemption date. If less than all the principal amount of a specific maturity is redeemed, then the Bonds will be redeemed in $5,000 multiples in accordance with Sections 9 and 10 below, and if a portion, but not all, of a maturity that is subject to mandatory partial redemptions by operation of a sinking fund (as described below) is being redeemed, then the Municipality will select the amounts to be redeemed on future Sinking Fund Redemption Dates (as defined below) that are reduced as a result of the partial redemption.

If the Bond Purchase Agreement specifies that certain maturities of the Bonds are term bonds and subject to partial mandatory sinking fund redemption, then the Bonds maturing on such dates shall be subject to mandatory sinking fund redemption at a redemption price of 100% of the principal amount redeemed, plus accrued interest to the redemption date, on April 1 of the years (each a "**Sinking Fund Redemption Date**"), and in the respective principal amounts (subject to reduction as provided in the immediate preceding sentence), as set forth in the Bond Purchase Agreement and consistent with Section 4 hereof.

Section 9. Manner of Payment/Transfers/Redemption Notices Under Book-Entry System.

So long as the Bonds are being maintained in a Book-Entry System, the following provisions apply:

Payment. The Fiscal Agent is directed to pay the principal of, and interest on, the Bonds by wire transfer to the Depository or its nominee in accordance with the Depository's rules that are then in effect.

Transfers. The Bonds are transferable, only upon the Bond Register and only if the Depository ceases to act as securities depository for the Bonds and the Municipality appoints a successor securities depository. If that happens, then upon the surrender of the Bonds to the Fiscal Agent, the Municipality will issue new fully registered Bonds in the same aggregate principal amount to the successor securities depository, and the Bonds will be recorded as transferred to the successor securities depository in the Bond Register.

The Fiscal Agent will not be required to make any transfer of the Bonds (i) during the 15 calendar days before the date of the sending of notice of any proposed redemption of the Bonds, or (ii) with respect to any particular Bond, after such Bond has been called for redemption.

Partial Redemption. If less than all the principal amount of a specific maturity is to be redeemed, then the Depository and its direct and indirect participants will select the beneficial owners of the Bonds to be redeemed. If a Bond has been called for redemption but less than all the principal amount of a specific maturity is redeemed, then on or after the redemption date and upon surrender to the Fiscal Agent of the Bond, the Municipality will issue one or more new Bonds in the principal amount outstanding after the redemption.

Notice of Redemption. Notice of the redemption of any of the Bonds will be sent to the Depository, in the manner required by the Depository, not less than 30, and not more than 60, days prior to the proposed redemption date. A notice of optional redemption may be revoked by sending notice to the Depository, in the manner required by the Depository, not less than 15 days prior to the proposed optional redemption date.

Section 10. Manner of Payment/Transfers/Redemption Notices *Not* Under Book-Entry System.

If on any date the Bonds are not being maintained in a Book-Entry System, then the following provisions apply:

Payment. The Fiscal Agent will pay the principal of each Bond upon its presentation and surrender on or after its maturity or earlier redemption date at the designated office of the Fiscal Agent, and the Fiscal Agent will pay, on each interest payment date, the interest on each Bond by wire or other electronic funds transfer, or by check of the Fiscal Agent sent by first class mail, to the entity or person in whose name the Bond is registered on the Bond Register at the end of the day on the applicable Record Date.

Transfers. Each Bond is transferable, only upon the Bond Register, for a like aggregate principal amount of the same maturity and interest rate in denominations of $5,000 or any multiple thereof. A transfer may be requested by the registered owner in person or by a person with a written power of attorney. The Bond shall be surrendered to the Fiscal Agent, together with a written instrument of transfer satisfactory to the Fiscal Agent signed by the registered owner or by the person with the written power of attorney. The Municipality will issue one or more new fully registered Bonds in the same aggregate principal amount to the transferee or transferees, as applicable, in exchange for the surrendered Bonds and upon the payment of a charge sufficient to reimburse the Municipality or the Fiscal Agent for any tax, fee, or other governmental charge required to be paid with respect to such registration.

The Fiscal Agent will not be required to make any transfer of the Bonds (i) during the 15 calendar days before the date of the sending of notice of any proposed redemption of the Bonds, or (ii) with respect to any particular Bond, after the Bond has been called for redemption.

Partial Redemptions. If less than all the principal amount of a specific maturity is to be redeemed, then the Municipality or the Fiscal Agent will randomly select the Bonds to be redeemed. If a Bond has been called for redemption but less than all the principal amount thereof is redeemed, then on or after the redemption date and upon surrender to the Fiscal Agent of the Bond, the Municipality will issue one or more new Bonds in the principal amount outstanding after the redemption.

Notice of Redemption. Notice of the redemption of any of the Bonds shall be sent by first class mail not less than 30, and not more than 60, days before the redemption date to the registered owners of the Bonds to be redeemed at the respective addresses set forth in the Bond Register. A notice of optional redemption may be revoked by sending a notice by first class mail not less than 15 days prior to the proposed optional redemption date to the registered owners of the Bonds which have been called for redemption.

Section 11. Form of Bonds.

The Bonds shall be in substantially the form shown in Exhibit A hereto. Omissions, insertions, or variations are permitted if they are deemed necessary or desirable and are consistent with this resolution or any supplemental resolution. The Municipality may cause the approving opinion of bond counsel to be printed or reproduced on the Bonds.

Section 12. Execution of Bonds.

The Bonds shall be signed by the persons who are the Municipal Officers on the date on which the Bonds are signed. The Bonds shall be sealed with the Municipality's corporate seal (or a facsimile thereof), if the Municipality has one, and the Bonds shall also be authenticated by the manual signature of the Fiscal Agent.

The Bonds will be valid and binding even if before they are delivered any person whose signature appears on the Bonds is no longer living or is no longer the person authorized to sign the Bonds. In that event, the Bonds will have the same effect as if the person were living or were still the person authorized to sign the Bonds.

A facsimile signature may be used as long as at least one signature of a Municipal Officer is a manual signature or the Fiscal Agent's certificate of authentication has a manual signature. If a facsimile signature is used, then it will be treated as the officer's own signature.

Section 13. Continuing Disclosure.

The appropriate officers of the Municipality are directed to sign the Continuing Disclosure Agreement, and the Municipality agrees to comply with all its terms.

Section 14. Payable Only From Special Redemption Fund.

The Bonds and any Parity Bonds, together with interest thereon, will be payable only out of the Special Redemption Fund as provided in the Prior Resolutions and in this resolution. The registered owners of the Bonds and any Parity Bonds will have a valid claim only against the Special Redemption Fund and the revenues pledged to such fund.

Section 15. Pledge.

The Municipality pledges sufficient revenues of the System to the Special Redemption Fund to pay the principal of, and interest on, the Bonds and any Parity Bonds as provided in this resolution. Such revenues will be used for no purpose other than to pay the principal of, and interest on, the Bonds and any Parity Bonds on the dates on which such amounts are due. The Bonds and any Parity Bonds, together with the interest thereon, shall not constitute an indebtedness of the Municipality within the meaning of any constitutional or statutory limitation or provision and shall not constitute a general obligation of the Municipality or a charge against its general credit or taxing power. The Municipality will not be liable for the payment of the principal of, and interest on, the Bonds, except as provided in this resolution.

Section 16. Equality of Lien.

All Bonds and any Parity Bonds, regardless of issue dates, maturity dates, or series designations, will be secured equally by the pledge of the Net Revenues of the System and all amounts in the Special Redemption Fund.

Section 17. Parity Bonds.

Except as permitted by Section 21(a) of this resolution, the Municipality will issue no bonds or other obligations payable from the revenues of the System, or enjoying a lien on the revenues or property of the System, that have a priority over the Outstanding Bonds and the Bonds with respect to their payment or security. The Municipality may issue Parity Bonds on the terms and conditions set forth in the applicable section of each Prior Resolution and Section 21 of this resolution.

Section 18. Funds and Accounts.

The Municipality affirms and continues, or creates, as applicable, the following funds and accounts of the System, some of which were originally created under Section 17 of the

1999 Resolution (collectively, the "**Funds and Accounts**"), to provide for the collection, distribution, and use of the Gross Revenues and the proceeds of the Bonds:

(a) Storm Water System Revenue Fund (the "**Revenue Fund**"), into which shall be deposited as received the entire Gross Revenues.

(b) Storm Water System Operation and Maintenance Fund (the "**Operation and Maintenance Fund**"), which shall be used for the payment of the reasonable and necessary expenses of operating and maintaining the System, including salaries, wages, materials, supplies, and insurance, and for the purposes described in Section 19 of this resolution.

(c) Storm Water System Special Redemption Fund (the "**Special Redemption Fund**"), which shall be divided into three accounts to be known as (i) the **Interest and Principal Account**, (ii) the **Earnings Account**, and (iii) the **Reserve Account**. The Interest and Principal Account and the Earnings Account shall be used solely for the purpose of paying interest on and principal of the Bonds and Parity Bonds in accordance with the provisions of this resolution. The Reserve Account shall be used for the purpose of paying principal of or interest on the Bonds or Parity Bonds on any date when there shall be insufficient money in the Interest and Principal Account and the Earnings Account. Notwithstanding the foregoing, to effect the Refunding an additional account shall be created within the Special Redemption Fund with the name "**2025 Escrow Account**". Funds held in the 2025 Escrow Account shall be used to pay the redemption price of the Refunded Bonds on the Redemption Date. Any balance remaining in the 2025 Escrow Account after the Redemption Date shall be transferred to the Earnings Account.

(d) Storm Water System Surplus Fund (the "**Surplus Fund**"), which shall be used for the purposes described in Section 19 of this resolution.

Money in any of the Funds and Accounts created pursuant to this section may be invested in any manner permitted by the laws of the State of Wisconsin, and invested money shall be secured to the full extent required by the laws of the State of Wisconsin.

The Special Redemption Fund shall be maintained as a separate fund in the treasury of the Municipality, but the other Funds and Accounts herein created may be combined in a single fund or bank account. All income from investments of money in the Special Redemption Fund shall be transferred to the Earnings Account of the Special Redemption Fund. All income from investments of money in all other funds and accounts shall be deposited in the Revenue Fund and regarded as revenues of the System. Investments in the foregoing funds shall be liquidated at any time when it shall be necessary to do so to provide money for any of the purposes for which such funds were created.

Notwithstanding any other provision of this resolution, the Municipality hereby covenants and agrees with each and every registered owner of the Bonds that:

(1) The Municipality will take no action to permit any investment or other use of the proceeds of the Bonds which would cause any Bond to be classified as an "arbitrage bond" within the meaning of Section 148 of the Code, or any proposed, temporary, or final regulations promulgated thereunder; and

(2) In the event that the Municipality is of the opinion (supported by an opinion of Bond Counsel) that it is necessary or advisable to restrict or limit the yield on the investment of any moneys held in any fund created hereunder in order to avoid the Bonds being considered "arbitrage bonds" within the meaning aforesaid, the Municipality shall take such action as is necessary to do so.

(3) The Municipality shall take the following actions to provide for any required rebate payments to the United States Treasury pursuant to Section 148(f) of the Internal Revenue Code and any proposed, temporary, or final regulations promulgated thereunder:

(i) The Municipality shall cause a determination to be made, by engaging Bond Counsel or another qualified rebate determination provider, of the amount, if any, of rebate required to be paid with respect to the Bonds to the United States Treasury at least every five years (as of the anniversary date of the issuance of the Bonds) and upon the retirement of the last Bond. The Municipality may pay reasonable compensation to the rebate determination provider for the performance of such services.

(ii) The Municipality shall make required rebate payments to the United States Treasury with respect to the Bonds at such times and in such amounts and manner as are required by the Code and the related Treasury Regulations.

(iii) The Municipality shall keep records of the rebate determinations prepared and rebate payments made until three years after the April 15th following the retirement of the last Bond.

Section 19. <u>Application of Revenues.</u>

Until all Bonds and Parity Bonds, if any, have been retired, or until there shall be on deposit in the Special Redemption Fund an amount sufficient to provide for the payment of the principal of all such outstanding bonds and interest thereon to maturity, the Gross Revenues shall, to the extent permitted by law, be deposited as collected in the Revenue Fund and shall be transferred therefrom and deposited in the Operation and Maintenance Fund, the Special Redemption Fund, and the Surplus Fund in the following order:

(a) A sum sufficient of the money in the Revenue Fund for the purposes of the Operation and Maintenance Fund shall be deposited in the Operation and Maintenance Fund.

(b) A sum sufficient of the money in the Revenue Fund for the purposes of the Special Redemption Fund shall be deposited in the Special Redemption Fund.

(c) The remainder of the money in the Revenue Fund shall be deposited in the Surplus Fund.

Transfers from the Revenue Fund to the Operation and Maintenance Fund, the Special Redemption Fund, and the Surplus Fund shall be made in the order indicated above, at such times as are necessary to carry out the purposes of the respective funds.

It is the express intent and determination of this Governing Body that the amount of money to be deposited in the Special Redemption Fund from all sources shall in any event be sufficient to pay the interest on the Bonds and Parity Bonds as the same becomes due and to retire such bonds at maturity, and to provide any necessary monthly amounts payable into the Reserve Account.

Money allocated to and deposited in the foregoing Funds and Accounts shall be applied only as follows:

(1) Money transferred to the Operation and Maintenance Fund shall be retained therein in an amount not exceeding the estimated operating and maintenance expenses of the System for the next succeeding sixty days. Any balance thereafter remaining of the amount so transferred to the Operation and Maintenance Fund shall be used first to remedy any deficiency in the Special Redemption Fund; any balance thereafter remaining shall be transferred to the Surplus Fund.

(2) Money in the Special Redemption Fund shall first be used to deposit on the tenth day of each month into the Interest and Principal Account an amount equal to one-sixth of the next installment of interest on the Bonds and Parity Bonds then outstanding, plus an amount equal to one-twelfth of the next installment of principal of said bonds coming due, until the full amount of such installments shall be on deposit in said Interest and Principal Account. Such deposits shall be made first from the Earnings Account until it is depleted, and all moneys in the Earnings Account shall be deemed to have been used first in payment of principal of, and interest on, the Bonds and Parity Bonds. Any funds remaining in the Earnings Account after each such transfer shall first be transferred to the Interest and Principal Account until there is on hand in the Interest and Principal

Account an amount equal to the full amount of principal of, and interest on, the Bonds and any Parity Bonds then outstanding coming due during the 12 months following the date of such transfer and thereafter forthwith either (i) be used to retire the Bonds or Parity Bonds in advance of maturity by redemption or by purchase of such bonds on the open market or an invitation and receipt of tenders of the lowest dollar price or prices obtainable, but not exceeding the lowest price at which such bonds could be redeemed on the next succeeding redemption date or (ii) be invested so as to restrict the yield thereon to avoid the Bonds or Parity Bonds being classified as "arbitrage bonds" within the meaning of Section 148 of the Code, or any proposed, temporary, or final regulations issued thereunder. Notwithstanding the foregoing, unless the Municipality is provided with an opinion of Bond Counsel that the action specified below will not adversely affect the exclusion of interest on the Bonds or the applicable issue of Parity Bonds from gross income for federal income tax purposes (i) moneys in the Earnings Account that are allocable to "proceeds" of the Bonds or any issue of Parity Bonds (within the meaning of Treas. Reg. §1.148-1(b)) may only be deposited in the Interest and Principal Account if such moneys will be used to pay principal of, and interest on, the issue to which such proceeds are allocable, and (ii) no moneys that are allocable to proceeds of the Bonds or any issue of Parity Bonds may be used to pay principal of, or interest on, obligations that are not part of the issue to which the proceeds are allocable.

(3) The next available money in the Special Redemption Fund shall be used to make monthly transfers to the Reserve Account until there is on hand in the Reserve Account an amount equal to the Minimum Reserve Amount. Money in the Reserve Account shall be used whenever necessary to pay principal of, or interest on, the Bonds and Parity Bonds whenever the Interest and Principal Account shall be insufficient for that purpose. Any money in the Reserve Account in excess of the Minimum Reserve Amount shall be transferred to the Earnings Account. For the purpose of computing the Minimum Reserve Amount, all investments in the Reserve Account shall be valued semiannually on each interest payment date on the Bonds, at current market value. In the event moneys are withdrawn from the Reserve Account, the Municipality, from revenues of the System, shall restore any moneys so withdrawn so that 12 months following such withdrawal the amount on deposit in the Reserve Account shall equal the Minimum Reserve Amount.

(4) If, 12 months following any withdrawal from the Reserve Account, the amount on deposit in the Reserve Account is less than the

Minimum Reserve Amount, then the Financial Officer shall certify to the Governing Body the amount necessary to restore the Reserve Account to the Minimum Reserve Amount. Recognizing its moral obligation to do so, the Governing Body hereby expresses its expectation and aspiration that, if presented with such a certification, it shall make an appropriation of funds sufficient to restore the Reserve Account to the Minimum Reserve Amount. The Governing Body determines that the System and any appropriation of funds pursuant to this expression of its moral obligation serves a public purpose by safeguarding the health and welfare of its citizens.

(5) Money in the Surplus Fund shall first be used whenever necessary to pay principal of, or interest on, the Bonds and any Parity Bonds when the Special Redemption Fund shall be insufficient for that purpose, and thereafter shall be disbursed as follows:

(i) to remedy any deficiency in any of the funds or accounts provided above;

(ii) to transfer any money thereafter remaining in the Surplus Fund at the end of any Fiscal Year to any of the funds or accounts created by this resolution or to the general fund of the Municipality or, at the option of the Municipality, to retire Bonds and any Parity Bonds by purchase or redemption in the manner hereinbefore provided, or for any other lawful purpose.

All transfers and deposits within any Fund or Account or to any other Fund or Account required or permitted by this section shall be made at such times as are necessary to carry out the purposes of the applicable Fund or Account.

Section 20. Covenants Regarding Operation of the System.

The Municipality hereby covenants and agrees with each and every registered owner of the Bonds and Parity Bonds as follows:

(a) The reasonable cost and value of any service rendered to the Municipality by the System by furnishing storm water services for public purposes shall be charged against the Municipality and shall be paid by it monthly as the service accrues out of the current revenues of the Municipality collected or in process of collection, exclusive of the Gross Revenues, and, if necessary, out of the tax levy of the Municipality made by it to raise money to meet its necessary current expenses.

(b) The Municipality will faithfully and punctually perform all duties with reference to the System required by the constitution and statutes of the State of Wisconsin, including the making and collecting of reasonable and sufficient rates lawfully established for services rendered by the System,

the segregation of the revenues of the System, and the application to the respective Funds and Accounts.

(c) The Municipality will not sell, lease, or in any manner dispose of the System including any part thereof or any additions or extensions that may be made thereto, until all the Bonds and Parity Bonds shall have been paid in full, both principal and interest, or until provision shall have been made for the payment of said bonds and the interest thereon in full. Notwithstanding the foregoing provision, the Municipality shall have the right to sell, lease, or otherwise dispose of any property of the System found by the Governing Body to be neither necessary nor useful in the operation thereof. The proceeds received from any sale, lease, or disposal of any such property of the System shall be paid into (i) the Earnings Account of the Special Redemption Fund, if the property sold was acquired or improved with proceeds of the Bonds or any Parity Bonds that are tax-exempt obligations, or (ii) the Revenue Fund, in all other cases but shall not be permitted to reduce the amount otherwise required to be paid into said funds.

(d) The Municipality will: (i) operate and maintain the System in good condition; (ii) charge and collect such lawfully established rates and charges for the service rendered by the System so that the Gross Revenues of the System will be sufficient to make the payments into the Funds and Accounts and provide for Net Revenues at least equal to 1.20 times the highest combined annual interest and principal requirements on all Bonds and Parity Bonds then outstanding; and (iii) promptly take such actions as are necessary to adopt and enforce increased rates whenever such increase shall be necessary to fulfill any covenant of this resolution.

(e) The Municipality will keep proper books and accounts relating to the System separate from all other records of the Municipality and will cause such books and accounts to be audited annually by a recognized independent firm of certified public accountants, or by the Wisconsin Department of Administration, and will make available to the owners of any of the Bonds or Parity Bonds the latest balance sheet and the profit and loss statement of the System as certified by such accountants or by said department. The registered owners of any Bonds or Parity Bonds shall have at all reasonable times the right to inspect the System and the records, accounts and data of the Municipality relating thereto. Each such audit, in addition to whatever matters may be thought proper by the accountants or said department to be included therein, shall include the following: (1) a statement in detail of the revenues and expenditures of the System for the Fiscal Year; (2) a statement of the Net Revenues as herein defined for the Fiscal Year; (3) a balance sheet as of the end of the Fiscal Year; (4) the accountants' comment regarding the manner in which the Municipality has carried out the requirements of this resolution and the accountants' recommendation for any changes or improvements in the

operation of the System; (5) a list of the insurance policies in force at the end of the Fiscal Year setting out as to each policy the amount of the policy, the risks covered, the name of the insurer and the expiration date of the policy; and (6) the number and types of equivalent runoff units at the end of such Fiscal Year.

(f) The Municipality will carry, for the benefit of the registered owners of the Bonds and Parity Bonds, insurance of a kind and in such amounts as would usually be carried by private companies or other public bodies engaged in operating a similar utility system. All money received for losses under any of such insurance policies, except public liability, shall be used in repairing the damage or in replacing the property destroyed, but in the event that the Governing Body shall find it inadvisable to repair such damage or replace such property, and that the operation of the System shall not have been impaired thereby, in which case such amounts shall be deposited in the Earnings Account, provided that any amounts deposited in the Earnings Account shall not reduce the amounts otherwise required to be paid into the Special Redemption Fund.

(g) The Municipality will not enter into any contract with any person or persons which would cause any Outstanding Bonds, that were issued with the intent that interest on the issue would be excluded from gross income for federal income tax purposes, or Bonds to become "private activity bonds", within the meaning of Section 141(a) of the Code or any regulations promulgated thereunder.

(h) The Municipality will comply with all requirements of the Code that must be satisfied subsequent to the issuance of the Bonds in order that interest thereon be (or continue to be) excluded from gross income for federal income tax purposes, including, but not limited to the rebate requirements set forth in the Code and the Treasury Regulations. The Municipality will comply with the provisions of the Tax Certificate delivered in connection with the issuance of the Bonds relating to these requirements.

Section 21. Additional Bonds.

The Municipality will issue no notes, bonds, or any other obligations of any kind or nature payable from or enjoying a lien on the Gross Revenues, the Special Redemption Fund or properties of the System on a parity with or having a priority over the Outstanding Bonds or the Bonds except as hereinafter provided in this Section:

(a) Notes (including bond anticipation notes) or bonds may hereafter be issued having a priority over the Bonds and Parity Bonds if either (i) such notes or bonds are issued, wholly or in part, for the purpose of paying, and will provide an amount sufficient, together with the earnings thereon and all other funds legally available therefor to pay, the entire principal of, and all interest on, the Bonds and Parity Bonds to their maturity or early

redemption; or (ii) immediately upon the issuance of such notes or bonds, the Municipality has discharged all the Bonds and Parity Bonds in the manner provided in Section 23 of this resolution.

(b) Additional notes (including bond anticipation notes) or bonds may hereafter be issued on a parity with the Bonds and Parity Bonds if such notes or bonds are issued for the purpose of refunding any of the Bonds or Parity Bonds which either (i) shall have matured or (ii) shall mature not later than 90 days after the date of delivery of such refunding notes or bonds and for the payment of which no money shall be available in the Special Redemption Fund.

(c) Additional notes (including bond anticipation notes) or bonds may also be issued on a parity with the Bonds and Parity Bonds if all of the following conditions have been satisfied:

(1) Either (A) the Net Revenues of the System for the last completed Fiscal Year must have been at least 1.20 times the highest combined annual interest and principal requirements on all bonds and notes then outstanding payable from the Gross Revenues of the System (other than bonds being refunded) and the bonds or notes so proposed to be issued for any succeeding Bond Year in which there shall be a principal maturity on such outstanding bonds or notes; *provided, however,* that if, prior to the authorization of such additional bonds or notes, the Municipality shall have adopted and put into effect a revised schedule of rates, then the Net Revenues of the System for the last completed Fiscal Year which would, in the written opinion of an Independent Consulting Firm employed for that purpose, have resulted from such rates had they been in effect for such period, may be used in lieu of the actual net income for the last completed Fiscal Year; or (B) the need for such financing shall be evidenced by a certificate or certificates of an Independent Consulting Firm giving a detailed description of the proposed projects to be financed, an estimate of the cost thereof including proposed capitalized interest, if any, and an estimate of the time of completion thereof, and showing the feasibility of such financing with reference to projected Net Revenues based on rates and charges projected to be in effect upon completion of such projects; provided, that such feasibility shall not be deemed shown unless the projected Net Revenues for each of the two full Fiscal Years next succeeding the estimated date of completion of such projects shall be equal to at least equal to 1.20 times the highest combined annual interest and principal requirements on all bonds and notes then outstanding payable from the Gross Revenues of the System (other than bonds being refunded) and the bonds or notes so proposed to be issued for any succeeding Bond Year in which there shall be a principal maturity on such outstanding bonds or

notes. "**Bond Year**", for the purposes of this section, shall mean the 12-month period commencing on January 2 of any year and ending on and including January 1 of the next succeeding year. Actual Net Revenues for any Fiscal Year shall, for purposes of this subsection, be as defined in Section 1 hereof and be that shown by the audit for such year as provided in Section 20(e) of this resolution.

(2) The payments required to be made into the Funds and Accounts created or continued under Section 18 of this resolution must be current.

(3) There shall be on hand in the Reserve Account, immediately upon the issuance of such additional bonds or notes, an amount not less than the Minimum Reserve Amount.

(4) The additional bonds or notes must be payable as to principal on April 1 of each year and as to interest on April 1 and October 1 of each year.

(5) The proceeds of the additional bonds or notes must be used solely to refund Bonds or Parity Bonds, or to provide for purchasing, acquiring, leasing, constructing, extending, adding to, improving, conducting, controlling, operating, or managing the System.

In the case of bond anticipation notes, the provisions of the Act shall govern with respect to all matters relating to the lien and sources of payment of such notes.

Section 22. Resolution a Contract; Remedies of Bondholders.

The provisions of this resolution constitute a contract between the Municipality and the registered owners of the Bonds. After the issuance of the Bonds no change or alteration in the provisions of this resolution may be made, except as provided in Section 24 of this resolution and in the definition of "Fiscal Year" in Section 1 of this resolution, until all Bonds have been paid in full as to both principal and interest.

The registered owners of any of the Bonds will have the right, in addition to all other rights, by mandamus or other suit or action in any court of competent jurisdiction, to enforce their rights against the Municipality, the Governing Body, and any and all officers and agents thereof, including, but not limited to, the rights to require the Municipality, the Governing Body, and any other authorized body to fix and collect rates and charges fully adequate to carry out all provisions and agreements contained in this resolution, and for the appointment of a receiver for the System in the event of a default in the payment of principal of, or interest on, the Bonds.

Section 23. Discharge and Satisfaction of Bonds and Covenants.

The agreements, covenants, liens, and pledges entered into, created, or imposed pursuant to this resolution may be fully discharged and satisfied with respect to any or all of the Bonds in any one or more of the following ways:

(a) By paying the Bonds when the same shall become due and payable, or upon their prior redemption in the manner provided in this resolution;

(b) By depositing with the appropriate fiscal agent(s) for the Bonds funds in the amount necessary, without consideration of any reinvestment thereof, to pay the principal of, and interest on, the Bonds until their maturity or earlier redemption; provided that if the Bonds are to be redeemed prior to their stated maturities, then the Bonds must have been irrevocably called for redemption by the Governing Body, and the required notice of the redemption must have been given in the manner provided in this resolution; or

(c) By depositing with a trustee or an escrow agent, in trust for such purpose, on or before the date of maturity or redemption, money or direct obligations of, or obligations the principal of, and interest on, which are fully guaranteed by, the United States of America, in such amount as, together with the income or increment to accrue thereon without consideration of any reinvestment thereof, will be fully sufficient to pay or redeem (when redeemable) the Bonds at or before their respective maturity dates; provided, that if a Bond is to be redeemed prior to its stated maturity date, then the Bond must have been irrevocably called for redemption by the Governing Body and the required notice of the redemption must have been given in the manner provided in this resolution or satisfactory arrangements must have been made for the giving of the required notice of redemption; provided, further, that any such deposit can only be made if the deposit will not adversely affect the exclusion of interest on the Bonds from gross income of the owners thereof for federal income tax purposes.

Upon a payment or a deposit of money or investments in the amount and manner required by this section, all liability of the Municipality with respect to the relevant Bonds will cease, determine, and be completely discharged, and the registered owners of any Bonds that are not then retired will be entitled only to payment out of the money and investments deposited as required by this section.

Section 24. Amendment of Resolution.

Amendment Without the Consent of the Owners. This resolution may be amended from time to time without the consent of the registered owners of the Bonds to make any change that does not adversely affect the registered owners of the Bonds, including, without limitation,

to cure any ambiguities, inconsistencies, or typographical errors that may be contained in this resolution.

Amendment With the Consent of the Owners. This resolution may also be amended from time to time with the written consent of the registered owners of not less than two-thirds in outstanding principal amount of the Bonds and any Parity Bonds (not including any Bonds or Parity Bonds that are held or owned by or for the account of the Municipality) if such amendment affects the owners of any Parity Bonds; *however* this resolution may be amended only with the unanimous written consent of:

(a) The registered owners of the Bonds (not including any Bonds that are held or owned by or for the account of the Municipality):

(i) To make any change in the stated maturity date of or interest rate on any Bond; to modify the terms of payment of principal of, or interest on, any Bond; or to impose any conditions with respect to payment of principal of, or interest on, any Bond;

(ii) To materially affect the rights of the owners of less than all Bonds then outstanding; or

(iii) To reduce the required outstanding principal amount of the Bonds for which consent shall be given to effect any future amendments to this resolution; and

(b) The registered owners of any series of Parity Bonds (not including any Parity Bonds of the series that are held or owned by or for the account of the Municipality):

(i) To make any change in the stated maturity date of or interest rate on any Parity Bond of the series; to modify the terms of payment of principal of, or interest on, any Parity Bond of the series; or to impose any conditions with respect to payment of principal of, or interest on, any Parity Bond of the series;

(ii) To materially affect the rights of the owners of less than all Parity Bonds of the series then outstanding; or

(iii) To reduce the required outstanding principal amount of Parity Bonds of the series for which consent shall be given to effect any future amendments to this resolution.

Notice. If the Municipality proposes to amend this resolution under any provision of this section, then the Municipality shall cause notice of the proposed amendment (the "**Amendment Notice**") and, if consent is required, a form of consent to the proposed amendment (the "**Consent**") to be (i) sent by certified mail to all registered owners of the Bonds and, if appropriate, any Parity Bonds, and (ii) filed with the Bond Purchaser. The Amendment Notice shall briefly describe the nature of the proposed amendment and shall state that a copy of the

proposed amendment is on file for public inspection in the office of the Recording Officer. The Consent must refer to the proposed amendment, specifically evidence consent to and approval of the proposed amendment, and be dated by the owner of the Bonds and, if appropriate, any Parity Bonds, upon execution of the Consent. The Amendment Notice and Consent may be one instrument.

If, on any date prior to one year after the date of the sending of the Amendment Notice and Consent the Recording Officer receives Consents executed by the registered owners of the Bonds and Parity Bonds owning not less than the required outstanding principal amount to approve the amendment, then the Governing Body may adopt a resolution effecting the proposed amendment and, upon the adoption of the resolution effecting the proposed amendment, the proposed amendment will become effective and binding upon the registered owners of all of the Bonds and Parity Bonds issued after the Bonds.

Any Consent given by the registered owner of a Bond or Parity Bond pursuant to the provisions of this section will be irrevocable for a period of six months from the date of the Consent and will be conclusive and binding upon all future registered owners of the same Bonds or Parity Bonds during the six-month period. A Consent may be revoked on any date after the six-month period by the registered owner who gave the Consent or by a successor in title by filing notice of such revocation with the Recording Officer; *provided* that a revocation will not be effective if the Recording Officer has already received Consents from registered owners of the Bonds and Parity Bonds owning not less than the required outstanding principal amount to approve the amendment, evidencing their consent to and approval of the proposed amendment that was the subject of the Consent.

Section 25. Sale of Bonds.

Each Authorized Officer, acting alone on behalf of the Municipality, is hereby authorized to receive final pricing information from the Bond Purchaser for the sale of the Bonds on behalf of the Municipality on a date deemed to be most advantageous to the Municipality by such Authorized Officers for the sale of the Bonds; provided, however, that such date shall not be later than December 17, 2025. The Authorized Officer shall reject the pricing information if it does not comply with the parameters set forth in Section 4 of this resolution.

Subject to the terms of this resolution, each Authorized Officer, acting alone on behalf of the Municipality, is hereby authorized and directed to award the sale of the Bonds to the Bond Purchaser at the Purchase Price, plus any accrued interest from the Original Issue Date to the date of delivery of the Bonds, such award to be evidenced by and effected by the execution by an Authorized Officer of the Bond Purchase Agreement. If the Bond Purchase Agreement signed and presented by the Bond Purchaser complies with the parameters set forth in this resolution, then an Authorized Officer is also hereby authorized and directed (i) to approve and accept the Bond Purchase Agreement, (ii) to sign the Bond Purchase Agreement in the Municipality's name, and (iii) to take any additional actions needed to complete the sale of the Bonds, including arranging for a specific date, time, and location of closing of the sale.

The Municipal Officers are directed to sign the Bonds and to deliver the Bonds to the Bond Purchaser through the facilities of DTC in accordance with the Bond Purchase

Agreement and this resolution. The Bonds may be delivered to the Bond Purchaser upon payment by the Bond Purchaser of the Purchase Price, plus any accrued interest, as required by this resolution.

Unless waived by the Bond Purchaser, the delivery of the Bonds is conditioned upon the Municipality furnishing the following items to the Bond Purchaser:

(i) The Bonds, together with the written, unqualified approving opinion of Bond Counsel, evidencing the legality of the Bonds and that interest on the Bonds will be excluded from gross income for federal income tax purposes.

(ii) A transcript of the proceedings relating to the issuance of the Bonds.

(iii) A certificate showing that no litigation has been threatened or is pending that would affect the legality of the Bonds or the right of the Municipality to issue them at the time of their delivery.

Section 26. Redemption of Refunded Bonds.

Subject to the parameters set forth in Section 4, the delivery of the Bonds, and the receipt of the Purchase Price for the Bonds from the Bond Purchaser, the Municipality irrevocably directs that the principal amount of the Refunded Bonds be redeemed and paid in full in advance of their stated maturity dates on the Redemption Date. The appropriate officers of the Municipality are directed to instruct the fiscal agent for the Refunded Bonds to take all actions required to call the Refunded Bonds for redemption on the Redemption Date, including giving notice in the manner that the governing documents for the Refunded Bonds require. The Municipality ratifies and approves any action that has been taken in connection with the redemption of the Refunded Bonds prior to the Original Issue Date, including giving notice as described above.

Section 27. Disposition of Bond Proceeds.; Transfers

(a) The proceeds from the sale of the Bonds shall be disbursed as follows:

(i) Any accrued interest shall be deposited into the Interest and Principal Account of the Special Redemption Fund.

(ii) Any contingency or rounding amount shall be deposited in the Interest and Principal Account of the Special Redemption Fund and used to pay interest on the Bonds.

(iii) The remaining proceeds of the sale of the Bonds being the amount necessary to effect the Refunding as set forth in the Bond Purchase Agreement, subject to the parameters in Section 4, shall be deposited into the 2025 Escrow Account of the Special Redemption Fund and used as described in Section 18(c) hereof.

(b) Any amount in the Reserve Account, which is the amount in excess of the Minimum Reserve Amount, shall be transferred on the Original Issue Date from the Reserve Account to the Earnings Account of the Special Redemption Fund.

Section 28. Official Statement.

The Municipal Officers, the Financial Officer, and the officers of the Municipality's sewer utility (in consultation with the Bond Purchaser), are each hereby authorized to cause a preliminary offering document for the Bonds (the "**Preliminary Official Statement**") to be prepared and distributed prior to the sale of the Bonds and the execution of the Bond Purchase Agreement. The Municipal Officers and the Financial Officer are hereby authorized, on behalf of the Municipality, to approve the form of Preliminary Official Statement and to deem it final as of its date for purposes of Securities and Exchange Commission Rule 15c2-12(b)(1), and to supply copies of the Preliminary Official Statement upon request.

The Municipality authorizes and directs the final version of such document (the "**Official Statement**") to be prepared and distributed prior to the issuance of the Bonds; provided, however, that the Official Statement shall be substantially the form of the Preliminary Official Statement and shall include the final terms of the Bonds as set forth in the Bond Purchase Agreement. The Municipal Officers are directed to deliver copies of the Official Statement to the Bond Purchaser and, if the Bond Purchaser requests, execute one or more copies on behalf of the Municipality. Execution and delivery of the Official Statement conclusively evidences the approval of the Municipal Officers.

Section 29. Publication of Notice.

The Recording Officer is directed to publish notice that the Municipality has agreed to sell the Bonds. The notice shall be published promptly after the execution of the Bond Purchase Agreement in the Municipality's official newspaper as a class 1 notice under Chapter 985 of the Wisconsin Statutes. The notice shall be in substantially the form shown in Exhibit B hereto. The Recording Officer shall obtain proof, in affidavit form, of the publication and shall compare the notice as published with the attached form to make sure that no mistake was made in publication.

Section 30. Authorization of Officers

The appropriate officers of the Municipality are directed to prepare and furnish the following items to the Bond Purchaser and the attorneys approving the legality of the Bonds:

(i) Certified copies of proceedings and records of the Municipality relating to the Bonds and to the financial condition and affairs of the Municipality.

(ii) Other affidavits, certificates, and information as may be required to show the facts about the legality of the Bonds as such facts appear on the books and records under the officer's custody or control or as are otherwise known to the officer.

All certified copies, affidavits, certificates, and information furnished for such purpose are representations of the Municipality as to the facts they present.

Section 31. Tax Law Covenants.

The Municipality covenants that it will comply with all requirements of the Code, and the Treasury Regulations promulgated thereunder, that shall be satisfied so that interest on the Bonds will be excluded from gross income for federal income tax purposes.

Section 32. Further Authorization.

The Municipality authorizes its officers, attorneys, and other agents or employees to do all acts required of them to carry out the purposes of this resolution.

Section 33. Conflict with Prior Acts.

In case any part of a prior action of the Governing Body conflicts with this resolution, that part of the prior action is hereby rescinded, except that this section shall not be interpreted as rescinding any part of the Prior Resolutions.

Section 34. Severability of Invalid Provisions.

If a court holds any provision of this resolution to be illegal or invalid, then the illegality or invalidity shall not affect any other provision of this resolution.

Section 35. Effective Date.

This resolution takes effect upon its adoption and approval in the manner provided by law.

Adopted: August 6, 2025

Approved: August ___, 2025

_____
Mayor

_____
Clerk

EXHIBIT A

FORM OF BOND

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("**DTC**"), to the issuer or its agent for registration of transfer, exchange, or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

UNITED STATES OF AMERICA
STATE OF WISCONSIN
CITY OF APPLETON

Registered

No. R-___ $_____

STORM WATER SYSTEM REVENUE REFUNDING BOND, SERIES 2025

Interest Rate	Maturity Date	Original Issue Date	CUSIP
_____%	April 1, 20__	_____, 2025	038137 ____

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT: _____ DOLLARS

THE CITY OF APPLETON, WISCONSIN (herein called the "**Municipality**") hereby acknowledges itself to owe and for value received promises to pay the Principal Amount to the Registered Owner, only from the income and revenues hereinafter specified, on the Maturity Date, and interest on the Principal Amount from the Original Issue Date at the annual rate of the Interest Rate. Interest is payable on each April 1 and October 1, until the Principal Amount has been paid, beginning on [April 1, 2026]. Interest is computed on the basis of a 360 day year of twelve 30 day months.

This Bond is one of a duly authorized issue of revenue bonds (the "**Bonds**") of the Municipality of an aggregate principal amount of $_____, all of like tenor, except as to denomination, interest rate, maturity date, and redemption provisions, issued by the Municipality pursuant to Article XI, Section 3 of the Wisconsin Constitution and Section 66.0621 of the Wisconsin Statutes, and acts supplementary thereto.

This Bond, together with interest hereon, is payable in lawful money of the United States of America, together with the Municipality's outstanding (i) $13,190,000 Storm Water System Revenue Refunding Bonds, Series 2012, dated August 8, 2012, (ii) $6,440,000

Storm Water System Revenue Bonds, Series 2013, dated August 7, 2013, (iii) $3,450,000 Storm Water Revenue Bonds, Series 2014, dated September 10, 2014, (iv) $9,425,000 Storm Water Revenue Refunding Bonds, Series 2015, dated October 28, 2015, (v) $14,935,000 Storm Water System Revenue Refunding Bonds, Series 2016, dated October 4, 2016, (vi) $5,000,000 Storm Water System Revenue Bonds, Series 2017, dated October 2, 2017, (vii) $3,000,000 Storm Water System Revenue Bonds, Series 2018, dated August 6, 2018, and (viii) $2,965,000 Storm Water System Revenue Bonds, Series 2020, dated August 6, 2020 (collectively, the "**Outstanding Bonds**"), only from the income and revenues to be derived from the operation of the Municipality's storm water utility (the "**System**") and set aside in the "Storm Water System Special Redemption Fund," which was created by a resolution adopted by the governing body of the Municipality on July 21, 1999 (the "**1999 Resolution**") and affirmed and continued by subsequent resolutions, including a resolution adopted by the governing body of the Municipality on August 6, 2025 (the "**2025 Resolution**"). The 2025 Resolution is entitled "A Resolution Authorizing and Providing for the Issuance and Establishing the Parameters for the Sale of Not to Exceed $8,800,000 Storm Water System Revenue Refunding Bonds, Series 2025, and All Related Details". Reference is hereby made to the 2025 Resolution for a more complete statement of the revenues from which and conditions under which this Bond is payable, the provisions pursuant to which this Bond has been issued, and the conditions under which bonds may hereafter be issued on a parity with this Bond. The Bonds rank on a parity with the Outstanding Bonds. This Bond does not constitute an indebtedness of the Municipality within the meaning of any constitutional or statutory limitation or provision.

This Bond is a valid claim of the registered owner hereof only against the Storm Water System Special Redemption Fund and the revenues of the System pledged to the Storm Water System Special Redemption Fund. Sufficient revenues of the System have been pledged to the Storm Water System Special Redemption Fund and will be used for no other purpose than to pay the principal of, and interest on, the Bonds and all other obligations payable from the revenues of the System (including the Outstanding Bonds) that are issued on a parity and equality with the Bonds and the Outstanding Bonds, as the same becomes due.

On the date of their initial delivery, the Bonds will be maintained in a system in which no physical distribution of certificates representing ownership of the Bonds is made to the owners of the Bonds but instead all outstanding Bonds are registered in the name of a securities depository appointed by the Municipality (a "**Depository**"), or in the name of the Depository's nominee, and the Depository and its participants record beneficial ownership and effect transfers of the Bonds electronically (a "**Book-Entry System**"). So long as the Bonds are maintained in a Book-Entry System, the principal of, and interest on, this Bond will be paid by wire transfer to the Depository or its nominee in accordance with the Depository's rules that are then in effect by the Director of Finance of the Municipality or any successor fiscal agent appointed by the Municipality (hereinafter, the "**Fiscal Agent**"), which will act as authentication agent, paying agent, and registrar for the Bonds.

If on any date the Bonds are not being maintained in a Book-Entry System, then (i) the principal of this Bond will be paid by the Fiscal Agent upon its presentation and surrender on or after its maturity date or prior redemption date at the designated office of the Fiscal Agent, and (ii) the interest on this Bond will be paid by the Fiscal Agent, on each interest payment date, by wire or other electronic funds transfer, or by check of the Fiscal Agent sent by first class mail,

to the person or entity in whose name this Bond is registered in the register (the "**Register**") maintained by the Fiscal Agent at the end of the day on the 15th day (whether or not a business day) of the calendar month just before each regularly scheduled interest payment date (the "**Record Date**"). The Municipality and the Fiscal Agent may treat the entity or person in whose name this Bond is registered on the Register as the absolute owner of this Bond for all purposes.

The Bonds maturing on or after April 1, 20__ are subject to redemption prior to their stated maturity dates, at the Municipality's option, in whole or in part, in the order of maturity selected by the Municipality, on April 1, 20__ and on any date thereafter. The redemption price will be 100% of the principal amount redeemed plus accrued interest to the redemption date, and no premium will be paid. If payment of a Bond called for redemption has been made or provided for, then interest on the Bond stops accruing on the stated redemption date. If less than all outstanding Bonds are redeemed, then the Bonds will be redeemed in $5,000 multiples as described below[, and if a portion, but not all, of a maturity that is subject to mandatory partial redemptions by operation of a sinking fund (as described below) is being redeemed, then the Municipality will select the amounts to be redeemed on future Sinking Fund Redemption Dates (as defined below) that are reduced as a result of the partial redemption].

[The Bonds maturing on April 1 in the years 20__ and 20__ (collectively, the "**Term Bonds**") are also subject to mandatory partial redemptions prior to their stated maturity dates, by operation of a sinking fund. On the following redemption dates (each a "**Sinking Fund Redemption Date**") the Municipality will redeem the following principal amounts (subject to reduction as provided in the immediately preceding paragraph) of the Term Bonds:

Term Bonds Maturing April 1, 20__

Sinking Fund Redemption Date (April 1)	Principal Amount To be Redeemed
20__	$,000
20__	,000
20__	,000
20__ (Stated Maturity)	,000

Term Bonds Maturing April 1, 20__

Sinking Fund Redemption Date (April 1)	Principal Amount To be Redeemed
20__	$,000
20__	,000
20__	,000
20__ (Stated Maturity)	,000]

[The redemption price will be 100% of the principal amount so redeemed, plus accrued interest thereon to the Sinking Fund Redemption Date, and no premium will be paid. The particular Term Bonds to be redeemed will be selected in the manner described below, and the Municipality will give notice of the redemption in the manner described below.]

So long as the Bonds are being maintained in a Book-Entry System the following provisions apply:

Transfers. The Bonds are transferable, only upon the Register and only if the Depository ceases to act as securities depository for the Bonds and the Municipality appoints a successor securities depository. If that happens, then upon the surrender of the Bonds to the Fiscal Agent, the Municipality will issue new fully registered Bonds in the same aggregate principal amounts to the successor securities depository and the Bonds will be recorded as transferred to the successor securities depository in the Register.

The Fiscal Agent will not be required to make any transfer of the Bonds (i) during the 15 calendar days before the date of the sending of notice of any proposed redemption of the Bonds, or (ii) with respect to any particular Bond, after such Bond has been called for redemption.

Partial Redemption. If less than all the principal amount of a specific maturity is to be redeemed, then the Depository and its direct and indirect participants will select the beneficial owners of the Bonds to be redeemed. If a Bond has been called for redemption but less than all the principal amount of a specific maturity is redeemed, then on or after the redemption date and upon surrender to the Fiscal Agent of the Bond, the Municipality will issue one or more new Bonds in the principal amount outstanding after the redemption.

Notice of Redemption. Notice of the redemption of any of the Bonds will be sent to the Depository, in the manner required by the Depository, not less than 30, and not more than 60, days prior to the proposed redemption date. A notice of optional redemption may be revoked by sending notice to the Depository, in the manner required by the Depository, not less than 15 days prior to the proposed optional redemption date.

If on any date the Bonds are not being maintained in a Book-Entry System, then the following provisions apply:

Transfers. Each Bond is transferable, only upon the Register, for a like aggregate principal amount of the same maturity and interest rate in denominations of $5,000 or any multiple thereof. A transfer may be requested by the registered owner in person or by a person with a written power of attorney. The Bond shall be surrendered to the Fiscal Agent, together with a written instrument of transfer satisfactory to the Fiscal Agent signed by the registered owner or by the person with the written power of attorney. The Municipality will issue one or more new fully registered Bonds, in the same aggregate principal amount to the transferee or transferees, as applicable, in exchange for the surrendered Bonds and upon the payment of a charge sufficient to reimburse the Municipality or the Fiscal Agent for any tax, fee, or other governmental charge required to be paid with respect to such registration.

The Fiscal Agent will not be required to make any transfer of the Bonds (i) during the 15 calendar days before the date of the sending of notice of any proposed redemption of the Bonds, or (ii) with respect to any particular Bond, after such Bond has been called for redemption.

Partial Redemption. If less than all the principal amount of a specific maturity is to be redeemed, then the Municipality or the Fiscal Agent will randomly select the Bonds to be redeemed. If a Bond has been called for redemption but less than all the principal amount thereof is redeemed, then on or after the redemption date and upon surrender to the Fiscal Agent of the Bond, the Municipality will issue one or more new Bonds in the principal amount outstanding after the redemption.

Notice of Redemption. Notice of the redemption of any of the Bonds shall be sent by first class mail not less than 30, and not more than 60, days before the redemption date to the registered owners of any Bonds to be redeemed, at the respective addresses set forth in the Register. A notice of optional redemption may be revoked by sending a notice by first class mail not less than 15 days prior to the proposed optional redemption date to the registered owners of the Bonds which have been called for redemption.

The Municipality certifies, recites, and declares that all acts, conditions, and procedures required by law to exist, to have happened, and to be performed, leading up to and in the issuing of this Bond and of the issue of which it is a part, do exist, have happened, and have been performed in regular and due form, time, and manner as required by law; and that a sufficient amount of the income and revenue to be received by the Municipality from the operation of the System has been pledged to and will be set aside into a special fund for the payment of the principal of, and interest on, this Bond.

IN WITNESS WHEREOF, the Municipality, by its governing body, has caused this Bond to be executed in its name and on its behalf by the manual or facsimile signatures of its Mayor and Clerk, and to be sealed with its corporate seal (or a facsimile thereof), if any, all as of the Original Issue Date.

CITY OF APPLETON, WISCONSIN

By:_____
Mayor

[SEAL]

And:_____
Clerk

CERTIFICATE OF AUTHENTICATION:

Dated: _____, 2025

This Bond is one of the Bonds described in the within-mentioned Resolution.

_____
Director of Finance, as Fiscal Agent

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto

PLEASE INSERT SOCIAL SECURITY OR
OTHER IDENTIFYING NUMBER OF ASSIGNEE

_____

_____

(Please Print or Type Name and Address of Assignee)

the within-mentioned Bond and all rights thereunder and does hereby irrevocably constitute and appoint _____ attorney-in-fact, to transfer the same on the books of the registry in the office of the Fiscal Agent, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed

NOTICE: Signatures must be guaranteed by an "eligible guarantor institution" meeting the requirements of the Fiscal Agent, which requirements include membership or participation in the Securities Transfer Association Medallion Program ("**STAMP**") or such other "signature guarantee program" as may be determined by the Fiscal Agent in addition to, or in substitution for, STAMP, all in accordance with the Securities Exchange Act of 1934, as amended.

NOTE: The signature to this assignment must correspond with the name as written on the face of the within Bond in every particular, without alteration or enlargement or change whatsoever. When assignment is made by a guardian, trustee, executor or administrator, an officer of a corporation, or anyone in a representative capacity, proof of such person's authority to act must accompany this Bond.

EXHIBIT B

NOTICE TO THE ELECTORS OF THE
CITY OF APPLETON, WISCONSIN
RELATING TO
STORM WATER SYSTEM REVENUE REFUNDING BOND SALE

On August 6, 2025, pursuant to Section 66.0621 of the Wisconsin Statutes, a resolution was offered, read, approved, and adopted whereby the City of Appleton, Wisconsin (the "City") authorized the borrowing of money and authorized certain City officials to enter into a purchase contract relating to said borrowing. On _____, 2025 the City entered into a purchase contract with a purchaser to whom the City agreed to sell its storm water system revenue refunding bonds in the principal amount of $_____. It is anticipated that the closing of the bonds will be held on or about _____, 2025. A copy of all proceedings had to date with respect to the authorization and sale of said bonds is on file and may be examined in the office of the City Clerk at 100 North Appleton Street, Appleton, Wisconsin between the hours of 9:00 a.m. and 4:30 p.m. on weekdays.

This notice is given pursuant to Section 893.77(2) of the Wisconsin Statutes, which provides that (i) an action or proceeding to contest the validity of such financing, for other than constitutional reasons, shall be commenced within 30 days after the date of publication of this notice, and (ii) the notice may not be published until after the issuer has entered into a contract for sale of the bond or other financing.

Publication Date: _____, 2025

/s/ Amy Molitor
City Clerk

CERTIFICATIONS BY CLERK

I, Amy Molitor, certify that I am the duly qualified Clerk of the City of Appleton, Wisconsin (the "**Municipality**"), and as such I have in my possession, or have access to, the complete corporate records of the Municipality and of its Common Council (the "**Governing Body**"), and that attached to this certificate is a true, correct, and complete copy of the resolution (the "**Resolution**") entitled:

A Resolution Authorizing and Providing for the Issuance and Establishing the Parameters for the Sale of Not to Exceed $8,800,000 Storm Water System Revenue Bonds, Series 2025, and All Related Details

I further certify as follows:

1. Meeting Date. On August 6, 2025, a meeting of the Governing Body was held beginning at _____ p.m.

2. Posting. On August ____, 2025 (and not less than 24 hours prior to the meeting), I posted, or caused to be posted, at the Municipality's offices in Appleton, Wisconsin a notice setting forth the date, time, location, and subject matter of said meeting. The notice specifically referred to the Resolution.

3. Notification of Media. On August ____, 2025 (and not less than 24 hours prior to the meeting), I communicated or caused to be communicated, the date, time, location, and subject matter of said meeting to those news media who have filed a written request for such notice and to the official newspaper of the Municipality. The communication specifically referred to the Resolution.

4. Open Meeting Law Compliance. The meeting was a regular meeting of the Governing Body that was held in open session in compliance with Subchapter V of Chapter 19 of the Wisconsin Statutes and any other applicable local rules and state statutes.

5. Members Present. The meeting was duly called to order by the Mayor (the "**Presiding Officer**"), who chaired the meeting. Upon roll call, I noted and recorded that there were ___ members of the Governing Body present at the meeting, such number being a quorum of the Governing Body.

6. Consideration of, and Roll Call Vote on, Resolution. Various matters and business were taken up during the course of the meeting without intervention of any closed session. One of the matters taken up was the Resolution. A proper quorum of the Governing Body was present for the consideration of the Resolution, and each member of the Governing Body had received a copy of the Resolution. All rules of the Governing Body that interfered with the consideration of the Resolution, if any, were suspended by a two-thirds vote of the Governing Body. The Resolution was then introduced, moved, and seconded, and after due consideration, upon roll call, ___ of the Governing Body members voted Aye, ___ voted Nay, and ___ Abstained.

7. **Adoption of Resolution.** The Resolution was supported by the affirmative vote of a majority of a quorum of the members of the Governing Body in attendance. The Presiding Officer then declared that the Resolution was adopted, and I recorded the adoption of the Resolution.

8. **Approval of Presiding Officer.** The Resolution was approved by the Presiding Officer on August __, 2025, and I have recorded the approval. The approval is evidenced by the signature of the Presiding Officer on the copy of the Resolution to which this certificate is attached.

9. **Publication of Notice.** I have caused the Notice to Electors, in the form of Exhibit B to the Resolution, to be published in the place specified in the Resolution.

IN WITNESS WHEREOF, I have signed my name and affixed the seal of the Municipality, if any, on this certificate on August ____, 2025.

_____
Clerk

[SEAL]

CITY OF APPLETON

MEMORANDUM

Date: July 23, 2025
To: Community Development Committee
From: Kara Homan, AICP, Director of Community Development
Kurt W. Craanen, Inspections Supervisor
Subject: Electrical Exemptions - Section 4-392

GENERAL INFORMATION

Update Section 4-392 of the Municipal Code

PURPOSE OF MUNICIPAL CODE TEXT AMENDMENTS

The intention of this text amendment is to allow licensed electricians to perform certain electrical work in their own dwellings without an electrical contractor's license.

BACKGROUND

Currently, the Municipal Code allows for owner occupants to do electrical work in their owner-occupied dwellings, with a few exceptions: replacing service equipment and solar installations. The reason for these exceptions is because of the complexity of these types of installations. With this proposed change in code, licensed electricians would be allowed to do these types of installations in their own home.

PROPOSED DRAFT TEXT AMENDMENTS

The text recommended to be added is underlined. The text recommended for deletion is identified by ~~strikethrough~~.

Sec. 4-392. Exemptions.

As allowed under Wis. Stats. §101.862(4)(a), a residential property owner may perform electrical work in ~~his~~ their own dwelling which ~~he~~ the individual owns and occupies without a license, as long as the work is being conducted in a single-family dwelling. In the case of installing or replacing or repairing service equipment ~~in a single-family dwelling~~, ~~utility interactive~~ solar photovoltaic installations or electrical work performed on a residential property which is not a single-family owner-occupied dwelling, the electrical work shall be performed by a licensed electrical contractor, meeting all the requirements of SPS 305.41 as amended from time to time. If the property owner is a Wisconsin licensed electrician, they are allowed to install, replace or repair the service equipment and install, replace or repair solar photovoltaic system on a single-family dwelling they own and occupy and are not required to have an electrical contractor license to perform such work. The owner of the property must procure a permit prior to starting any electrical work. The property owner may not procure a permit on behalf of an electrical contractor or another individual. A property owner, meeting the same eligibility requirements listed in this section, may also wire their accessory structures associated with the single-family dwelling, if located on the same parcel as the single-family dwelling.

RECOMMENDATION

Staff recommends the proposed text amendments to Chapter 4 Buildings of the Municipal Code, **BE APPROVED** for Sec. 4-392 to allow licensed electricians to perform service changes and solar panel work in their owner-occupied single-family dwelling.

CITY OF
APPLETON

MEMORANDUM

Date: July 23, 2025
To: Community Development Committee
From: Kara Homan, AICP, Director of Community Development
Kurt W. Craanen, Inspections Supervisor
Subject: Authority to Issue Citations - Inspections Supervisor

---

GENERAL INFORMATION

Update Sections 4-22, 4-24(b) and 12-32(a) of the Municipal Code

PURPOSE OF MUNICIPAL CODE TEXT AMENDMENTS

The intention of this text amendment is to clarify the authority of the Inspections Supervisor to issue citations.

BACKGROUND

The purpose of the proposed text amendments provides clarification of long-standing practices and is recommended to more explicitly state who can issue citations for any violations of Chapter 4 Buildings and Chapter 12 Nuisances.

PROPOSED DRAFT TEXT AMENDMENTS

The text recommended to be added is underlined. The text recommended for deletion is identified by ~~strikethrough~~.

Sec. 4-22. Authority to issue citations and prescribe additional rules and regulations.

The Inspection Supervisor shall have the power, as may be necessary in the interest of public safety, health and general welfare, to promulgate rules and regulations to interpret and implement the provisions of this chapter under the supervision of the Board of Building Inspection, including issuing citations. The Inspections Division shall review and suggest changes in this chapter annually for Council action. Rules and regulations adopted under this section shall be approved by the Common Council and, when so approved, a violation thereof shall be subject to §4-24.

Sec. 4-24. Violations generally; penalty.

(b) ***Prosecution of violation.*** If the notice of violation is not complied with promptly, the Inspection Supervisor may issue a citation. Additionally, the Inspection Supervisor may ~~shall~~ request the City Attorney to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the building or structure in violation of the provisions of this chapter or of the order or direction made pursuant thereto.

Sec. 12-32. Abatement – generally.

(a) ***Responsibility for enforcement; inspections.*** It shall be the duty of each department head to enforce those provisions of this chapter, including issuing citations that come within the jurisdiction of their respective offices, and each department head shall make or cause to be made periodic inspections and inspections upon complaint to ensure such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the officer has inspected or caused to be inspected the premises where the nuisance is alleged to exist and has satisfied himself that a nuisance does in fact exist.

RECOMMENDATION

Staff recommends the proposed text amendments to Chapter 4 Buildings and Chapter 12 Nuisances of the Municipal Code, **BE APPROVED** to remove any arguable ambiguity as to who is authorized to issue citations in these areas.

COOPERATIVE AGREEMENT FOR CONTINUING TRANSPORTATION PLANNING FOR THE APPLETON (FOX CITIES), WISCONSIN METROPOLITAN PLANNING AREA
between
STATE OF WISCONSIN, DEPARTMENT OF TRANSPORTATION
and the
EAST CENTRAL WISCONSIN REGIONAL PLANNING COMMISSION
and the
APPLETON (FOX CITIES) METROPOLITAN PLANNING ORGANIZATION
and the
VALLEY TRANSIT

This Cooperative Agreement (hereinafter referred to as "Agreement") is made and entered into between the State of Wisconsin Department of Transportation (hereinafter referred to as "WisDOT"), East Central Wisconsin Regional Planning Commission (hereinafter referred to as "ECWRPC"), the Appleton (Fox Cities) Metropolitan Planning Organization (hereinafter referred to as "Appleton (Fox Cities) MPO" or "MPO") and Valley Transit, the operator of publicly owned transit services (hereinafter referred to as "Transit Operator").

Recitals

WHEREAS, the Governor of Wisconsin has designated ECWRPC, as the Appleton (Fox Cities) MPO, and also jointly designated with local communities through their authorized representatives within the Appleton (Fox Cities) Urbanized Area, the MPO as the agency to carry out metropolitan planning activities for the Appleton Urbanized Area (hereinafter referred to as "Planning Area"); and

WHEREAS, various federal grants and incentive funds are available to WisDOT, ECWRPC and the Appleton (Fox Cities) MPO, and various state grants and incentive funds are available to the MPO for carrying out metropolitan transportation planning activities; and

WHEREAS, WisDOT is authorized by Wis. Stat. § 85.02 to direct, undertake and expend state and federal funds for planning, promotion and protection activities for all transportation modes; and

WHEREAS, metropolitan transportation planning activities come under the jurisdiction of the U.S. Department of Transportation (hereinafter referred to as "USDOT") Federal Highway Administration (hereinafter referred to as "FHWA") and Federal Transit Administration (hereinafter referred to as "FTA") and are subject to the metropolitan planning requirements of 23 U.S.C. § 134, 49 U.S.C § 5303 of the Federal Transit Act and implementing regulations at 23 C.F.R. Part 450; and

WHEREAS, the Transit Operator provides mass transportation services within the Appleton (Fox Cities) Metropolitan Planning Area; and

WHEREAS, ECWRPC, the Appleton (Fox Cities) MPO, WisDOT and USDOT in consultation with the appropriate transportation providers enter into an annual Unified Planning Work Program (hereinafter referred to as the “Planning Work Program") as detailed in Article 3 Scope of Work of this agreement; and

WHEREAS, Metropolitan Planning Area boundaries for purposes of the federal planning provisions have been determined by a separate agreement between the Appleton (Fox Cities) MPO and the Governor;

NOW THEREFORE, in consideration of these premises, and of their mutual and dependent needs, the parties hereto contract and agree as follows:

Article 1: Statement of Purpose

WisDOT, ECWRPC the Appleton (Fox Cities) MPO, in cooperation with the Transit Operator, shall undertake a continuing, cooperative, and comprehensive transportation planning and programming process for the Metropolitan Planning Area in accordance with federal, state and local goals for metropolitan planning, the provisions of 23 U.S.C. § 134, 49 U.S.C. § 5303 and 23 C.F.R. Part 450, and in accordance with the provisions of this Agreement.

The MPO will:

1. Ensure the voting membership of the MPO policy body consists of:
    a. local elected officials;
    b. officials of public agencies that administer or operate major modes of transportation in the metropolitan area, including representation by providers of public transportation; and
        i. the official described in paragraph b shall have responsibilities, actions, duties, voting rights and any other authority commensurate with other officials described.
    c. appropriate State officials.

2. Prepare and update a Congestion Management Process (“CMP”) for the Planning Area which shall conform to all applicable federal requirements.

3. Engage in a Federally sponsored re-certification review every four (4) years per the most recent federal regulations.

4. Ensure that the Appleton (Fox Cities) MPO would be in air quality nonattainment and maintenance areas, the MPO would:
    a. Assess the conformity of the Metropolitan Planning Area long-range transportation plan and Transportation Improvement Plan (“TIP”) with the Wisconsin State Implementation Plan for air quality management; and

b. Conduct such additional air quality related transportation planning and analyses as shall be determined under a separate Memorandum of Agreement between the Appleton (Fox Cities) MPO, Wisconsin Department of Natural Resources, WisDOT, United States Environmental Protection Agency, FHWA and FTA implementing Clean Air Act section 176(c)(4)(E) requirements for a state conformity implementation plan.

Article 2: Program Responsibilities

A. Overall Responsibilities for All Programs

1. **ECWRPC, Appleton (Fox Cities) MPO**, the **Transit Operator** and **WisDOT** will collaborate and cooperatively work together on the following planning and programming requirements (23 C.F.R. Part 450 and FTA Circular 4702.1B) as outlined below which will include:

   a. Ensuring opportunities for the early and continuing involvement of the MPO, Transit Operator, WisDOT, local governmental units and general public in the review and evaluation of all MPO and state transportation plans and programs.

   b. As may be necessary, meet with local elected officials and officials of major modes or system of transportation, e.g., transit, major airports, maritime ports and rail operators, to ensure that the needs and concerns of the state of Wisconsin with respect to transportation planning are being effectively met in the ongoing operations of the MPO.

2. **The MPO** shall be responsible for and shall be the lead agency in conducting the following transportation planning and programming activities as outlined below:

   a. Developing and implementing a Public Participation Process that provides a forum for cooperative transportation planning and decision-making and ensures reasonable opportunities for early and continuing involvement of individuals, affected public agencies, representatives of public transportation employees, public ports, freight shippers, providers of freight transportation services, private providers of transportation (including intercity bus operators and employer-based commuting programs, such as carpool programs, vanpool programs, transit benefit programs, parking cash-out programs, shuttle programs or telework programs), representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of disabled persons and other interested parties in the review and evaluation of all transportation plans and programs, the

latter to include special outreach efforts to those traditionally underserved by transportation systems.

b. Making data, assumptions, criteria, methodology and analyses available to WisDOT and other participants in a timely manner.

c. Coordinating with the Transit Operator to address the transit needs as part of the planning process.

d. Considering and implementing WisDOT transportation plans and planning guidance to the fullest extent consistent within local and regional goals.

3. **WisDOT** shall be responsible and shall be the lead agency in conducting the following transportation planning and programming activities:

a. Ensuring the MPO is informed of and compliant with Federal or State statutes, policies, regulations and guidelines, which may impact programming activities and contractual arrangements.

b. Providing technical support and data and information collected or maintained by WisDOT that is pertinent to the transportation planning work to be performed by the MPO under this Agreement.

c. Coordinating and reconciling MPO transportation plans and programs with statewide plans and programs as necessary to ensure connectivity within transportation systems, in cooperation with the MPO.

d. Providing information relative to the proposed programming of State and Federal financial aids for metropolitan transportation improvements and services, which fall under State jurisdiction.

e. Developing statewide strategies and guidance for the preparation and scoping of the metropolitan area transportation system plan, improvement program and Planning Work Program to address Federal and State planning requirements and goals.

f. Monitoring the MPO's transportation planning process to ensure compatibility with State and USDOT programs and objectives and to ensure compliance with applicable Federal requirements.

g. Participating in MPO activities to represent the state interests and ensure awareness and consideration of state transportation plans, programs, projects and policies in MPO decision-making.

4. The **Transit Operator** shall be responsible for and shall be the lead agency in conducting the following transportation planning and programming activities:

a. Coordination of short-range (e.g., TIP), mid-range (3–5 year) (e.g., Transit Development Plan ("TDP")) and long-range transit planning and programming with other transportation planning and programming, with cooperation and technical assistance from the MPO.

b. Providing information relative to the proposed programming of Federal, State and local funds for metropolitan transit system improvements and services that fall under the Transit Operator's jurisdiction.

c. Preparing and submitting applications for State and Federal mass transportation capital and operating assistance grants and administering approved grants.

d. Conducting preliminary engineering and final design studies relating to mass transportation capital facilities, including, but not limited to, transit stations, shelters, bus stop signs, garages, maintenance buildings, operator buildings and rolling stock.

e. Conducting detailed operational planning necessary to establish or modify transit routes, schedules, fares, stop locations, transfer points, vehicle assignments and other operating procedures in accord with the proposals contained in the TDP.

f. Preparing and updating paratransit service plans in conformance with the Americans with Disabilities Act of 1990.

g. Conducting transit marketing planning, including, but not limited to, the conduct of market surveys, the design of user information materials and the development of transit promotion programs.

h. Conducting transit management planning, including but not limited to, activities related to personnel procedures and training programs, maintenance policies, fare collection and handling procedures and accounting practices.

i. Collecting data to meet the requirements of 49 U.S.C. § 5335.

j. Collecting data to meet the requirements of Wis. Admin. Code Trans Chapters 3, 4 and 8.

k. Actively participating in MPO activities to represent the transit interests and ensure awareness and consideration of transit transportation plans, programs, projects and policies in MPO decision-making.

B. Responsibilities for Unified Planning Work Program Development – 23 C.F.R. § 450.308 & Part 420

1. **Appleton (Fox Cities) MPO** Responsibility:
   a. Formulating and annually approving the Unified Planning Work Program, which shall identify all transportation-related planning activities to be funded with state and federal financial aids and technical assistance in accordance with the provisions of this Agreement and the time schedule adopted by WisDOT.
   b. Providing WisDOT with the Unified Planning Work Program and a resolution concerning their adoption, endorsement or amendment.
   c. Providing WisDOT with an annual self-certification that the MPO's transportation planning process conforms to all applicable Federal requirements pursuant to 23 C.F.R. Part 450.
2. **WisDOT** Responsibility:
   a. Informing the MPO relative to the availability, or anticipated availability, of State and Federal financial aids and technical assistance for metropolitan transportation planning activities; making all metropolitan planning funds authorized by 23 U.S.C. § 104(f) and 49 U.S.C. § 5305(d) available to the MPOs in accordance with a formula developed by WisDOT, in consultation with the MPOs, and approved by USDOT.
   b. Developing statewide strategies and guidance for the preparation and scoping of the Unified Planning Work Program to address Federal and State planning requirements and goals.
3. **Valley Transit** Responsibility:
   a. Working in coordination with the MPO regarding the Unified Planning Work Program deliverables and tasks.

C. Responsibilities for Title VI Program – Title VI Civil Rights Act; 23 U.S.C. § 324; Age Discrimination Act; Sec. 504 Rehabilitation Act; Americans with Disabilities Act

1. **Appleton (Fox Cities) MPO** Responsibility:
   a. Maintaining a current Title VI Program as required by Federal Transit Administration's Title VI Circular 4702.1B in addition to the following:
      i. Complying with American Disabilities Act of 1990 plan certification procedures as required in 49 C.F.R. § 37.139.
      ii. Complete an annual report denoting any Title VI Investigations, Complaints and Lawsuits or reporting there had been none within the preceding year.
      iii. Reporting Title VI activities annually within the Unified Planning Work Program.
      iv. Updating the Title VI Program with approval by the MPO's Policy Board on a three-year cycle.
2. **Valley Transit** Responsibility:
   a. Maintaining a current Title VI Program as required by Federal Transit Administration's Title VI Circular 4702.1B, Chapters III and IV and

submitting an updated Title VI Program to FTA every three (3) years.

D. Responsibilities for Performance Based Planning and Decision Making – 23 U.S.C. § 134; 23 C.F.R. § 450.306; 23 C.F.R. § 450.314; 23 C.F.R. § 450.324; 23 C.F.R. § 450.326 and 23 C.F.R. § 450.340

1. **ECWRPC** and the **MPO**, along with the **Transit Operator** and **WisDOT** will be cooperatively establishing all federally required performance targets, sharing performance data and preparing system performance reports (based on FHWA and FTA performance measure final rules publications), and collecting data for state asset management plan per applicable federal regulations.
2. The **MPO** will develop and periodically issue a summary report identifying adopted performance measures, their baseline when they were adopted, how the measures were incorporated into the project selection and the progress to date per the federal regulations.

E. Responsibilities for Congestion Management Process (CMP) – 23 C.F.R. § 450.322

1. **Appleton (Fox Cities) MPO** Responsibility:
   a. Ensuring opportunities for the early and continuing involvement of the MPO, Transit Operator, WisDOT, local governmental units and general public in the review and evaluation of the deficiency network and the draft CMP.
   b. Providing WisDOT with a CMP and programs and all resolutions concerning their adoption, endorsement or amendment that conforms to all applicable federal requirements.
2. **WisDOT** Responsibility:
   a. Developing strategies and guidance for the preparation and scoping of the CMP to address Federal and State planning requirements and goals.
3. **Valley Transit** Responsibility:
   a. Working in coordination with the MPO and partner organizations to ensure there is consistency between the CMP and the TDP.

F. Responsibilities for Metropolitan Transportation Plan – 49 U.S.C. § 5303 and 23 U.S.C. § 134; 23 C.F.R. § 450.324

1. **Appleton (Fox Cities) MPO** Responsibility:
   a. Formulating, adopting, and periodically reviewing, updating and amending a Metropolitan Transportation Plan for the Metropolitan Planning Area, which shall conform to all applicable Federal requirements.
   b. Developing and implementing a Metropolitan Transportation Plan in accordance with the federal regulations.
   c. Providing WisDOT with copies of the Metropolitan Transportation Plan and a resolution concerning their adoption, endorsement or amendment.
   d. Working with the WisDOT and Transit Operators in the preparation of a financial plan for the Metropolitan Transportation Plan including the cooperative development of estimates of transportation system costs and funding revenues to support implementation of the plan.
2. **WisDOT** Responsibility:

a. Informing the MPO relative to Federal or State statutes, policies, regulations and guidelines, which bare upon metropolitan transportation planning and programming activities and contractual arrangements.
b. Coordinating, reviewing and commenting on MPO's Metropolitan Transportation Plan, in a timely manner, for use as a guide in statewide planning and programming activities.
c. Developing statewide strategies and guidance for the preparation and scoping of the metropolitan area transportation system plan, to address Federal and State planning requirements and goals. Developing the statewide long-range transportation plan in cooperation with the MPO, pursuant to the provisions of 23 U.S.C. § 135.
d. Working with the MPO and Transit Operators in the preparation of a financial plan for the Metropolitan Transportation Plan, including the cooperative development of estimates of transportation system costs and funding revenues to support implementation of the plan.

3. **Valley Transit** Responsibility:
   a. Working with the MPO and WisDOT in the preparation of a financial plan for the Metropolitan Transportation Plan, including the cooperative development of estimates of transportation system costs and funding revenues to support implementation of the plan.
   b. Endorsing the MPO's Metropolitan Transportation Plan in a timely manner, for use as a guide in local transit planning and programming activities.

G. Responsibilities for Transportation Improvement Program (TIP) – 23 U.S.C. § 134; 23 C.F.R. § 450.326

1. **Appleton (Fox Cities) MPO** Responsibility:
   a. Formulating and approving a short-range TIP for the Metropolitan Planning Area which shall cover a period of not less than four (4) years, must have four (4) years of projects and may include projects outside the Planning Area for information only. The TIP will provide a notice to the public that the public participation process used for its development meets the public participation requirements for the program of projects prepared by transit operators under 49 U.S.C. § 5307.
   b. Providing WisDOT with copies of MPO TIP and a resolution concerning their adoption, endorsement or amendment.
2. **WisDOT** Responsibility:
   a. Informing the MPO relative to the availability, or anticipated availability, of State and Federal financial aids and technical assistance for metropolitan transportation planning activities; making all metropolitan planning funds authorized by 23 U.S.C. § 104(f) and 49 U.S.C. § 5305(d) available to the MPOs in accordance with a formula developed by WisDOT, in consultation with the MPOs, and approved by USDOT.
   b. Providing information relative to the availability, or anticipated availability, of State and Federal financial aids for metropolitan transportation improvements and services that fall under local programming jurisdiction.
   c. Approving or denying the MPO TIP as such authority was delegated to

WisDOT by the Governor of Wisconsin. WisDOT will not unreasonably withhold approval.

d. Developing the Statewide Transportation Improvement Program (STIP) in cooperation with the MPO, pursuant to the provisions of 23 U.S.C. § 135.
e. Including the MPO TIP without change in the STIP, directly or by reference, after approval of the TIP by the MPO and the Governor.
f. Working with the MPO and Transit Operators in the preparation of a financial plan for the TIP, including the cooperative development of estimates of transportation system costs and funding revenues to support implementation of the program.

3. **Valley Transit** Responsibility:
   a. Working with the MPO and WisDOT in the preparation of a financial plan for the TIP, including the cooperative development of estimates of transportation system costs and funding revenues to support implementation of the plan and program.

H. Responsibilities for Annual Listing of Obligated Projects – 23 C.F.R. § 450.334 and 49 U.S.C. Chapter 53

1. The **MPO** will work cooperatively with WisDOT and Transit Operator in the preparation of an annual listing of obligated transportation projects funded under 23 C.F.R. § 450.334 and 49 U.S.C. Chapter 53.

I. Responsibilities for Transit Development Plan (TDP)

1. **Appleton (Fox Cities) MPO** and **Valley Transit** will prepare and update a mid-range (3–5 year) TDP in cooperation with the Transit Operator. This plan shall include, but not be limited to, transit system policies and service demands, transit service reductions and extensions, transit fares and transit system capital needs.

Article 3: Scope of Work

A. The cooperative metropolitan transportation planning process shall be carried out in accordance with a Unified Planning Work Program approved by ECWRPC, the MPO, WisDOT and USDOT, in consultation with appropriate transportation providers have entered into the Unified Planning Work Program, including budget and cost allocation. The Unified Planning Work Program will be reviewed, approved and replaced annually. The original and all approved subsequent Unified Planning Work Programs during the terms of this Agreement shall be made part of this Agreement, which shall constitute the scope of work to be performed under this Agreement.

B. The Unified Planning Work Program shall set forth a description of the specific metropolitan transportation planning activities and products to be completed each calendar year, the corresponding staff and budgetary requirements, and the allocation of the total costs between the participating agencies. Responsibility for

the following planning activities shall be identified in the Unified Planning Work Program, where applicable:

1. Preparing technical and other reports to assure documentation of the development, refinement and reappraisal of the transportation plan; and

2. Conducting detailed corridor or subarea studies to evaluate major transportation investment alternatives and their social, economic and environmental impacts pursuant to 23 C.F.R. Part 450.

C. Upon adoption of the Unified Planning Work Program by the MPO and approval by WisDOT and by USDOT funding agencies, WisDOT shall review and either approve or deny the MPO to proceed with the Unified Planning Work Program. If approved, WisDOT shall authorize the MPO to proceed with the Unified Planning Work Program in writing and in accordance with the terms and conditions of such approval. WisDOT shall not unreasonably withhold approval.

D. The Unified Planning Work Program may be amended during the course of the year upon written request of the MPO subject to (1) the written concurrence of WisDOT and USDOT funding agencies and (2) the availability of funding, if applicable.

E. The cooperative metropolitan transportation planning process to be conducted under this Agreement and governed by the provisions of 23 C.F.R. Part 450 shall encompass the Metropolitan Planning Area, as determined by agreement between the Governor and MPO.

Article 4: Organization and Administration

A. The governing body of the MPO shall appoint and maintain such policy, citizen and/or technical advisory committees as deemed appropriate to effectively carry out the comprehensive metropolitan transportation planning process under this Agreement. WisDOT and the Transit Operator shall be represented on such policy and technical advisory committees.

B. MPO may enter into such institutional arrangements, service contracts or agency agreements as it deems necessary to carry out the scope of work under this Agreement with the understanding that the MPO shall remain accountable for completion of planning products in accordance with the Unified Planning Work Program. All such contracts, subcontracts, agreements or other written understandings for services shall conform to the appropriate provisions of 2 C.F.R. Part 200 as supplemented by 23 C.F.R. § 420.119 issued by the FHWA, FTA Circular 4220.1G and any changes or revisions thereto and other applicable guidance the FTA, FHWA or USDOT may issue.

C. When consultants are to be employed in accomplishing work under this Agreement,

all parties providing funding or technical support for such work shall have the right to review and advise on basic study methods and procedures and to review and approve subcontracts.

D. Nothing in this Agreement shall be deemed as a waiver of WisDOT's sovereign immunity consistent with Wisconsin State law.

Article 5: Inspection of Work

a. WisDOT and USDOT shall, at all times during the effective period of this Agreement, be accorded proper facilities for inspection of the metropolitan transportation planning work activities and shall, in accordance with Article 11, have access to all data, information, records and documents pertaining to the work under this Agreement.

Article 6: Work Product

A. WisDOT, the MPO and the Transit Operator shall give each other and applicable USDOT agencies adequate opportunity to review and comment on their respective reports produced under this Agreement prior to publication of the final report.

B. All reports and documents published by all parties under this Agreement shall give credit to all other parties and to participating USDOT agencies and include appropriate disclaimer statements regarding representation of USDOT views or policies.

C. The Appleton (Fox Cities) MPO, ECWRPC, Valley Transit, Valley Transit, WisDOT and USDOT shall each have the royalty-free nonexclusive and irrevocable right to reproduce, publish, distribute or otherwise use, and to authorize others to use, the work produced under this Agreement for government purposes.

Article 7: Prohibited Interest

A. No member, officer or employee of the MPO or any state or local public body during his or her tenure or for one year thereafter may have or acquire any interest whatsoever, direct or indirect, in this Agreement or proceeds thereof or any benefit arising therefrom.

B. No member of or delegate to the Congress of the United States of America may have or acquire any interest whatsoever, direct or indirect, in this Agreement or proceeds thereof or any benefit arising therefrom.

Article 8: Funding and Payment

A. Funding levels and financial responsibilities for the continuing metropolitan transportation planning process shall be negotiated annually in conjunction with the

preparation, review and approval of the Planning Work Program, and shall consider such factors as the availability of federal planning monies and state and local matching funds, statewide allocation formulas developed in cooperation with MPOs and the relative benefits to participating agencies.

B. Upon adoption of the Planning Work Program by the MPO and approval by WisDOT and by USDOT funding agencies, the Planning Work Program shall be deemed to constitute a part of this Agreement with respect to the scope of work and funding arrangements. Specific terms or conditions governing the financial aspects of the Planning Work Program will be set forth in WisDOT's annual authorization letter.

C. All costs incurred during the progress of the metropolitan transportation planning work activities under this Agreement shall be shared by the MPO and the other participating agencies on the basis of the cost allocation schedule set forth in the approved Planning Work Program.

D. WisDOT's share of program costs, together with any USDOT share, which is administered by WisDOT, will be paid to the MPO following the receipt of a properly executed invoice, and a detailed status of expenditures report per WisDOT Unified Planning Work Program Handbook.

E. Progress reports containing a narrative and financial account of the work accomplished to date shall be furnished by ECWRPC, the MPO to WisDOT. These reports shall be due thirty (30) days after the end of the first, second and third quarters of each calendar year, and sixty (60) days after the end of the agreement.

F. WisDOT may withhold or delay approval of invoices if the MPO fails to submit progress reports or scheduled products in a timely and satisfactory manner. WisDOT shall provide reimbursement to the MPO within fifteen (15) business days upon receipt of a complete progress report so as to comply with federal planning requirements for the timely payment for all submitted and approved progress reports, finished products and invoices.

Article 9: Cost Principles

A. Allowable Costs. Actual costs incurred by MPO under this Agreement shall be eligible for reimbursement provided the costs are:

1. Verifiable from the MPO's records;

2. Not included as match funds as prescribed by federal law or regulation for any other federally assisted program;

3. Necessary and reasonable for proper and efficient accomplishment of the approved Planning Work Program;

4. In conformance with the standards for allowability of costs set forth in 2 C.F.R. Part

200 Subpart E and with applicable guidelines, regulations, or federal Agreement provisions issued by FHWA or FTA;

5. Not paid by the federal government under another assistance agreement unless authorized to be used as match funds under the other federal agreement and the laws and regulations governing such agreement;

6. Provided for in the approved Planning Work Program; and

7. No contributions where costs are not incurred, such as volunteer services or donated property, may be accepted as the non-federal share.

B. Indirect Costs. MPO costs charged on an indirect basis shall be supported by an indirect cost allocation plan and indirect cost rate proposal. Such plans shall be submitted with certification to WisDOT and the host agency's cognizant federal agency for approval prior to recovering any indirect costs included under this Agreement.

Article 10: Property Utilization and Management

A. The MPO shall comply with the property management standards as set forth in 2 C.F.R. §§ 200.310–200.316.

Article 11: Records and Audits

A. The MPO shall, for the program of continuing, comprehensive transportation planning and programming activities, maintain an accounting system that adequately accounts for all funds provided for, accruing to or otherwise received from the federal, state and local units of government, or any other quasi-public or private source under this Agreement.

B. All eligible costs, including paid services and expenses contributed by the MPO, shall be charged to the approved Planning Work Program by the MPO and shall be supported by properly executed payrolls, time records, invoices, contracts or vouchers evidencing in proper detail the nature and propriety of the charges. All accounting records and other evidence pertaining to the costs incurred by the MPO under this Agreement shall be maintained by the MPO and shall be clearly identified and readily accessible. WisDOT and USDOT shall have authority to audit, review, examine, copy and transcribe any pertinent data, information, records or documents relating to this Agreement at any reasonable time. The MPO shall retain all records and documents applicable to this Agreement for a period of not less than three (3) years after final payment is made to WisDOT by the federal funding agencies.

C. The MPO shall have a single, organization-wide financial and compliance audit performed by a qualified, independent auditor if required to do so under federal laws and regulations. (See 2 C.F.R. Part 200 Subpart F Audit Requirements.) This audit

shall be performed in accordance with 2 C.F.R. Part 200, and state single, organization-wide audit guidelines issued by the Wisconsin Department of Administration. A copy of the audit shall be furnished to WisDOT.

Article 12 Certifications and Compliance

A. Appleton (Fox Cities) MPO, ECWRPC, WisDOT and Valley Transit Joint Certifications

Appleton (Fox Cities) MPO, ECWRPC, WisDOT and Valley Transit hereby certify that the cooperative metropolitan transportation planning process being carried out is being conducted in accordance with all applicable requirements of:

1. **23 U.S.C. 134** and **49 U.S.C. 5303** regarding metropolitan transportation planning;
2. **Title VI of the Civil Rights Act of 1964**, as amended (42 U.S.C. 2000d–1) and 49 CFR Part 21;
3. **49 U.S.C. 5332**, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity;
4. **Section 1101(b)** of the FAST Act (Pub. L. 114–94) and 49 CFR Part 26 regarding the involvement of disadvantaged business enterprises in DOT-funded projects;
5. The provisions of the **Americans with Disabilities Act of 1990** (42 U.S.C. 12101 et seq.) and 49 CFR Parts 27, 37, and 38;
6. The **Clean Air Act**, as amended (42 U.S.C. 7401 et seq.) and applicable regulations for air quality conformity (if applicable);
7. **31 U.S.C. 1352** and **49 C.F.R. Part 20**, regarding lobbying;
8. The provisions of **49 U.S.C. 5323(l)** and 23 CFR Part 450, Subpart C, regarding the development and approval of the Transportation Improvement Program (TIP);
9. **Executive Order 12898** on Environmental Justice;
10. **Executive Order 13166** on Limited English Proficiency;
11. Applicable provisions of other Federal statutes and regulations applicable to the metropolitan planning process.

This certification affirms that the signatory agencies have cooperatively developed and agreed upon a unified planning process and shared responsibilities for carrying out a continuing, cooperative, and comprehensive transportation planning process, including development of the TIP and Metropolitan Transportation Plan (MTP), in accordance with federal regulations.

Article 13: Effective Date and Duration of Agreement

A. This Agreement shall become effective upon execution by WisDOT, the MPO and the Transit Operator and shall remain in force until terminated under provisions of Articles 14 and 15, or until superseded by a new agreement.

B. This Agreement may be amended from time-to-time as facts or circumstances warrant or as may be required by federal and/or state laws, administrative regulations, departmental orders or guidelines having the full force and effect of law.

C. This Agreement supersedes any previous cooperative agreement for metropolitan transportation planning.

Article 14: General Provisions

A. Choice of Law. This Agreement shall be interpreted in accordance with the statutes and laws of the United States of America and the State of Wisconsin.

B. Entire Agreement. This Agreement together with those documents referred to herein contain the entire agreement of the parties and supersedes any and all prior Cooperative Agreement for Continuing Transportation Planning agreements and draft agreements, or oral understandings between the parties.

C. The WisDOT may cancel this Agreement in whole or in part, and without penalty due to non-appropriation of funds or for failure of the MPO and Transit Operators to comply with terms, conditions, and specifications of this Agreement by notice required in Article 15.

D. Severability. If any provision of this Agreement or the application of this Agreement is held invalid, the enforceability of all other provisions shall not be impaired.

Article 15: Termination Of Agreement

A. WisDOT, ECWRPC, the MPO or the Transit Operator may terminate this Agreement by giving sixty (60) days written notice of such termination to the other parties. In the event of termination, the MPO will be entitled to receive just and equitable compensation for any satisfactory work completed under this Agreement to the effective date of such termination.

Article 16: Execution in Counterparts

A. This Agreement may be executed in counterparts, each of which so executed shall be deemed to be an original.

IN WITNESS WHEREOF, the parties have hereto caused this Agreement to be executed by their proper officers and representatives.

APPLETON (FOX CITIES) METROPOLITAN PLANNING ORGANIZATION

By _____ Date _____
Austin Hammond, Chair

EAST CENTRAL WISCONSIN REGIONAL PLANNING COMMISSION

By _____ Date _____
Alice Connors, Chair

STATE OF WISCONSIN, DEPARTMENT OF TRANSPORTATION

By _____ Date _____
Kristina Boardman, Secretary of Transportation

CITY OF APPLETON - TRANSIT OPERATOR (VALLEY TRANSIT SYSTEM)

By _____ Date _____
Jake Woodford, City of Appleton Mayor

93-25

AN ORDINANCE AMENDING THE
COMPREHENSIVE PLAN FOR THE
CITY OF APPLETON.

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

Section 1: The Comprehensive Plan 2010-2030 Future Land Use Map for the following area of the city be amended as follows:

#2-25: For land generally located west of the CTH OO/USH 441 Interchange (Tax Id #s 31-1-5351-00, 31-1-5352-00, 31-1-5352-01, 31-1-6728-00, 31-1-6729-00, 31-1-5804-00, 31-1-5802-00, 31-1-5803-00, 31-1-5801-00, 31-1-5805-00, 31-1-5800-00, 31-1-5806-00, 31-1-5807-00 and 31-1-5808-00 to amend the subject parcels from future Business/Industrial land use designation to future Commercial land use designation and the Future Land Use Map be revised accordingly.

LEGAL DESCRIPTION:

BEING PART OF THE OF THE SOUTHEAST 1/4 AND SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 18 AND PART OF THE NORTHWEST 1/4 AND NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 19, TOWNSHIP 21 NORTH, RANGE 18 EAST, IN THE CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST 1/4; THENCE N 00°15'48" W ALONG THE WEST LINE OF SAID SOUTHEAST 1/4 10.02 FEET TO A POINT OF INTERSECTION WITH THE REFERENCE LINE OF COUNTY TRUNK HIGHWAY "0O"; THENCE S 88°32'26" E ALONG SAID REFERENCE LINE 169.98 FEET TO THE POINT OF BEGINNING OF LANDS TO BE DESCRIBED; THENCE N 00°16'15" W 589.29 FEET TO A POINT ON THE CENTERLINE OF WINSLOW AVENUE; THENCE S 89°24'21" E ALONG SAID CENTERLINE 1143.53 FEET TO A POINT ON THE CENTERLINE OF ZUEHLKE DRIVE; THENCE N 00°15'39" W ALONG SAID CENTERLINE 33.01 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF LOT 1 OF CERTIFIED SURVEY MAP NO. 2358 AND ITS EXTENSION; THENCE S 89°245'21" E ALONG SAID NORTH LINE AND ITS EXTENSION 408.46 FEET TO A POINT ON THE EASTERLY LINE OF U.S.H. "441"; THENCE S 04°06'04" W ALONG SAID LINE 115.45 FEET; THENCE S 22°37'26" W 395.53 FEET; THENCE S 59°53'41" W ALONG SAID LINE 126.61 FEET TO A POINT ON THE NORTH LINE OF

SAID COUNTY TRUNK HIGHWAY; THENCE S 01°27'34" W 95.00 FEET TO A POINT ON THE REFERENCE LINE OF SAID HIGHWAY; THENCE N 88°32'26" W ALONG SAID LINE 1277.03 FEET TO THE POINT OF BEGINNING, INCLUDING SEC18 T21N R18E BEING PRT SW1/4 OF SE 1/4 COM SW COR SD SE 1/4 N 924FT E170FT S924FT W170FT TO POB LESS PRT FOR CTH 'OO' LESS 13361M35, LESS N360.33FT, LESS DOCS 2112169 & 2128588 FOR R/W (10-1-1 722) AND THE ADJACENT RIGHT-OF-WAY PER ATTACHED MAP(s).

TAX PARCEL NUMBERS: 31-1-5351-00, 31-1-5352-00, 31-1-5352-01, 31-1-6728-00, 31-1-6729-00, 31-1-5804-00, 31-1-5802-00, 31-1-5803-00, 31-1-5801-00, 31-1-5805-00, 31-1-5800-00, 31-1-5806-00, 31-1-5807-00 and 31-1-5808-00.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.

94-25

AN ORDINANCE AMENDING CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON AND THE OFFICIAL ZONING MAP WHICH IS A PART THEREOF, BY MAKING THE FOLLOWING CHANGES IN THE DISTRICT AS NOW PROVIDED.

(City Plan Commission 08-06-2025)

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

Section 1: That Zoning Ordinance, Chapter 23 of the Municipal Code of the City of Appleton and the Official Zoning Map, which is a part thereof, is amended by making the following changes:

To rezone lands generally located west of the CTH OO/USH 441 Interchange (Tax Id #s 31-1-5351-00, 31-1-5352-00, 31-1-5352-01, 31-1-6729-00, 31-1-5804-00, 31-1-5802-00, 31-1-5803-00, 31-1-5801-00, 31-1-5805-00, 31-1-5800-00, 31-1-5806-00, 31-1-5807-00 and 31-1-5808-00) including the adjacent right-of-way from M-1 Industrial Park District and AG Agricultural District to C-2 General Commercial District. (Rezoning #6-25 – Christopher Hartwig Revocable Trust, owner and Briohn Building Corporation, c/o Devon Pittman, applicant)

LEGAL DESCRIPTION:

BEING PART OF THE OF THE SOUTHEAST 1/4 AND SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 18 AND PART OF THE NORTHWEST 1/4 AND NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 19, TOWNSHIP 21 NORTH, RANGE 18 EAST, IN THE CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST 1/4; THENCE N 00°15'48" W ALONG THE WEST LINE OF SAID SOUTHEAST 1/4 10.02 FEET TO A POINT OF INTERSECTION WITH THE REFERENCE LINE OF COUNTY TRUNK HIGHWAY "0O"; THENCE S 88°32'26" E ALONG SAID REFERENCE LINE 169.98 FEET TO THE POINT OF BEGINNING OF LANDS TO BE DESCRIBED; THENCE N 00°16'15" W 589.29 FEET TO A POINT ON THE CENTERLINE OF WINSLOW AVENUE; THENCE S 89°24'21" E ALONG SAID CENTERLINE 1143.53 FEET TO A POINT ON THE CENTERLINE OF ZUEHLKE DRIVE; THENCE N 00°15'39" W ALONG SAID CENTERLINE 33.01 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF LOT 1 OF CERTIFIED SURVEY MAP NO. 2358 AND ITS EXTENSION; THENCE S 89°245'21" E ALONG SAID NORTH LINE AND ITS EXTENSION 408.46 FEET TO A POINT ON THE EASTERLY LINE OF U.S.H. "441"; THENCE S 04°06'04" W ALONG SAID LINE 115.45 FEET; THENCE S 22°37'26" W 395.53 FEET; THENCE S 59°53'41" W ALONG SAID LINE 126.61 FEET TO A POINT ON THE NORTH LINE OF SAID COUNTY TRUNK HIGHWAY; THENCE S 01°27'34" W 95.00 FEET TO A POINT ON THE REFERENCE LINE OF SAID HIGHWAY; THENCE N 88°32'26" W ALONG SAID LINE 1277.03 FEET TO THE POINT OF BEGINNING, INCLUDING THE ADJACENT RIGHT-OF-WAY PER ATTACHED MAP.

CONTAINING 873,540 SQUARE FEET OR 20.0537 ACRES

COMMON DESCRIPTION:

Parcels generally located west of the CTH OO/USH 441 Interchange (Tax Id #s 31-1-5351-00, 31-1-5352-00, 31-1-5352-01, 31-1-6729-00, 31-1-5804-00, 31-1-5802-00, 31-1-5803-00, 31-1-5801-00, 31-1-5805-00, 31-1-5800-00, 31-1-5806-00, 31-1-5807-00 and 31-1-5808-00) including the adjacent right-of-way

Section 2: This Ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication the Director of

Community Development is authorized and directed to make the necessary changes to the Official Zoning Map in accordance with this Ordinance.

95-25

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.

(Municipal Services Committee 07-16-2025)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

> Stopping/standing/parking be prohibited on school days from 7:30 a.m. to 4:30 p.m. on the south side of Foster Street from Wilkie Street to a point 15 feet east of Wilkie Street.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

96-25

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.

(Municipal Services Committee 07-16-2025)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

> Stopping/standing/parking be prohibited, except buses, on school days from
> 7:30 a.m. to 4:30 p.m. on the south side of Foster Street from a point 15 feet east of Wilkie Street to a point 110 feet east of Wilkie Street.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

97-25

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.

(Municipal Services Committee 07-16-2025)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

> Stopping/standing/parking be prohibited on school days from 7:30 a.m. to 4:30 p.m. on the south side of Foster Street from a point 110 feet east of Wilkie Street to a point 187 feet east of Wilkie Street.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

98-25

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.

(Municipal Services Committee 07-16-2025)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

> Designate a 15-minute Loading Zone on the south side of Johnston Street from a point 15 feet west of Walnut Street to a point 40 feet west of Walnut Street.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

99-25

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.

(Municipal Services Committee 07-16-2025)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

> Designate a One-Hour Parking zone from 9 a.m. to 5 p.m., except Sundays
> and Holidays, on the south side of Johnston Street from a point 40 feet west of Walnut Street to a point 128 feet west of Walnut Street.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

100-25

AN ORDINANCE AMENDING SECTION 23-205(b)(2) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO GENERAL PROVISIONS; OFFICIAL MAPS AND REVISIONS; OFFICIAL MAPS BASED ON OTHER STUDIES.

(City Plan Commission – 08-06-2025)

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

Section 1: That Section 23-205(b)(2) of Chapter 23 of the Municipal Code of the City of Appleton, relating to general provisions; official maps and revisions; official maps based on other studies, is hereby amended to read as follows:

Sec. 23-205. General provisions.

(b) ***Official maps and revisions.*** The boundaries of all floodplain districts are designated as A, AE, AH, AO or A1-30 on the maps based on the Flood Insurance Study (FIS) listed below. Any change to the base flood elevations (BFE) or any changes to the boundaries of the floodplain or floodway in the FIS or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA through the Letter of Map Change process (see Division 8 *Amendments*) before it is effective. No changes to RFE's on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Department of Public Works, City of Appleton. If more than one map or revision is referenced, the most restrictive information shall apply.

(2) ***Official maps based on other studies.*** Any maps referenced in this section must be approved by the DNR and be more restrictive than those based on the FIS at the site of the proposed development.

a. LOMR – Case #11-05-7670P, Floodway and Floodplain revisions between Flood Insurance Study (FIS) Cross Section AW to BA, Outagamie County Flood Insurance Rate Map (FIRM) panels 55087C0318D and 55087C0319D, dated July 22, 2010. This reflects changes on the Fox River from just downstream of the Private Middle Dam to approximately 250 feet upstream of the Appleton Upper Dam.

b. LOMR – Case #13-05-7920P, Floodplain revisions between Flood Insurance Study (FIS) Cross Section AN to AM, Outagamie County Flood Insurance Rate panels 55087C0319D, dated July 22, 2010. This reflects changes along the south side of the Fox River from the College Avenue Bridge to approximately 850 feet downstream.

c. LOMR – Case #17-05-1963P. Floodplain revisions on Outagamie County Flood Insurance Study (FIS) AAL Tributary Cross Section C, Outagamie County Flood Insurance Rate Map (FIRM) panel 55087C0336D, effective September 29, 2017. This reflects changes along the AAL Tributary from just downstream of Lightning Drive to approximately 200 feet upstream of East Glenhurst Lane.

d. LOMR – Case #17-05-3854P. Floodplain revisions to Outagamie County Flood Insurance Study (FIS) Fox River Cross Section AS

through AW, Outagamie County Flood Insurance Rate Map (FIRM) panel 55087C0319D, effective February 16, 2018. This reflects changes along the Fox River from just upstream of railroad to just downstream of South Oneida Street.

e. LOMR – Case #20-05-2300P. Floodplain revisions to Outagamie County Flood Insurance Study (FIS) Apple Creek North Cross Section H through J, Outagamie County Flood Insurance Rate Map (FIRM) panel 55087C0328D, effective July 22, 2010. This reflects changes along Apple Creek North from approximately 1,440 feet downstream of Harrier Lance to approximately 160 feet downstream of Ballard Road.

f. LOMR – Case #21-05-2374P. Floodplain revisions to Outagamie County Flood Insurance Study (FIS) Apple Creek Northeast Cross Section H through I, Outagamie County Flood Insurance Rate Map (FIRM) panel 55087C0328D, effective January 27, 2023. This reflects changes along Apple Creek Northeast from approximately 700 feet downstream of Rubyred Drive to approximately 350 feet downstream of French Road.

g. LOMR – Case #24-05-0370P. Floodplain revisions to Outagamie County Flood Insurance Study (FIS) AAL Tributary from just upstream of East Glenhurst Lane to just downstream of East Everbreeze Circle, Outagamie County Flood Insurance Rate Map (FIRM) panel 55087C0336D, effective September 16, 2025.

h. Kensington Pond Dam Failure analysis approved by the Department of Natural Resources on January 7, 2008, including:

    1. Map dated July 2007 and titled “Figure 2, City of Appleton, Kensington Pond Dam Break Analysis, Hydraulic Shadow” (Hydraulic Shadow boundary from Cross Section 0.001 to 4.84).

    2. Floodway data table dated 8/28/2007 and titled “Table F-10, Maximum Water Surface Elevations, Kensington Pond Dam Break Analysis, City of Appleton”.

    3. Flood profiles dated 7/10/2007 and titled “Figure 3, Maximum Water Surface Profiles” (Hydraulic Shadow profile from Garners Creek Sta 0 to Sta 25000). Revisions made as a result of DNR review and received from Pete Neuberger via email 2/23/2021.

i. Outagamie County Flood Storage District Map Panel 1 of 2

approved by Wisconsin Department of Natural Resources and dated January 20, 2016. Prepared by DNR, approved by DNR.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.

101-25

AN ORDINANCE AMENDING CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON AND THE OFFICIAL ZONING MAP WHICH IS A PART THEREOF, BY MAKING THE FOLLOWING CHANGES IN THE DISTRICT AS NOW PROVIDED.

(City Plan Commission 08-06-2025)

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

Section 1: That Zoning Ordinance, Chapter 23 of the Municipal Code of the City of Appleton and the Official Zoning Map, which is a part thereof, is amended by making the following changes:

To rezone lands generally located west of the intersection of North French Road and East Apple Creek Road (Tax Id #31-1-9202-00) including the adjacent street right-of-way from AG Agricultural District to R-1B Single-family District, R-3 Multi-family District, and P-I Public Institutional District. (Rezoning #7-25 – Glenmore Park, Apple Hill Farms LLC c/o Douglas Purdy, owner and Apple Tree, LLC c/o Jason Mroz, applicant)

LEGAL DESCRIPTION:

Currently Zoned: AG (Agricultural District)
Proposed Zoning: R-1B (Single-Family District)

Part Lot 1 of Certified Survey Map 8575; Located in Part of the Northeast 1/4, the Southeast 1/4, the Southwest 1/4 and the Northwest 1/4 of the Northeast 1/4, and Part of the Northwest 1/4 of the Southeast 1/4, and Part of the Southeast 1/4 and the Northeast 1/4 of the Northwest 1/4; All in Section 31, Township 22 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin, containing 5,652,255 Square Feet (129.7579 Acres) of land described as follows:

Beginning at the North 1/4 Corner of Section 31, T22N, R18E; thence S89°14'14"E along the North line of the Northeast 1/4 of said Section 31, 1008.85 feet; thence S00°45'35"W, 758.76 feet; thence S89°14'25"E, 374.27 feet; S02°09'28"W, 152.77 feet; thence S04°37'10"E, 173.97 feet; thence N85°22'50"E, 223.26 feet; thence 173.23 feet along the arc of a curve to the right with a radius of 200.00 feet and a chord of 167.86 feet which
bears S69°48'23"E; thence N44°17'45"E, 188.12 feet; thence S33°36'20"E, 179.82 feet; thence S03°51'35"E, 645.53 feet to the northwesterly right-of-way of County Road E; thence along said right-of-way, S43°25'55"W, 18.39 feet; thence continuing along said right-of-way, S47°41'10"W, 263.20 feet; thence continuing along said right-of-way, S43°25'30"W, 1577.05 feet; thence N86°31'27"W, 79.47 feet; thence 40.59 feet along the arc of a curve to the right with a radius of 25.00 feet and a chord of 36.28 feet which bears N17°53'33"E; thence N25°35'36"W, 80.00 feet; thence 30.14 feet along the arc of a curve to the left with a radius of 570.00 feet and a chord of 30.14 feet which bears N62°53'34"E; thence 67.73 feet along the arc of a curve to the left with a radius of 210.00 feet and a chord of 67.44 feet which bears N52°08'16"E; thence N42°53'52"E, 300.25 feet; thence N47°24'05"W, 190.38 feet; thence, N13°12'14"W, 91.42 feet; thence S53°13'57"W, 104.21 feet; thence S74°32'53"W, 37.85 feet; thence N57°38'49"W, 119.50 feet; thence N17°03'39"E, 113.72 feet; thence S85°12'51"W, 489.40 feet; thence, S75°29'06"W, 379.52 feet; thence, N81°17'40"W, 354.84 feet; thence N19°12'24"W, 253.87 feet; thence N19°30'37"E, 211.22 feet; thence N56°54'10"E, 396.00 feet; thence N14°10'31"E, 445.34 feet; thence N66°19'15"E, 257.98 feet; thence N00°01'48"W, 55.71 feet; thence N80°50'24"W, 323.50 feet; thence N77°30'34"W, 254.09 feet; thence N18°56'48"E, 224.04 feet; thence N71°03'12"W, 25.00 feet; thence S18°56'48"W, 226.87 feet; thence N77°30'34"W, 51.02 feet; thence N64°27'02"W, 289.59 feet; thence N54°07'52"W, 168.21 feet; thence N84°01'02"W, 165.96 feet; thence N42°55'16"W, 155.40 feet; thence N37°05'39"E, 454.64 feet; thence N11°24'52"E, 203.67 feet; thence N89°19'52"E, 235.24 feet; thence N00°57'06"W, 157.93 feet, thence, N02°19'20"E, 68.40 feet; thence, N89°55'45"E, 724.77 feet to the Point of Beginning. Described Area subject to all easements and restrictions of record;

Currently Zoned: AG (Agricultural District)
Proposed Zoning: P-I (Public Institutional District)

Part Lot 1 of Certified Survey Map 8575; Located in Part of the Northeast 1/4 and the Northwest 1/4 of the Northeast 1/4; All in Section 31, Township 22 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin, containing 902,660 Square Feet (20.7222 Acres) of land described as follows: Commencing at the North 1/4 Corner of Section 31, T22N, R18E;

thence S89°14'14"E along the North line of the Northeast 1/4 of said Section 31, 1008.85 feet to the Point Of Beginning; thence S89°14'14"E, 1595.88 feet to the west right-of-way line of N. French Road; thence along said right-of-way, S02°03'43"W, 329.02 feet; thence N75°55'28"W, 659.98 feet; thence S68°13'42"W, 226.50 feet; thence S00°45'11"W, 494.69 feet; thence S43°59'11"E, 188.50 feet; thence 54.34 feet along the arc of a curve to the left, with a radius of 530.00 feet, having a chord that bears S40°21'22"W, 54.31 feet; thence S37°25'09"W, 189.64 feet; thence 116.63 feet along a curve to the left, with a radius of 200.00 feet, having a chord that bears N77°54'49"W, 114.98 feet; thence S85°22'50"W, 223.26 feet; thence N04°37'10"W, 173.97 feet; thence N02°09'28"E, 152.77 feet; thence N89°14'25"W, 374.27 feet; thence N00°45'35"E, 758.76 feet to the Point Of Beginning of the area being described. Described Area subject to all easements and restrictions of record; and

Currently Zoned: AG (Agricultural District)
Proposed Zoning: R-3 (Multi-Family District)

Part Lot 1 of Certified Survey Map 8575; Located in Part of the Northeast 1/4 and the Southeast 1/4 of the Northeast 1/4; All in Section 31, Township 22 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin, containing 889,801 Square Feet (20.4270 Acres) of land described as follows: Commencing at the North 1/4 Corner of Section 31, T22N, R18E; thence S89°14'14"E along the North line of the Northeast 1/4 of said Section 31, 1008.85 feet; thence S89°14'14"E, 1595.88 feet to the west right-of-way line of N. French Road; thence along said right-of-way, S02°03'43"W, 329.02 feet to the Point Of Beginning; thence continuing along said right-of-way S02°03'43"W, 333.12 feet; thence continuing along said right-of-way S22°59'48"W, 80.19 feet; thence continuing along said right-of-way S16°08'10"E, 91.75 feet; thence continuing along said right-of-way S02°03'43"W, 211.23 feet to the northwesterly right-of-way of County Road “E”; thence along said northwesterly right-of-way S27°34'57"W, 274.47 feet; thence along said northwesterly right-of-way and the arc of a curve to the right 569.55 feet, with a radius 3779.83 feet, having a chord that bears S39°06'55"W, 569.01 feet; thence along said northwesterly right-of-way S43°25'55"W, 66.26 feet; thence N03°51'35"W, 645.53 feet; thence N33°36'20"W, 179.82 feet; thence S44°17'45"W, 188.12 feet; thence along the arc of a curve to the left 56.60 feet, with a radius of 200.00 feet, having a chord that bears N53°06'02"W, 56.41 feet; thence N37°25'09"E, 189.64 feet; thence along the arc of a curve to the right 54.34 feet, with a radius of 530.00 feet, having a chord that bears N40°21'22"E, 54.31 feet; thence N43°59'11"W, 188.50 feet; thence N00°45'11"E, 494.69 feet; thence N68°13'42"E, 226.50 feet; thence S75°55'28"E, 659.98 feet to the Point Of Beginning of the area being described. Described Area subject to all easements and restrictions of record , including the adjacent street right-of-way per attached map.

COMMON DESCRIPTION:

Land generally located west of the intersection of North French Road and East Apple Creek Road (Tax Id #31-1-9202-00) including the adjacent street right-of-way for the Glenmore Park Subdivision and additional land

Section 2: This Ordinance will be published at a future date and take effect only after the Final Plat for Glenmore Park is approved by the Common Council. Upon the approval of the Final Plat for Glenmore Park and the publication of this ordinance, the Director of Community Development is authorized and directed to make the necessary changes to the Official Zoning Map in accordance with this Ordinance.