



City of Appleton

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

Meeting Agenda - Final-revised Common Council

Wednesday, May 1, 2024

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

[24-0476](#) Common Council Meeting Minutes of Organizational Meeting and Council Meeting on April 17, 2024.

Attachments: [CC Minutes 4-17-24 Organizational Meeting.pdf](#)
[CC Minutes 4-17-24.pdf](#)

- G. BUSINESS PRESENTED BY THE MAYOR

[24-0525](#) Proclamations:
- Asian & Pacific Islander Heritage Month
- Jewish American Heritage Month
- Municipal Clerks Week
- Nurse Appreciation Week
- Public Service Recognition Week
- Teacher Appreciation Week

Attachments: [Asian and Pacific Islander Heritage Month 2024.pdf](#)
[Jewish American Heritage Month 2024.pdf](#)
[Municipal Clerks Week 2024.pdf](#)
[Nurse Appreciation Week 2024.pdf](#)
[Public Service Recognition Week 2024.pdf](#)
[Teacher Appreciation Day 2024.pdf](#)

[24-0524](#) Committee Appointments Amendment

Attachments: [24-25 Alder Committee Appointments Amendment.pdf](#)

[24-0539](#) Confirmation of Appointment to the City Plan Commission

Attachments: [Confirmation of Appointment May 1 2024.pdf](#)

H. PUBLIC PARTICIPATION

I. PUBLIC HEARINGS

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

L. COMMITTEE REPORTS

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[24-0495](#) Approve the new roadway design parameters for Emerald Valley 8, 9, and 10 Subdivision Plat, specifically those portions of Oceanpearl Court (Providence Avenue to cul-de-sac); Providence Avenue (Aquamarine Avenue to west plat line); Aquamarine Avenue (Jasper Lane to Providence Avenue); Jasper Lane (Aquamarine Avenue to Plamann Place); Plamann Place (Jasper Lane to Providence Avenue).

Attachments: [04-22-2024 MSC Memo New Street Designs Emerald Valley 8_9_10.pdf](#)

Legislative History

4/22/24	Municipal Services Committee	recommended for approval
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[24-0497](#) Request from Chandelier LLC for a street occupancy permit to place tables and chairs in the College Avenue beautification strip at 215 W. College Avenue.

Attachments: [CHANDELIER - TABLES AND CHAIRS.pdf](#)

Legislative History

4/22/24	Municipal Services Committee	recommended for approval
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[24-0498](#) Approve request from Creative Downtown Appleton, Inc. and Appleton Downtown, Inc. to install a 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.

Attachments: [Parklet request 2024.pdf](#)

Legislative History

4/22/24 Municipal Services recommended for approval
Committee

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[24-0520](#) 2024 Redistricting- Ward Modifications as a result of WI 2023 Act 94

Attachments: [2024 Redistricting -Memo-Map-Ords.pdf](#)

[24-0327](#) Recommended Denial of an Operator License for Miguel Hulke.

Attachments: [Miguel Hulke Operator License Application.pdf](#)

[Miguel Hulke PD Letter.pdf](#)

[Miguel Hulke Clerk Letter.pdf](#)

[Miguel Hulke Supporting Documentation.pdf](#)

[Miguel Hulke Denial - Lt. Goodin.pdf](#)

[Miguel Hulke - ACA Buruin.pdf](#)

Legislative History

3/27/24 Safety and Licensing recommended for denial
Committee

Miguel Hulke appeared and addressed the Committee.

Sarah Gregory, owner of Sangria's, appeared and addressed the Committee.

Motion was made to approve the Operator License based upon documents submitted by the applicant showing rehabilitation. The Operator License was recommended for approval and the recommended denial of the license (as presented on the agenda) was denied.

4/3/24 Common Council referred to the Safety and Licensing
Committee

4/10/24 Safety and Licensing held
Committee

4/24/24 Safety and Licensing recommended for approval
Committee

Miguel Hulke appeared and addressed the Committee.

Sarah Gregory, owner of Sangria's, appeared and addressed the Committee.

A Notwithstanding vote was taken. The License was recommended for approval 3/1.

[24-0237](#) Class "B" Beer and "Class B" Liquor License Premise Amendment application for NAC LLC d/b/a OB's Brau Haus, Christopher Nelis, Agent, located at 523 W College Ave, contingent upon approval from the Community Development, Inspections and Finance Departments.

Attachments: [OB's Brau Haus - Premises Amendment.pdf](#)

Legislative History

4/10/24 Safety and Licensing held
Committee

4/24/24 Safety and Licensing Committee recommended for approval

[24-0431](#)

Class "B" Beer and "Class B" Liquor Temporary Premises Amendment application for Topsy Taco & Tequila Bar LLC d/b/a Topsy Taco & Tequila Bar, Sarah Gregory, Agent, located at 127/129 S. Memorial Dr., on May 5th 2024 for Cinco de Mayo, contingent upon approval from the Health and Inspections Departments.

Attachments: [Topsy Taco & Tequila Bar - Temporary Premises Amendment.pdf](#)

Legislative History

4/24/24 Safety and Licensing Committee recommended for approval

[24-0432](#)

Class "B" Beer and "Class B" Liquor Temporary Premises Amendment application for Sangria's Mexican Grill 2 LLC d/b/a Sangria's Mexican Grill, Sarah Gregory, Agent, located at 215 S. Memorial Dr., on May 5th 2024 for Cinco de Mayo, contingent upon approval from the Health and Inspections Departments.

Attachments: [Sangria's Mexican Grill - Temporary Premises Amendment.pdf](#)

Legislative History

4/24/24 Safety and Licensing Committee recommended for approval

3. MINUTES OF THE CITY PLAN COMMISSION[24-0442](#)

Request to approve Special Use Permit #1-24 to establish a 521 square foot tavern inside the existing storage garage space located at 1201 N. Badger Avenue (Tax Id #31-5-2130-00), as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (2/3 vote of Common Council required for approval)

Attachments: [StaffReport_1201NBadgerAv_SUP_For4-24-24.pdf](#)

[Voicemail from Janet Stellmacher 4-24-24.pdf](#)

[Email from Janet and Ron Stellmacher 4-24-24.pdf](#)

Legislative History

4/24/24 City Plan Commission recommended for approval
The voicemail message comments received shortly before the Plan Commission meeting and provided to the Commission, as well as an email received after the meeting adjourned, from Janet and Ron Stellmacher are attached.

[24-0443](#)

Request to approve the acceptance of the proposed dedication of the outlot identified for public trail purposes within Southpoint Commerce Park, per Wis. State Statute §62.23(5), as shown on the attached maps and the 2017 Trails Master Plan

Attachments: [Memo_PlanCommission_Southpoint_TrailAcquisitionandDedication_For4-24-24](#)

Legislative History

4/24/24 City Plan Commission recommended for approval

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

5. MINUTES OF THE FINANCE COMMITTEE

[24-0501](#) Request to award Contract for Unit O-24 Sanitary and Storm Sewer CIPP Lining to Insituform Technologies USA, LLC in an amount not to exceed \$384,975.43

Attachments: [O-24 Award Memo Combined.pdf](#)

Legislative History

4/22/24 Finance Committee recommended for approval

[24-0502](#) Request to award the City of Appleton's 2024 PRFMD Facility Generator Replacement to Van Ert Electric Co., Inc. in the amount of \$278,579 with a 15% contingency of \$41,787 for a project total not to exceed \$320,366.

Attachments: [2024 PRFMD Generator Replacement 1.pdf](#)

Legislative History

4/22/24 Finance Committee recommended for approval

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

7. MINUTES OF THE UTILITIES COMMITTEE

[24-0464](#) Approval of Sole Source Engineering Services Contract to McMahon as part of 2024 Primary Clarifiers #1 through #4 Rehabilitation Project in the amount of \$57,900 with a 15% contingency of \$8,685 for a Project Total not to exceed \$66,585.

Attachments: [240421_UCMemo\(revised\)_Sole Source Contract_McMahon_PrimClarifer1-4.p](#)

Legislative History

4/23/24 Utilities Committee recommended for approval

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

[24-0487](#) Authorization to award a five-year contract with three one-year options to Running Inc. for the provision of Paratransit (ADA and Ancillary) Services - Revised contract terms reference file number 24-0203

Attachments: [FCTC Running contract memo - revised contract terms.pdf](#)

Legislative History

4/23/24 Fox Cities Transit Commission recommended for approval

10. MINUTES OF THE BOARD OF HEALTH

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

[24-0513](#) Ordinances #21-24 to #29-24 and #30-24 & #31-24 (Redistricting)

Attachments: [Ordinances to Council 5-1-24.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

[24-0540](#) Approval of the Parks & Recreation Committee start time per Council Rules.

S. ADJOURN

Kami Lynch, City Clerk

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

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



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Meeting Minutes - Final Common Council

Wednesday, April 17, 2024

6:00 PM

Council Chambers

Organizational Meeting

A. CALL TO ORDER

The meeting was called to order by Mayor Woodford at 6:01 p.m.

B. ROLL CALL OF ALDERPERSONS

Ald. Heffernan arrived at 6:08 p.m.

Present: 15 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Martyn Smith, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Patrick Hayden, Alderperson Patti Heffernan, Alderperson Alex Schultz, Alderperson Vaya Jones, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Christopher Croatt and Mayor Jake Woodford

Excused: 1 - Alderperson Chad Doran

C. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

All Departments were represented.

D. PROPOSED COUNCIL RULE CHANGES

[24-0456](#)**Rule 3. Order of Business**

a. Invocation

Replace to read:

Alderspersons shall have the option to deliver an Invocation of their choosing, limited to approximately two minutes and not related to any action item on the Council agenda.

A single Aldersperson may give no more than two Invocations per year.

An Aldersperson may also invoke a 30 second moment of silence/reflection or read one of the prescribed statements outlined in Appendix A. Invocation Scripts.

If no Aldersperson has signed up to deliver an Invocation or the Aldersperson scheduled is not in attendance, the chair will invoke a moment of silence.

Appendix A.

Invocation Scripts.

"We gather to listen and share, learn and educate, and to be granted wisdom and grace as we move Appleton forward, in the best interest of our community."

"We gather in peace. Even though we have differing opinions, we ask for unity of spirit. We seek help in listening politely as others share their points. We seek guidance in unifying to combine our ideas for the best outcome. We ask for assistance as we work as a whole, rather than as individuals trying to promote our own agendas. May we have a spirit of camaraderie in this space and work together on our shared mission to improve the City of Appleton."

"Let us take a moment to remember all of the religions and non-religious choices represented in this City and on this Council. Let us also recall that when we were called to take part in City government, we were not asked our religious practices because all are welcome here. Please join me in a moment of reflection and thanks with these words:

With our friends beside us,
And no person beneath us,
With our goals before us,
And no task beyond us,
With a thirst for knowledge,
And a dream of a better Appleton,
We are thankful for this opportunity to work together today."

Additional messages may be added to this appendix with Common

Council approval.

Alderson Van Zeeland moved, seconded by Alderson Hayden, that the Rule Change be approved. Roll Call. Motion carried by the following vote:

Aye: 13 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Brad Firkus, Alderson Martyn Smith, Alderson Katie Van Zeeland, Alderson Denise Fenton, Alderson Patrick Hayden, Alderson Alex Schultz, Alderson Vaya Jones, Alderson Kristin Alfheim, Alderson Nate Wolff, Alderson Sheri Hartzheim and Alderson Christopher Croatt

Excused: 2 - Alderson Patti Heffernan and Alderson Chad Doran

Abstained: 1 - Mayor Jake Woodford

[24-0457](#)

Rule 19. Petitions / Resolutions

Revise first sentence to read:

All Petitions and Resolutions ~~may~~ shall include a summary statement that can be read to the Common Council by the Clerk or designee.

The rest of the rule remains as currently written.

Alderson Croatt moved, seconded by Alderson Firkus, that the Rule Change be approved. Roll Call. Motion carried by the following vote:

Aye: 13 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Brad Firkus, Alderson Martyn Smith, Alderson Katie Van Zeeland, Alderson Denise Fenton, Alderson Patrick Hayden, Alderson Alex Schultz, Alderson Vaya Jones, Alderson Kristin Alfheim, Alderson Nate Wolff, Alderson Sheri Hartzheim and Alderson Christopher Croatt

Excused: 2 - Alderson Patti Heffernan and Alderson Chad Doran

Abstained: 1 - Mayor Jake Woodford

[24-0436](#)

Rule 32. Continuity of Government

Ald. Hartzheim

Remove the word secret and replace with open:

The Council, by ~~secret~~ open ballot, will elect a Council President and Council Vice President.

The remainder of the rule remains unchanged.

Alderson Hartzheim moved, seconded by Alderson Croatt, that the Rule Change be approved. Roll Call. Motion failed by the following vote:

Aye: 2 - Alderson Sheri Hartzheim and Alderson Christopher Croatt

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

Excused: 1 - Alderperson Chad Doran

Abstained: 1 - Mayor Jake Woodford

[24-0458](#)

Rule 35. Pledge of Allegiance

Revise to read:

At the beginning of any meeting of a Committee, Board, or Commission ~~regardless of the location in which the meeting is held~~, taking place within the Council Chambers, after calling the meeting to order, the chair of the meeting will call for the Pledge of Allegiance to be recited before moving on to any other business.

Alderperson Hartzheim moved, seconded by Alderperson Van Zeeland, that the Rule Change be approved. Roll Call. Motion carried by the following vote:

Aye: 11 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Martyn Smith, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Patrick Hayden, Alderperson Vaya Jones, Alderperson Kristin Alfheim, Alderperson Sheri Hartzheim and Alderperson Christopher Croatt

Nay: 3 - Alderperson Patti Heffernan, Alderperson Alex Schultz and Alderperson Nate Wolff

Excused: 1 - Alderperson Chad Doran

Abstained: 1 - Mayor Jake Woodford

[24-0426](#)

Rule 35. Pledge of Allegiance

Ald. Fenton

Delete Rule 35

Alderperson Fenton moved, seconded by Alderperson Schultz, that the Rule Change be approved. Roll Call. Motion failed by the following vote:

Aye: 7 - Alderperson Vered Meltzer, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Patti Heffernan, Alderperson Alex Schultz, Alderperson Vaya Jones and Alderperson Nate Wolff

Nay: 7 - Alderperson William Siebers, Alderperson Brad Firkus, Alderperson Martyn Smith, Alderperson Patrick Hayden, Alderperson Kristin Alfheim, Alderperson Sheri Hartzheim and Alderperson Christopher Croatt

Excused: 1 - Alderperson Chad Doran

Abstained: 1 - Mayor Jake Woodford

E. REMAINING RULES OF COUNCIL

[24-0427](#)

Rules of Council

Attachments: [Council Rules - FINAL 4-19-23.pdf](#)
[Council Rules - Redlined 4-17-24.pdf](#)
[Council Rules - FINAL 4-17-2024.pdf](#)

Aldersperson Fenton moved, seconded by Aldersperson Croatt, that the Council Rules as amended be approved. Roll Call. Motion carried by the following vote:

Aye: 14 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Martyn Smith, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Patrick Hayden, Aldersperson Patti Heffernan, Aldersperson Alex Schultz, Aldersperson Vaya Jones, Aldersperson Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim and Aldersperson Christopher Croatt

Excused: 1 - Aldersperson Chad Doran

Abstained: 1 - Mayor Jake Woodford

F. PROPOSED CHANGES TO DEPARTMENT & COMMITTEE FUNCTIONS

[24-0210](#)

Resolution #2-R-24 Consolidate the Utilities Committee with the Municipal Services Committee

Attachments: [#2-R-24 Consolidate Utilities Committee with Municipal Services Committee.pdf](#)

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

Aye: 1 - Aldersperson Christopher Croatt

Nay: 13 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Martyn Smith, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Patrick Hayden, Aldersperson Patti Heffernan, Aldersperson Alex Schultz, Aldersperson Vaya Jones, Aldersperson Kristin Alfheim, Aldersperson Nate Wolff and Aldersperson Sheri Hartzheim

Excused: 1 - Aldersperson Chad Doran

Abstained: 1 - Mayor Jake Woodford

[24-0424](#)

Community & Economic Development Dept. Name Change Request

Attachments: [Comm Dev Name Change Request Memo - Comm Dev.pdf](#)

Aldersperson Fenton moved, seconded by Aldersperson Van Zeeland, that the Department name change be approved. Roll Call. Motion carried by the following vote:

Aye: 14 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Martyn Smith, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Patrick Hayden, Aldersperson Patti Heffernan, Aldersperson Alex Schultz, Aldersperson Vaya Jones, Aldersperson Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim and Aldersperson Christopher Croatt

Excused: 1 - Aldersperson Chad Doran

Abstained: 1 - Mayor Jake Woodford

[24-0438](#)

Parks, Recreation & Facilities Management Dept. Name Change Request

Attachments: [2024 Department Name Change.pdf](#)

Aldersperson Fenton moved, seconded by Aldersperson Schultz, that the Department name change be approved. Roll Call. Motion carried by the following vote:

Aye: 14 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Martyn Smith, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Patrick Hayden, Aldersperson Patti Heffernan, Aldersperson Alex Schultz, Aldersperson Vaya Jones, Aldersperson Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim and Aldersperson Christopher Croatt

Excused: 1 - Aldersperson Chad Doran

Abstained: 1 - Mayor Jake Woodford

G. REMAINING DEPARTMENT & COMMITTEE FUNCTIONS

[24-0428](#)

Department & Committee Functions

Attachments: [Dept-Comm Functions - FINAL 4-20-22.pdf](#)
[Dept-Comm Functions - Revised 4-17-2024.pdf](#)
[Dept-Committee Functions - FINAL 4-17-2024.pdf](#)

Aldersperson Fenton moved, seconded by Aldersperson Wolff, that the Department & Committee functions be approved as amended. Roll Call. Motion carried by the following vote:

Aye: 14 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Martyn Smith, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Patrick Hayden, Alderperson Patti Heffernan, Alderperson Alex Schultz, Alderperson Vaya Jones, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim and Alderperson Christopher Croatt

Excused: 1 - Alderperson Chad Doran

Abstained: 1 - Mayor Jake Woodford

H. RECOMMIT TO THE CODE OF CONDUCT

[24-0429](#) Code of Conduct

Attachments: [Code of Conduct.pdf](#)

Alderperson Hartzheim moved, seconded by Alderperson Smith, to recommit to the Code of Conduct. Roll Call. Motion carried by the following vote:

Aye: 14 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Martyn Smith, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Patrick Hayden, Alderperson Patti Heffernan, Alderperson Alex Schultz, Alderperson Vaya Jones, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim and Alderperson Christopher Croatt

Excused: 1 - Alderperson Chad Doran

Abstained: 1 - Mayor Jake Woodford

I. APPOINTMENT OF COMMITTEES & COMMITTEE CHAIRS

[24-0475](#) Alderperson Committee Appointments for the 2024-2025 Term

Attachments: [24-25 Alder Committee Appointments.pdf](#)

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

Aye: 14 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Martyn Smith, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Patrick Hayden, Alderperson Patti Heffernan, Alderperson Alex Schultz, Alderperson Vaya Jones, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim and Alderperson Christopher Croatt

Excused: 1 - Alderperson Chad Doran

Abstained: 1 - Mayor Jake Woodford

J. ELECTION OF COMMON COUNCIL PRESIDENT

*Aldersperson Firkus was nominated. Aldersperson Firkus declined the nomination.
Aldersperson Croatt was nominated. Aldersperson Croatt declined the nomination.
Aldersperson Van Zeeland was nominated.
There were no other nominations, so without objection, Aldersperson Van Zeeland was
unanimously approved as Common Council President.*

K. ELECTION OF COMMON COUNCIL VICE PRESIDENT

*Aldersperson Firkus and Aldersperson Meltzer were nominated.
Aldersperson Meltzer received the most votes and was elected Common Council Vice
President.*

L. ELECTION OF COMMON COUNCIL REPRESENTATIVE TO THE CITY PLAN COMMISSION

*Aldersperson Hartzheim and Aldersperson Fenton were nominated.
Aldersperson Fenton received the most votes and was elected Common Council
Representative to the City Plan Commission.*

M. OTHER COUNCIL BUSINESS

[24-0448](#)

Request to modify the Common Council meeting schedule for the
cancellation of the following Common Council meetings:
July 3, 2024
January 1, 2025

**Aldersperson Hartzheim moved, seconded by Aldersperson Meltzer, that the
modifications to the Council meeting schedule be approved. Roll Call. Motion
carried by the following vote:**

Aye: 14 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad
Firkus, Aldersperson Martyn Smith, Aldersperson Katie Van Zeeland,
Aldersperson Denise Fenton, Aldersperson Patrick Hayden, Aldersperson Patti
Heffernan, Aldersperson Alex Schultz, Aldersperson Vaya Jones, Aldersperson
Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim and
Aldersperson Christopher Croatt

Excused: 1 - Aldersperson Chad Doran

Abstained: 1 - Mayor Jake Woodford

N. ADJOURN

**Aldersperson Siebers moved, seconded by Aldersperson Meltzer, that the
meeting be adjourned at 6:51 p.m. Roll Call. Motion carried by the following
vote:**

Aye: 14 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Martyn Smith, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Patrick Hayden, Alderperson Patti Heffernan, Alderperson Alex Schultz, Alderperson Vaya Jones, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim and Alderperson Christopher Croatt

Excused: 1 - Alderperson Chad Doran

Abstained: 1 - Mayor Jake Woodford

Kami Lynch, City Clerk



City of Appleton

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Meeting Minutes - Final Common Council

Wednesday, April 17, 2024

7:00 PM

Council Chambers

A. CALL TO ORDER

The meeting was called to order by Mayor Woodford at 7:01 p.m.

B. INVOCATION

The Invocation was offered by Mayor Woodford.

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

Present: 15 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Martyn Smith, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Patrick Hayden, Alderperson Patti Heffernan, Alderperson Alex Schultz, Alderperson Vaya Jones, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Christopher Croatt and Mayor Jake Woodford

Excused: 1 - Alderperson Chad Doran

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

All Departments were represented.

F. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[24-0418](#)

Common Council Meeting Minutes of April 3, 2024

Attachments: [CC Minutes 4-3-24.pdf](#)

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

Aye: 14 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Martyn Smith, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Patrick Hayden, Alderperson Patti Heffernan, Alderperson Alex Schultz, Alderperson Vaya Jones, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim and Alderperson Christopher Croatt

Excused: 1 - Alderperson Chad Doran

Abstained: 1 - Mayor Jake Woodford

G. BUSINESS PRESENTED BY THE MAYOR

[24-0421](#)

Proclamations:

- Golden Rule Day
- Autism Acceptance Month
- Library Week
- Arbor Day
- Earth Day
- Public Health Week
- Hemophilia Awareness Day

Attachments:[Golden Rule Day 2024.pdf](#)[Autism Acceptance Month 2024.pdf](#)[Library Week 2024.pdf](#)[Arbor Day 2024.pdf](#)[Earth Day 2024.pdf](#)[Public Health Week 2024.pdf](#)[Hemophilia Awareness Day 2024.pdf](#)[24-0422](#)

Sidewalk Poetry Project Presentation

The 2024 winning sidewalk poems were presented.[24-0423](#)

Housing Development Policy Guide

Attachments:[HousingDevelopmentPolicyGuide_MemotoCEDC+CPC 4-10-24.pdf](#)[HousingDevelopmentPolicyGuide_2024_0315-Final Guide.pdf](#)

Alderson Fenton moved, seconded by Alderson Meltzer, that the Housing Development Policy Guide be received and filed. Roll Call. Motion carried by the following vote:

Aye: 14 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Brad Firkus, Alderson Martyn Smith, Alderson Katie Van Zeeland, Alderson Denise Fenton, Alderson Patrick Hayden, Alderson Patti Heffernan, Alderson Alex Schultz, Alderson Vaya Jones, Alderson Kristin Alfheim, Alderson Nate Wolff, Alderson Sheri Hartzheim and Alderson Christopher Croatt

Excused: 1 - Alderson Chad Doran

Abstained: 1 - Mayor Jake Woodford

H. PUBLIC PARTICIPATION

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

I. PUBLIC HEARINGS

[24-0361](#)

Public Hearing for Rezoning #2-24 E. Plank Road from R1-A Single-Family District to R-3 Multi-Family District

Attachments: [RZ #2-24 Notice of Public Hearing.pdf](#)

*The Public Hearing was held. The following spoke during the hearing:
Jen Sunstrom, W6124 Aerotech Dr. representing the WI Realtor Association
Eric Broten, 4901 N Cherryvale Ave representing the Fox Cities Chamber Regional Partnership
Carol Schubert, 1912 Orchard Blossom Dr.*

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

[24-0317](#)

Request to approve Rezoning #2-24 for the subject parcel located south of E. Midway Road, south of the roundabout at E. Plank Road (Tax Id #31-9-4161-02), including to the centerline of the existing adjacent street right-of-way, as shown on the attached maps, from R-1A Single-Family District to R-3 Multi-Family District

Attachments: [StaffReport_McGuire Rezoning_For3-27-24.pdf](#)
[Questions and Map From Carol Schubert 3-27-24.pdf](#)
[Neighborhood Comments 3-27-24.pdf](#)
[Email from Timothy + Anna Coggins 3-28-24.pdf](#)

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

Aye: 13 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Martyn Smith, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Patrick Hayden, Aldersperson Alex Schultz, Aldersperson Vaya Jones, Aldersperson Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim and Aldersperson Christopher Croatt

Excused: 1 - Aldersperson Chad Doran

Abstained: 2 - Aldersperson Patti Heffernan and Mayor Jake Woodford

[24-0391](#)

Approve the request from The Boldt Company for a street occupancy permit for the Trout Museum of Art - Lawrence University project along College Avenue (Drew to Durkee Street), Drew Street (College to Kimball Alley) and Kimball Alley (between Drew Street and Durkee Street) for a period ending November 01, 2024.

Attachments: [Long-Temp Permit - Trout Museum of Art-Lawrence University - Boldt.pdf](#)

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

Aye: 14 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Brad Firkus, Alderson Martyn Smith, Alderson Katie Van Zeeland, Alderson Denise Fenton, Alderson Patrick Hayden, Alderson Patti Heffernan, Alderson Alex Schultz, Alderson Vaya Jones, Alderson Kristin Alfheim, Alderson Nate Wolff, Alderson Sheri Hartzheim and Alderson Christopher Croatt

Excused: 1 - Alderson Chad Doran

Abstained: 1 - Mayor Jake Woodford

[24-0379](#)

Fire Department Request to Accept Firehouse Sub Grant.

Attachments: [04-02-24_Request to Accept-Laryngoscopes.pdf](#)

Alderson Fenton moved, seconded by Alderson Hartzheim, that the Grant Acceptance be approved. Roll Call. Motion carried by the following vote:

Aye: 14 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Brad Firkus, Alderson Martyn Smith, Alderson Katie Van Zeeland, Alderson Denise Fenton, Alderson Patrick Hayden, Alderson Patti Heffernan, Alderson Alex Schultz, Alderson Vaya Jones, Alderson Kristin Alfheim, Alderson Nate Wolff, Alderson Sheri Hartzheim and Alderson Christopher Croatt

Excused: 1 - Alderson Chad Doran

Abstained: 1 - Mayor Jake Woodford

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

Alderson Firkus moved, Alderson Meltzer seconded, to approve the report. The motion carried by the following vote:

Aye: 14 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Brad Firkus, Alderson Martyn Smith, Alderson Katie Van Zeeland, Alderson Denise Fenton, Alderson Patrick Hayden, Alderson Patti Heffernan, Alderson Alex Schultz, Alderson Vaya Jones, Alderson Kristin Alfheim, Alderson Nate Wolff, Alderson Sheri Hartzheim and Alderson Christopher Croatt

Excused: 1 - Alderson Chad Doran

Abstained: 1 - Mayor Jake Woodford

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[24-0394](#)

Approve the proposed parking change on Maple Street, from Jefferson Street to Jackson Street. Follow up to a six-month evaluation period.

Attachments: [Maple St 400E Post 6-Mo Eval \(remove 2hr Parking\).pdf](#)

This Report Action Item was approved

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[24-0372](#)

Fire Department Agreement for Urban Search and Rescue Emergency Response Services.

Attachments: [Appleton - Urban Search and Rescue 2024-2026 Agreement \(final\).pdf](#)

This Report Action Item was approved.

[24-0383](#)

"Class A" Liquor License application for True North Energy, LLC d/b/a True North #822, Michelle A. Knox, Agent, located at 3411 N. Ballard Rd.

Attachments: [True North_Redacted.pdf](#)

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION

[24-0375](#)

Request to approve the Lumbini Estates Preliminary Plat as shown on the attached maps and subject to the conditions in the attached staff report

Attachments: [StaffReport_LumbiniEstates_PreliminaryPlat_For4-10-24.pdf](#)

This Report Action Item was approved.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

[24-0267](#)

2024 Highview Park Playground Memo

Attachments: [2024 Highview Park Playground Memo.pdf](#)

This Report Action Item was approved.

5. MINUTES OF THE FINANCE COMMITTEE

[24-0400](#)

Request to award Unit H-24 Repair & Preventative Maintenance of Red & Yellow Parking Ramps to Berglund Construction Company in the amount of \$1,356,000 with a 2.2% contingency of \$30,000 for a project total not to exceed \$1,386,000.

Attachments: [Contract Award Form Unit H-24.pdf](#)
[H-24 Bid Tab.pdf](#)
[H-24 Contract Funding Form.pdf](#)

This Report Action Item was approved.

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

7. MINUTES OF THE UTILITIES COMMITTEE

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

10. MINUTES OF THE BOARD OF HEALTH

[24-0395](#)

Request for Noise Variance Unit O-24 Sanitary & Storm Sewer CIPP Liner

Attachments: [Noise Variance Request Unit O-24 Sanitary & Storm Sewer CIPP Liner.pdf](#)

This Report Action Item was approved.

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

[24-0417](#)

Ordinances #19-24 & #20-24

Attachments: [Ordinances to Council 4-17-24.pdf](#)

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

Aye: 14 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Martyn Smith, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Patrick Hayden, Alderperson Patti Heffernan, Alderperson Alex Schultz, Alderperson Vaya Jones, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim and Alderperson Christopher Croatt

Excused: 1 - Alderperson Chad Doran

Abstained: 1 - Mayor Jake Woodford

- P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION
- Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION
- R. OTHER COUNCIL BUSINESS
- S. ADJOURN

Alderperson Siebers moved, seconded by Alderperson Wolff, that the meeting be adjourned at 7:53 p.m. Roll Call. Motion carried by the following vote:

Aye: 14 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Martyn Smith, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Patrick Hayden, Alderperson Patti Heffernan, Alderperson Alex Schultz, Alderperson Vaya Jones, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim and Alderperson Christopher Croatt

Excused: 1 - Alderperson Chad Doran

Abstained: 1 - Mayor Jake Woodford

Kami Lynch, City Clerk

PROCLAMATION



Office of the Mayor

WHEREAS, Asian and Pacific Islander American Heritage Month is observed during the month of May to recognize the contributions and influence of Asian Americans and Pacific Islander Americans to the history, culture, and achievements of the United States; and

WHEREAS, Appleton is proud to be home to a large, deeply-rooted Asian American and Pacific Islander population that contributes greatly to our rich history, economy, and culture in all areas of life in Appleton, including government, business, arts and sciences, medicine, education, and law enforcement; and

WHEREAS, Asian and Pacific Islander American history and culture are marked by a struggle for freedom, equity, and justice, prevailing over the adversity of exclusion, persecution, and incarceration; and

WHEREAS, diversity represents one of our greatest strengths, and by recognizing the contributions and accomplishments of Asian American and Pacific Islander residents, we also recognize the importance of continued work to make our community a more welcoming place for all people; and

WHEREAS, we are proud to celebrate Asian American and Pacific Islander Heritage Month, commemorating the essential contributions, sacrifices, and accomplishments that Asian American and Pacific Islanders have made in Appleton.

NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD, Mayor of the City of Appleton, do hereby proclaim the month of May 2024 as

Asian and Pacific Islander Heritage Month

in Appleton and encourage residents to recognize the many contributions of Asian American and Pacific Islanders in our City, celebrate their heritage, and promote a culture of dignity and respect for all people.

Signed and sealed this 25th day of April 2024.



JACOB A. WOODFORD
MAYOR OF APPLETON

PROCLAMATION



Office of the Mayor

WHEREAS, the City of Appleton has been enriched by the contributions of Jewish Americans to our society, culture, economy, and government; and

WHEREAS, the month of May has been designated as Jewish American Heritage Month to celebrate and honor the achievements and contributions of Jewish Americans throughout our nation's history; and

WHEREAS, Jewish Americans have made significant contributions to every aspect of American life, including science, medicine, law, politics, education, sports, entertainment, and the arts; and

WHEREAS, Jewish Americans have played a vital role in promoting social justice, human rights, and religious freedom, and have contributed to the diversity and pluralism of our communities; and

WHEREAS, Jewish American Heritage Month provides an opportunity to offer hope and positivity as we celebrate the vibrant history and culture of the Jewish community and to recognize the ongoing contributions of Jewish Americans to our society.

NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD, Mayor of the City of Appleton, do hereby proclaim the month of May 2024 as

Jewish American Heritage Month

in Appleton and encourage residents to recognize the many contributions of Jewish Americans in our communities, celebrate their history, promote a culture of dignity and inclusion for all people, and oppose all forms of antisemitism.

Signed and sealed this 25th day of April 2024.



JACOB A. WOODFORD
MAYOR OF APPLETON

PROCLAMATION



Office of the Mayor

WHEREAS, the Office of Municipal Clerk, a time-honored and vital part of local government, exists throughout the world; and

WHEREAS, the Office of the Municipal Clerk is the oldest among public servants; and

WHEREAS, the Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies, and agencies of government at other levels; and

WHEREAS, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

WHEREAS, the Municipal Clerk serves as the information center for functions of local government and community; and

WHEREAS, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops, and the annual meetings of their state, provincial, county, and international professional organizations; and

WHEREAS, it is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD, Mayor of the City of Appleton, do hereby proclaim the week of May 5-11, 2024, as

Municipal Clerks Week

in Appleton and further extend appreciation to our Municipal Clerk, Kami Lynch, and to all Municipal Clerks for the vital services they perform and their dedication to the communities they represent.



Signed and sealed this 25th day of April 2024.

JACOB A. WOODFORD
MAYOR OF APPLETON

PROCLAMATION



Office of the Mayor

WHEREAS, registered nurses across the country constitute our nation's largest health care profession, and the depth and breadth of the registered nursing profession meets the different and emerging health care needs of the American population in a wide range of settings; and

WHEREAS, the American Nurses Association works to chart a new course for a healthy nation that relies on increasing access to primary and preventive health care, which will require better utilization of all our nation's registered nursing resources; and

WHEREAS, the demand for registered nursing services is greater than ever due to the aging of the American population, the continuing expansion of life-sustaining technologies, and the explosive growth of home health care services; and

WHEREAS, the cost-effective, safe, and high-quality health care services provided by registered nurses will be an increasingly important component of the health care delivery system in the future; and

WHEREAS, the American Nurses Association has announced the theme "Nurses Make the Difference," to honor the incredible nurses who embody the spirit of compassion and care in every health care setting.

NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD, Mayor of the City of Appleton, do hereby proclaim the week of May 6-12, 2024, as

Nurse Appreciation Week

in Appleton and call upon all residents to join me in honoring the registered nurses who care for all of us, celebrate their accomplishments and efforts to improve the health care system, and show appreciation for their work in our community.

Signed and sealed this 25th day of April 2024.



JACOB A. WOODFORD
MAYOR OF APPLETON

PROCLAMATION



Office of the Mayor

WHEREAS, Americans are served every day by public servants at the federal, state, county, and city levels. Public servants at all levels of government do extraordinary things to make our lives better and our country stronger; and

WHEREAS, public servants make crucial contributions in every community in America, including the City of Appleton; and

WHEREAS, public servants keep our communities safe, plan and maintain our roads and bridges, provide health services to those in need, care for our parks, conduct elections, and help those with transportation – among countless other essential services; and

WHEREAS, Public Service Recognition Week, celebrated annually since 1985, provides an opportunity to honor the accomplishments and contributions of government employees at all levels, fostering respect and appreciation for their vital work.

NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD, Mayor of the City of Appleton, do hereby proclaim the week of May 5-11, 2024, as

Public Service Recognition Week

in Appleton and encourage all residents to join in recognizing the dedication and service of our public servants, and to express gratitude for their invaluable contributions to our communities and our nation.

Signed and sealed this 25th day of April 2024.



JACOB A. WOODFORD
MAYOR OF APPLETON

PROCLAMATION



Office of the Mayor

WHEREAS, teachers mold future citizens through guidance and education; and

WHEREAS, teachers serve students of widely-differing backgrounds; and

WHEREAS, our country's future depends upon providing quality education to all students; and

WHEREAS, teachers spend countless, often unseen hours preparing lessons, evaluating progress, counseling and coaching students, and performing community service; and

WHEREAS, our community recognizes and supports its teachers in educating the children, and adults alike, of Appleton.

NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD, Mayor of the City of Appleton, do hereby proclaim May 7, 2024, as

Teacher Appreciation Day

in Appleton and encourage all residents to join me in expressing appreciation to our teachers for their dedication and devotion to their work.

Signed and sealed this 25th day of April 2024.



JACOB A. WOODFORD
MAYOR OF APPLETON



CITY OF APPLETON

Date: May 1, 2024
To: Members of the Common Council
From: Mayor Jacob A. Woodford
Subject: Alderperson Committee Appointments Amendment

Community Development Committee

Alderperson Kristin Alfheim

Alderperson Nate Wolff



CITY OF APPLETON

Date: May 1, 2024
To: Members of the Common Council
From: Mayor Jacob A. Woodford
Subject: Confirmation of Appointment

It is with pleasure that I present the following recommendation for your confirmation at the May 1, 2024, Common Council meeting.

City Plan Commission

Richard Carpenter

Term Ends April 2027



DEPARTMENT OF
**PUBLIC
WORKS**

MEMORANDUM

Date: 4/22/24

To: Municipal Services Committee

From: Danielle Block, Director of Public Works

Pete Neuberger, City Engineer

Eric Lom, City Traffic Engineer

Subject: Emerald Valley Estates 8-10 Subdivision – new street design

As a process improvement, the Department of Public Works will be bringing new street design criteria to Municipal Services Committee for approval prior to the final plat and corresponding Development Agreements. The street criteria approval process will provide the necessary documentation to proceed with the development discussions, ensure that roadway design elements are transparent and constructed per plan in future years.

Action Item:

Approve the roadway design parameters for the proposed streets in the proposed Emerald Valley Estates 8-10 Subdivision:

- Oceanpearl Court from Providence Avenue to cul-de-sac:
 - Local street
 - 60' right of way.
 - Construct new road with the width of future concrete pavement to be 26' from face of curb to face of curb with the radius of the cul-de-sac bulb to be 44.5' to the face of curb.
 - 5' concrete sidewalks on both sides.
 - Parking allowed on one side only.
- Providence Avenue from Aquamarine Avenue to west plat line:
 - Collector street
 - 66' right of way.
 - Construct new road with the width of future concrete pavement to be 32' from face of curb to face of curb.
 - 5' concrete sidewalks on one side, 10' concrete sidewalk on other side.
 - Parking allowed on one side only.
- Aquamarine Avenue from Jasper Lane to Providence Avenue:
 - Local street
 - 60' right of way.
 - Construct new road with the width of future concrete pavement to be 32' from face of curb to face of curb.
 - 5' concrete sidewalks on both sides.
 - Parking allowed on both sides.

- Jasper Lane from Aquamarine Avenue to Plamann Place:
 - Local street
 - 60' right of way.
 - Construct new road with the width of future concrete pavement to be 32' from face of curb to face of curb.
 - 5' concrete sidewalks on both sides.
 - Parking allowed on both sides.

- Plamann Place from Jasper Lane to Providence Avenue:
 - Local street
 - 60' right of way.
 - Construct new road with the width of future concrete pavement to be 26' from face of curb to face of curb.
 - 5' concrete sidewalks on both sides.
 - Parking allowed on only one side.

APPLETON COMPLETE STREETS DESIGN WORKSHEET

PROJECT OVERVIEW:

Emerald Valley Estates Subdivision 8 - 10 Additions. Contains 5 streets: Aquamarine Ave, Jasper Ln, Plamann Pl, Oceanpearl Ct, Providence Ave

Does this fall in area of highest equity concern?

No

Are there any known equity considerations for the area served by this street project, i.e., priority populations in the project area, or destinations that serve priority populations?

No

OCEANPEARL CT: from Providence Ave to cds

Type of project?

New Street

Appleton Complete Street Design Guide Class?

L2 Residential Smart Local

Class designation?

Local

Existing Land use?

Residential

On Bike Network?

No

On Transit Network?

No

Right of Way width?

60

feet (face to face)

Preferred cross section?

26

feet (face to face)

Sidewalks?

5' sidewalk on both sides

Terrace width?

11.5' both sides

On street bike lanes?

No

On street parking?

one side

Known crash history?

No

Traffic calming features used?

narrow street

Municipal Services Public Info:

Concerns raised:

Municipal Services Design Hearing:

4/22/2024

Common Council design adoption:

5/1/2024

APPLETON COMPLETE STREETS DESIGN WORKSHEET

PROJECT OVERVIEW:

Emerald Valley Estates Subdivision 8 - 10 Additions. Contains 5 streets: Aquamarine Ave, Jasper Ln, Plamann Pl, Oceanpearl Ct, Providence Ave

Does this fall in area of highest equity concern?

No

Are there any known equity considerations for the area served by this street project, i.e., priority populations in the project area, or destinations that serve priority populations?

No

PROVIDENCE : from Aquamarine Ave to w/o Oceanpearl Ct

Type of project?

New Street

Appleton Complete Street Design Guide Class?

C1 Low Density Residential Collector

Class designation?

Collector

Existing Land use?

Residential

On Bike Network?

No

On Transit Network?

No

Right of Way width?

66

feet (face to face)

Preferred cross section?

32

feet (face to face)

Sidewalks?

5' walk one side
10' walk on other

Terrace width?

9' both sides

On street bike lanes?

No

On street parking?

one side only

Known crash history?

No

Traffic calming features used?

narrow street

Municipal Services Public Info:

Concerns raised:

Municipal Services Design Hearing:

4/22/2024

Common Council design adoption:

5/1/2024

APPLETON COMPLETE STREETS DESIGN WORKSHEET

PROJECT OVERVIEW:

Emerald Valley Estates Subdivision 8 - 10 Additions. Contains 5 streets: Aquamarine Ave, Jasper Ln, Plamann Pl, Oceanpearl Ct, Providence Ave

Does this fall in area of highest equity concern?

No

Are there any known equity considerations for the area served by this street project, i.e., priority populations in the project area, or destinations that serve priority populations?

No

AQUAMARINE: from Jasper Ln to Providence Ave

Type of project?

New Street

Appleton Complete Street Design Guide Class?

L1 Residential Traditional Local

Class designation?

Local

Existing Land use?

Residential

On Bike Network?

No

On Transit Network?

No

Right of Way width?

60

feet (face to face)

Preferred cross section?

32

feet (face to face)

Sidewalks?

5' sidewalk on both sides

Terrace width?

8.5' both sides

On street bike lanes?

No

On street parking?

both sides

Known crash history?

No

Traffic calming features used?

none

Municipal Services Public Info:

Concerns raised:

Municipal Services Design Hearing:

4/22/2024

Common Council design adoption:

5/1/2024

APPLETON COMPLETE STREETS DESIGN WORKSHEET

PROJECT OVERVIEW:

Emerald Valley Estates Subdivision 8 - 10 Additions. Contains 5 streets: Aquamarine Ave, Jasper Ln, Plamann Pl, Oceanpearl Ct, Providence Ave

Does this fall in area of highest equity concern?

No

Are there any known equity considerations for the area served by this street project, i.e., priority populations in the project area, or destinations that serve priority populations?

No

JASPER LN: from Sunstone Pl to Plamann Pl

Type of project?

New Street

Appleton Complete Street Design Guide Class?

L1 Residential Traditional
Local

Class designation?

Local

Existing Land use?

Residential

On Bike Network?

No

On Transit Network?

No

Right of Way width?

60

feet (face to face)

Preferred cross section?

32

feet (face to face)

Sidewalks?

5' sidewalk on
both sides

Terrace width?

8.5' both sides

On street bike lanes?

No

On street parking?

both sides

Known crash history?

No

Traffic calming features used?

none

Municipal Services Public Info:

Concerns raised:

Municipal Services Design Hearing:

4/22/2024

Common Council design adoption:

5/1/2024

APPLETON COMPLETE STREETS DESIGN WORKSHEET

PROJECT OVERVIEW:

Emerald Valley Estates Subdivision 8 - 10 Additions. Contains 5 streets: Aquamarine Ave, Jasper Ln, Plamann Pl, Oceanpearl Ct, Providence Ave

Does this fall in area of highest equity concern?

No

Are there any known equity considerations for the area served by this street project, i.e., priority populations in the project area, or destinations that serve priority populations?

No

PLAMANN PL: from Jasper Ln to Providence Ave

Type of project?

New Street

Appleton Complete Street Design Guide Class?

L2 Residential Smart Local

Class designation?

Local

Existing Land use?

Residential

On Bike Network?

No

On Transit Network?

No

Right of Way width?

60

feet (face to face)

Preferred cross section?

26

feet (face to face)

Sidewalks?

5' sidewalk on both sides

Terrace width?

11.5' both sides

On street bike lanes?

No

On street parking?

one side

Known crash history?

No

Traffic calming features used?

narrow street

Municipal Services Public Info:

Concerns raised:

Municipal Services Design Hearing:

4/22/2024

Common Council design adoption:

5/1/2024



PERMIT TO OCCUPY THE PUBLIC RIGHT-OF-WAY

Permit # : _____
 Effective Date: _____
 Expiration Date: _____
 Fee: \$40.00
 Paid (yes or no): yes/6653-0002

Rev. 04-10-15

Applicant Information

Name (print): Kyle Jones Company: Chandelier LLC
 Address: 215 W College Ave Telephone: 3307050238 FAX: _____
Appleton, WI 54911 e-mail: kyle@eclecticandle.com
 Applicant Signature: [Signature] Date: 04/08/2024

Occupancy Information

General Description: A sandwich board and a cart featuring seasonal and discount items offered by Appleton General Store. Maybe one table with chairs if space permits.
Tables and chairs
 Street Address: 215 W College Ave Tax Key No.: _____
 - or -
 Street: _____ From: _____ To: _____
 Multiple Streets: _____

(Department use only)

Occupancy Type

- Permanent (\$40)
- Temporary - max. 35 days (\$40)
- Amenity/Annual (\$40)
- Blanket/Annual (\$250)
- Block Party (\$15)

Sub-Type

- Sandwich Board
- Tables / Chairs
- Dumpster
- POD / Container
- Obstruction / Other

Location

- Sidewalk
- Terrace
- Roadway

Additional Requirements

- Plan/Sketch
- Certificate of Insurance
- Bond
- Other : _____

Traffic Control Requirements

N/A

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

Type of Street:

- Arterial/CBD
- Collector
- Local

Proposed Traffic Control:

- City Manual Page(s) _____
- State Manual Page(s) _____
- Other (attach plan)

Additional Requirements: _____

Approved by: _____

Date: _____

This permit approval is subject to the following conditions:

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

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

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

APPROVED BY: _____

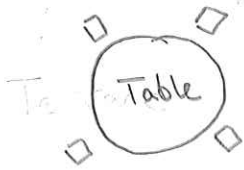
(Department of Public Works)

DATE: _____

College Ave

Table

Terrace



Cart

Garden Bed

Table

Sidewalk

Chandelier LLC

Entrance

Insurance and Bond Coverage:

Insurance Carrier: Society Insurance

Insurance Agent Name and Phone Number: Family Insurance Center 920-722-2799

Policy Number: BP22022148-1

Policy Period: 07/22/2023-07/22/2024

* Bond Carrier: _____

* Bond Agent Name and Phone Number: _____

* Bond Number: _____

* Bond Period: _____

I confirm that I have the authority to sign and certify the information contained herein as the permittee/licensee or duly authorized representative of the entity obtaining this permit/license. I have reviewed and understand the insurance and bonding requirements of the City of Appleton. I hereby certify that I, or the company I represent have insurance and a bond in the amounts required to obtain this permit/license. I have named the City of Appleton as an additional insured for purposes of this permit/license and have provided the name of my insurance and bond carriers, the policy numbers and policy periods above. Further, I agree to maintain appropriate insurance coverage for the duration of this permit/license and to indemnify against any and all liability, loss, damage and expenses and costs including attorneys' fees arising out of the activities performed as described herein, caused in whole or in part by any negligent act or omission of the applicant, anyone directly or indirectly employed by any of them, which may arise from the use of city right of way or property under this permit or license.

I certify that this application, and all information and documentation provided therein, is true and accurate.

Company Name: Chandelier LLC

Print Name: _____

Signature: _____

Date: 04/08/2024

* Bonds are required for the following types of work only:

- Plumbing in the public right-of-way: \$5,000.00 Permit Bond (Code Section 4-265)
- Demolition of Buildings: \$5,000.00 Permit Bond (Code Section 4-188(a)(2))
- Sewer lateral sealing in the public right-of-way: \$5,000.00 Permit Bond (Code Section 4-188(c))
- Moving of Buildings: \$5,000.00 Permit Bond (Code Section 4-207(5))
- Cement Finisher's License: \$5,000.00 License Bond (Municipal Code Section 9-33)
- Excavation or place facilities in the public right-of-way: \$5,000.00 Permit Bond (Code Section 16-110)

THIS POLICY
IS NON-ASSESSABLE



Small details. Big difference.™

a mutual company

**BUSINESSOWNERS
POLICY**

www.societyinsurance.com

SOCIETY INSURANCE, A MUTUAL COMPANY

150 Camelot Drive P.O. Box 1029, Fond du Lac, WI 54936-1029

BUSINESSOWNERS RENEWAL DECLARATION

POLICY NO: BP22022148-1

RENEWAL OF BP22022148-0

ACCOUNT NUMBER:

NAMED INSURED AND MAILING ADDRESS

AGENCY AND MAILING ADDRESS 00899 000

Chandelier LLC
DBA Broken Chandelier
215 W College Ave
Appleton, WI 54911-5826

Family Insurance Center LLC
1017 Orchard Dr
Seymour, WI 54165

POLICY PERIOD: FROM 07/22/2023 TO 07/22/2024 AT 12:01 AM STANDARD TIME AT YOUR MAILING ADDRESS SHOWN ABOVE.

THE NAMED INSURED IS: Limited Liability Company (LLC)

BUSINESS DESCRIPTION: See Described Premises section

IN RETURN FOR THE PAYMENT OF THE PREMIUM, AND SUBJECT TO ALL TERMS OF THIS POLICY, WE AGREE WITH YOU TO PROVIDE THE INSURANCE AS STATED IN THIS POLICY.

DESCRIBED PREMISES

Prem. No.	Bldg. No.	Premises Address:	Description	Construction Type	Protection Class
1	1	215 W College Ave, Appleton, WI 54911	Tavern	Frame Construction	2

SECTION I – PROPERTY

Property Coverage Limits Of Insurance**

Prem. No.	Bldg. No.	Classification No.	Type Of Property	Valuation Option	Automatic Increase Limit (Percentage)	Business Personal Property – Seasonal Increase (Percentage)	Limit Of Insurance*
1	1		Buildings	Replacement Cost	4%	%\$	8,320
1	1	1	Business Personal Property-Bar > 75% Alcohol - NOC - No Cooking	Replacement Cost	4%	25%\$	15,600

*Includes Automatic Increase Limit Percentage(if applicable)

**Business Income actual loss sustained for 12 months included subject to policy provisions.

Deductibles (Apply Per Location, Per Occurrence)

Prem. No.	Property Deductible	Windstorm Or Hail Percentage Deductible
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SOCIETY INSURANCE, A MUTUAL COMPANY

150 Camelot Drive P.O. Box 1029, Fond du Lac, WI 54936-1029

BUSINESSOWNERS RENEWAL DECLARATION

POLICY NO: BP22022148-1 INSURED: Chandelier LLC

EFFECTIVE DATE: 07/22/2023 AGENT: Family Insurance Center LLC

(Location 1, Building 1)	\$	1,000	N/A %
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Equipment Breakdown Protection Coverage Deductibles		
Prem. No.	Bldg. No.	Deductible
1	1	\$ 1,000

Additional Coverages – Optional Higher Limits/Extended Number Of Days (Per Policy)			
Coverage	Additional Premium	Limit Of Insurance/Extended Number Of Days	Deductible
Extended Business Income – Extended Number Of Days	\$ 0	60	

SECTION II – LIABILITY AND MEDICAL EXPENSES

Each paid claim for the following coverages reduces the amount of insurance we provide during the applicable annual period. Please refer to the Businessowners Liability Coverage Form and any attached endorsements.

Coverage		Limit Of Insurance
Liability And Medical Expenses	\$	1,000,000 Per Occurrence
Medical Expenses	\$	5,000 Per Person

SOCIETY INSURANCE, A MUTUAL COMPANY

150 Camelot Drive P.O. Box 1029, Fond du Lac, WI 54936-1029

BUSINESSOWNERS RENEWAL DECLARATION

POLICY NO: BP22022148-1
INSURED: Chandelier LLC

EFFECTIVE DATE: 07/22/2023
AGENT: Family Insurance Center LLC

Coverage	Limit Of Insurance
Damage To Premises Rented To You	\$ 100,000 Any One Premises
Other Than Products/Completed Operations Aggregate	\$ 2,000,000
Products/Completed Operations Aggregate	\$ 2,000,000

TOTAL BUSINESSOWNERS POLICY PREMIUM	\$ 451
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TOTAL PREMIUM	\$ 451.00
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FORMS AND ENDORSEMENTS

APPLYING TO THIS COVERAGE PART AND MADE PART OF THIS POLICY AT TIME OF ISSUE:

See Forms Schedule

NOTE: IF NO ENTRY APPEARS ON THE ABOVE ENDORSEMENTS, INFORMATION REQUIRED TO COMPLETE THE FORM WILL BE SHOWN ON THE SUPPLEMENTAL FORM DECLARATION IMMEDIATELY FOLLOWING THE APPLICABLE ENDORSEMENT.

SOCIETY INSURANCE, A MUTUAL COMPANY

150 Camelot Drive P.O. Box 1029, Fond du Lac, WI 54936-1029

BUSINESSOWNERS LIABILITY

RENEWAL DECLARATION

LOCATION OF ALL PREMISES YOU OWN, RENT OR OCCUPY:

1 215 W College Ave, Appleton, WI 54911 5826

LOC	CLASSIFICATION	CODE	PREMIUM BASIS	EXPOSURE	PMS RATE	PDTS RATE	OTHER RATE	PD DED APPLIES
1	Distributors - no food or drink - Not Otherwise Classified	12362	Gross Sales	50,000	0.212	0.765		
1	Restaurants - with sale of alcoholic beverages that are 75% or more of the total annual receipts of the restaurants - with tables - without dance floor - no table service	16931	Square Footage	3,500	4.578	0.218		
1	Liquor Sales, Over 25% But Less Than Or Equal To 40%	58161	Gross Sales	750,000			0.806	

TOTAL BUSINESSOWNERS LIABILITY PREMIUM	\$ 2,416
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TOTAL PREMIUM	\$ 2,416
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FORMS AND ENDORSEMENTS

APPLYING TO THIS COVERAGE PART AND MADE PART OF THIS POLICY AT TIME OF ISSUE:

See Forms Schedule

NOTE: IF NO ENTRY APPEARS ON THE ABOVE ENDORSEMENTS, INFORMATION REQUIRED TO COMPLETE THE FORM WILL BE SHOWN ON THE SUPPLEMENTAL FORM DECLARATION IMMEDIATELY FOLLOWING THE APPLICABLE ENDORSEMENT.

SOCIETY INSURANCE, A MUTUAL COMPANY

150 Camelot Drive P.O. Box 1029, Fond du Lac, WI 54936-1029

BUSINESSOWNERS PACKAGE POLICY

PREMIUM SUMMARY

TOTAL BUSINESSOWNERS PREMIUM	\$	451
BALANCE TO MINIMUM BUSINESSOWNERS PREMIUM	\$	49
TOTAL BUSINESSOWNERS LIABILITY PREMIUM	\$	2,416
TOTAL SURCHARGE	\$	0
TOTAL BUSINESSOWNERS PACKAGE POLICY PREMIUM	\$	2,916

THESE DECLARATIONS AND THE COMMON POLICY DECLARATIONS, IF APPLICABLE, TOGETHER WITH THE COMMON POLICY CONDITIONS, COVERAGE FORM(S) AND ENDORSEMENTS, AND SUPPLEMENTAL FORM DECLARATION(S), IF ANY, ISSUED TO FORM A PART THEREOF, COMPLETE THE ABOVE NUMBERED POLICY

SOCIETY INSURANCE, A MUTUAL COMPANY

150 Camelot Drive P.O. Box 1029, Fond du Lac, WI 54936-1029

FORMS SCHEDULE

POLICY NO: BP22022148-1

RENEWAL OF BP22022148-0

ACCOUNT NUMBER:

NAMED INSURED AND MAILING ADDRESS

Chandelier LLC
215 W College Ave
Appleton, WI 54911-5826

AGENCY AND MAILING ADDRESS

Family Insurance Center LLC
1017 Orchard Dr
Seymour, WI 54165

00899

000

POLICY PERIOD: FROM 07/22/2023 TO 07/22/2024 AT 12:01 AM STANDARD TIME AT YOUR MAILING ADDRESS SHOWN ABOVE.

NOTE: IF NO ENTRY APPEARS ON THE FOLLOWING ENDORSEMENTS, INFORMATION REQUIRED TO COMPLETE THE FORM WILL BE SHOWN ON THE SUPPLEMENTAL FORM DECLARATION IMMEDIATELY FOLLOWING THE APPLICABLE ENDORSEMENT.

BUSINESSOWNERS POLICY FORMS	
BP0127 11-18	Wisconsin Changes
BP0417 01-10	Employment-Related Practices Exclusion
BP0489 01-10	Liquor Liability Coverage
BP0497 01-06	Waiver Of Transfer Of Rights Of Recovery Against Others To Us
BP0515 12-20	Disclosure Pursuant To Terrorism Risk Insurance Act
BP1505 05-14	Exclusion - Access Or Disclosure Of Confidential Or Personal Information And Data-Related Liability - Limited Bodily Injury Exception Not Included
TBP453 11-16	Water Backup And Sump Overflow
TSA710 10-18	TopShelf Extension Endorsement for Association Members
TBP9 10-08	Businessowners Common Policy Conditions
TBP84 05-15	Property Enhancement Endorsement Green Environmental and Energy Efficiency Improvements
TBP6 05-15	Businessowners Liability Coverage Form
TBP440 08-17	Asbestos - Exclusion
TBP2109 12-15	Exclusion - Unmanned Aircraft
TBP2 05-15	Businessowners Special Property Coverage Form
SAI42 09-02	Additional Insured - Designated Premises - Limited
TBP12 05-15	Product Spoilage

April 8, 2024

Submitted to: Municipal Services and Director of Public Works: Danielle Block
From: Creative Downtown Appleton Inc. (CDA) and Appleton Downtown Inc.

Public parklet proposal:

Creative Downtown Appleton Inc. (CDA) and Appleton Downtown Inc. are requesting approval to place an on street modular parklet for the duration of May 30 through October 31st 2024. The parklet would be located in 1 parking stall - Washington St. Space #289 with additional space to the west of the stall to accommodate the length of the unit.

The features of the proposed Public Parklet include:

- The parklet is a prefabricated Street Deck unit by Archatrak. Images and the installation manual are attached with unit specifications.
- The size of the unit is 6 feet wide by 32 feet long. It is a steel frame on raised support pedestals. The decking is porcelain pavers. The fence panels and planters are powder coated galvanized steel.
- **Access:** the unit is an ADA compliant design. The elevated adjustable steel frame allows for curb level entry and free flowing street drainage.
- **Safety:** The unit currently features LED lighting and reflective tape along the top railing. The steel fence and planters add additional safety while still providing visual sight into the unit as shown in the attached images. Additional lighting can be added at the request of the city.
- **Comfort:** the unit will feature up to three tables and six chairs as shown in the attached images
- **Artful elements:** The eight steel planters are wrapped with mural vinyl images of world instruments.

Additional features:

- The fence planters will be planted with edible fragrant herbs. With signs inviting the public to enjoy.
- We would like to add pet waste bags and leash hooks to welcome our furry friends.
- Signage on the unit includes sponsor recognition and a sign stating *no alcohol allowed*.
- We are also exploring some way to shade the planter boxes.

Installation: CDA/ADI will coordinate installation of the unit. We will source a team to complete the install. We would ask for the City to provide an inspection of the unit.

Maintenance: ADI will be responsible for daily cleaning of the parklet and any related maintenance or repair of the unit.

Drainage: The unit is constructed with a pedestal and frame design to allow for adequate drainage. Please see attached image.

Ownership and Insurance: the parklet unit will be owned by CDA and included within our liability insurance policy. We will work with the City on requirements to provide needed certificate of insurance listing City of Appleton as additionally insured.

Expenses: CDA will cover all expenses related to the purchase, install and maintenance of the parklet unit, features and furniture as well as fees related to lost parking revenue.







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

January 2022

CITY OF APPLETON ON-STREET PARKLET POLICY

The objective of this policy is to establish the guidelines in which on-street parking spaces may be reallocated to provide amenities and green space for the general public to sit and enjoy.

PROCEDURE

All requests for on-street parklets shall be submitted by a not-for-profit organization representing businesses to the Department of Public Works to be reviewed against the criteria set forth in this policy. Requests not meeting the criteria shall be denied administratively. Requests meeting the criteria shall be forwarded to the Municipal Services Committee and Common Council for consideration.

All written submittals shall contain the following information:

1. Name of sponsoring organization.
2. Location of requested parklet.
3. Number of parking stalls to be reallocated for parklet.
4. Dimensioned site plan including all details of parklet such as load bearing and railing force rating specifications, finishes, plant species, furniture, parklet covering(s), etc.
5. Maintenance plan including responsible party and how drainage will be provided along existing street gutter.
6. Documentation of support from immediately adjacent property/business owners.

APPROVAL CRITERIA

1. On-street parklets shall be permitted from May 1st through October 31st, unless they need to be removed for pre-determined special events.
2. On-street parklets shall be located at least one parking spot in from a corner or protected by bollards, sidewalk bump-out, or other city approved barrier.
3. Street has an existing parking lane.
4. Street is a two-lane roadway with a posted speed limit of 25 MPH or slower.
5. On-street parklets shall be required to provide a minimum of one square foot of city-approved reflective tape or other similar reflective material on each of the two corners that are adjacent to traffic.
6. On-street parklets shall include a minimum of one city-approved reflective soft hit post and one wheel stop on each end.
7. On-street parklets shall not be allowed in front of a fire hydrant, a maintenance hole, or public utility valve cover, or otherwise obstruct access to city infrastructure.
8. On-street parklets shall not extend more than 7 feet into the roadway.
9. On-street parklet deck must be flush with the curb and may not have more than a ½" gap from the curb.
10. On-street parklets shall not be allowed immediately adjacent to a sidewalk café.

11. On-street parklet must be ADA accessible with a minimum 36" ADA accessible entryway.
12. Platform of the on-street parklet may not impede street drainage and should have a 6" gap maintained between the body of the deck and the curb to facilitate the movement of water.
13. The perimeter of the parklet shall be enclosed utilizing planters, railings or cables. The enclosure system shall be visually permeable. If cables are used, vertical spacing between cables may not exceed 6".
14. All on-street parklet rails must be capable of withstanding a 200-pound horizontal force.
15. On-street parklet platform shall not exceed a 2% cross slope.
16. All furniture must be contained within the parklet.

PURCHASED PARKING FEE

1. A daily fee equal to that charged to bag a parking meter per purchased stall will be charged Monday through Saturday, for the duration of the parklet.
2. This fee will be billed to the sponsoring organization upon approval by the Common Council and is non-refundable.
3. Rates are subject to change by the Common Council.

PERMIT ISSUANCE

On-Street Parklet Permit shall be issued upon receipt of the following:

1. Common Council approval.
2. Purchased Parking Fee and Street Occupancy Permit Fee.
3. All other approvals and permits must be in place, including a Special Use Permit for alcohol consumption in city right-of-way.
4. Applicant shall provide a certificate of insurance to the City. The certificate of insurance shall name the "City of Appleton, its officers, council members, agents, employees and authorized volunteers" as additional insureds under applicant's commercial general liability insurance coverage. Applicant's commercial general liability policy must contain the following minimum coverages and limits:
 - a. Bodily Injury and Property Damage Liability, Each Occurrence Limit - \$1,000,000
 - b. Personal and Advertising Injury Limit - \$1,000,000
 - c. General Aggregate Limit - \$2,000,000
 - d. Product Liability (if food or drink will be sold by the applicant), each occurrence limit - \$1,000,000
 - e. Products Completed/Operations Aggregate - \$2,000,000
 - f. Medical Expense Limit (any one person) - \$5,000

If applicant will be permitting, selling, or serving alcoholic beverages in relation to the parklet use, applicant must carry liquor liability insurance with a minimum limit of \$1,000,00 each occurrence / \$1,000,000 aggregate limit.

Applicant agrees to maintain these minimum insurance coverages and limits for the duration of their permit.



DEPARTMENT OF
LEGAL
& ADMINISTRATIVE SERVICES

OFFICE OF THE CITY CLERK

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

MEMORANDUM

Redistricting WI 2023 Act 94

Date: April 25, 2024

To: Safety & Licensing Committee, Christopher Croatt – Chair;
Common Council

From: Kami Lynch, City Clerk *KL*

Encl: 2024 Ward Map (1), Ordinance 30-24 (1) & Ordinance 31-24 (1)

On February 19, 2024, the Wisconsin Legislature enacted 2023 Act 94 related to legislative redistricting, modifying Senate and Assembly District boundaries. As a result, various municipal Wards have been split by the new legislative boundaries requiring the modification of Ward boundaries and the creation of new Wards.

The city previously had 53 Wards among the 15 aldermanic districts. The new plan would have 59 Wards. Some of the Ward splits were able to be absorbed into existing Wards while some Wards were renumbered to create a more logical sequence, yet the geography of the Ward itself may not have changed. The proposed new Ward map is enclosed for reference. There have been no changes to Aldermanic District boundaries. The related Ordinance updates required for these changes are also enclosed for your information.

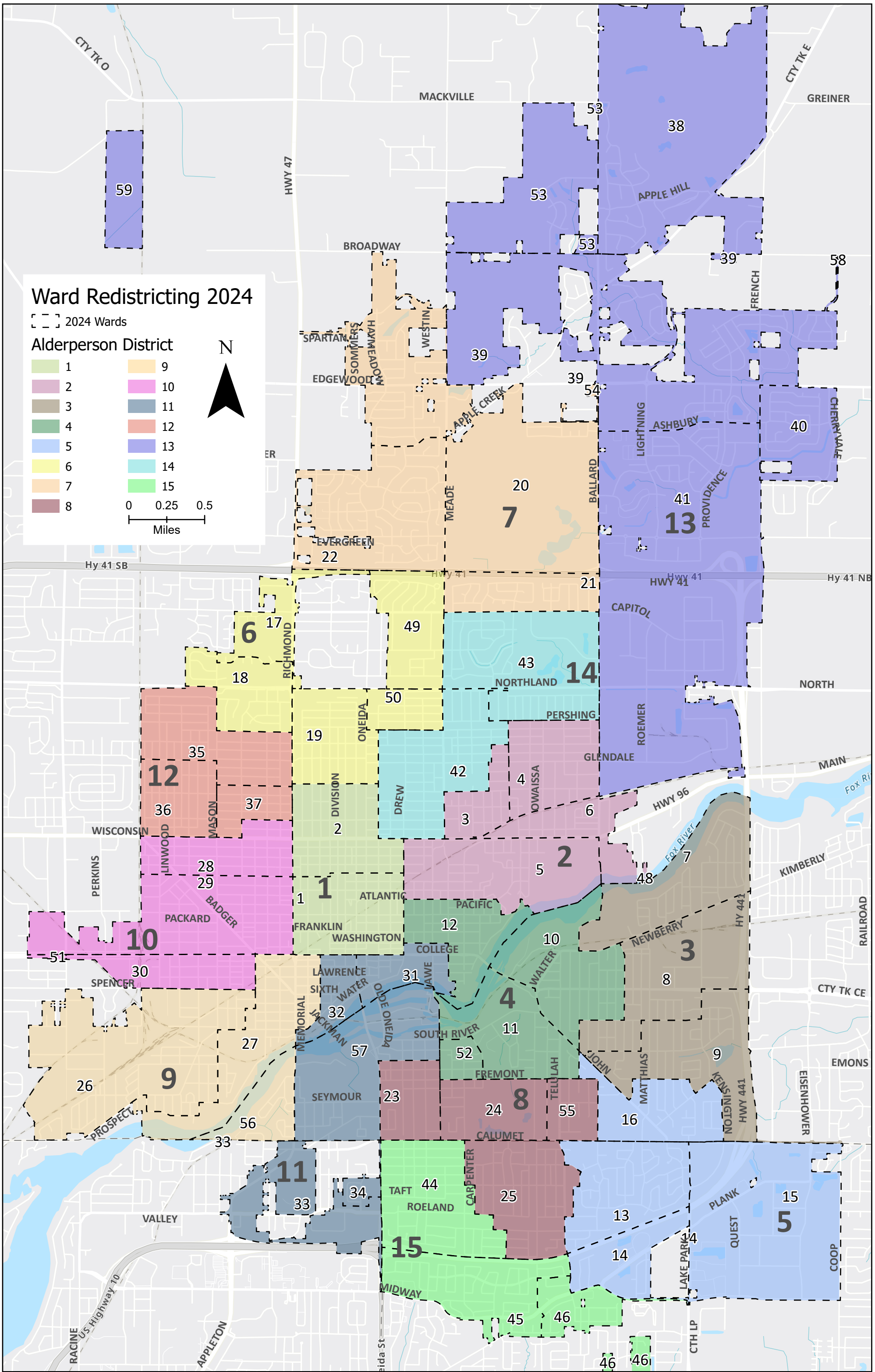
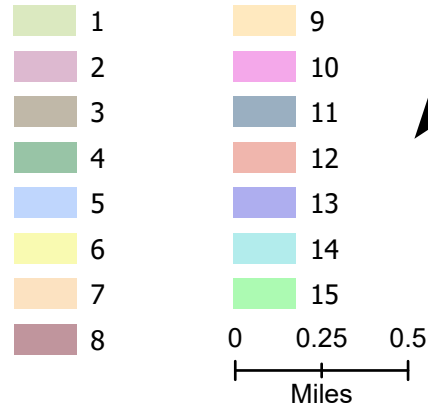
These Ward changes must be approved by the governing body as soon as possible, with the deadline for entry into the GeoData Collector system by May 24th. This allows for the Wisconsin Elections Commission and municipal clerks to make necessary adjustments in WisVote prior to election plan submittal and candidate entry for the August 13th Partisan Primary election.

If there are any questions, I am happy to answer them in advance of, or at the meeting. Thank you for timely attention to this matter.

Ward Redistricting 2024

[- - -] 2024 Wards

Alderson District



30-24

AN ORDINANCE REVISING SECTION 2-3 OF THE GENERAL ORDINANCES OF THE CITY OF APPLETON, RELATING TO BOUNDARIES AND WARDS BE REVISED TO READ:

(Redistricting, 2024 – 2/19/2024 WI 2023 Act 94)

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

Section 1: The City of Appleton shall be divided into fifty-nine (59) wards as follows:

(Descriptions are based on centerlines of streets, centerline of intersections of two streets, centerline of the Fox River and railroads and exact boundary of the City of Appleton Corporate Limit Line, unless otherwise noted).

THE FIRST WARD

The first ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of College Avenue and Richmond Street and being the point of beginning; thence North on Richmond Street to Winnebago Street; thence East on Winnebago Street to Division Street; thence North on Division Street to Winnebago Street; thence East on Winnebago Street to Drew Street; thence South on Drew Street to College Avenue; thence West on College Avenue to the point of beginning.

THE SECOND WARD

The second ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Winnebago Street and Richmond Street and being the point of beginning; thence North on Richmond Street to Parkway Blvd.; thence East on Parkway Blvd. to Morrison Street; thence South on Morrison Street to Wisconsin Avenue; thence East on Wisconsin Avenue to Drew Street; thence South on Drew Street to Winnebago Street; thence West on Winnebago Street to Division Street; thence South on Division Street to Winnebago Street; thence West on Winnebago Street to the point of beginning.

THE THIRD WARD

The third ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Wisconsin Avenue and Meade Street and being the point of beginning; thence North on Meade Street to Grant Street; thence East on Grant Street to Racine Street; thence North on Racine Street to Glendale Avenue; thence East on Glendale Avenue to Racine Street; thence North on Racine Street to Marquette Street; thence East on Marquette Street to McDonald Street; thence South on McDonald Street to Randall Avenue; thence Southwesterly on Randall Avenue to Wisconsin Avenue; thence West on Wisconsin Avenue to the point of beginning.

THE FOURTH WARD

The fourth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of McDonald Street and Randall Avenue and being the point of beginning; thence North on McDonald Street to Pershing Street; thence East on Pershing Street to Ballard Road; thence South on Ballard Road to Randall Avenue; thence Southwesterly on Randall Avenue to the point of beginning.

THE FIFTH WARD

The fifth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Pacific Street and Drew Street and being the point of beginning; thence North on Drew Street to Wisconsin Avenue; thence East on Wisconsin Avenue to Ballard Road; thence South on Ballard Road and the Southerly extension to the main channel of the Fox River; thence West and Southwesterly along the main channel of the Fox River to the Southeasterly extension of Green Bay Court; thence Northwesterly along said extension and then on Green Bay Court to Green Bay Road; thence Southwesterly on Green Bay Road to North Street; thence West on North Street to Wood Street; thence North on Wood Street to Vine Street; thence Northwesterly on Vine Street to Pacific Street; thence West on Pacific Street to the point of beginning.

THE SIXTH WARD

The sixth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Wisconsin Avenue and Randall Avenue and being the point of beginning; thence Northeasterly along Randall Avenue and it's extension to the extension of the East line of Outlot 1 of Certified Survey Map No. 7537 as recorded in Volume 2 of Certified Survey Map on page 7537 as document No 2133499, located in the City of Appleton, Outagamie County; thence South along the East line of said Certified Survey Map No. 7537 to an angle point in the corporate limits; thence continue in a Southerly direction along the corporate limits to the main channel of the Fox River; thence Westerly along the main channel of the Fox River to the Southerly extension of Ballard Road; thence North on said Southerly extension then along Ballard Road to Wisconsin Avenue; thence West on Wisconsin Avenue to the point of beginning.

THE SEVENTH WARD

The seventh ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Newberry Street and Weimar Court and being the point of beginning; thence North and then Northeasterly and East on Weimar Court to the East line of the of Section 25, T.21N., R.17E., thence North along the East line of said Section 25 to the main channel of the Fox River; thence Northeasterly along the main channel of the Fox River to the East line of Section 29, T.21N., R.18E.; thence South along the East line of said Section 29 to Newberry Street; thence Southwesterly on Newberry Street to the East line of Lot 4 of Certified Survey Map No. 494; thence South along the East line of said Lot 4 to the Southerly line of said Certified Survey Map No. 494; thence Southwesterly along the Southerly line of said Certified Survey Map No. 494 to the West line thereof; thence North 171.76 feet m/l along the West line of said Certified Survey Map No. 494 to the Southeast corner of City of Appleton tax parcel number 31-4-5576-00; thence Southwesterly 131.00 feet along the Southerly line of said City of Appleton tax parcel number 31-4-5576-00 to the West line thereof; thence North 195.00 feet m/l along the West line of said City of Appleton tax parcel number 31-4-5576-00 and the

Northerly extension thereof to the centerline of Newberry Street; thence Southwesterly along Newberry Street to Weimar Court and the point of beginning.

THE EIGHTH WARD

The eighth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Newberry Street and Buchanan Street and being the point of beginning; thence Northeasterly on Newberry Street to the Northerly extension of the West line of City of Appleton tax parcel number 31-4-5576-00; thence South 195.00 feet m/l along the West line of said City of Appleton tax parcel number 31-4-5576-00 to the Southwest corner thereof; thence Northeasterly 131.00 feet along the Southerly line of said City of Appleton tax parcel number 31-4-5576-00 to the West line of Certified Survey Map No. 494; thence South 171.76 feet m/l along the West line of said Certified Survey Map No. 494 to the Southwesterly corner thereof; thence Northeasterly along the Southerly line of said Certified Survey Map No. 494 to the East line thereof; thence North along the East line of Lot 4 of said Certified Survey Map No. 494 and the Northerly extension to the centerline of Newberry Street; thence Northeasterly along Newberry Street to Marcella Street and the corporate limits; thence South along the corporate limits to College Avenue; thence West on College Avenue to Kensington Drive; thence South on Kensington Drive to Forest Street; thence West on Forest Street to Fidelis Street; thence South on Fidelis Street to Lourdes Drive; thence West on Lourdes Drive to Arlington Street; thence South and Southwest on Arlington Street to John Street; thence Northwest on John Street to Weimar Street; thence North on Weimar Street to Forest Street; thence East on Forest Street to Buchanan Street; thence North of Buchanan Street to Newberry Street and the point of beginning.

THE NINETH WARD

The ninth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of John Street and Arlington Street and being the point of beginning; thence Northeasterly on Arlington Street to Lourdes Drive; thence East on Lourdes Drive to Fidelis Street; thence North on Fidelis Street to Forest Street; thence East on Forest Street to Kensington Drive; thence North on Kensington Drive to College Avenue; thence East on College Avenue to the corporate limits; the South on the corporate limits to Calumet Street; thence West on Calumet Street to Kensington Drive; thence North on Kensington Drive to Rail Road; thence Southwesterly on Rail Road to Chickadee Lane; the Northwesterly on Chickadee Lane to Bona Avenue; thence West on Bona Avenue to Midpark Drive; thence South and Southwest on Midpark Drive to John Street; the Northwesterly on John Street to the point of beginning.

THE TENTH WARD

The tenth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of the College Avenue Bridge and the main channel of the Fox River and being the point of beginning; thence Northeasterly along the main channel of the Fox River to the East line of Section 25, T.21N., R.17E.; thence South along the East line of said Section 25 to Weimar Court; thence West, Southwesterly and South on Weimar Court to Newberry Street; thence East and Northeasterly on Newberry Street to Buchanan Street; thence Southeast and South on Buchanan Street to Forest Street; thence West on Forest Street to Weimar Street; thence South on Weimar Street to John Street; thence Northwesterly on John Street to College Avenue; thence Northwesterly on College Avenue and the College Avenue Bridge to the point of beginning.

THE ELEVENTH WARD

The eleventh ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of the Lawe Street Bridge and the main channel of the Fox River and being the point of beginning; thence Southeasterly and Northeasterly along the main channel of the Fox River to the College Avenue Bridge; thence Southeasterly on the College Avenue Bridge and College Avenue to John Street; thence Southeasterly on John Street to Weimar Street; thence South on Weimar Street to Fremont Street; thence West on Fremont Street to East Street; thence North and Northwest on East Street to South River Street; Westerly on South River Street to Lawe Street; thence North and Northwesterly on Lawe Street to the point of beginning.

THE TWELFTH WARD

The twelfth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Drew Street and Pacific Street and being the point of beginning; thence East on Drew Street to Vine Street; thence Southeasterly on Vine Street to Wood Street; thence South on Wood Street to North Street; thence East on North Street to Green Bay Road; thence Northeasterly on Green Bay Road to Green Bay Court; thence Southeasterly along Green Bay Court and the Southeasterly extension of Green Bay Court to the main channel of the Fox River; thence Southwesterly and Northwesterly along the main channel of the Fox River to the Lawe Street Bridge; thence East-South-East to the Southeasterly end of Brokaw Place; thence Northwest and North on Brokaw Place to South Street; thence West on South Street to Meade Street; thence North on Meade Street to Washington Street; thence West of Washington Street to Drew Street; thence North on Drew Street to the point of beginning.

THE THIRTEENTH WARD

The thirteenth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Calumet Street and Telulah Avenue and being the point of beginning; thence East on Calumet Street to Lake Park Road; thence South on Lake Park Road to S.T.H. "441"; thence Southwesterly on S.T.H. "441" to Telulah Avenue; thence North on Telulah Avenue to Roeland Avenue; thence East on Roeland Avenue to Jason Drive; thence North and East on Jason Drive to Schaefer Circle; thence North on Schaefer Circle to Harding Drive; thence Northwesterly on Harding Drive to Telulah Avenue; thence Northwesterly on Telulah Avenue to the point of beginning.

THE FOURTEENTH WARD

The fourteenth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Midway Road and Telulah Avenue and being the point of beginning; thence Northerly on Telulah Avenue to S.T.H. "441"; thence Northeasterly on S.T.H. "441" to Lake Park Road; thence South on Lake Park Road to Plank Road; thence Southwesterly on Plank Road to the East line of Aspen Ridge Plat; thence South along the East line of Aspen Ridge Plat to Midway Road; thence West, Northwesterly and Southwesterly on Midway Road to the point of beginning.

THE FIFTEENTH WARD

The fifteenth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of the corporate limits and Lake Park Road

and being the point of beginning; thence North on Lake Park Road to County Highway “KK” (Calumet Street); thence East on County Highway “KK” (Calumet Street) to the corporate limits; thence clockwise along the corporate limits to Lake Park Road and the point of beginning. Excepting all that land along Plank Road (County Highway “AP”) and Lake Park Road not currently within the corporate limits.

THE SIXTEENTH WARD

The sixteenth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Schaefer Street and Calumet Street and being the point of beginning; thence North on Schaefer Street to Fremont Street; thence West on Fremont Street to Weimar Street; thence North on Weimar Street to John Street; thence Southeasterly on John Street to Midpark Drive; thence Northeasterly and North on Midpark Drive to Bona Avenue; thence East on Bona Avenue to Chickadee Lane; thence Southeasterly on Chickadee Lane to Rail Road; thence Northeasterly on Rail Road to Kensington Drive; thence Southeasterly and South on Kensington Drive to Calumet Street; thence West on Calumet Street to the point of beginning.

THE SEVENTEENTH WARD

The seventeenth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Mason Street and Ridgeview Drive and being the point of beginning; thence North on Mason Street to the corporate limits; thence East and then clockwise along the corporate limits to the West line of the NE $\frac{1}{4}$ of Section 14, T.21N., R.17E; thence South along the West line of the NE $\frac{1}{4}$ of said Section 14, T.21N., R.17E to the South line of Interstate “41” and also being the corporate limits; thence West along the corporate limits and continue in a clockwise direction along said corporate limits to Northland Avenue; thence West on Northland Avenue to Richmond Street; thence North on Richmond Street to Ridgeview Drive; thence West on Ridgeview Drive to the point of beginning.

THE EIGHTEENTH WARD

The eighteenth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Lindbergh Street and Mason Street and being the point of beginning; thence North on Mason Street to Northland Avenue; thence West on Northland Avenue to the corporate limits; thence North and continuing in a clockwise direction along the corporate limits line to Mason Street; thence South on Mason Street to Ridgeview Drive; thence East along Ridgeview Drive to Richmond Street; thence South on Richmond Street to Lindbergh Street; thence West on Lindbergh Street to the point of beginning.

THE NINETEENTH WARD

The nineteenth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Parkway Avenue and Richmond Street and being the point of beginning; thence North on Richmond Street to Northland Avenue; thence East on Northland Avenue to Oneida Street; thence South on Oneida Street to Lindbergh Street; thence East on Lindbergh Street to Morrison Street; thence South on Morrison Street to Parkway Avenue; thence West on Parkway Avenue to the point of beginning.

THE TWENTIETH WARD

The twentieth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Apple Creek Road and the Corporate limits at the West line of the NE ¼ of Section 11, T.21N., R.17E and being the point of beginning; thence North and then continue in a clockwise direction along the corporate limits to Meade Street; thence South on Meade Street to Edgewood Drive; thence East on Edgewood Drive to the corporate limits; thence South and then continue in a clockwise direction along the corporate limits to the intersection of Holiday Drive and Melody Lane; thence East on Melody Lane to Ballard Road; thence South on Ballard Road to Interstate “41”; thence West on Interstate “41” to Meade Street; thence North on Meade Street to Apple Creek Road; thence Westerly on Apple Creek Road to the point of beginning. Excepting all that land within the afore described boundary that is not currently within the corporate limits.

THE TWENTY-FIRST WARD

The twenty-first ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Capitol Drive and Meade Street and being the point of beginning; thence North on Meade Street to Interstate “41”; thence East on Interstate “41” to Ballard Road; thence South on Ballard Road to Capitol Drive; thence West on Capitol Drive to the point of beginning.

THE TWENTY-SECOND WARD

The twenty-second ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Interstate “41” and the corporate limits in the NE ¼ of Section 15, T.21N., R.17E. and being the point of beginning; thence North and then continue in a clockwise direction along the corporate limits to Apple Creek Road; thence Easterly along Apple Creek Road to Meade Street; thence South on Meade Street to Interstate “41”; thence West on Interstate “41” to the point of beginning. Excepting all that land along Alvin Street, Evergreen Drive and Richmond Street not currently within the corporate limits.

THE TWENTY-THIRD WARD

The twenty-third ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection Calumet Street and Oneida Street and being the point of beginning; thence North on Oneida Street to McKinley Street; thence East on McKinley Street to Lawe Street; thence South on Lawe Street to Calumet Street; thence West on Calumet Street to the point of beginning.

THE TWENTY-FOURTH WARD

The twenty-fourth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Lawe Street and Calumet Street and being the point of beginning; thence North on Lawe Street to Fremont Street; thence East on Fremont Street to Walden Avenue; thence South on Walden Avenue to Calumet Street; thence West on Calumet Street to the point of beginning.

THE TWENTY-FIFTH WARD

The twenty-fifth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of S.T.H. “441” and Cypress Street and being the point of beginning; thence North on Cypress Street to Sylvan Avenue; thence West on Sylvan to Greenview Street; thence North on Greenview Street to Roeland Avenue; thence West

on Roeland Avenue to Harmon Street; thence North on Harmon Street to Taft Avenue; thence West on Taft Avenue to Carpenter Street; thence North on Carpenter Street to Calumet Street; thence East on Calumet Street to Telulah Avenue; thence Southeasterly on Telulah Avenue to Harding Drive; thence East and Southeasterly on Harding Drive to Schaefer Circle; thence South on Schaefer Circle to Jason Drive; thence West and South on Jason Drive to Roeland Avenue; thence West on Roeland Avenue to Telulah Avenue; thence South and Southeasterly on Telulah Avenue to S.T.H. "441"; thence Westerly on S.T.H. "441" to the point of beginning.

THE TWENTY-SIXTH WARD

The twenty-sixth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of North line of Prospect Avenue, the corporate limits and the West line of Willow Glen Subdivision and being the point of beginning; thence North and then continuing in a clockwise direction along the corporate limits to Whitman Avenue; thence North on Whitman Avenue to Spencer Street; thence East on Spencer Street to Story Street; thence South on Story Street to Fourth Street; thence West on Fourth Street to Summit Street; thence South on Summit Street to Prospect Avenue; thence West on Prospect Avenue to Mason Street; thence South on Mason Street to Cedar Street; thence West on Cedar Street to Outagamie Street; thence South on Outagamie Street to Reid Drive; thence Westerly on Reid Drive to Hillcrest Drive; thence North on Hillcrest Drive to Prospect Avenue; thence Southwesterly on Prospect Avenue to the corporate limits; thence Northwesterly, West and South along the corporate limits to Prospect Avenue; thence West on Prospect Avenue to the point of beginning.

THE TWENTY-SEVENTH WARD

The twenty-seventh ward shall include and contain all that portion of territory lying within the following confines: Commencing at the Southwest corner of Section 34, T.21N., R.17E.; thence North along the West line of the SW ¼ of said Section 34 to the South shore of the Fox River and being the point of beginning; thence continue North and then continue in a clockwise direction along the corporate limits to Prospect Avenue; thence Northeasterly on Prospect Avenue to Hillcrest Drive; thence South on Hillcrest Drive to Reid Drive; thence Easterly on Reid Drive to Outagamie Street; thence North on Outagamie Street to Cedar Street; thence East on Cedar Street to Mason Street; thence North on Mason Street to Prospect Avenue; thence East on Prospect Avenue to Summit Street; thence North on Summit Street to Fourth Street; thence East on Fourth Street to Story Street; thence North on Story Street to College Avenue; thence East on College Avenue to Walnut Street; thence South on Walnut Street to Prospect Avenue; thence Southwesterly and West on Prospect Avenue to Memorial Drive; thence South on Memorial Drive and the Memorial Drive Bridge; thence Southwesterly on the Center thread of the Fox River to the Outagamie County line and the corporate limits; thence West along the Outagamie County line and the corporate limits to an angle point in the corporate limits; thence North along the corporate limits to the South shore of the Fox River; thence Westerly along the South shore of the Fox River to the point of beginning.

THE TWENTY-EIGHTH WARD

The twenty-eighth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Winnebago Street and the corporate limits at the East line of Canadian National Railroad and being the point of beginning; thence North along the corporate limits to Wisconsin Avenue; thence East on Wisconsin Avenue to Summit Street; thence North on Summit Street to Brewster Street; thence East on Brewster Street to Richmond Street; thence South on Richmond Street to Winnebago Street; thence West on

Winnebago Street to the point of beginning.

THE TWENTY-NINTH WARD

The twenty-ninth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of the College Avenue, Lilas Drive and the corporate limits and being the point of beginning; thence North and continue in a clockwise direction along the corporate limits to the Canadian National Railroad located near the East line of the SE ¼ of Section 28, T.21N., R.17E.; thence North along the Canadian National Railroad to to Winnebago Street; thence East on Winnebago Street to Richmond Street; thence South on Richmond Street to College Avenue; thence West on College Avenue to the point of beginning.

THE THIRTIETH WARD

The thirtieth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Spencer Street and Story Street and being the point of beginning; thence West on Spencer Street to the corporate limits; thence North, West and South along the corporate limits to Spencer Street; thence West on Spencer Street to the Canadian National Railroad; thence Northwesterly along the Canadian National Railroad to the corporate limits; thence West on the corporate limits to Lynndale Drive; thence North on Lynndale Drive to College Avenue; thence East on College Avenue to Story Street; thence South on Story Street to the point of beginning.

THE THIRTY-FIRST WARD

The thirty-first ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of College Avenue and Appleton Street; thence East on College Avenue to Drew Street; thence North on Drew Street to Washington Street; thence East on Washington Street to Meade Street; thence South on Meade Street to South Street; thence East on South Street to Brokaw Place; thence South and Southeast on Brokaw Place to its Southeast end; thence West-North-West to the Lawe Street Bridge at the main channel of the Fox River; thence Northwesterly and Southwesterly along the main channel of the Fox River to the Oneida Street Bridge; thence Northwesterly on the Oneida Street Bridge and Oneida Street to Appleton Street; thence North on Appleton Street to the point of beginning.

THE THIRTY-SECOND WARD

The thirty-second ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Prospect Avenue and Memorial Drive and being the point of beginning; thence East and Northeasterly on Prospect Avenue to Walnut Street; thence North on Walnut Street to College Avenue; thence East on College Avenue to Appleton Street; thence Southeasterly on Appleton Street to the Oneida Street Bridge; thence continue Southeasterly on the Oneida Street Bridge to the main channel of the Fox River; thence Southwesterly on the main channel of the Fox River to the Memorial Drive Bridge; thence North on the Memorial Drive Bridge and then Memorial Drive to the to the point of beginning.

THE THIRTY-THIRD WARD

The thirty-third ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of the North line of State Highway "441" and Memorial Drive and being the point of beginning; thence North on Memorial Drive and following the corporate limits in a clockwise direction to the Outagamie/Winnebago County line;

thence East on the Outagamie/Winnebago County line to the corporate limits at the North ¼ corner of Section 1, T.20N., R.17E.; thence South and then following the corporate limits in a clockwise direction to the West line of Oakwood Heights Plat; thence South and East along said Plat line to the East line of Kerry Lane; thence continue East along the South line of the Replat of Lots 42-51 of Oakwood Heights Plat; thence North along the East line of the Replat of Lots 42-51 of Oakwood Heights Plat to the North line of tax parcel number 31-8-1513-00; thence East along said North line to Oneida Street; thence South on Oneida Street to State Highway “441” and the corporate limits; thence continuing in a clockwise direction along the corporate limits to the point of beginning.

And

The thirty-third ward shall include and contain all that portion of territory lying within the following confines: A part of Lot 2 of Certified Survey Map No. 339 as recorded in Volume 2 of Certified Survey Map on page 339 as document No 845581, located in the City of Appleton, Winnebago and Outagamie County, Wisconsin, described as follows: All that part of said Lot 2 within Winnebago County.

THE THIRTY-FOURTH WARD

The thirty-fourth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of the Wilson Avenue, Oneida Street and the corporate limits and being the point of beginning; thence South on Oneida Street to the North line of tax parcel number 31-8-1513-00; thence West along the North line of said tax parcel to the East line of the Replat of Lots 42-51 of Oakwood Heights Plat; thence South and West along said Plat line to West line of Kerry Lane; thence West and along the South line of Oakwood Heights Plat to the West line thereof; thence North along the West line of Oakwood Heights Plat to the corporate limits; thence continue North and in a clockwise direction along the corporate limits to the point of beginning.

THE THIRTY-FIFTH WARD

The thirty-fifth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Parkway Boulevard and Mason Street and being the point of beginning; thence North on Mason Street to Glendale Avenue; thence West on Glendale Avenue to the corporate limits at the East line of the Canadian National Railroad; thence North along the corporate limits line to Northland Avenue; thence East on Northland Avenue to Mason Street; thence South on Mason Street to Lindbergh Street; thence East on Lindbergh Street to Richmond Street; thence South on Richmond Street to Parkway Boulevard; thence West on Parkway Boulevard to the point of beginning.

THE THIRTY-SIXTH WARD

The thirty-sixth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Wisconsin Avenue and the corporate limits at the East line of Canadian National Railroad and being the point of beginning; thence North along the corporate limits to Glendale Avenue; thence East on Glendale Avenue to Mason Street; thence South on Mason Street to Wisconsin Avenue; thence West on Wisconsin Avenue to the point of beginning.

THE THIRTY-SEVENTH WARD

The thirty-seventh ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Wisconsin Avenue and Mason Street and

being the point of beginning; thence North on Mason Street to Parkway Boulevard; thence East on Parkway Boulevard to Richmond Street; thence South on Richmond Street to Brewster Street; thence West on Brewster Street to Summit Street; thence South on Summit Street to Wisconsin Avenue; thence West on Wisconsin Avenue to the point of beginning.

THE THIRTY-EIGHTH WARD

The thirty-eighth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Ballard Road and Broadway Drive and being the point of beginning; thence North on Ballard Road to a point 135.6 feet m/l south of the West $\frac{1}{4}$ corner of Section 30, T.22N., R.18E. and being an angle point in the corporate limits; thence East 180 feet along the corporate limits and continue in a clockwise direction along the corporate limits to its intersection with the centerline of French Road and Broadway Drive; thence West 1739.5 feet m/l on Broadway Drive to the Northerly extension of the East line of Lanser Lane and also being a point on the corporate limits line; thence North 33 feet along the corporate limits to a point also being the North line of Broadway Drive and continue East and then in a clockwise direction along the corporate limits to a point on the South line of the SW $\frac{1}{4}$ of Section 31, T.22N., R.18E. said point being 913.6 feet m/l East of the point of beginning; thence West 913.6 feet m/l along the South line of the SW $\frac{1}{4}$ of Section 31, T.22N., R.18E. to the point of beginning.

THE THIRTY-NINTH WARD

The thirty-ninth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Meade Street and Broadway Drive and being the point of beginning; thence East on Broadway Drive to Ballard Road; thence East along the South line of the SW $\frac{1}{4}$ of Section 31, T.22N., R.18E. to the corporate limits at a point on the South line of Lot 33, Apple Hill Farms; thence Southeasterly and continue in a clockwise direction along the corporate limits to West line of Sequoia Drive; thence North, Northeasterly and North along the West line of Sequoia Drive and being coincident with the corporate limits to the South line of Broadway Drive; thence East 36.98 feet along the South line of Broadway Drive to the West line of the Fractional NE $\frac{1}{4}$ of Section 5, T.21N., R.18E., thence South $00^{\circ}16'59''$ West 1477.99 feet along the West line of the Fractional NE $\frac{1}{4}$ of said Section 5 to a point on the Southeast line of Sequoia Drive and also being on the corporate limits line; thence Southwesterly along the corporate limits and continue on the corporate limits line to Edgewood Drive; thence West on Edgewood Drive to French Road; thence South on French Road to Ashbury Drive; thence West on Ashbury Drive to Ballard Road; thence North on Ballard Road to Edgewood Drive; thence West on Edgewood Drive to Meade Street; thence North on Meade Street to its intersection with Spartan Drive and the corporate limits; thence East along the corporate limits and continue in a clockwise direction along the corporate limits and then Meade Street to the point of beginning. Excepting all that land within the afore described area that is not currently within the corporate limits.

And

The East 109 feet of the West 578 feet of the South 11 acres of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 1, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, less and excepting premises conveyed and/or used for highway purposes.

And

All of that property lying South of Broadway Drive that is within the City of Appleton corporate limits and that is located in the North $\frac{1}{2}$ of the Fractional NE $\frac{1}{4}$ of Section 6, T.21N., R.18E. (East of Lanser Lane and South of Broadway Drive).

THE FORTIETH WARD

The fortieth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Edgewood Drive and French Road and being the point of beginning; thence East on Edgewood Drive to the East corporate limits; thence South and West along the corporate limits to French Road; thence North on French Road to the point of beginning. Excepting all that land within the afore described area that is not currently within the corporate limits.

THE FORTY-FIRST WARD

The forty-first ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Ashbury Drive and Ballard Road and being the point of beginning; thence East on Ashbury Drive to French Road; thence South on French Road to its intersection with the corporate limits; thence continue South and in a clockwise direction along the corporate limits to Wisconsin Avenue; thence Southwesterly on Wisconsin Avenue to the intersection of Ballard Road; thence North on Ballard Road to the point of beginning. Excepting all that land within the afore described area that is not currently within the corporate limits.

THE FORTY-SECOND WARD

The forty-second ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Wisconsin Avenue and Morrison Street and being the point of beginning; thence North on Morrison Street to Lindbergh Street; thence East on Lindbergh Street to Meade Street; thence North on Meade Street to Northland Avenue; thence East on Northland Avenue to Oakwood Court; thence South on Oakwood Court to Pershing Street; thence East on Pershing Street to McDonald Street; thence South on McDonald Street to Marquette Street; thence West on Marquette Street to Racine Street; thence South on Racine Street to Glendale Avenue; thence West on Glendale Avenue to Racine Street; thence South on Racine Street to Grant Street; thence West on Grant Street to Meade Street; thence South on Meade Street to Wisconsin Avenue; thence West on Wisconsin Avenue to the point of beginning.

THE FORTY-THIRD WARD

The forty-third ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Northland Avenue and Meade Street and being the point of beginning; thence North on Meade Street to Capitol Drive; thence East on Capitol Drive to Ballard Road; thence South on Ballard Road to Pershing Street; thence West on Pershing Street to Oakwood Court; thence North on Oakwood Court to Northland Avenue; thence West on Northland Avenue to the point of beginning.

THE FORTY-FOURTH WARD

The forty-fourth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of S.T.H. "441" and Oneida Street and being the point of beginning; thence North on Oneida Street to Calumet Street; thence East on Calumet Street to Carpenter Street; thence South on Carpenter Street to Taft Avenue; thence East on Taft Avenue to Harmon Street; thence South on Harmon Street to Roeland Avenue; thence East on

Roeland Avenue to Greenview Street; thence South on Greenview Street to Sylvan Avenue; thence East on Sylvan Avenue to Cypress Street; thence South on Cypress Street to S.T.H. "441"; thence Westerly on S.T.H. "441" to the point of beginning.

THE FORTY-FIFTH WARD

The forty-fifth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Midway Road, Oneida Street and the corporate limits and being the point of beginning; thence North along the corporate limits to S.T.H. "441"; thence Easterly on S.T.H. "441" to Telulah Avenue; thence Southerly on Telulah Avenue to Meadow Grove Blvd.; thence Westerly on Meadow Grove Blvd. to Kernan Avenue; thence South, Southeasterly and South on Kernan Avenue to the corporate limits; thence West and continue in a clockwise direction along the corporate limits to the point of beginning.

THE FORTY-SIXTH WARD

The forty-sixth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Meadow Grove Blvd. and Kernan Avenue and being the point of beginning; thence Easterly on Meadow Grove Blvd. to Telulah Avenue; thence Southerly on Telulah Avenue to Plank Road; thence Northeasterly on Plank Road to Midway Road; thence Southeasterly on Midway Road to the corporate limits; thence South and continue in a clockwise direction along the corporate limits to Kernan Avenue; thence Northerly, Northwesterly and North on Kernan Avenue to the point of beginning. Excepting all that land within the afore described area that is not currently within the corporate limits.

And

All of the First Addition to Cedar Ridge Estates, being a part of the Southwest quarter of the Northeast $\frac{1}{4}$ of Section 8, T.20N., R.18E. and also Pine Tree Estates, being located in the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 8, Township 20 North, Range 18 East Town of Harrison, Calumet County, Wisconsin.

THE FORTY-SEVENTH WARD

The forty-seventh ward shall include and contain all that portion of territory lying within the following confines: (Water Intake Site) A parcel of land in Government Lot 4, Section 18, T.20N., R.18E., Town of Harrison, Calumet County, Wisconsin, described as follows: Commencing at the intersection of the north shore of Lake Winnebago with the west line of said Government Lot 4; thence easterly, along the north shore of Lake Winnebago, 33.00' to the east line of public road, as a point of beginning; thence continuing Easterly, along the north shore of Lake Winnebago, 160.00'; thence north, parallel with the W/L of Government Lot 4, 280.00'; thence west, at right angles to the West line of Government Lot 4, 160.00' to the East line of a public road; thence south along the East line of a public road 280.00'+/- to the north shore of Lake Winnebago, as the point of beginning and containing 1.0 acres of land more or less.

THE FORTY-EIGHTH WARD

The forty-eighth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Green Grove Road and Hammond Avenue and being the point of beginning; thence East on Hammond Avenue to the Corporate limits; thence East and South along the corporate limits to the main channel of the Fox River; thence Westerly along the main channel of the Fox River to the corporate limits; thence North along the corporate limits to the point of beginning.

THE FORTY-NINTH WARD

The forty-ninth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Interstate "41" and the West line of the NE ¼ of said Section 14, T.21N., R.17E. and being the point of beginning; thence East on Interstate "41" to Meade Street; thence South on Meade Street to Northland Avenue; thence West on Northland Avenue to the corporate limits; thence North and West along the corporate to West line of the NE ¼ of said Section 14, T.21N., R.17E. ;thence North along the West line of the NE ¼ of said Section 14, T.21N., R.17E. to the point of beginning.

THE FIFTIETH WARD

The fiftieth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Lindbergh Street and Oneida Street and being the point of beginning; thence North on Oneida Street to Northland Avenue; thence East on Northland Avenue to Meade Street; thence South on Meade Street to Lindbergh Street; thence West on Lindbergh Street to Oneida Street and the point of beginning.

THE FIFTY-FIRST WARD

The fifty-first ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of City of Appleton corporate limits near the South line of College Avenue and near the West line of Lilas Drive and being the point of beginning; thence North along the West corporate limits to the center of College Avenue; thence East on College Avenue to Lynndale Drive; thence South on Lynndale Drive to the corporate limits; thence Westerly on the corporate limits to the point of beginning.

THE FIFTY-SECOND WARD

The fifty-second ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of the Fremont Street and Lawe Street; thence North on Lawe Street to South River Street; thence East and Northeasterly on South River Street to East Street; thence Southeasterly and South on East Street to Fremont Street; thence West on Fremont Street to the point of beginning.

THE FIFTY-THIRD WARD

The fifty-third ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Meade Street and Broadway Drive and being the point of beginning; thence North and in a clockwise direction along the corporate limits to its intersection with Ballard Road; thence South on Ballard Road to Broadway Drive; thence West on Broadway Drive to the point of beginning. Excepting all that land within the afore described boundary that are not currently within the corporate limits.

And

Commencing at the intersection of the centerline of Mackville Road and the centerline of Ballard Road; thence South on Ballard Road 117.18 feet to the point of beginning; thence South 222.82 feet on Ballard Road to the corporate limits; thence West 225 feet along the corporate limits; thence North 307 feet along the corporate limits; thence East 107.95 feet along the corporate limits; thence Southeast 119 feet along the corporate limits; thence East 33 feet along the corporate limits to the point of beginning.

THE FIFTY-FOURTH WARD

The fifty-fourth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of the West line of Holiday Drive and the centerline of Melody Lane and the corporate limits and being the point of beginning; thence North along the West line of Holiday Lane and being coincident with the corporate limits to the North line of the 1st Addition to Edgewood Subdivision extended Westerly; thence East 180 feet m/l along said extension and then the North line thereof to the Northeast corner of Lot 9, Block 2 of said 1st Addition to Edgewood Estates; thence South 185 feet along the East line of said Lot 9 to the North line of Memory Lane; thence West along the North line of Memory Lane to the East line of Holiday Drive; thence South along the East line of Holiday Drive to the centerline of Melody Lane; thence West on the centerline of Melody Lane to the point of beginning.

And

Commencing at the Northwest corner of Melody Lane and Ballard Road and also being the corporate limits and being the point of beginning; thence North and continue in a clockwise direction on the corporate limits to Edgewood Drive; thence East on Edgewood drive to Ballard Road; thence South on Ballard Road to the Easterly extension of the North line of Melody Lane; thence West along said extension to the point of beginning.

THE FIFTY-FIFTH WARD

The fifty-fifth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Walden Avenue and Calumet Street and being the point of beginning; thence North on Walden Avenue to Fremont Street; thence East on Fremont Street to Schaefer Street; thence South on Schaefer Street to Calumet Street; thence West on Calumet Street to the point of beginning.

THE FIFTY-SIXTH WARD

The fifty-sixth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Memorial Drive and the Southeast corner of Section 34, T.21N., R.17E. and also being the South line of Outagamie County and being the point of beginning; thence West along the South line of said Section 34 to the center thread of the Fox River; thence Northeasterly on the center thread of the Fox River to the Memorial Drive Bridge; the South on the Memorial Drive Bridge and then Memorial Drive to the point of beginning.

THE FIFTY-SEVENTH WARD

The fifty-seventh ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of the Memorial Drive bridge and the main channel of the Fox River and being the point of beginning; thence Northeasterly and Easterly on the main channel of the Fox River to the Lawe Street Bridge; thence South on the Lawe Street Bridge and then Lawe Street to McKinley Street; thence West on McKinley Street to Oneida Street; thence South on Oneida Street to Calumet Street also being the South line of the Southeast $\frac{1}{4}$ of Section 35 T.21N., R.17E.; thence West along the South line of the Southeast $\frac{1}{4}$ of said Section 35 and the South line of the Southwest $\frac{1}{4}$ of said Section 35 to the Southwest corner of said Section 35 also being the intersection of Memorial Drive; thence North on Memorial Drive and the Memorial Drive Bridge to the point of beginning.

THE FIFTY-EIGHTH WARD

The fifty-eighth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the N $\frac{1}{4}$ corner of Section 5, T.21N., R.18E.; Thence South

00°16'59" West 33.00 feet along the West line of the Fractional NE ¼ of said Section 5 to the Point of Beginning; Thence South 89°33'00" East 33.02 feet along the South line of Broadway Drive; Thence South 00°31'45" West 1,347.01 feet along the East line of Sequoia Drive and the corporate limits; Thence continue along the East line of Sequoia Drive and the corporate limits Southwesterly 134.60 feet along the arc of curve to the right having a radius of 335.00 feet and the chord of which bears South 12°02'21" West 133.69 feet to the West line of the Fractional NE ¼ of said Section 5; Thence North 00°16'59" East 1477.99 feet along the West line of the Fractional NE ¼ of said Section 5 to the Point of Beginning.

THE FIFTY-NINTH WARD

(Old Landfill) A parcel of land in the Town of Center, Outagamie County, Wisconsin, described as follows: The East ½ of the SE ¼, the SE ¼ of the NE ¼, of Section 33, T.22N., R.17E., and the South 300 feet of the NE ¼ of the NE ¼ of Section 33, T.22N., R.17E., lying West of the West line of the Canadian National Railroad, Outagamie County, WI.

Section 2: This Ordinance shall be effective on May 6, 2024 and shall govern the adjustment of aldermanic districts and wards for the purpose of elections subsequent to May 6, 2024.

Section 3: This is a charter ordinance and it shall take effect sixty (60) days after its passage and publication, unless within such sixty (60) days a petition for a referendum is filed pursuant to Section 66.01 of the Wisconsin Statutes in which event this ordinance shall not become effective until approved by a majority of the electors voting thereon.

Dated: May 1, 2024

Jacob A. Woodford, Mayor

Kami Lynch, City Clerk

ADOPTED: May 1, 2024
PUBLISHED: May 6, 2024
Office of the City Clerk

31-24

AN ORDINANCE RELATING TO ALDERMANIC DISTRICTS OF THE GENERAL ORDINANCES OF THE CITY OF APPLETON, RELATING TO REDISTRICTING (Redistricting, 2024 – 2/19/2024 WI 2023 Act 94)

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

Section 1: The following provision relating to aldermanic districts is hereby created to read as follows:

(a) The City shall consist of fifteen (15) aldermanic districts which shall consist of whole ward or shall be established by combining contiguous whole wards, as follows:

- (1) Aldermanic district 1 shall consist of wards 1 and 2.
- (2) Aldermanic district 2 shall consist of wards 3, 4, 5, 6 and 48.
- (3) Aldermanic district 3 shall consist of wards 7, 8, and 9.
- (4) Aldermanic district 4 shall consist of wards 10, 11, 12 and 52.
- (5) Aldermanic district 5 shall consist of wards 13, 14, 15, and 16.
- (6) Aldermanic district 6 shall consist of wards 17, 18, 19, 49 and 50.
- (7) Aldermanic district 7 shall consist of wards 20, 21, 22 and 54.
- (8) Aldermanic district 8 shall consist of wards 23, 24, 25 and 55.
- (9) Aldermanic district 9 shall consist of wards 26, 27 and 56.
- (10) Aldermanic district 10 shall consist of wards 28, 29, 30 and 51.
- (11) Aldermanic district 11 shall consist of wards 31, 32, 33, 34 and 57.
- (12) Aldermanic district 12 shall consist of wards 35, 36, and 37.
- (13) Aldermanic district 13 shall consist of wards 38, 39, 40, 41, 53, 58 and 59.

(14) Aldermanic district 14 shall consist of wards 42 and 43.

(15) Aldermanic district 15 shall consist of wards 44, 45, 46 and 47.

Section 2: This Ordinance shall be effective on May 6, 2024.

Section 3: This is a charter ordinance and shall take effect sixty (60) days after its passage and publication, unless within such sixty (60) days a petition for a referendum is filed pursuant to Section 66.01 of the Wisconsin Statutes in which event this ordinance shall not become effective until approved by a majority of the electors voting thereof.

Dated: May 1, 2024

Jacob A. Woodford, Mayor

Kami Lynch, City Clerk

Application for Operator's/Bartender's License

CASH OR CHECK ONLY!



New Applicant
 Renewal License #: _____

FEES ARE NON-REFUNDABLE

Operator License - \$72.00
 Operator License plus a provisional - \$87.00

Date Received: 2/12/24
 Receipt #: 6304-01

Note: Please allow approximately 3 weeks for application processing.

SECTION 1 - APPLICANT INFORMATION

Legal Name (First name, MI, Last name) Miguel E. Hulke Maiden or Previous _____

Street Address 525 1/2 W. College Ave Apt 2 City Appleton State WI Zip 54911

Driver's License Number/State/Identification Number _____ Driver's License State WI

Date of Birth _____ Gender M Phone # (Required) _____ Email Address: _____

Name and Address of Establishment you will be selling alcohol - *(verify establishment is within City of Appleton limits)*
Sangrias Mexican Restaurant, 215 S. Memorial Dr. Appleton

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

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

Have you EVER been convicted of a felony? YES NO
 If Yes; when, where and what type of violation? (Please be specific) 06 2019 DWI

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

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

Have you EVER had an Operator's (Bartender's) License? YES NO
 If Yes; where? _____

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

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

SECTION 4 - NEW APPLICANT ONLY

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

SECTION 5- PENALTY NOTICE

Under penalty of law, I swear that the information provided in this application is true and correct to the best of my knowledge and belief.
 Signature: [Signature] Date: 02/12/24

FOR OFFICE USE ONLY

Current License in Other Municipality? _____ Class Completion Date: 2/10/24 Date Sent to Appleton Police Department: FEB/12/2024

Date Approved: _____ Issue Date: _____ Expiration Date: _____ License Number: _____



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

TO: Safety and Licensing Committee
Common Council

FROM: Lt. Ben Goodin

DATE: 2/20/2024

RE: Police Department's Recommendation for Denial of Miguel Hulke's Bartender License Application

Committee Members:

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

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

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

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

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

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

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

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

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

STATEMENT ON SUBSTANTIAL RELATIONSHIP

As part of any denial of licensing, the police department must determine if crimes are substantially related to the sale of alcohol. Mr. Hulke has been convicted of the following:

Operating While Intoxicated (5th or 6th) in Outagamie County case # 2019CF000451. This is a felony offense.

Operating While Intoxicated (4th within 5 years) in Outagamie County case # 2013CF000502. This is a felony offense.

Operating While Intoxicated (3rd) in Winnebago County case # 2011CT000865. This is a misdemeanor, criminal offense.

Operating While Intoxicated (2nd) in Outagamie County case # 2011CT000236. This is a misdemeanor, criminal offense.

Operating While Intoxicated in Outagamie County case # 2009TR004031. This is a non-criminal, civil offense.

The convictions for Operating While Intoxicated are substantially related to the sale of alcohol for several reasons. Mr. Hulke has shown a pattern of poor decision-making by getting arrested for Operating While Intoxicated four times in a five-year span; then a fifth time six years later. The convictions for OWI 4th and OWI 5th are felonies. Drunk driving is a serious offense and a major problem not only in Wisconsin but across the entire country. Mr. Hulke has not shown the ability to make sound decisions by understanding when he has had too much to drink and is unsafe to operate a motor vehicle. A person serving alcohol to members of the public must be aware of when a patron has had enough to drink and should not be served any longer.

As a person who wants to be responsible to serve alcohol, Mr. Hulke has not shown the ability to make good decisions related to his own sobriety. The service of alcohol includes coming into contact with individuals in a very vulnerable state, people for whom a bartender may be called upon to refuse service due to their level of intoxication. The circumstances of Mr. Hulke's criminal and felony convictions substantially relate to the ability and willingness to meet this legal obligation associated with the licensed service of alcohol.

Based upon the information provided, at this time Mr. Hulke does not meet statutory eligibility requirements to be granted an Operator/Bartender license. It is therefore recommended that his application be denied.

Very Respectfully:

Lt. Ben Goodin
Appleton Police Department



LEGAL SERVICES DEPARTMENT

Office of the City Clerk

Kami Lynch, Clerk

100 North Appleton Street

Appleton, WI 54911

Phone: 920/832-6443

Fax: 920/832-5823

February 26th, 2024

CERTIFIED MAIL

Miguel Hulke
525 ½ W College Ave Apt 2
Appleton, WI 54911

This letter is to notify you that we are in receipt of your application for an Operator's License. Upon review of your application, the Police Department has recommended that your application for an Operator's License be denied due to your history of civil and/or criminal convictions.

You have the right to appear before the Safety and Licensing Committee to contest this recommendation. To do so, **please contact the City Clerk's Office within 30 days** of receipt of this letter in order to be placed on the Agenda of the Safety and Licensing Committee. Failure to contact the City Clerk's Office within 30 days will result in your license being denied.

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

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

If you have specific questions relating to this matter, please contact Lt. Ben Goodin APD, at 920-832-5500.

Sincerely,

Kami Lynch
City Clerk

From: Niemuth, Chelsea A. Chelsea.Niemuth@outagamie.org
Subject: MRT Completion
Date: Mar 27, 2024 at 11:04:14 AM
To: Miguel Hulke miquelhulke00@gmail.com

Good Afternoon – I am writing this email to provide verification that Miguel Hulke completed Moral Reconciliation Therapy (MRT) on 08/22/23. Please let me know if you need any additional information. Thank you

Chelsea Niemuth
Veteran Treatment Court Coordinator
Mental Health Court Coordinator
Outagamie County Criminal Justice Treatment Services
320 S Walnut Street, Appleton WI 54911

(920) 968-4175 Fax

Name: HULKE, MIGUEL E.

DOC #: 613713 PID #: 1106759

OTCS020A

Court Commitments

Tuesday March 26, 2024 02:27:13 PM

Court Commitments (1 - 2 of 2)

<u>Prefix</u>	<u>JOC Seq.#</u>	<u>Rvk. Prob. Prior Cmt.</u>	<u>County</u>	<u>Case#</u>	<u>Supv. Ref. Linking Date</u>	<u>Prison Ref. Linking Date</u>	<u>Scheduled Discharge/ Termination Date</u>	<u>Status</u>	<u>Effective Date</u>	<u>Sex Offense</u>
<u>02</u>	001		Outagamie	19CF451	12/03/2019		12/03/2024	Closed	03/21/2024	No
<u>01</u>	001		Outagamie	13CF502	02/21/2014		02/21/2017	Closed	02/21/2017	No

Certificate of Completion

Options Treatment Programs, Inc.


On this day, the 24th day of June, 2022
We present this certificate to

Miguel Hulke

In recognition of successful completion of

Cognitive Behavioral Interventions for Substance Abuse


Katie Vanderheiden, MA, SAC-IT


Allison M Portiz, MS LPC SAC CS-IT



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

TO: Safety and Licensing Committee
Common Council

FROM: Lt. Ben Goodin

DATE: 4/18/2024

RE: Police Department's Recommendation for Denial of Miguel Hulke's Bartender License Application

Committee Members:

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

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

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

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

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

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

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

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

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

STATEMENT ON SUBSTANTIAL RELATIONSHIP

As part of any denial of licensing, the police department must determine if crimes are substantially related to the sale of alcohol. Mr. Hulke was convicted of the following:

Operating While Intoxicated (5th or 6th) in Outagamie County case # 2019CF000451

Operating While Intoxicated (4th within 5 years) in Outagamie County case # 2013CF000502

Operating While Intoxicated (3rd) in Winnebago County case # 2011CT000865

Operating While Intoxicated (2nd) in Outagamie County case # 2011CT000236

Operating While Intoxicated in Outagamie County case # 2009TR004031

The convictions for Operating While Intoxicated are substantially related to the sale of alcohol for several reasons. Mr. Hulke has shown a pattern of poor decision-making by getting arrested for Operating While Intoxicated four times in a five-year span; then a fifth time six years later. The convictions for OWI 4th and OWI 5th are felonies. Drunk driving is a serious offense and a major problem not only in Wisconsin but across the entire country. Mr. Hulke has not shown the ability to make sound decisions by understanding when he has had too much to drink and is unsafe to operate a motor vehicle. A person serving alcohol to members of the public must be aware of when a patron has had enough to drink and should not be served any longer.

As a person who wants to be responsible to serve alcohol, Mr. Hulke has not shown the ability to make good decisions related to his own sobriety. The service of alcohol includes coming into contact with individuals in a very vulnerable state, people for whom a bartender may be called upon to refuse service due to their level of intoxication. The circumstances of Mr. Hulke's criminal and felony convictions substantially relate to the ability and willingness to meet this

legal obligation associated with the licensed service of alcohol.

Based upon the information provided, at this time Mr. Hulke does not meet statutory eligibility requirements to be granted an Operator/Bartender license. It is therefore recommended that his application be denied.

UPDATE AS OF 3/27/24

Mr. Hulke appeared before the Safety and Licensing Committee on 3/27/24 regarding his application for a bartender license. During that meeting Mr. Hulke presented documentation showing successful completion of the following programs:

- Moral Reconciliation Therapy on 8/22/23
- Cognitive Behavioral Interventions for Substance Abuse on 6/24/22
- Outagamie County probation term on 3/21/24 (ref. 2019CF000451 case)
- Outagamie County probation term on 2/21/17 (ref. 2013CF000502 case)

Per Wis. Stat. §111.335(4)(d), Mr. Hulke has met the statutory requirements to show evidence of rehabilitation from the two felony OWI convictions referenced above.

Very Respectfully:

Lt. Ben Goodin
Appleton Police Department



LEGAL SERVICES DEPARTMENT

Office of the City Attorney

100 North Appleton Street

Appleton, WI 54911

Phone: 920/832-6423

Fax: 920/832-5962

TO: Safety and Licensing Committee, Common Council

From: ACA Zak Buruin

Date: April 22, 2024

RE: Alcohol Licensing Statutes Analyzed

Below is a summary of the statutory sections relevant for considering the history of unlawful behavior of an applicant for chapter 125 licenses.

§125.04(5) Licensing Requirements

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

§125.04(5)(b) states that “No license or permit related to alcohol beverages may, subject to §111.321, 111.322 and 111.335, be issued under this chapter to any person who has habitually been a law offender or has been convicted of a felony unless the person has been duly pardoned.” The discrimination statutes mentioned here are three of the four statute sections referenced above in §125.04(5)(a)1.

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

Prohibited Discrimination

§111.321 – Prohibited Bases of Discrimination

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

Christopher R. Behrens
City Attorney

Amanda K. Abshire
Deputy City Attorney

Darrin M. Glad
Assistant City Attorney

Zak Buruin
Assistant City Attorney

§111.322 – Discriminatory Actions Prohibited

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

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

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

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

Consideration of Rehabilitation

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

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

¹ There is language in some of the following statutes that I had initially believed introduced some ambiguity in this language and limited the safe use of discretion, particularly when viewed in isolation. Viewed again in full context of the surrounding statutes and the language concluding §111.335(4)(c)1.b, any ambiguity is more rationally resolved in the manner described herein. This also affords the Committee and Council more discretion than My original advice had indicated.

Exempt Offenses

“Exempt Offenses” are defined by §111.335(1m)(b). Exempt offenses are specified in Chapter 940 or §948.02, 948.025, 948.03, 948.05, 948.051, 948.055, 948.06, 948.07, 948.075, 948.08, 948.085, or 948.095, or a violation of the law of another jurisdiction that would be a violation of one of the listed statutes if committed in Wisconsin.

§111.335(4)(c)2 indicates that the considerations of rehabilitation and the requirement to state the reasons for denial based upon §111.335(3)(a)1, including the substantial relationship, do not apply to an “exempt offense.”² The allowance for demonstration of rehabilitation is only provided for by §111.335(4)(c)1.b, which does not apply to “exempt offenses.” Where a particular offense is considered “exempt,” its consideration stops at the existence of a “substantial relationship,” and does not progress to rehabilitation.

Chapter 940 offenses are crimes against life and bodily security. Homicide offenses, sexual offenses, various forms of battery and other more general violent offenses are contained within Chapter 940. Any offense in Chapter 940 is considered “exempt.” Chapter 948 addresses crimes against children. While only specified offenses within this chapter are considered “exempt,” the specified offenses are sexual offenses committed against children. While it is true that a licensing agency is statutorily much more limited in how it may consider “exempt offenses,” those limitations are reserved for a limited class of criminal offenses.

Competent Evidence of Sufficient Rehabilitation

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

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

§111.335(4)(d)1.b, allows the applicant to provide documentation of their release from custody and either completion of probation or release from custody and compliance with all terms and conditions of release, be it extended supervision, probation, or parole.⁵

² It is the advice of Legal Services that a substantial relationship must still exist between the circumstances of the offense and licensed activity, even though the licensing agency is statutorily relieved from documenting its nature in writing.

³ Denials under other provisions may be subject to other requirements.

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

⁵ Periods of supervision are attributable to specific offenses, allowing for consideration of individual offenses as §111.335(4)(c)1.b contemplates.

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

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

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

Distribution of Controlled Substances

§111.335(3)(a)1 is not the only basis upon which licensure can be denied without constituting unlawful discrimination. §111.335(4)(h) provides a separate basis upon which denial of a license issued under Chapter 125 is lawful. Because it is not subject to the rehabilitation allowance discussed above, offenses running afoul of §111.335(4)(h) are disqualifying, and a license may not be issued. The offenses specified within this section relate to the manufacture, delivery, distribution, of controlled substances or analogs, possession with intent to manufacture, distribute, or deliver a controlled substance or analog, possession of specified materials with the intent to manufacture methamphetamine, or conviction of a federal offense or offense of another state substantially similar to those previously mentioned.

As indicated, this section is limited in applicability to Chapter 125 licenses, and to controlled substance delivery and manufacture offenses specified.

Applicability to the Application of Miguel Hulke

Investigation by the Appleton Police Department has yielded five offenses which Lt. Goodin advises are substantially related to the activity for which the instant license has been sought. By the nature of the offenses, it is difficult to disagree with that assessment.

The updated memorandum from Lt. Goodin takes note of the documentation provided by Mr. Hulke. It documents his completion of probation on the two most recent criminal cases (19CF451 and 13CF502). That along with documentation of release from custody would qualify as competent evidence of sufficient rehabilitation with respect to those two offenses.⁶

⁶ In the strictest sense, Mr. Hulke has not provided a release document for either of these two cases and the Committee / Common Council is within its right to demand that before taking action. The circumstances and my prior knowledge of Mr. Hulke's circumstances suggest that this would be a mere formality, though an entirely

Nothing provided requires that the Committee / Council similarly disregard the first three OWI offenses. These remain valid arrests and convictions. A review of online records (CCAP) indicates that there is no supervision associated with any of the first three offenses, and therefore no documentation that could be provided that the Committee / Council would be bound to accept as competent evidence of sufficient rehabilitation.⁷ The Committee / Council has the authority to evaluate the documentary evidence provided, any additional documentary evidence which it believes to be relevant (including those items which it is required to consider) and come to its own discretionary conclusion about the sufficiency of the rehabilitation demonstrated.

Should the Committee desire additional information upon which to base its decision, it would be free to ask for additional documentation from Mr. Hulke's supervising agent, treatment providers, or the treatment court in which he participated, and to draw appropriate conclusions from the documentary evidence or lack thereof.

Absent a finding by the Council that the evidence sufficiently demonstrates rehabilitation for the first three OWI offenses, Mr. Hulke would be disqualified from the sought license as a habitual law offender.

Conclusion

The circumstances of Mr. Hulke's application leave the Committee / Council with discretion to determine whether or not there is competent evidence of sufficient rehabilitation for at least the three oldest of the offenses that the Appleton Police Department has determined are substantially related to the licensed activity in question.

With respect to the two most recent OWI offenses noted, documentation of Mr. Hulke's completion of probation has been provided. It is likely, closing in on a certainty, that documentation of his release exists, though it has not been provided. Even if the Committee / Council find that the documentation provided is incomplete and does not meet the requirement of the statute requiring its treatment as competent evidence of sufficient rehabilitation for those offenses, the Committee / Council may still consider the information provided in utilizing its discretion.

reasonable one. Without this being provided, the Committee / Council could still conclude that there is competent evidence of sufficient rehabilitation for the felony offenses, though it would not be required to do so.

⁷ I am aware of no information which suggests a relevant honorable discharge from the US armed forces exists.



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

REQUEST for Alcohol License Premises Amendment

FEES ARE NON-REFUNDABLE		Date Received <u>FEB 29 2024</u>
License Fee	\$10.00/event	Acct: CLCAGP
Receipt	<u>6418-04</u>	

Sent for review MAR 01 2024

SECTION 1 - LICENSE INFORMATION				
Name of Establishment <u>OB'S BRAU HAUS</u>				
Address of Establishment <u>523 + 525 W. COLLEGE AVE, APPLETON, WI, 54911</u>				
Name of Agent <u>CHRISTOPHER WELLS</u>			Phone Number	
SECTION 2 - PREMISES AMENDMENT				
Please describe the change in premises: *A drawing/diagram of the proposed area must also be submitted with this application.* <u>TO ADD FOUR PICNIC TABLES FOR DINING OUTDOORS PRINKS OUTSIDE IN FRONT OF OB'S BRAU HAUS FROM 4P-10P (THIS IS IN ADDITION TO THE EXISTING PREMISES DESCRIPTION)</u>				
Is this change Permanent?		If this is temporary please specify the reason for the amendment:		
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		<u>WOULD BE DURING SPRING/SUMMER/FALL MONTHS (TABLES WOULD BE MOVED ON 'OFF' MONTHS + SPECIAL EVENTS)</u>		
Please list the date(s) and time(s) that this temporary premises amendment will be utilized: <u>MARCH - OCTOBER FROM 4PM - 10PM</u>				
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: <u>[Signature]</u>				
FOR OFFICE USE ONLY				
Department	Approve	Deny	By	Reason
Comm. Dev.				
Finance				
Fire				
Health				
Inspections				
Police				
S&L	Council	Date Issued	Exp. Date	License Number



PERMIT TO OCCUPY THE PUBLIC RIGHT-OF-WAY

Permit #: 23-137-A
Effective Date: 8/17/23
Expiration Date: 06/30/2024
Fee: \$40.00
Paid (yes or no): YES/5407-0004

Rev. 04-10-15

Applicant Information

Name (print): CHRISTOPHER NEUS Company: OB'S BRAU HAUS / NAC LLC
Address: 523 W COLLEGE AVE Telephone: FAX: N/A
Applicant Signature: Date: 7/26/23

Occupancy Information

General Description: PICNIC TABLES (WOODEN) w/ ATTACHED BENCH SEATING
Street Address: 523/525 W COLLEGE AVE Tax Key No.:
Street: From: To:
Multiple Streets:

(Department use only)

Table with 3 columns: Occupancy Type, Sub-Type, Location. Includes options like Permanent (\$40), Temporary - max. 35 days (\$40), etc.

Additional Requirements

Plan/Sketch Certificate of Insurance Bond
Other:

Traffic Control Requirements

Type of Street: Arterial/CBD, Collector, Local
Proposed Traffic Control: City Manual, State Manual, Other
Approved by: Date:
Contact Traffic Division (832-2379) 1 business day prior to any lane closure...

This permit approval is subject to the following conditions:

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

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

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

APPROVED BY: [Signature] DATE: 8/17/2023
(Department of Public Works)

Insurance and Bond Coverage:

Insurance Carrier: BADGER MUTUAL

Insurance Agent Name and Phone Number: GUNDY & THEIL Insurance (920) 789-6241

Policy Number: 04767-69776

Policy Period: 6/9/22 - 9/1/23

* Bond Carrier: _____

* Bond Agent Name and Phone Number: _____

* Bond Number: _____

* Bond Period: _____

I confirm that I have the authority to sign and certify the information contained herein as the permittee/licensee or duly authorized representative of the entity obtaining this permit/license. I have reviewed and understand the insurance and bonding requirements of the City of Appleton. I hereby certify that I, or the company I represent have insurance and a bond in the amounts required to obtain this permit/license. I have named the City of Appleton as an additional Insured for purposes of this permit/license and have provided the name of my insurance and bond carriers, the policy numbers and policy periods above. Further, I agree to maintain appropriate insurance coverage for the duration of this permit/license and to indemnify against any and all liability, loss, damage and expenses and costs including attorneys' fees arising out of the activities performed as described herein, caused in whole or in part by any negligent act or omission of the applicant, anyone directly or indirectly employed by any of them, which may arise from the use of city right of way or property under this permit or license.

I certify that this application, and all information and documentation provided therein, is true and accurate.

Company Name: NAC LLC

Print Name: CHRISTOPHER A. NEALS

Signature: 

Date: 7/18/23

* Bonds are required for the following types of work only:

- Plumbing in the public right-of-way: \$5,000.00 Permit Bond (Code Section 4-265)
- Demolition of Buildings: \$5,000.00 Permit Bond (Code Section 4-188(a)(2))
- Sewer lateral sealing in the public right-of-way: \$5,000.00 Permit Bond (Code Section 4-188(c))
- Moving of Buildings: \$5,000.00 Permit Bond (Code Section 4-207(5))
- Cement Finisher's License: \$5,000.00 License Bond (Municipal Code Section 9-33)
- Excavation or place facilities in the public right-of-way: \$5,000.00 Permit Bond (Code Section 16-110)



FOUR TOTAL
PICNIC TABLES w/ ATTACHED SEATING

patio heaters on sidewalk



PERMIT TO OCCUPY THE PUBLIC RIGHT-OF-WAY

Permit #: 23-123-A
Effective Date: 7/20/23
Expiration Date: 06/30/2024
Fee: \$40.00
Paid (yes or no): yes/5375-0003

Rev. 04-10-15

Applicant Information

Name (print): CHRISTOPHER NELLS
Company: OB'S BRAU HAUS / NAC LLC
Address: 523/525 W COLLEGE AVE.
Telephone:
FAX: NA
Appleton, WI, 54911
e-mail:
Applicant Signature: [Signature]
Date: 7/12/23

Occupancy Information

General Description: Patio heaters on sidewalk, close to building
Street Address:
Tax Key No.:
Street: From: To:
Multiple Streets:

(Department use only)

Table with columns: Occupancy Type, Sub-Type, Location. Includes checkboxes for Permanent, Temporary, Amenity/Annual, Blanket/Annual, Block Party, Sandwich Board, Tables/Chairs, Dumpster, POD/Container, Obstruction/Other, Sidewalk, Terrace, Roadway.

Additional Requirements

Plan/Sketch
Certificate of Insurance
Bond
Other:

Traffic Control Requirements

Type of Street: Arterial/CBD, Collector, Local
Proposed Traffic Control: City Manual Page(s), State Manual Page(s), Other (attach plan)
Approved by:
Date:
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 MUNICIPAL CITATION If conditions of the permit are not met.
4. This permit is subject to IMMEDIATE REVOCATION if unfavorable traffic conditions develop during the period the occupancy is permitted.
5.
6.

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

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

APPROVED BY: [Signature]
DATE: 7/20/23
(Department of Public Works)

OB's Brau Haus

Gastro · Brew · Pub · Nightlife



Insurance and Bond Coverage:

Insurance Carrier: BADGER MUTUAL

Insurance Agent Name and Phone Number: QUINCY THIEL Insurance (920) 759-6241

Policy Number: 04767-69770

Policy Period: 6 9/1/22 - 9/1/23

* Bond Carrier: _____

* Bond Agent Name and Phone Number: _____

* Bond Number: _____

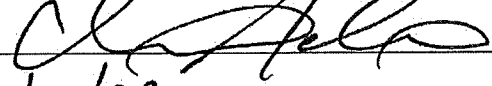
* Bond Period: _____

I confirm that I have the authority to sign and certify the information contained herein as the permittee/licensee or duly authorized representative of the entity obtaining this permit/license. I have reviewed and understand the insurance and bonding requirements of the City of Appleton. I hereby certify that I, or the company I represent have insurance and a bond in the amounts required to obtain this permit/license. I have named the City of Appleton as an additional insured for purposes of this permit/license and have provided the name of my insurance and bond carriers, the policy numbers and policy periods above. Further, I agree to maintain appropriate insurance coverage for the duration of this permit/license and to indemnify against any and all liability, loss, damage and expenses and costs including attorneys' fees arising out of the activities performed as described herein, caused in whole or in part by any negligent act or omission of the applicant, anyone directly or indirectly employed by any of them, which may arise from the use of city right of way or property under this permit or license.

I certify that this application, and all information and documentation provided therein, is true and accurate.

Company Name: NAC LLC

Print Name: CHRISTOPHER A NEELS

Signature: 

Date: 7/18/23

* Bonds are required for the following types of work only:

- Plumbing in the public right-of-way: \$5,000.00 Permit Bond (Code Section 4-265)
- Demolition of Buildings: \$5,000.00 Permit Bond (Code Section 4-188(a)(2))
- Sewer lateral sealing in the public right-of-way: \$5,000.00 Permit Bond (Code Section 4-188(c))
- Moving of Buildings: \$5,000.00 Permit Bond (Code Section 4-207(5))
- Cement Finisher's License: \$5,000.00 License Bond (Municipal Code Section 9-33)
- Excavation or place facilities in the public right-of-way: \$5,000.00 Permit Bond (Code Section 16-110)



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
07/18/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Thiel Insurance Group, LLC 620 N Richmond Street Appleton WI 54911		CONTACT NAME: Cindy Casey PHONE (A/C, No, Ext): FAX (A/C, No): E-MAIL ADDRESS: cindyc@thielinsurancegroup.com	
INSURED NAC LLC Appleton WI 54915		INSURER(S) AFFORDING COVERAGE INSURER A: Badger Mutual Insurance Co INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	

COVERAGES CERTIFICATE NUMBER: CL2371802307 REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER:			00767-69770	09/01/2022	09/01/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 1,000,000 \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$			00767-69770	09/01/2022	09/01/2023	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	00767-69770	09/01/2022	09/01/2023	PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000

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

CERTIFICATE HOLDER**CANCELLATION**City of Appleton Dept of Public Works
100 N Appleton Street

Apleton

WI 54911

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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Alcohol License Premises Amendment Request Form

CASH OR CHECK ONLY!

Please allow 4 weeks for application processing

FEES ARE NON-REFUNDABLE

Date Recd: APR 12 2024

License Fee - \$10.00/event
(CLCAGP)

Total \$ 10.00

Receipt #: 6071-8

SECTION 1 - ESTABLISHMENT INFORMATION

Name of Establishment <u>Tipsy Talo & Tequila Bar</u>	Establishment Phone Number <u>920 257 4580</u>
Address of Establishment <u>129 S Memorial Dr</u>	
Agent Name <u>Sarah Gregory</u>	Agent Phone Number (Required)

SECTION 2 - PREMISES AMENDMENT - A drawing/diagram of the proposed area must be submitted with this application

Is this Premises Amendment Permanent? YES NO

Please describe the change in Premises: We are seeking to extend our premise to cover 715-727 W Lawrence St. road closure as well as parking lot.

If temporary, please specify the reason for the amendment: annual cinco de mayo celebration

If temporary, please list the date(s) and time(s) that this premises amendment will be utilized: May 5th 11am - 9pm

SECTION 3 - PENALTY NOTICE

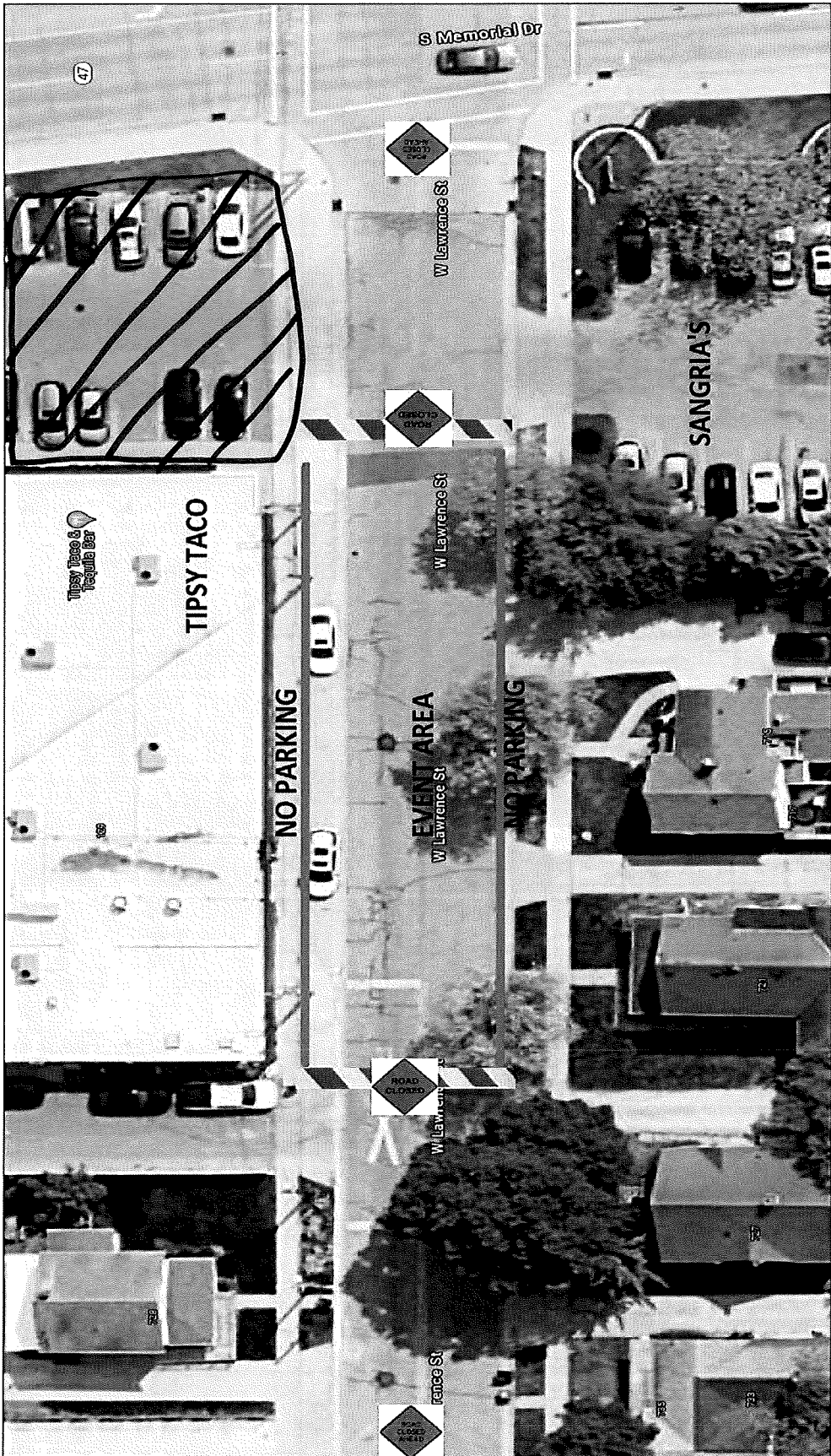
I certify that I am familiar with Section 9-52 of the Municipal Code of the City of Appleton and agree that any license granted under this application may be suspended for cause at any time by the Common Council.

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: Sarah Gregory Date: 4.12.24

FOR OFFICE USE ONLY

Department	Approve	Deny	Staff Member	Reason
Police				
Fire				
Health				
Community Development				
Inspections				
Finance				
Safety and Licensing Date:	Recommendation:		Common Council Date:	Recommendation:
Date sent for Review <u>APR 12 2024</u>	Date Approved	Date Issued	Expiration Date	License Number





Alcohol License Premises Amendment Request Form

CASH OR CHECK ONLY!

Please allow 4 weeks for application processing

FEES ARE NON-REFUNDABLE

Date Recv'd APR 12 2024

License Fee - \$10.00/event
(CLCAGP)

Total \$ 10.00

Receipt #: 6671-9

SECTION 1 - ESTABLISHMENT INFORMATION

Name of Establishment: Sangria's Mexican Grill Establishment Phone Number: 920-955-3755

Address of Establishment: 215 S Memorial Dr.

Agent Name: Sarah Gregory Agent Phone Number (Required): _____

SECTION 2 - PREMISES AMENDMENT - *A drawing/diagram of the proposed area must be submitted with this application*

Is this Premises Amendment Permanent? YES NO

Please describe the change in Premises: We are seeking to extend our premise to cover 715-727 W Lawrence St. road closure as well as parking lot.

If temporary, please specify the reason for the amendment: annual cinco de mayo celebration

If temporary, please list the date(s) and time(s) that this premises amendment will be utilized: May 5th 11am-9pm

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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.

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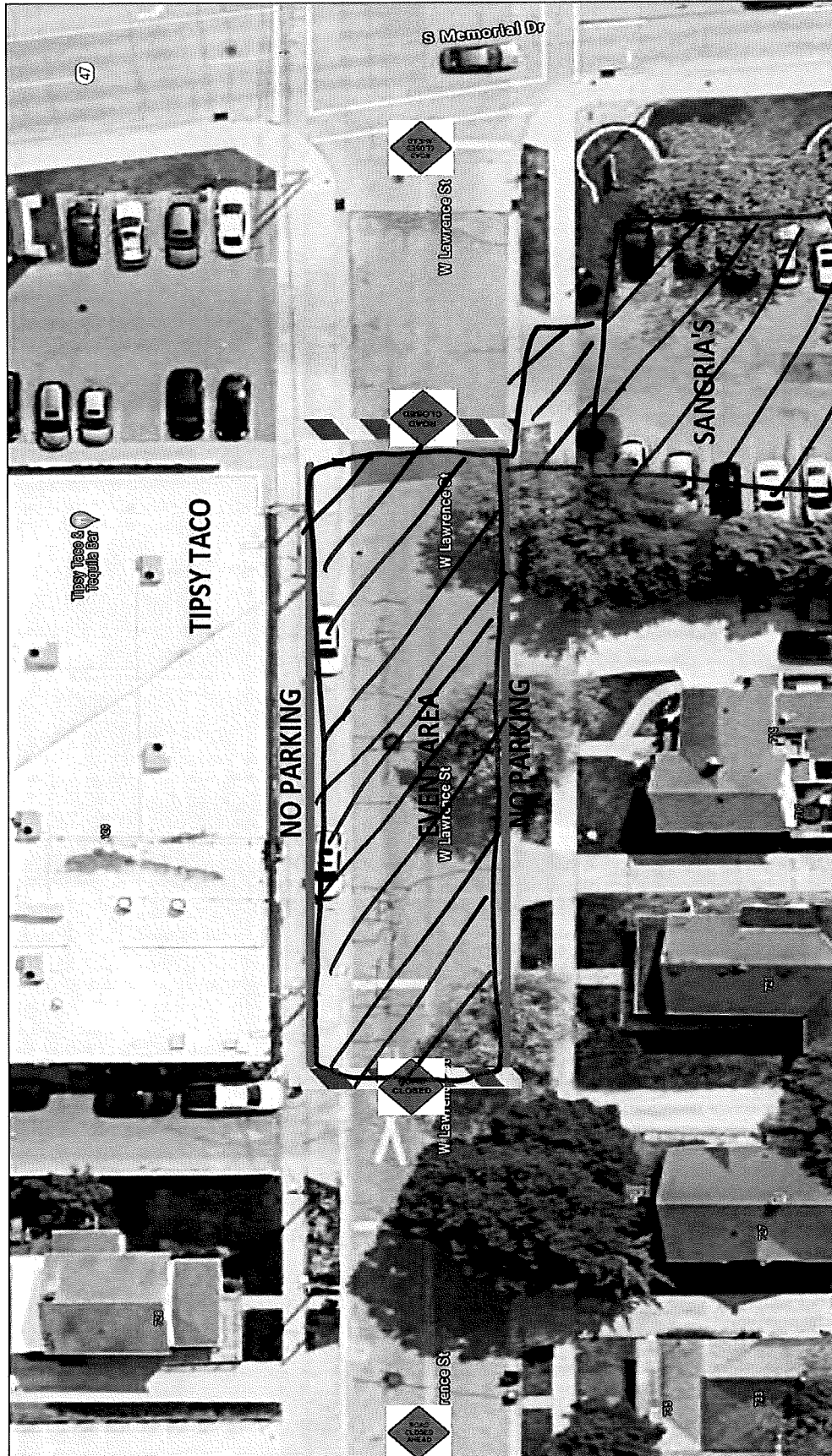
Signature of Applicant: Sarah Gregory Date: 4/12/24

FOR OFFICE USE ONLY

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

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

Date sent for Review <u>APR 12 2024</u>	Date Approved ____/____/____	Date Issued ____/____/____	Expiration Date ____/____/____	License Number
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*Community
and Economic
Development*

REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Date: April 24, 2024

Common Council Meeting Date: May 1, 2024

Item: Special Use Permit #1-24 to remodel the existing storage garage into a 521 sq. ft. tavern

Case Manager: Don Harp, Principal Planner

GENERAL INFORMATION

Owner: Satbir Singh, SK Gas Mart, LLC

Applicant: Timothy Maertz, Architect – RMA Architects, Inc.

Address/Parcel #: 1201 North Badger Avenue (Tax Id #31-5-2130-00)

Petitioner's Request: Remodel the existing storage garage attached to the convenience store into a tavern. The remodel will include adding a new ADA toilet room, accessible parking stall, and striping the parking lot to show 11 parking stalls.

BACKGROUND

The building was constructed in 1952 per Building Permit #498, and the property contains Mobil Gas Station/Convenience Store with retail alcohol sales, an off-street parking lot, and a 2nd floor apartment. The western portion of the building is currently used as a garage for storage purposes.

STAFF ANALYSIS

Project Summary: The owner proposes to remodel the existing storage garage into a 521 sq. ft. tavern.

Operational Information: A plan of operation is attached to the staff report.

Proposed Indoor Seating Capacity: 56 persons per plan of operation.

Outdoor Seating Area: No outdoor alcohol sales and consumption is requested with this application.

Existing Site Conditions: The existing gas station/convenience store with retail alcohol sales totals approximately 1,767 square feet, 6 gas pumps serving 6 vehicles, and an 11-stall off-street parking lot. The 2nd floor apartment totals approximately 700 square feet.

Special Use Permit #1-24
April 24, 2024
Page 2

Off-Street Parking Requirements: Section 23-172(m) of the Municipal Code requires a minimum number of off-street parking spaces based on the use of a property. Based on the existing convenience store and proposed tavern, a total of 8 parking spaces would be required (1 space per 250 square feet of gross floor area) for multiple uses within a single building plus 2 parking spaces for the 2nd floor apartment. There are 11 parking spaces identified on the site plan drawing.

Current Zoning and Procedural Findings: The subject property has a zoning designation of C-2 General Commercial District. Per Section 23-113(e) of the Municipal Code, a tavern requires a Special Use Permit in the C-2 District. The Plan Commission makes a recommendation to the Common Council who will make the final decision on the Special Use Permit. A two-thirds vote of the Common Council is required for approval.

Surrounding Zoning and Land Uses: The surrounding area is under the jurisdiction of the City of Appleton (north, south, east, and west). The uses are generally industrial, commercial and residential in nature.

North: C-2 General Commercial District. The adjacent land uses to the north are commercial uses, single-family residential, and a vacant lot. (Future land use map recommends Mixed-Use and Single/Two family for adjacent properties)

South: C-2 General Commercial District. The adjacent land uses to the south are commercial uses. (Future land use map recommends Mixed-Use for adjacent properties)

East: R-1B Single-family District. The adjacent land uses to the east are residential uses. (Future land use map recommends Single/Two family for adjacent properties)

West: C-2 General Commercial District. The adjacent land uses to the west are currently light manufacturing uses. (Future land use map recommends Industrial for adjacent properties)

Appleton Comprehensive Plan 2010-2030: Community and Economic Development staff has reviewed this proposal and determined it is compatible with the Commercial designation shown on the City's *Comprehensive Plan 2010-2030* Future Land Use Map. Listed below are related excerpts from the City's *Comprehensive Plan 2010-2030*.

Goal 1 – Community Growth

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

Special Use Permit #1-24
April 24, 2024
Page 3

Goal 8 – Economic Development

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

OBJECTIVE 9.4 Economic Development:

Ensure the continued vitality of downtown and the City’s neighborhood commercial districts.

Technical Review Group (TRG) Report: This item appeared on the April 2, 2024 TRG agenda. Comments from participating departments are identified in the “substantial evidence conditions of approval” section (below).

Clerk’s Office: As this plan still includes a connection to the convenience store, which holds a separate type of alcohol license, I would not be able to recommend approval of an alcohol license for the bar area as proposed. If the plan remains unchanged, leaving a doorway between the spaces, I will provide a denial recommendation for the license application to the Safety & Licensing Committee.

The two businesses holding separate licenses cannot have the premises connected to one another.

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.

Substantial Evidence Conditions of Approval:

- Section 23-40(a)(1) Application of district regulations, no structure or land shall hereafter be used or occupied, and no structure or part thereof shall hereafter be constructed, reconstructed or structurally altered except in conformity with all of the regulations specified for the C-2 District with respect to this proposed use. (Relates to change of use from a storage garage to a tavern)
- Section 23-172(m) a total of 8 parking spaces would be required (1 space per 250 square feet of gross floor area) for multiple uses occupying one building, plus 2 spaces for the 2nd floor apartment. Per Section 23-172(e)(2), the off-street parking spaces shall be stripped. (Relates to change of use from auto maintenance storage garage)

Findings 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 a tavern as a special use permit; 2. *zoning district regulations:* the district regulations appear to be satisfied pursuant to the attached site plan, formal verification of regulations being satisfied will occur during the building permit and inspection process per stipulation 4 (below); 3. *special regulations:* stipulations 1, 2, 3 and 4 (below) address the special regulations for a tavern use; 4. *consistent with comprehensive plan and other plans:* yes, see above analysis; 5. *traffic:* the proposed use is not expected to create undue traffic congestion, it is anticipated customers will utilize existing on-site parking spaces to park their cars; 6. *landscaping and screening:* not applicable to this use. 7. *neighborhood compatibility with predominant land uses in this area:* the proposed use is located near other existing and future commercial/light industrial uses in this area of City; 8. *impact on services:* the City has existing utilities and services 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 #1-24 for a tavern located at 1201 North Badger Avenue (Tax Id #31-5-2130-00) as shown on the attached maps and per attached plan of operation, along with the attached resolution, **BE APPROVED** to run with the land, subject to the following conditions:

1. The applicant shall receive approval of a Liquor License from the City Clerk prior to serving alcohol on the premises.

Substantial Evidence: This condition provides notice to the applicant that a Liquor License is also needed prior to serving alcohol.

2. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.

Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(6) of the Zoning Ordinance for this particular use. The floor plan must be revised, showing the convenience store area and walk-in cooler completely walled off and separated from the proposed tavern area before the owner can receive an alcohol license for the tavern. The convenience store and tavern must have separate entrances, separate restrooms, and separate storage areas for the alcohol.

3. The site shall be kept free of litter and debris.

Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(6) of the Zoning Ordinance for this particular use.

4. All Zoning, Building, Fire, Engineering, Utility and other Municipal Codes (Article IV. Noise) and all applicable State and Federal laws shall be complied with, including but not limited to the following:

- a. Section 23-172(m) and (e)(2) a total of 10 parking spaces are required to be striped on site (1 space per 250 square feet of gross floor area) for multiple uses occupying one building, plus the second floor apartment, prior to issuance of an occupancy permit.

Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(6) of the Zoning Ordinance for this particular use.

5. The serving and consumption of alcohol is limited to the interior tenant space, as identified on the attached development plan and floor plan drawings. Any future expansions for the serving and/or consumption of alcohol may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.

Substantial Evidence: Standardized condition that establishes parameters for the current application and identifies the process for review of any future changes to the special use.

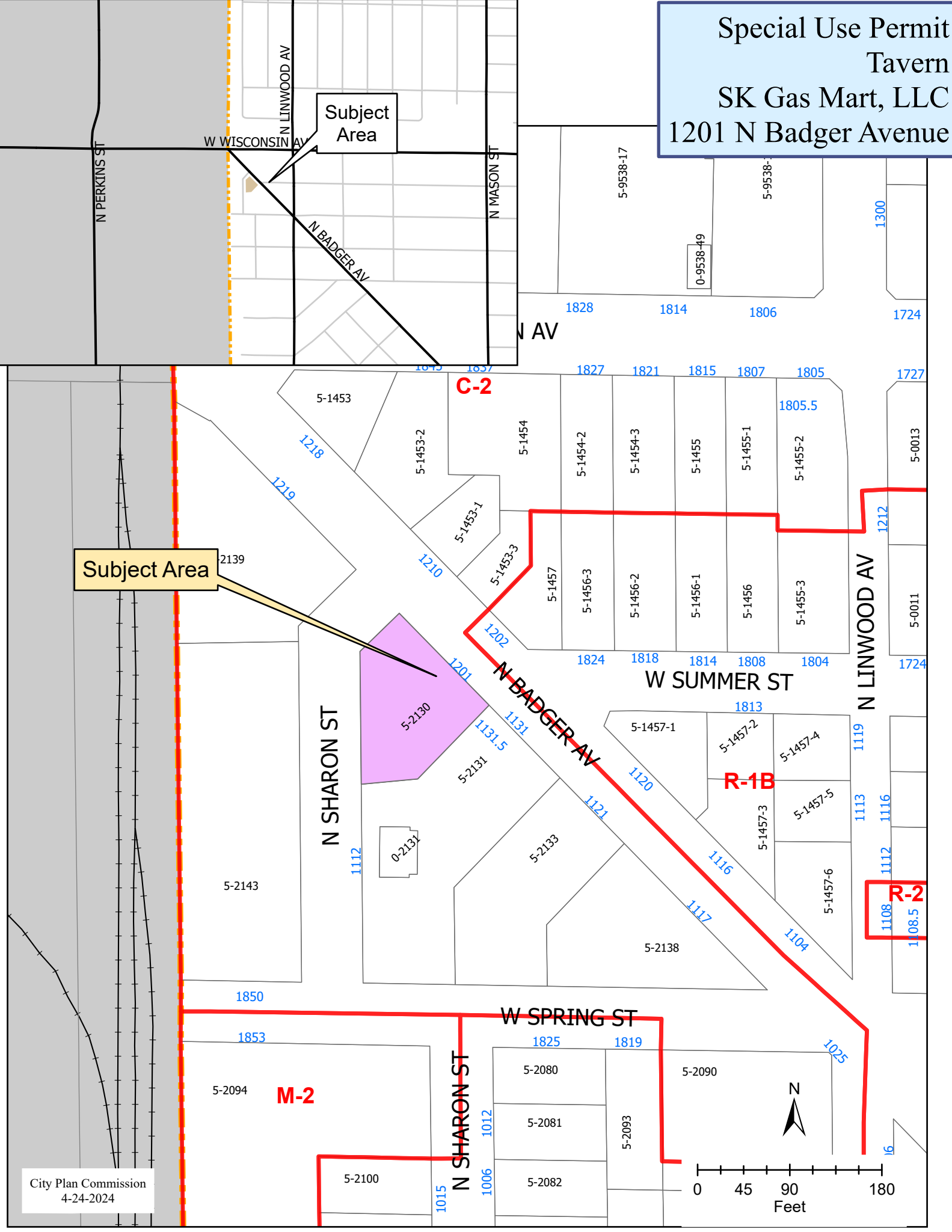
6. Any expansions of the special use, changes to the development plan(s), plan of operation or any conditions of approval may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance. Contact the Community and Economic Development Department to discuss any proposed changes.

Substantial Evidence: Standardized condition that establishes parameters for the current application and identifies the process for review of any future changes to the special use.

Special Use Permit
Tavern
SK Gas Mart, LLC
1201 N Badger Avenue

Subject Area

Subject Area



City Plan Commission
4-24-2024

**CITY OF APPLETON
RESOLUTION FOR SPECIAL USE PERMIT #1-24
TAVERN
1201 NORTH BADGER AVENUE**

WHEREAS, Satbir Singh, SK Gas Mart, LLC has applied for a Special Use Permit to remodel the existing storage garage into a 521 sq. ft. tavern located at 1201 North Badger Avenue, also identified as Parcel Number 31-5-2130-00; and

WHEREAS, the proposed tavern 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 April 24, 2024 on Special Use Permit #1-24, at which all those wishing to be heard were allowed to speak or present written comments and other materials at the public hearing; and

WHEREAS, the City of Appleton Plan Commission has reviewed and considered the Community and Economic Development Department’s staff report and recommendation, as well as other spoken and written evidence and testimony presented at the public hearing; and

WHEREAS, the City of Appleton Plan Commission reviewed the standards for granting a Special Use Permit under Sections 23-66(e)(1-8) of the Municipal Code; and

WHEREAS, the City of Appleton Plan Commission reviewed the standards for imposing conditions on the Special Use Permit under Section 23-66(c)(5) of the Municipal Code, and forwarded Special Use Permit #1-24 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 May 1, 2024.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Common Council, based on Community and Economic Development Department’s staff report and recommendation, as well as other spoken and written evidence and testimony presented at the public hearing and Common Council meeting, and having considered the recommendation of the City Plan Commission, that the Common Council:

1. Determines all standards listed under Sections 23-66(e)(1-8) of the Municipal Code are found in the affirmative YES or NO (CIRCLE ONE)
2. If NO, the City of Appleton Common Council hereby denies Special Use Permit #1-24 to remodel the existing storage garage into a 521 sq. ft. tavern located at 1201 North Badger Avenue, also identified as Parcel Number 31-5-2130-00 based upon the following standards and determinations: (List reason(s) why the Special Use Permit was denied)
3. If YES, the City of Appleton Common Council hereby approves Special Use Permit #1-24 to remodel the existing storage garage into a 521 sq. ft. tavern located at 1201 North Badger Avenue, also identified as

Parcel Number 31-5-2130-00, subject to the following conditions as they are related to the purpose of the City of Appleton Municipal Code and based on substantial evidence:

CONDITIONS OF APPROVAL FOR SPECIAL USE PERMIT #1-24:

- A. The applicant shall receive approval of a Liquor License from the City Clerk prior to serving alcohol on the premises.
 - B. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.
 - C. The site shall be kept free of litter and debris.
 - D. All Zoning, Building, Fire, Engineering, Utility and other Municipal Codes (Article IV. Noise) and all applicable State and Federal laws shall be complied with, including but not limited to the following:
 - 1) Section 23-172(m) and (e)(2) a total of 10 parking spaces are required to be striped on site (1 space per 250 square feet of gross floor area) for multiple uses occupying one building, plus the second floor apartment, prior to issuance of an occupancy permit.
 - E. The serving and consumption of alcohol is limited to the interior tenant space, as identified on the attached development plan and floor plan drawings. Any future expansions for the serving and/or consumption of alcohol may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.
 - F. Any expansions of the special use, changes to the development plan(s), plan of operation or any conditions of approval may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance. Contact the Community and Economic Development Department to discuss any proposed changes.
4. The City Clerk’s Office is hereby directed to give a copy of this resolution to the owner/applicant, Community and Economic Development Department, Inspections Division, and any other interested party.

Adopted this _____ day of _____, 2024.

Jacob A. Woodford, Mayor

ATTEST:

Kami Lynch, City Clerk

PLAN OF OPERATION AND LOCATIONAL INFORMATION

Business Information:

Name of business: SK Gas Mart LLC

Years in operation: 2

(Check applicable proposed business activity(s) proposed for the premises)

- Restaurant
- Tavern/Night Club/Wine Bar
- Painting/Craft Studio
- Microbrewery/Brewpub (manufacturing a total of not more than 310,000 U.S. gallons of fermented malt beverages per calendar year)
- Brewery (manufacturing a total of more than 310,000 U.S. gallons of fermented malt beverages per calendar year)
- Winery (manufacturing of wine)
- Craft-Distillery (manufacturing a total of not more than 100,000 proof gallons of intoxicating liquor per calendar year)
- Distillery (manufacturing a total of more than 100,000 proof gallons of intoxicating liquor per calendar year)
- Tasting room offering fermented malt beverages, wine or intoxicating liquor for consumption and/or retail sales on the premises where the fermented malt beverages, wine or intoxicating liquor is manufactured and/or at an off-premises location associated with premises. Tasting rooms may include food sales.
- Other _____

Detailed explanation of proposed business activities:
Add tavern to existing C-Store.

Existing gross floor area of building/tenant space, including outdoor spaces:

(square feet) 1,246

Proposed gross floor area of building/tenant space, including outdoor spaces:

(square feet) 1,246 + 521 = 1,767

Occupancy Limits:

Maximum number of persons permitted to occupy the building or tenant space as determined by the International Building Code (IBC) or the International Fire Code (IFC), whichever is more restrictive: 56 persons.

Proposed Hours of Operation for Indoor Uses:

Day	From	To
Monday thru Thursday	11am	2am
Friday	11am	2am
Saturday	11am	2am
Sunday	11am	2am

Production/Storage Information:

(Check applicable proposed business activity(s) proposed for the premises)

- Current production of fermented malt beverages: _____ U.S. gallons per year
- Proposed production of fermented malt beverages: _____ U.S. gallons per year
- Current production of wine: _____ U.S. gallons per year
- Proposed production of wine: _____ U.S. gallons per year
- Current production of intoxicating liquor: _____ proof gallons per year
- Proposed production of intoxicating liquor: _____ proof gallons per year
- None. If none, leave the following two storage questions blank.

Identify location of grains and/or juice, grapes, other fruits or other agricultural product storage and type of storage container(s) used:

Identify the storage location of spent grains and/or grapes, other fruits or other agricultural products and type of storage container(s) used:

Outdoor Space Uses:

(Check applicable outdoor space uses)

- Patio
- Deck
- Sidewalk Café
- Other _____.
- None. If none, leave the following questions in this section blank.

Size: _____ square feet

Type of materials used and height of material to enclose the perimeter of the outdoor space:

- Fencing Landscaping Other _____ Height _____ feet

Is there any alcohol consumption incorporated within the outdoor facility? Yes ___ No ___

If yes, please describe:

Are there plans for outdoor music/entertainment? Yes ___ No ___

If yes, describe how the noise will be controlled:

Is there any food service incorporated in this outdoor facility proposal? Yes ___ No ___

Proposed Hours of Operation for Outdoor Space:

Day	From	To
Monday thru Thursday		
Friday		
Saturday		
Sunday		

NOTE: Hours of Operation for Outdoor Uses (Sidewalk Café with Alcohol):

*******Municipal Code Section 9-262(b)(4): The permit holder can begin serving alcoholic beverages in the sidewalk café at 4:00 p.m. Monday through Friday and 11:00 a.m. on Saturday and Sunday. All alcoholic beverages must be removed from the sidewalk café by 9:30 p.m.**

Describe Any Potential Noise Emanating From the Proposed Use:

Describe the noise levels anticipated from all equipment or other mechanical sources:
None.

Describe how the crowd noise will be controlled inside and outside the building:
Limit number of Occupants

Off-Street Parking:

Number of spaces existing on-site: 11

Number of spaces proposed on-site: 11

Street Access:

Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?
Adequate.

Other Licensed Premises:

The number of licensed premises within the immediate geographic area of the proposed location will be considered in order to avoid an undue concentration that may have the potential of creating public safety problems or deterring neighborhood development.

List nearby licensed premises:
Unknown

Number of Employees:

Number of existing employees: 2

Number of proposed employees: 4

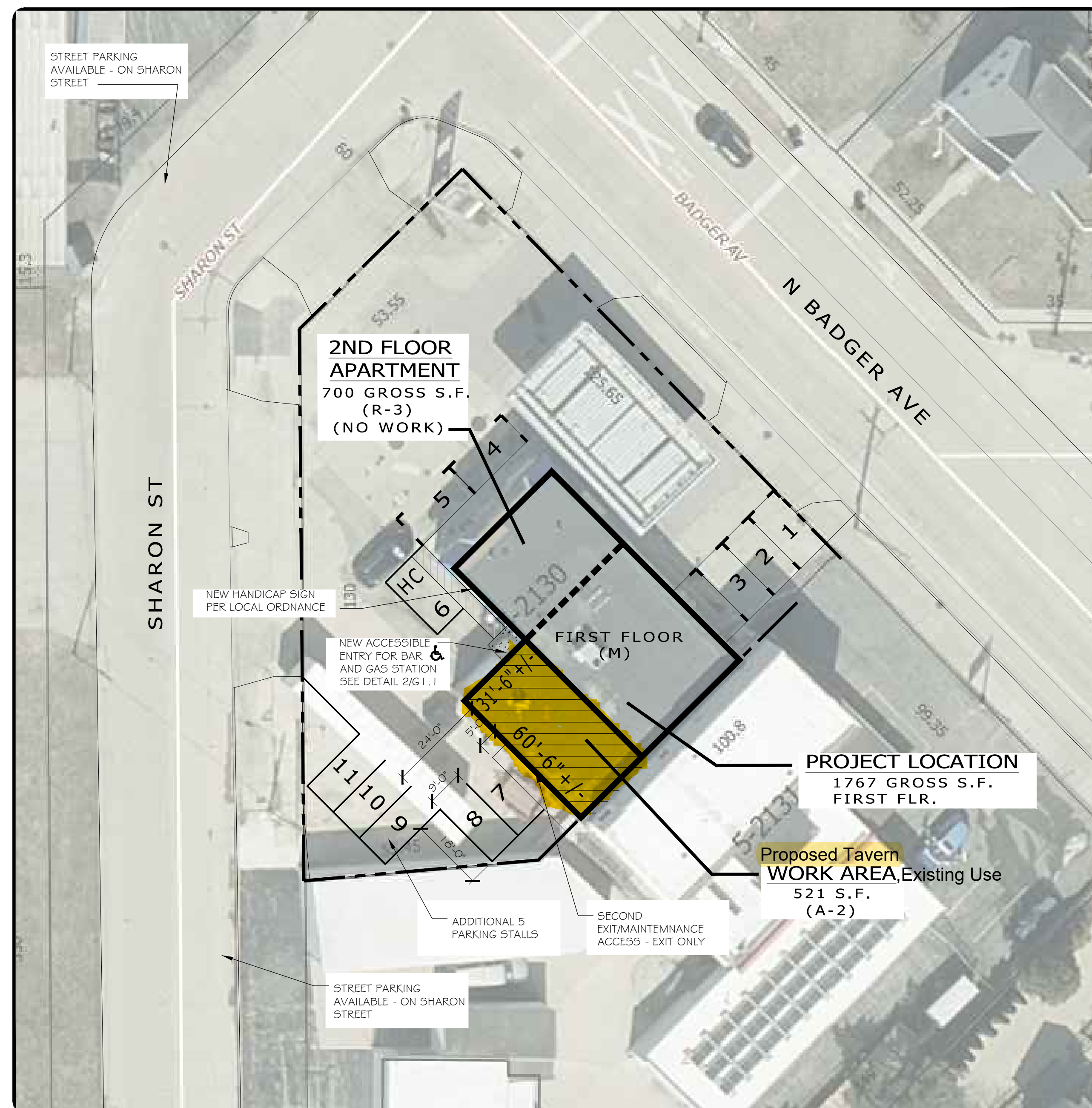
Number of employees scheduled to work on the largest shift: 4

PROPOSED PROJECT FOR:

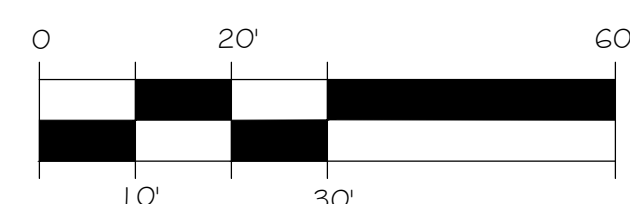
1201 N. BADGER AVENUE

FIRST FLOOR – BAR-REMODEL
APPLETON, WI 54914

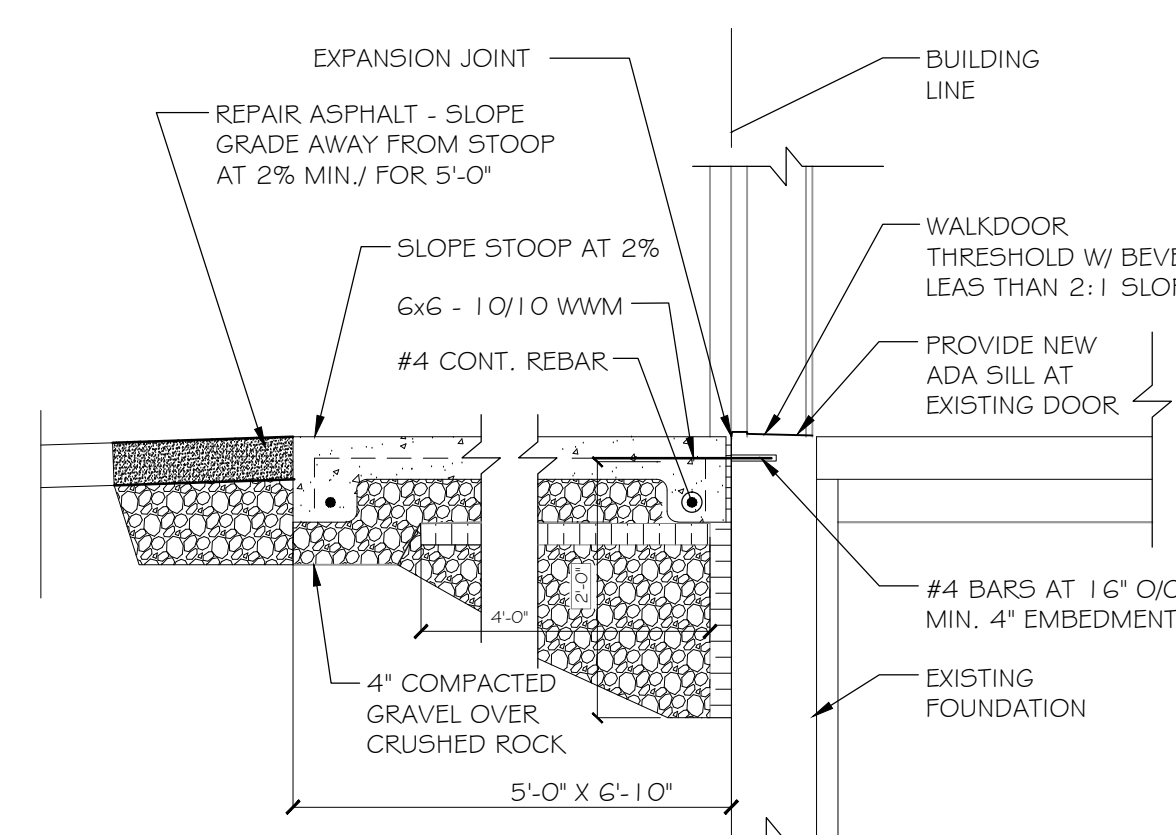
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SITE PLAN
SCALE: 1" = 20'-0"
G1.1



SHEET INDEX		STAMPS	
GENERAL/ARCHITECTURAL		STAMPS	
RMA ARCHITECTS, INC. 1050 SOUTH GRIDER STREET APPLETON, WISCONSIN 54914 P: (920) 364-9850 F: (920) 996-6865		<p>Timothy F. Maertz Architect - A7776-005 Expires 07-31-24</p> <p>Signed 3-21-2024</p>	
G1.1	TITLE, SHEET INDEX, SITE PLAN		
G1.2	GENERAL INFORMATION SHEET		
A2.1	FLOOR PLAN, WALL TYPES AND DETAILS		
A2.2	ROOM AND DOOR SCHEDULES, ENLARGED TOILET PLAN AND ELEVATIONS		
A2.3	ENLARGED BAR PLAN AND CASEWORK ELEVATIONS		
A3.1	ELEVATION PHOTOS - FOR REFERENCE		
BUILDING / CODE INFO		SCOPE OF WORK	
<ul style="list-style-type: none"> CODE / LICENSING: IBC - 2015 INTERNATIONAL BUILDING CODE IEBC - 2015 INTERNATIONAL EXISTING BUILDING CODE CITY OF APPLETON ZONING CODE - ZONED C-2 AREA: FIRST FLOOR: 1,767 S.F. ± SECOND FLOOR: 700 S.F. ± TOTAL AREA ALL FLOORS: 2,467 S.F. ± WORK AREA: 521 S.F. ± FIRST FLOOR ONLY OCCUPANCY: M/A2 - APARTMENT(S) (SECOND FLOOR) M/A2, MERCANTILE/ ASSEMBLY (FIRST FLOOR - MOBIL GAS STATION/BAR) CONSTRUCTION CLASS: EXISTING BUILDING: TYPE IIB FIRE PROTECTION: VIA TWO HOUR FIRE BARRIERS - NOT SPRINKLED. BUILDING OWNER: SK GAS MART LLC W6028 BLAZING STAR DRIVE APPLETON, WI 54915 CONTACT: SATBIR SINGH - EMAIL: skgasmart2022@yahoo.com TENANTS: APARTMENT R3 (SECOND FLOOR) + COMMERCIAL SPACE ON FIRST FLOOR - M/A2 OCCUPANCY - CHANGE IN OCCUPANCY FROM S-1 TO A-2. 		<p>CONVERT EXISTING STORAGE AREA (S-1) TO NEW BAR (A-2) VIA 2 HOUR OCCUPANCY SEPARATION FROM MOBIL STATION (M) WITH OWNER OCCUPIED (R-3) ABOVE. NO WORK IN THOSE TWO SPACES.</p> <p>CREATE NEW ADA FAMILY TOILET ROOM TO BE SHARED WITH MOBIL STATION, BOTH FAMILY TOILETS TO BE USED AND COUNTED TOWARDS THE REQUIRED TOILET FIXTURE COUNT.</p> <p>CREATE NEW ADA ACCESSIBLE ENTRY FOR BAR AND EXISTING MOBIL STATION, PROVIDE NEW STOOP SLAB AND REPAIR ASPHALT AS NEEDED TO MAINTAIN A LESS THAN 1 TO 20 SLOPE. PITCH AWAY FROM DOOR.</p> <p>ALL MEP WORK BY OTHERS.</p> <p>NO ZONING OR SITE WORK BEYOND THE NEW STOOP SLAB AND ASPHALT RESTORATION.</p> <p>OWNER TO CONTACT THE CITY OF APPLETON HEALTH DEPARTMENT TO CONFIRM ALL REQUIREMENTS FOR THE BAR SPACE, NOT PART OF THIS WORK.</p> <p>NOTE: SCALE WILL BE HALF IF PRINTED 11X17</p>	



STOOP DETAIL
SCALE: NTS
G1.1



LOCATION MAP
CONSTRUCTION DOCUMENTS

PROJECT DESCRIPTION: REMODEL FOR:
1201 N. BADGER AVE
FIRST FLOOR BAR -REMODEL
1201 N. BADGER AVE. APPLETON, WI 54914

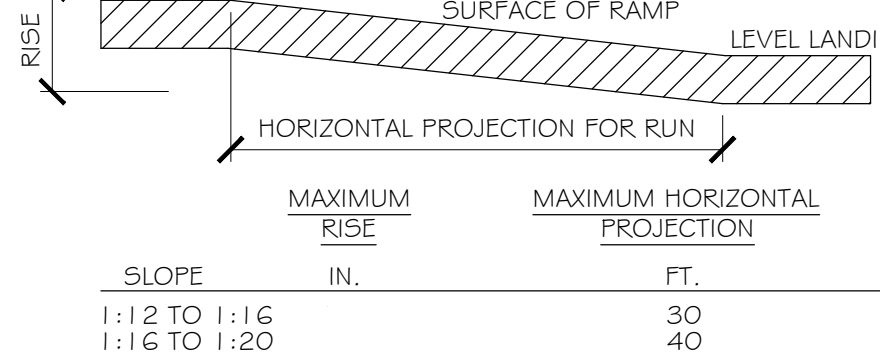
DRAWN BY
TFM
CHECKED BY
TFM

DATE
02/23/24

PROJECT NO.
245005

G1.1

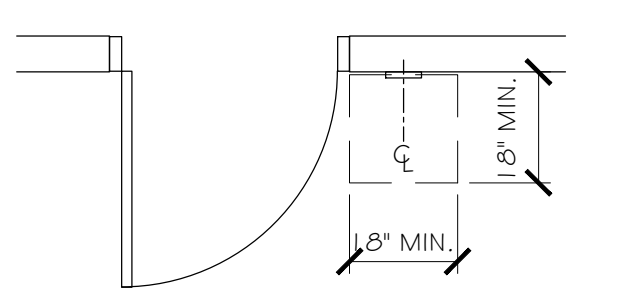
ABBREVIATION KEY									
A.A.B.	ANCHOR BOLT	D.DEMO.	DEMOLITION	G.G.	GAS	N.N/A	NOT APPLICABLE	S.SQ.	SQUARE
AC.FLR.	ACCESS FLOOR	DEPR.	DEPRESSION	GA.	GAUGE	NEC	NATIONAL ELECTRICAL CODE	SS	STORM SEWER
ACOUS.	ACOUSTICAL	DEPT.	DEPARTMENT	GALV.	GALVANIZED	NIC	NOT IN CONTRACT	ST.	STAINLESS
ADA	AMERICANS WITH DISABILITIES ACT	D.TLS.	DETAILS	GB	GRAB BAR	NO.	NUMBER	ST.	STREET
ADD.	ADDENDUM	DF	DRINKING FOUNTAIN	GBC	GENERAL BUILDING	NOM.	NOMINAL	STD.	STANDARD
ADDL.	ADDITIONAL	DIA.	DIAMETER	CONTRACTOR		NRC	NOISE REDUCTION COEFFICIENT	STL.	STEEL
ADJ.	ADJUSTABLE	DIFF.	DIFFUSER	GEN.	GENERAL	NOT TO SCALE		STOR.	STORAGE
ADJ.	ADJACENT	DIM.	DIMENSION	GENER.	GENERATOR			STRUCT.	STRUCTURAL
ADMIN.	ADMINISTRATION	GL.	GLASS	STWD.	SOFTWOOD			SUPV.	SUPERVISOR
A.F.F.	ABOVE FINISHED FLOOR	DISP.	DISPENSER	GR.	GRADE	O.O.C.	ON CENTER	SUSP.	SUSPENDED
AHU	AIR HANDLING UNIT	DIST.	DISTRIBUTION	GYP.	GYPSPUM			SW.	SWITCH
ALT.	ALTERNATE	DN	DOWN						
ALUM.	ALUMINUM	DR.	DRIVE						
AMEND.	AMENDMENT	DP	DEEP	H.H.	HIGH	OH.	OVERHEAD		
ANNUN.	ANNUNCIATOR	DR.	DRIVE	HB	HOSE BIBB	OPER.	OPERATOR	T.T.	TOILET
AP	ACCESS PANEL	HD	HAND DRYER	OPNG.	OPENING			T.	TREAD
APPROX.	APPROXIMATE	DIS	DOWNSPOUT	OPF.	OPPOSITE			TAN.	TANGENT
ARCH.	ARCHITECTURAL	HDCP.	HANDICAP	ORD	OVERFLOW ROOF DRAIN			TC	TIME CLOCK
ATC	ACOUSTICAL TILE CEILING	HDR.	HEADER	TEL.	TELEPHONE			TEL.	TELEPHONE
AUTO.	AUTOMATIC	HDWD.	HARDWOOD	TEMP.	TEMPERED			TEMP.	TEMPERATURE
		DWLS.	DOWELS	HM	HOLLOW METAL	P.PART.	PARTITION	TEMP.	TEMPERATURE
				HORIZ.	HORIZONTAL	PB	PASS BOX	TERR.	TERRAZZO
				HTR.	HEATER	PC	PRECAST	T&G	TONGUE AND GROOVE
B.BUL.BD.	BULLETIN BOARD	HVAC	HEATING VENTILATING AND AIR-CONDITIONING	PD	PENCIL DRAWER	THRES.	THRESHOLD		
BD.	BOARD	EA	EXHAUST-AIR	PH	PANIC HARDWARE	TLT.	TOILET		
BG	BUMPER GUARD	EC	ELECTRICAL CABINET	HW	HOT WATER	PL.	PLATE	TRANS.	TRANSFORMER
BIT	BITUMINOUS	EF	EXHAUST FAN	FLAM.	PLASTIC LAMINATE	TS	TUBE STEEL	TV	TELEVISION
BKT.	BRACKET	EL.	ELEVATOR	PLAS.	PLASTIC	TY.	TYPICAL		
BLDG.	BUILDING	ELEC.	ELECTRICAL	I.I.D.	INSIDE DIAMETER				
BLKG.	BLOCKING	ELEV.	ELEVATION	IN.	INCH	PLAST.	PLASTER		
BM.	BEAM	EMERG.	EMERGENCY	INCH.	INCH	PLMB	PLUMBING		
BOT.	BOTTOM	ENCL.	ENCLOSURE	INSUL.	INSULATION	PLWD.	PLYWOOD		
BRG.	BEARING	ENCL.	ENCLOSURE	INT.	INTERIOR	PNL.	PANEL	UC	UNDERCUT
BSMT.	BASEMENT	ENTR.	ENTRANCE	ISO.	ISOLATION	PR.	PAIR	UCR	UNDERCOUNTER
BUL.	BULLETIN	EO	ELECTRICAL OUTLET			PRELIM.	PRELIMINARY		
		EP	ELECTRIC PANEL			PRV	POWER ROOF VENTILATOR	UL	UNDERWRITER
		EQ.	EQUAL	J.JAN.	JANITOR	PTN.	PARTITION	LABORATORIES	
		EQUIP.	EQUIPMENT	J.B	JUNCTION BOX	PVC	POLYVINYL CHLORIDE	UNFIN.	UNFINISHED
C.CAB.	CABINET	EWC.	ELECTRIC WATER COOLER	JST.	JOIST	UNO	UNLESS NOTED OTHERWISE		
CCTV	CLOSED CIRCUIT TELEVISION	EX.	EXISTING	JT.	JOINT	QT	QUARRY TILE	UR.	URINAL
CD	COILING DOOR	EWC.	ELECTRIC WATER COOLER			QT	QUARRY TILE	UTIL.	UTILITY
CEIL.	CEILING	EXH.	EXHAUST						
CG	CORNER GUARD	EXIST.	EXISTING	K.KO	KNOCK OUT				
CH	COAT HOOK	EXP.	EXPANSION	KS	KNEE SPACE	R.R	RADIUS		
C.J.	CONSTRUCTION JOINT	EXT.	EXTERIOR	KW	KILOWATT	R.	RISER	V.V	VENT
CLG.	CEILING					RA	RETURN-AIR	VCT	VINYL COMPOSITION TILE
CLR.	CLEAR					RD	ROOF DRAIN	VENT.	VENTILATION
CM	CONSTRUCTION MANAGER	F.FA	FIRE ALARM	L.L	LAVATORY	REBAR.	REINFORCED ROD	VERT.	VERTICAL
CMU	CONCRETE MASONRY UNIT	FB	FIRE BLANKET	LAM.	LAMINATE	REC.	RECESSED	VEST.	VESTIBULE
CO	CLEAN-OUT	LD	FIRE DAMPER	LAV.	LAVATORY	REF.	REFERENCE	VNL.	VINYL
COL	COLUMN	FD	FLOOR DRAIN	LB.	POUND	REFRIG.	REFRIGERATOR	VTR.	VENT THROUGH ROOF
COMB.	COMBINATION	FDN.	FOUNDATION	LN.	LINEAR	REINF.	REINFORCING	VWC	VINYL WALL COVERING
CONC.	CONCRETE	FE	FIRE EXTINGUISHER	LKR.	LOCKER	REQD.	REQUIRED		
CONF.	CONFERENCE	FEC	FIRE EXTINGUISHER CAB.	LL	LEAD LINED	RET.	RETAINING		
CONN.	CONNECTION	PH	FIRE HOSE	LLH	LONG LEG HORIZONTAL	REV.	REVISION	W.W.	WIDE
CONST.	CONSTRUCTION	PHC	FIRE HOSE CABINET	LLV	LONG LEG VERTICAL	RH	ROOF HATCH	W/	WITH
CONT.	CONTINUOUS	FIN.	FINISH	LP	LIGHT POLE	RM.	ROOM	W/O	WITHOUT
CONTR.	CONTRACTOR	FIXT.	FIXTURE	LVR.	LOUVER	RO	ROUGH OPENING	WC	WATER CLOSET
COORD.	COORDINATE	FLR.	FLOOR	R&S	ROD AND SHELF	WD.	WOOD	W.D.	WOOD
CORR.	CORRIDOR	FLASH.	FLASHING			WDW.	WINDOW		
CPT.	CARPET	FLEX.	FLEXIBLE	M.MAN.	MANUAL	WF	WIDE FLANGE		
CT	CERAMIC TILE	FLG.	FLANGE	MATL.	MATERIAL	S.S.	SINK	WGT.	WEIGHT
CTR.	CENTER	SCHED.	SCHEDULE	MAX.	MAXIMUM	SCHED	SCHEDULE	W.H.	WATER HEATER
CTSK.	COUNTERSINK	FM	FACTORY MUTUAL	MECH.	MECHANICAL	SD	SMOKE DAMPER	WHCR.	WHEEL CHAIR
CUH	CABINET UNIT HEATER	FP	FIREPROOF	MEMB.	MEMBRANE	SECT.	SECTION	WP	WATERPROOF
CW	COLD WATER	FRMG.	FRAMING	MTL.	METAL	SF	SQUARE FOOT/FEET	WS	WEATHERSTRIP
CYL.	CYLINDER	FS	FLOOR SINK	MEZZ.	MEZZANINE	SH.	SHelf	WSCT.	WAINSCOT
		FT.	FOOT/FEET	MFG.	MANUFACTURING	SHR.	SHOWER	W.W.F.	WELDED WIRE MESH
		FTG.	FOOTING	MFR.	MANUFACTURER	SHT.	SHEET		
		FTN.	FOUNTAIN	MH	MANHOLE	SHTG.	SHEATHING		
		FUT.	FUTURE	MIN.	MINIMUM	SIM.	SIMILAR	X.XFMR	TRANSFORMER
				MIR.	MIRROR	SPEC.	SPECIFICATION		
				MISC.	MISCELLANEOUS				
				M.O.	MASONRY OPENING			Y.YD.	YARD
				MTD.	MOUNTED				



ACCESSIBLE ROUTE / RAMPS

4.8.1.1 GENERAL
ANY PART OF AN ACCESSIBLE ROUTE WITH A SLOPE GREATER THAN 1:20 SHALL BE CONSIDERED A RAMP AND SHALL COMPLY WITH 4.8.

4.8.2 SLOPE AND RISE
THE LEAST POSSIBLE SLOPE SHALL BE USED FOR ANY RAMP. THE MAXIMUM SLOPE OF A RAMP IN NEW CONSTRUCTION SHALL BE 1:12.
THE MAXIMUM RISE FOR ANY RUN SHALL BE 30 IN.
CURB RAMPS AND RAMPS TO BE CONSTRUCTED ON EXISTING SITES OR IN EXISTING BUILDINGS OF FACILITIES MUST HAVE SLOPES AND RISES AS ALLOWED IN 4.1.6(3)(A) IF SPACE LIMITATIONS PROHIBIT THE USE OF A 1:12 SLOPE OR LESS.



SIGN MOUNTING LOCATION

ICC/ANSI A117.1, 703.2.7. MOUNTING HEIGHT. CHARACTERS SHALL BE 48 INCHES MINIMUM AND 60 INCHES MAXIMUM ABOVE THE ADJACENT FLOOR OR GROUND SURFACE, MEASURED FROM THE BASELINE OF THE CHARACTERS.
EXCEPTION: ELEVATOR CAR CONTROLS.

ICC/ANSI A117.1, 703.2.8. MOUNTING LOCATION. WHERE A SIGN CONTAINING TACTILE CHARACTERS IS PROVIDED AT A DOOR, THE SIGN SHALL BE ALONG SIDE THE DOOR ON THE LATCH SIDE. WHERE A TACTILE SIGN IS PROVIDED AT DOUBLE DOORS, THE SIGN SHALL BE TO THE RIGHT OF THE RIGHT-HAND DOOR. WHERE THERE IS NO WALL SPACE ON THE LATCH SIDE OF A SINGLE DOOR, OR TO THE RIGHT SIDE OF DOUBLE DOORS, SIGNS SHALL BE ON THE NEAREST ADJACENT WALL.
SIGNS CONTAINING TACTILE CHARACTERS SHALL HAVE AN 18" X 18" MINIMUM SPACE ON THE FLOOR OR GROUND, CENTERED ON THE SIGN, BEYOND THE ARC OF ANY DOOR SWING BETWEEN THE CLOSED AND 45° OPEN POSITION.
EXCEPTION: DOOR-MOUNTED SIGNS SHALL BE PERMITTED ON THE PUSH SIDE OF DOORS WITH CLOSERS AND WITHOUT HOLD-OPEN DEVICES.

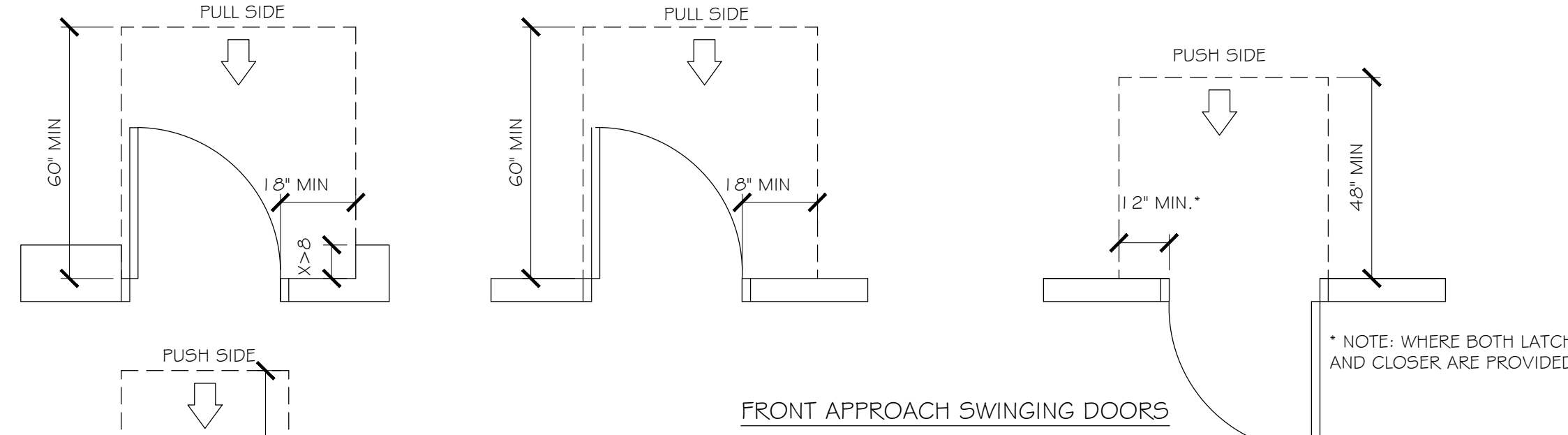
DOOR HARDWARE HEIGHT

IBC 1008.1.8.2. HARDWARE HEIGHT.
DOOR HANDLES, PULLS, LATCHES, LOCKS AND OTHER OPERATING DEVICES SHALL BE INSTALLED 34 INCHES MINIMUM AND 48 INCHES MAXIMUM ABOVE THE FINISHED FLOOR. AREAS USED ONLY FOR SECURITY PURPOSES AND NOT USED FOR NORMAL OPERATION ARE PERMITTED AT ANY HEIGHT.

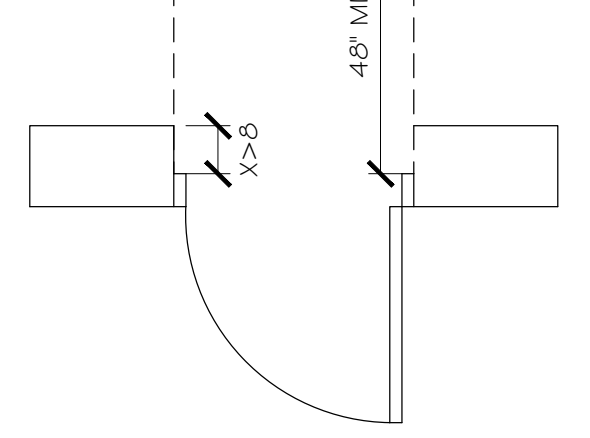
MINIMUM CEILING HEIGHTS

IBC 1208.2 MINIMUM CEILING HEIGHTS.
OCCUPIABLE SPACES, HABITABLE SPACES AND CORRIDORS SHALL HAVE A CEILING HEIGHT OF NOT LESS THAN 7 FEET 6 INCHES. BATHROOMS, TOILET ROOMS, KITCHENS, STORAGE ROOMS AND LAUNDRY ROOMS SHALL BE PERMITTED TO HAVE A CEILING HEIGHT OF NOT LESS THAN 7 FEET.
EXCEPTION: IF ANY ROOM IN A BUILDING HAD A SLOPED CEILING, THE PRESCRIBED CEILING HEIGHT FOR THE ROOM IS REQUIRED IN ONE-HALF THE AREA THEREOF. ANY PORTION OF THE ROOM MEASURING LESS THAN 5 FEET FROM THE FINISHED FLOOR TO THE CEILING SHALL NOT BE INCLUDED IN ANY COMPUTATION OF THE MINIMUM AREA THEREOF.

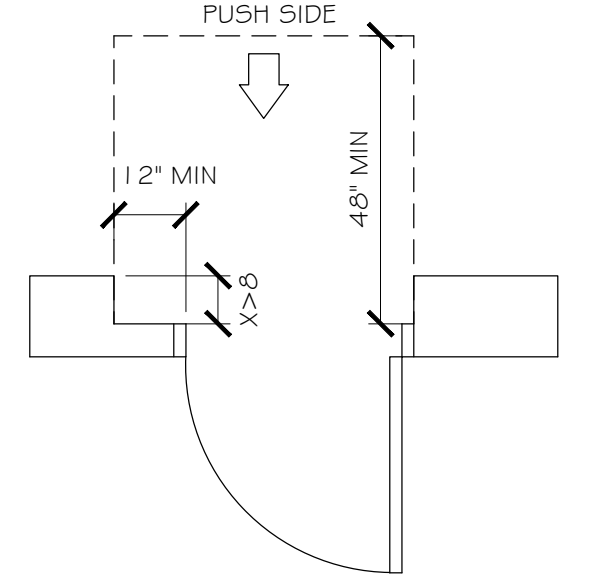
IBC 1208.2.1 FURRED CEILING.
ANY ROOM WITH A FURRED CEILING SHALL BE REQUIRED TO HAVE THE MINIMUM CEILING HEIGHT IN TWO-THIRDS OF THE AREA THEREOF, BUT IN NO CASE SHALL THE HEIGHT OF THE FURRED CEILING BE LESS THAN 7 FEET.



FRONT APPROACH SWINGING DOORS

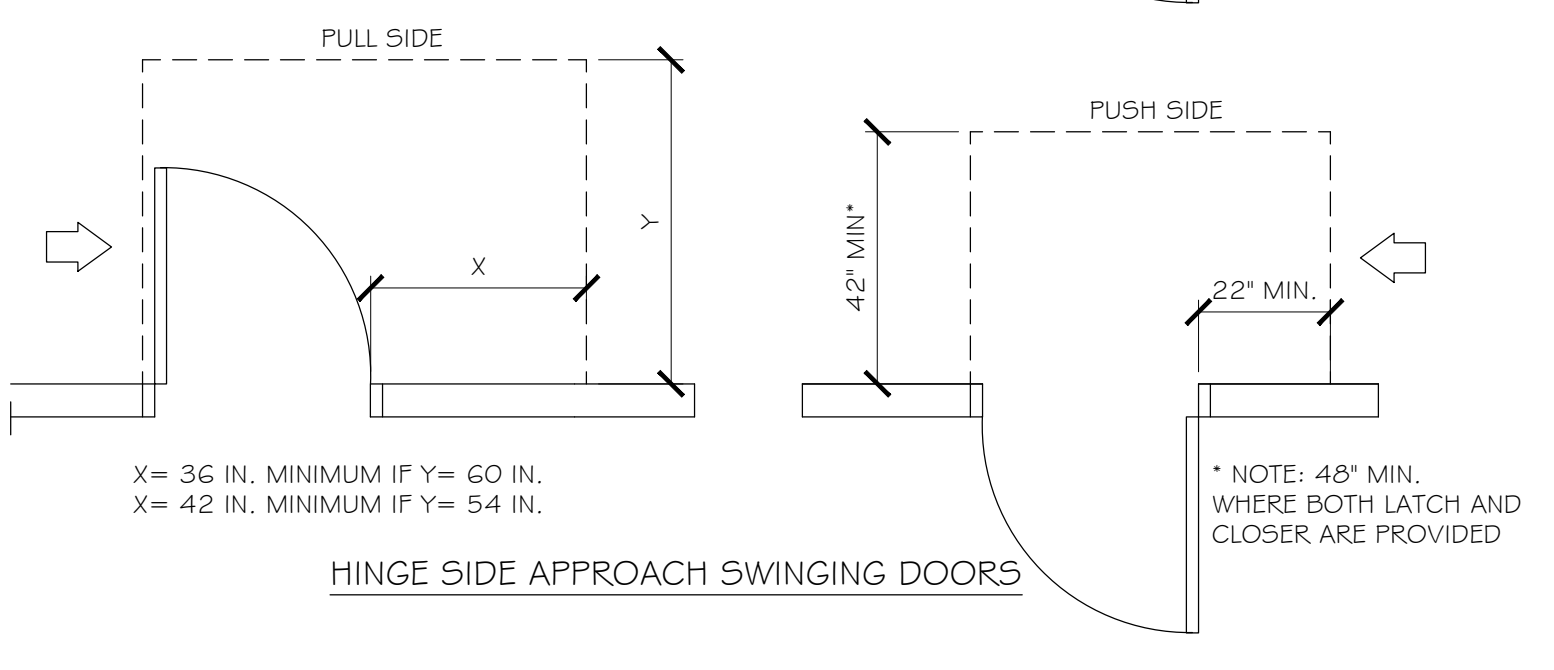


HINGE SIDE APPROACH SWINGING DOORS

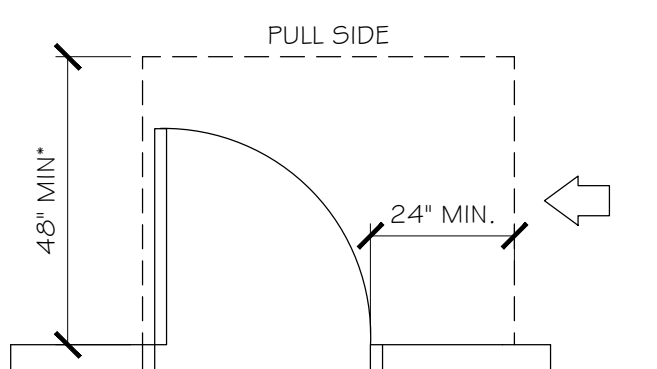


RECESSED DOOR CLEARANCE

NOTE: PUSH SIDE, DOOR PROVIDED WITH BOTH CLOSER AND LATCH. MEASURED PERPENDICULAR TO THE FACE OF THE DOOR

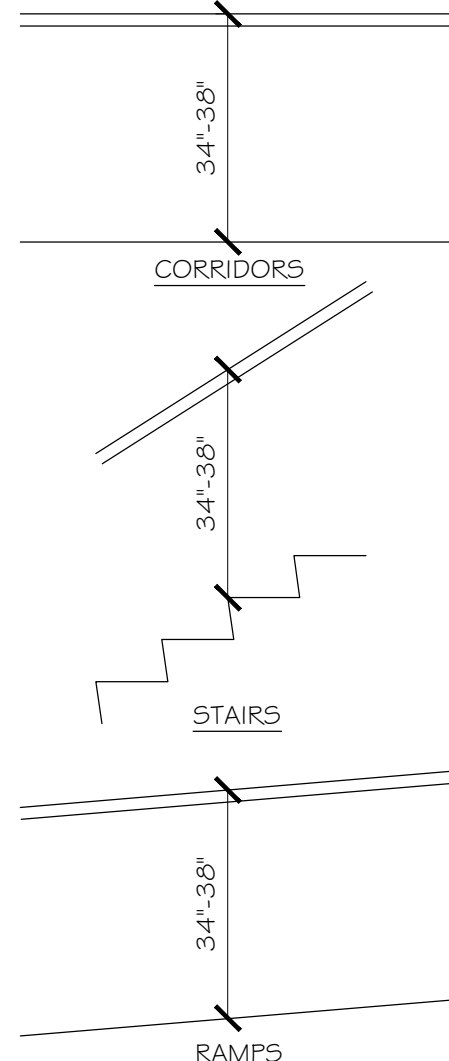


LATCH SIDE APPROACH SWINGING DOORS

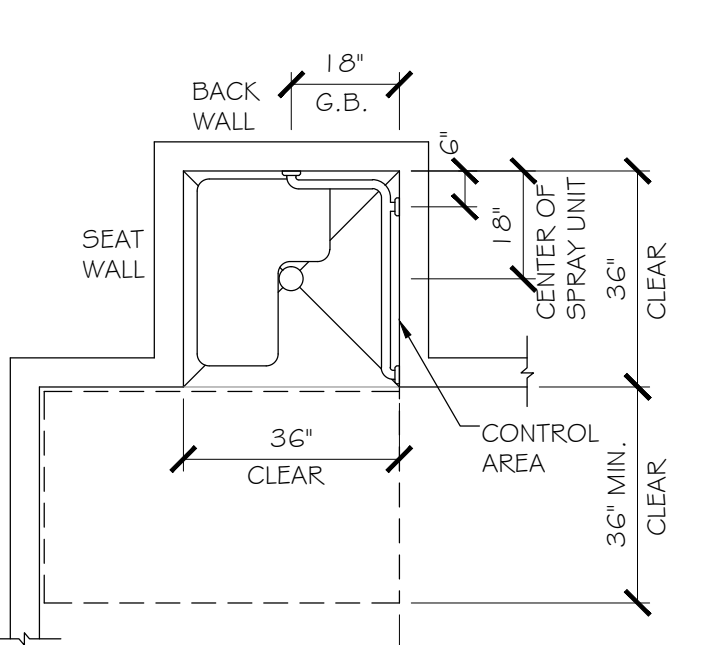


MANEUVERING CLEARANCES AT SWINGING DOORS

NOTE: ALL DOORS IN ALCOVES SHALL COMPLY WITH THE CLEARANCE FOR FRONT APPROACHES

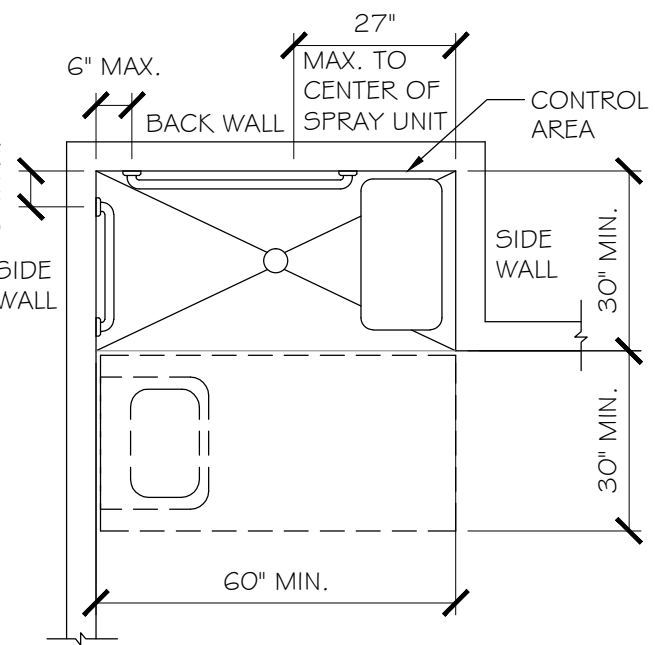


HANDRAIL HEIGHT



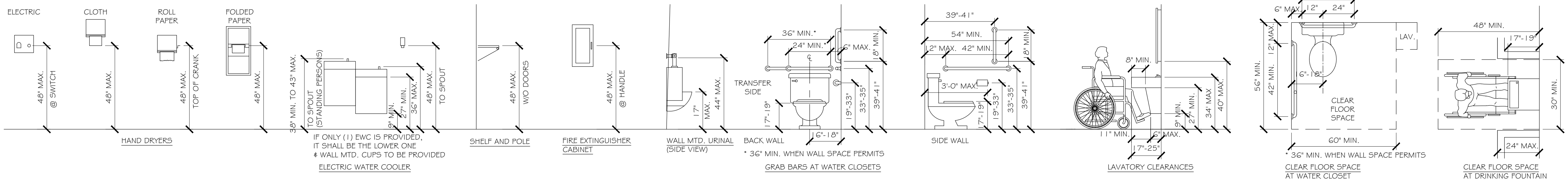
TRANSFER-TYPE SHOWER COMPARTMENT

CONTROLS, FAUCETS AND THE SHOWER UNIT SHALL BE ON THE SIDE WALL OPPOSITE THE SEAT 38" MIN. AND 48" MAX. ABOVE THE SHOWER FLOOR



STANDARD ROLL-IN TYPE SHOWER COMPARTMENT

CONTROLS IN ROLL-IN SHOWERS SHALL BE ABOVE THE GRAB BAR, BUT NO HIGHER THAN 48\"/>



TOILET AND BUILDING ACCESSORY MOUNTING HEIGHTS AND CLEARANCES

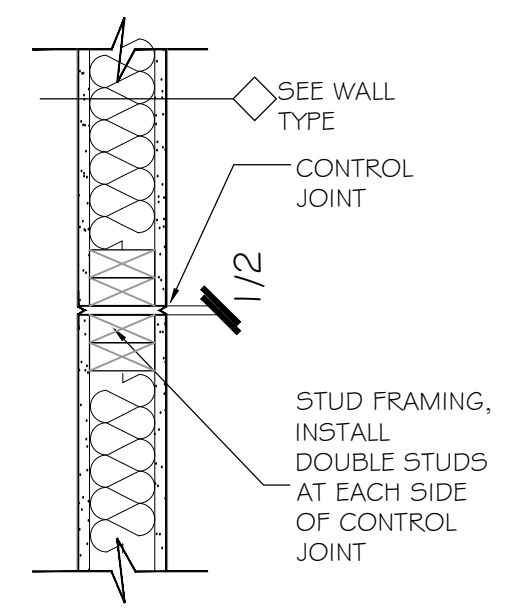
CONSTRUCTION DOCUMENTS

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RMA ARCHITECTS
1050 SOUTH GRIDER STREET
APPLETON, WISCONSIN 54914
PHONE: 920-364-9850

PROJECT DESCRIPTION: REMODEL FOR:
1201 N. BADGER AVE
FIRST FLOOR BAR -REMODEL
1201 N. BADGER AVE. APPLETON, WI 54914

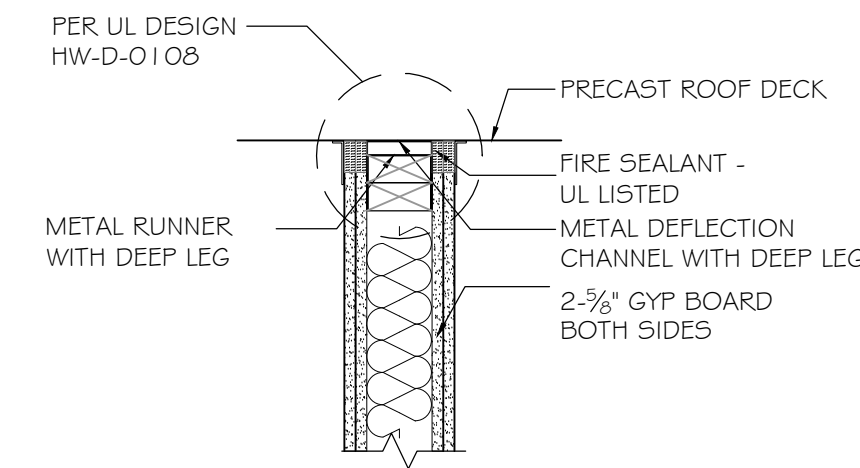
DRAWN BY
TFM/SDN
CHECKED BY
TFM
DATE
02/23/24
PROJECT NO.
245005

G1.2



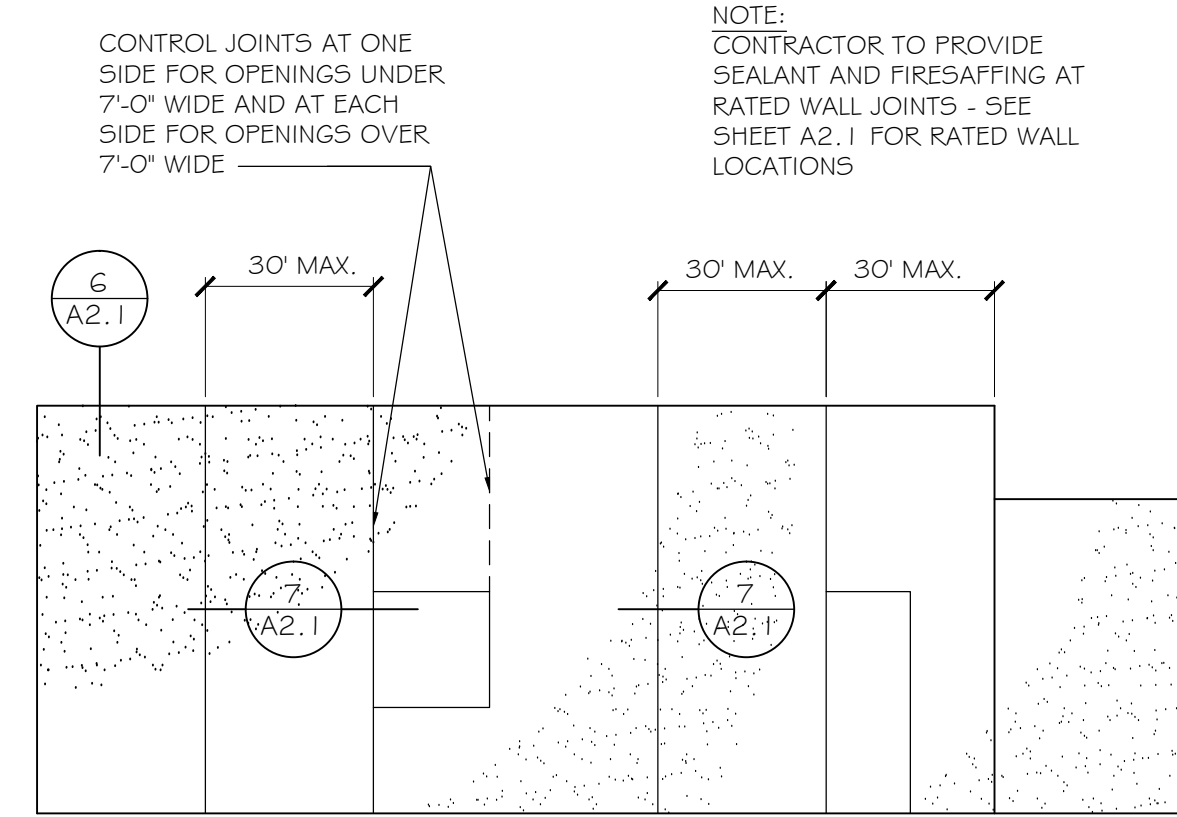
TYPICAL GYP. BD. CONTROL JOINTS

SCALE: N.T.S. 7 A2.1



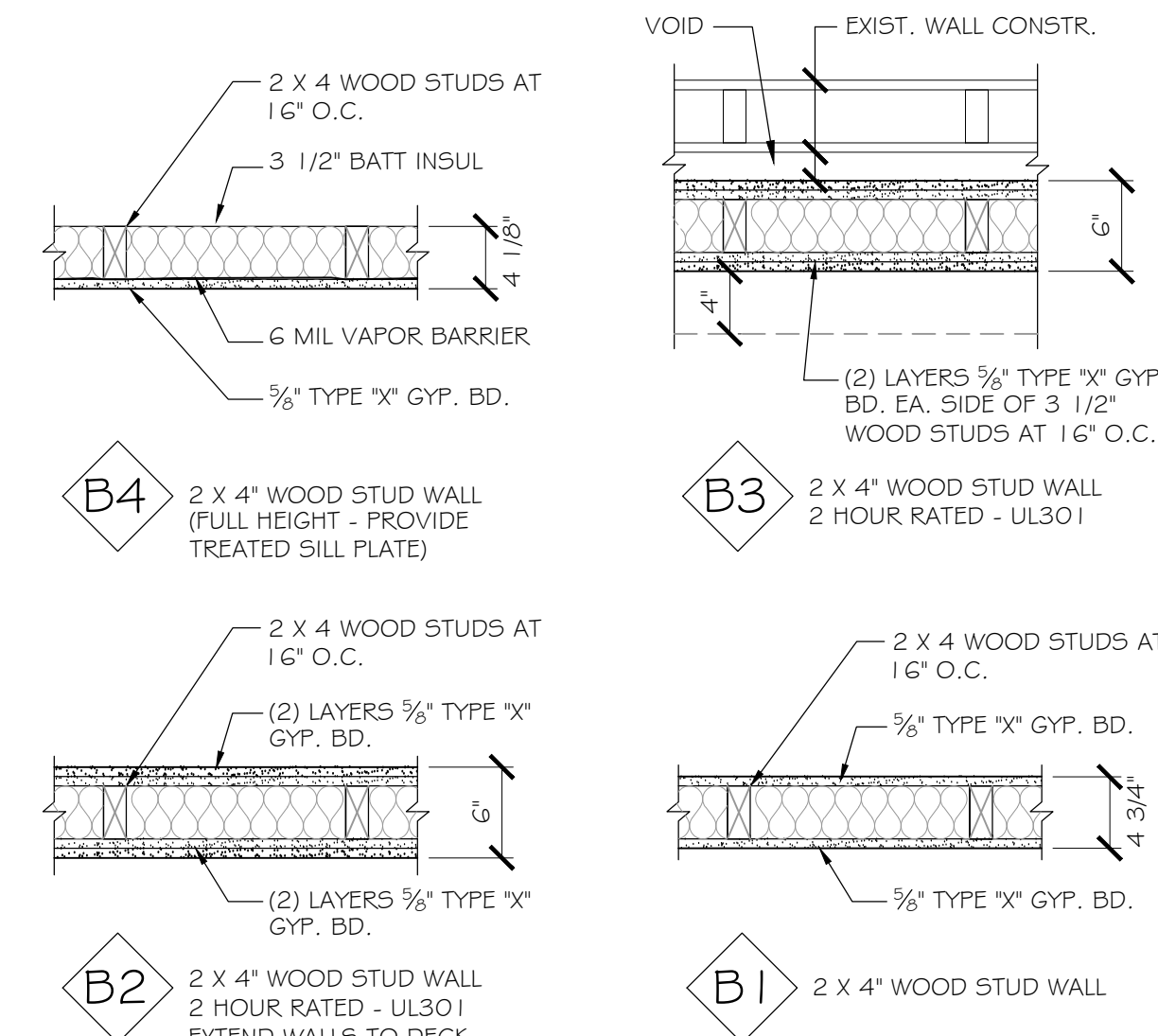
WALL TO DECK AT RATED WALL LOCATIONS

SCALE: N.T.S. 6 A2.1



TYP. GYP. BD. CONTROL JOINTS

SCALE: N.T.S. 5 A2.1



WALL TYPES

SCALE: 1\"/>

GENERAL NOTES

INSURE UPDATED FIRE SAFETY AND EVACUATION PLANS ARE IN PLACE AT TIME OF CERTIFICATE OF OCCUPANCY. (IFC 404.2)

ALL EMPLOYEES SHALL BE TRAINED IN THE FIRE EMERGENCY PROCEDURES AT TIME OF OCCUPANCY. (IFC 406)

ADDRESS TO BE POSTED AT FRONT AND REAR EGRESS DOORS.

ALL ROOMS CONTAINING FIRE PROTECTION EQUIPMENT SHALL BE CLEARLY LABELED. (IFC 510.1)

PLAN NOTES

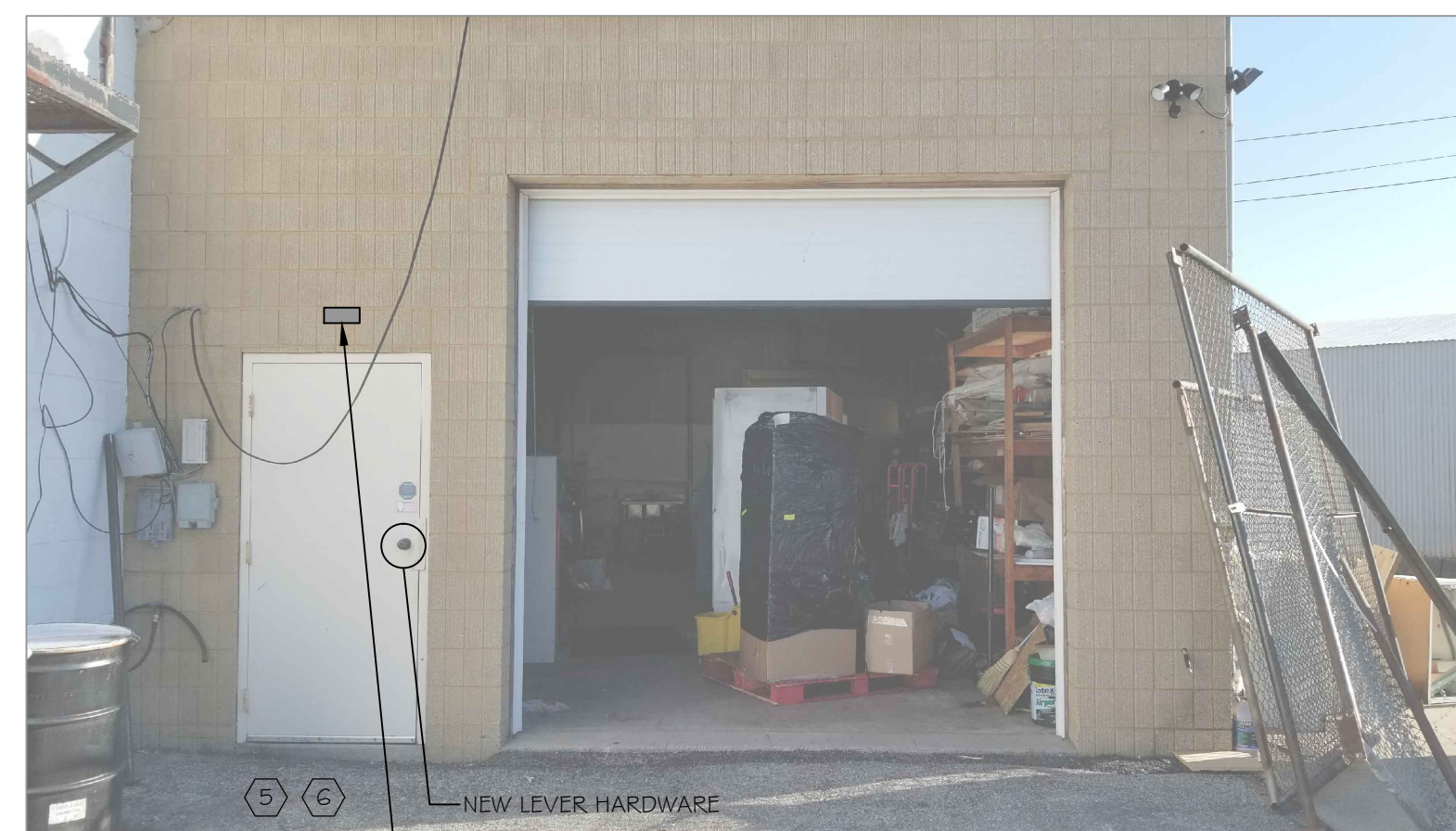
- ALIGN NEW WALL WITH EXISTING CONSTRUCTION
- PROVIDE (2) LAYERS 5/8\"/>
- PROVIDE VINYL COATED ACOUSTIC CEILING IN THIS ROOM AT 8'-6\"/>
- SITE CLEAR EXISTING DOOR AND FRAME. PREPARE OPENING FOR NEW 2 HOUR RATED DOOR AND FRAME
- SITE CLEAR EXISTING ASPHALT PAVING. PROVIDE NEW 4\"/>
- PATCH EXISTING ASPHALT INTO NEW CONCRETE SLAB WITH A SMOOTH TRANSITION
- EXHAUST FAN
- REMOVE EXISTING CEILING MOUNTED UNIT HEATER. NEW HEATER BY OTHERS

** GC PATCH EXISTING CONSTRUCTION AS REQUIRED



REFERENCE PHOTO

SCALE: NO SCALE 3 A2.1



REFERENCE PHOTO

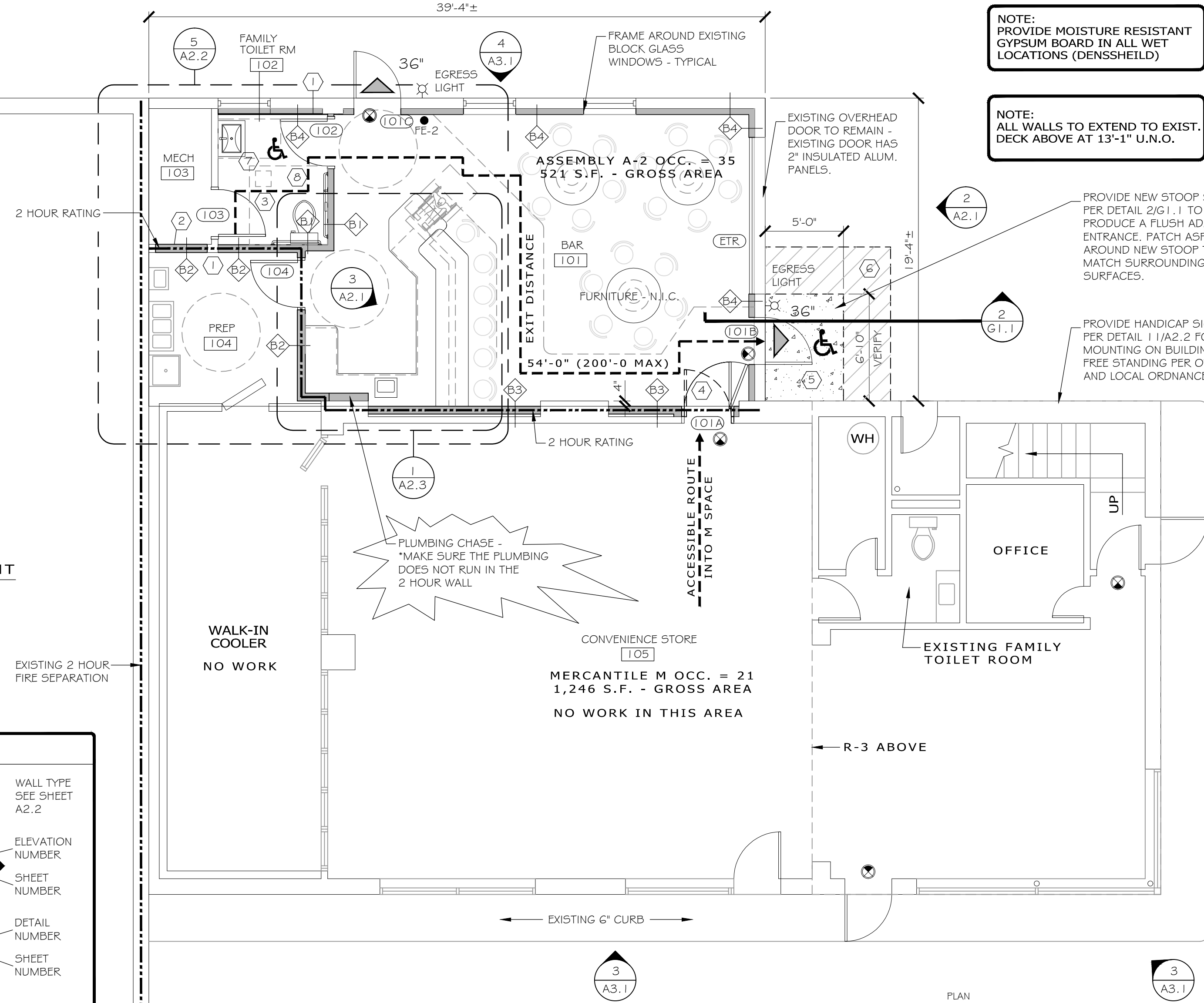
SCALE: NO SCALE 2 A2.1

KEY

- 2 HR RATED FIRE BARRIER
- 1 HR RATED FIRE BARRIER
- x'-x\"/>
- x\"/>
- EGRESS WIDTH
- FE-2 FIRE EXTINGUISHER
- EXIT LIGHT (EXISTING)
- EXIT LIGHT
- EGRESS LIGHT
- ACCESSIBLE

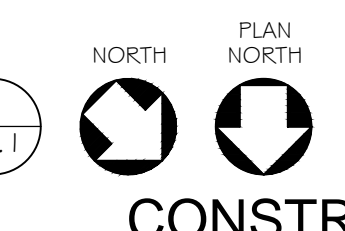
PLAN LEGEND

- EXISTING WALL
- EXISTING WALL TO BE SITE CLEARED
- NEW WALL CONSTRUCTION SEE WALL TYPES SHEET A2.2
- PLAN NOTE REFERENCE
- DOOR ID NUMBER SEE DOOR SCHED. A7.1
- NAME ROOM ID AND NUMBER
- WALL TYPE SEE SHEET A2.2
- ELEVATION NUMBER
- SHEET NUMBER
- DETAIL NUMBER
- SHEET NUMBER



FIRST FLOOR / CODE PLAN

SCALE: 3/16\"/>



CONSTRUCTION DOCUMENTS

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RMA ARCHITECTS

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DATE
02/23/24

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A2.1

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A2.2

CONSTRUCTION DOCUMENTS

ROOM FINISH SCHEDULE

ROOM TAG	ROOM NAME	FLOOR	BASE	WALLS								CEILING	NOTES
				NORTH		EAST		WEST		SOUTH			
				S	F	S	F	S	F	S	F		
101	BAR AREA	POLISHED CONC.	VB	ETR / GYP	PAINT	GYP	PAINT	ETR	PAINT	ETR / GYP	PAINT	ETR - 13'-1"	ETR PRECAST STRUCTURE
102	FAMILY TOILET	VINYL	VB	GYP	PAINT	GYP	PAINT	ETR	PAINT	GYP	PAINT	ACT - 9'-0"	VINYL COATED ACT
103	MECHANICAL	ETR	ETR	GYP	PAINT	ETR	PAINT	ETR	PAINT	ETR	PAINT	---	---
104	PREP	ETR	ETR	ETR	PAINT	GYP	PAINT	ETR	PAINT	ETR / GYP	PAINT	---	---
105	CONVENIENCE STORE	ETR	ETR	ETR	PAINT	ETR	PAINT	ETR	PAINT	ETR	PAINT	---	---

DOOR SCHEDULE

DOOR NUMBER	DOOR				FRAME			DETAILS			HDWR GROUP	FIRE RATING	REMARKS
	WIDTH	HEIGHT	TYPE	MAT.	DEPTH	TYPE	MAT.	HEAD	JAMB	SILL			
101A	3'-0"	7'-0"	D-1	HM	7"	F-1	HM	3/A2.2	3/A2.2	---	1	2 HR	---
101B	ETR	ETR	ETR	ETR / HM	ETR	ETR	ETR	---	---	---	3	---	REPLACE HARDWARE WITH LEVER HANDLE. PROVIDE NEW SWEEP AND SEALS.
101C	ETR	ETR	ETR	ETR / HM	ETR	ETR	ETR	---	---	---	3	---	REPLACE HARDWARE WITH LEVER HANDLE. PROVIDE NEW SWEEP AND SEALS.
102	3'-0"	7'-0"	D-1	HM	5 3/4"	F-1	HM	3/A2.2	3/A2.2	---	2	---	---
103	3'-0"	7'-0"	D-1	HM	5 3/4"	F-1	HM	SIM. 3/A2.2	SIM. 3/A2.2	---	4	---	---
104	3'-0"	7'-0"	D-1	HM	7"	F-1	HM	4/A2.2	4/A2.2	---	1	2 HR	PROVIDE HOLD OPEN AND ALARM

HARDWARE SCHEDULE

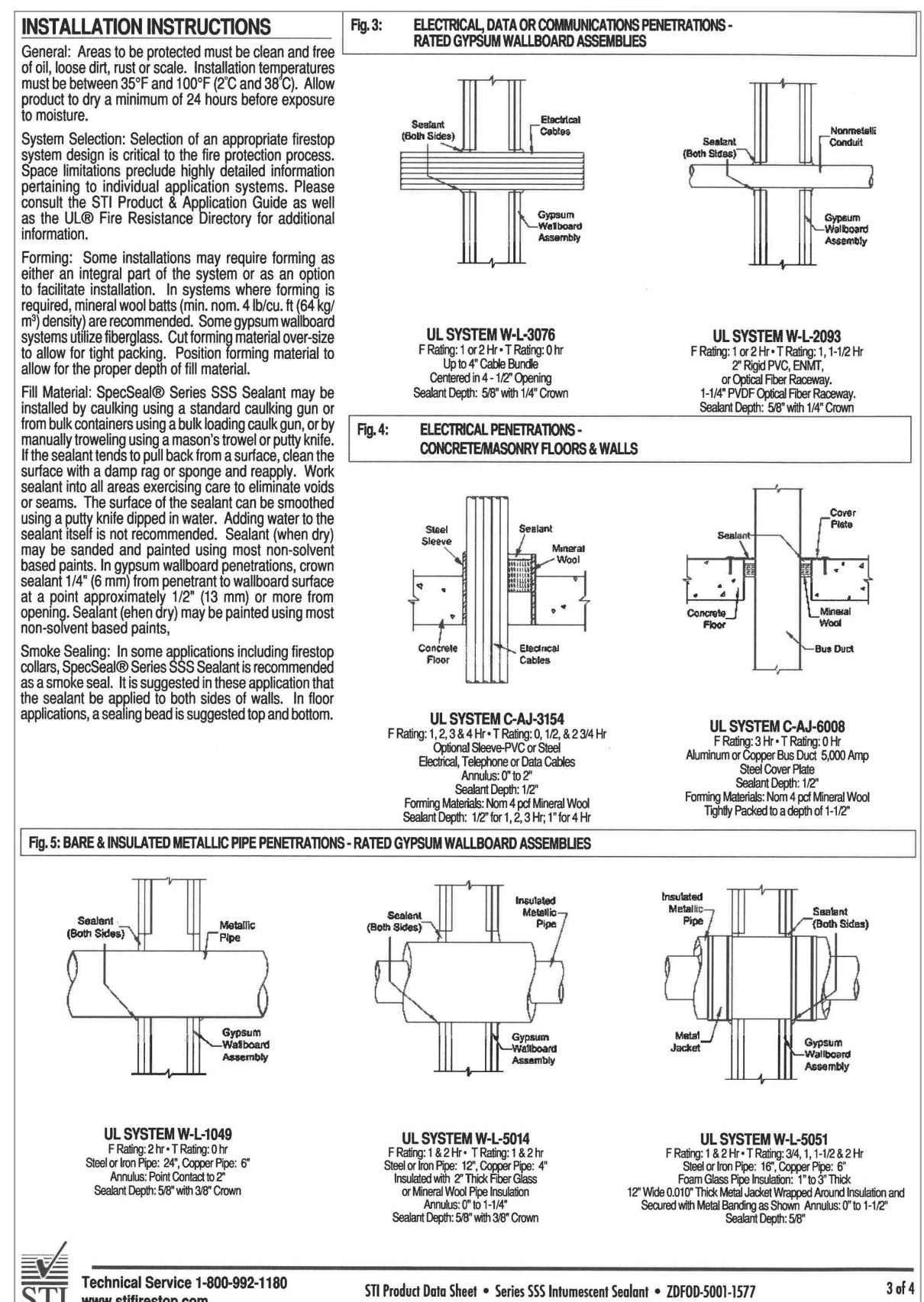
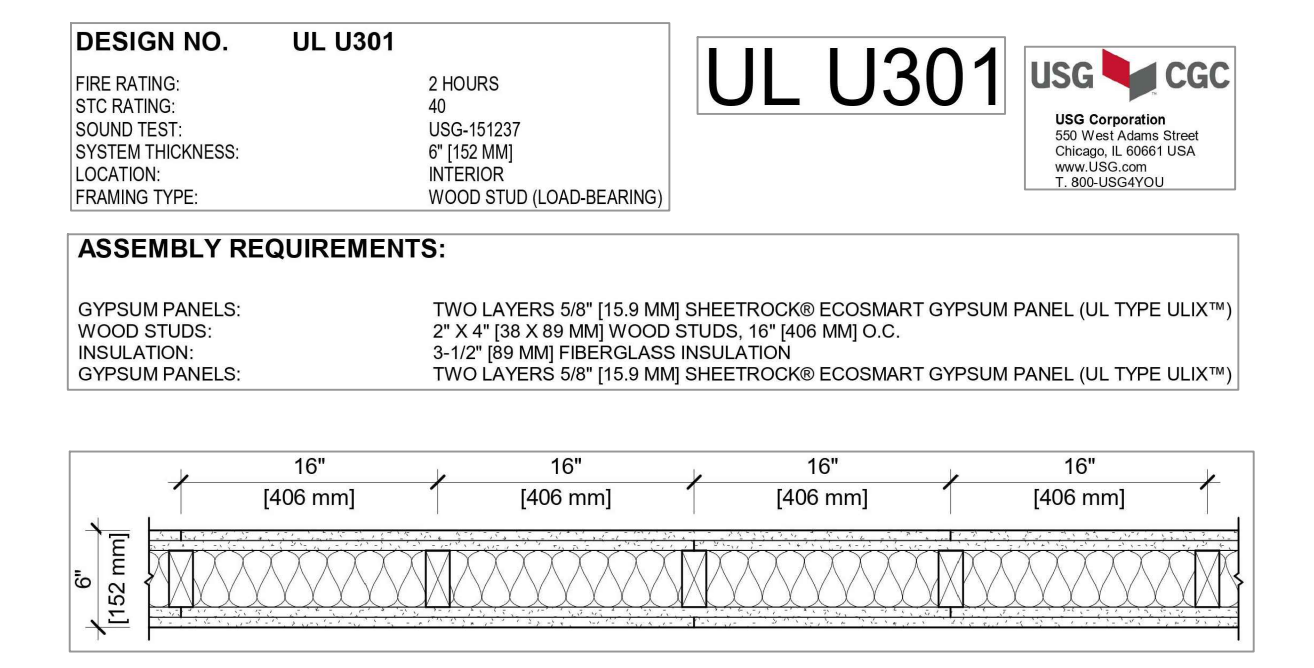
GROUP	TYPE	LOCK	RIM CYLINDER	HINGES	STOP	CLOSER	EXIT DEVICE	REMARKS
1	PASSAGE	ND105 RHO	N/A	BB1279	WS407CCV	4011 CUSH	N/A	---
2	PRIVACY	ND405 RHO	N/A	BB1279	WS407CCV	N/A	N/A	---
3	ENTRY	ND53RD RHO	N/A	BB1279	WS407CCV	N/A	N/A	---
4	STOREROOM	NDBORD RHO	N/A	BB1279	WS407CCV	N/A	N/A	---

A. LOCKSETS EQUAL TO: SCHLAGE.
B. KEYING EQUAL TO: KEY LOCKS IN SET. PROVIDE ALL LOCKSETS WITH SMALL FORMAT INTERCHANGABLE CORE.
C. EXIT DEVICES EQUAL TO: INGERSOLL RAND VON DUPPIN - 99 SERIES.
D. HINGES EQUAL TO: HAGER COMPANIES.
E. STOPS & HOLDERS EQUAL TO: IVES
F. CLOSERS EQUAL TO: LCN
G. WEATHERSTRIPPING EQUAL TO: REESE
H. ALL HARDWARE SHALL HAVE DULL CHROME 2GD FINISH.

ACCESSORY SCHEDULE

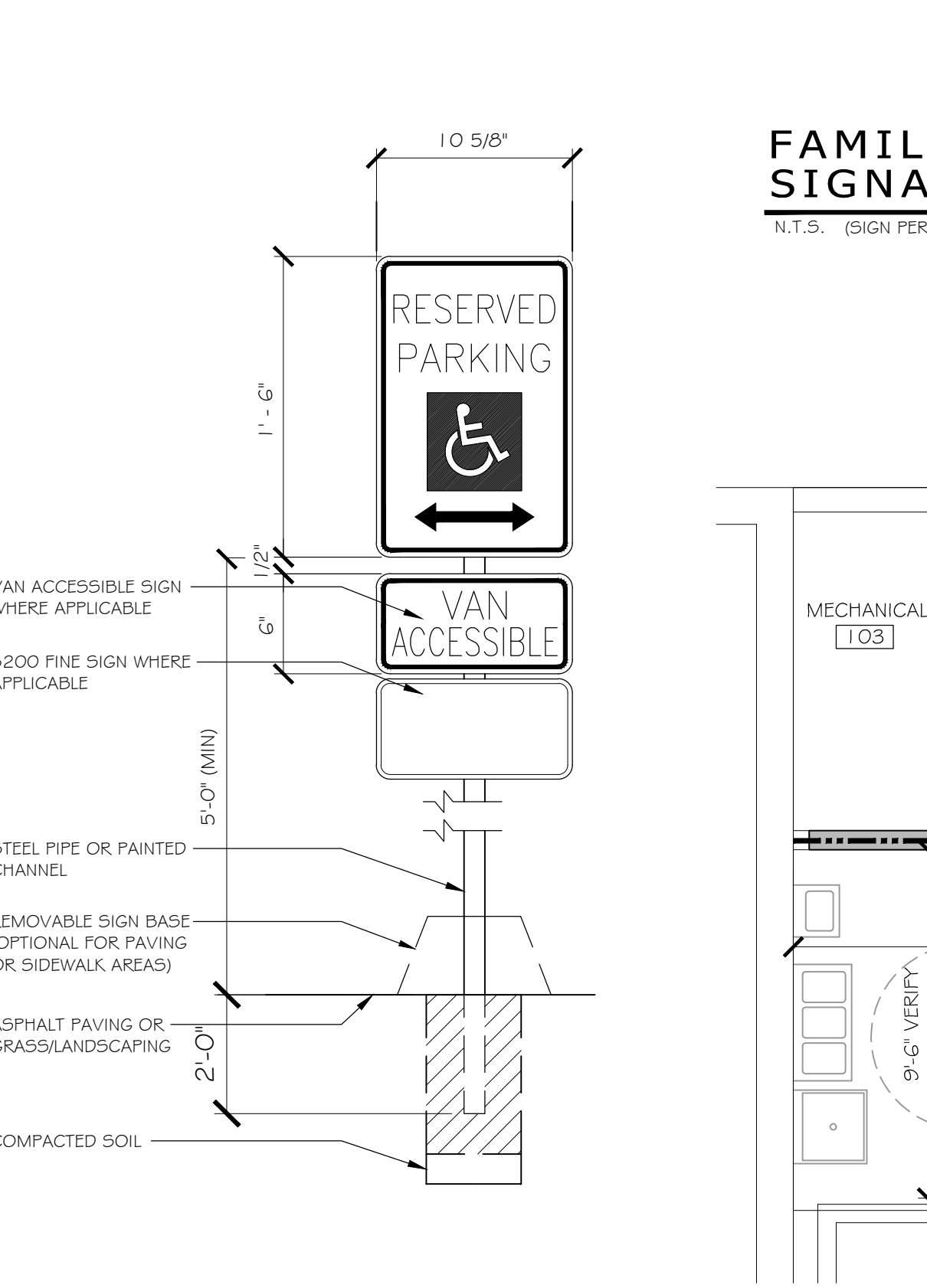
KEY NO.	DESCRIPTION	MANUFACTURER	MODEL NO.	QTY.	REMARKS
A	TOILET	ZURN	Z5562	1	---
B	WALL HUNG LAVATORY	KOHLER	K-1997-4-0	1	---
C	WALL HUNG LAVATORY FAUCET	DELTA	541-DST	1	---
D	GRAB BARS	BOBRICK	B-60GX36"	1	1,2
E	GRAB BARS	BOBRICK	B-60GX42"	1	1,2
F	GRAB BARS	BOBRICK	B-60GX18"	1	1,3
G	TOILET PAPER DISPENSER	BOBRICK	B-4388	1	1,4
H	ADA SIGNAGE (SEE DETAILS A2.2)	-	-	1	4
I	WALL MOUNTED MIRROR (24"X36")	BOBRICK	B-290	1	1,5
J	SOAP DISPENSER	BOBRICK	B-2111	1	1
K	PAPER TOWEL DISPENSER	BOBRICK	252	1	1

REMARKS: NOTE: VERIFY PRODUCT MANUFACTURERS & MODEL NUMBERS WITH OWNER.
1. REFER TO SHEET G1.2 FOR FURTHER DESCRIPTION AND MOUNTING REQUIREMENTS.
2. HORIZONTAL.
3. VERTICAL.
4. MOUNT CENTER OF SIGN AT 60" A.F.F.
5. MOUNT BOTTOM OF REFLECTIVE SURFACE MAX 40" A.F.F.

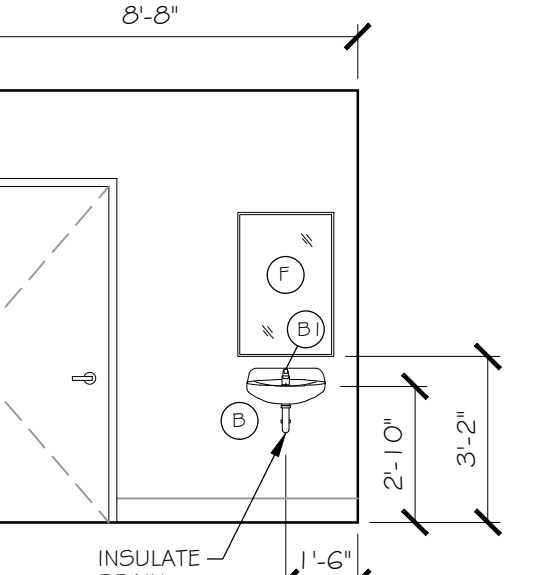


TWO (2) HOUR WALL PENETRATION ASSEMBLIES
SCALE: AS SHOWN

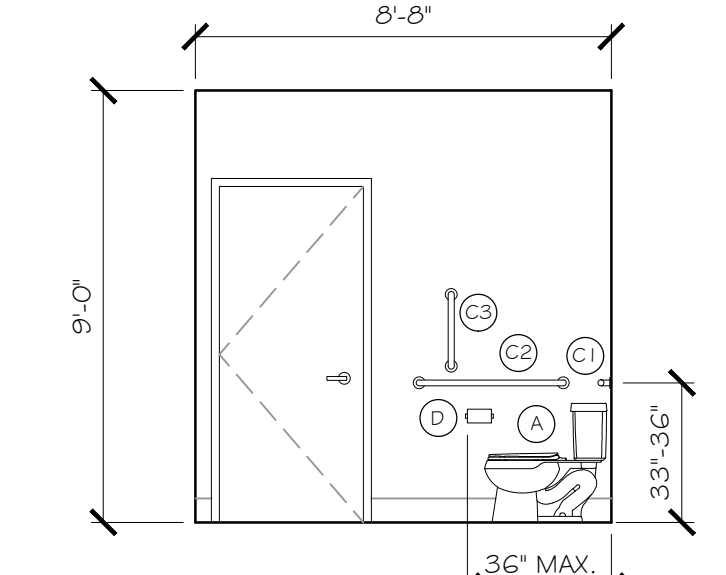
TWO (2) HOUR WALL ASSEMBLY - UL -U301
SCALE: NONE



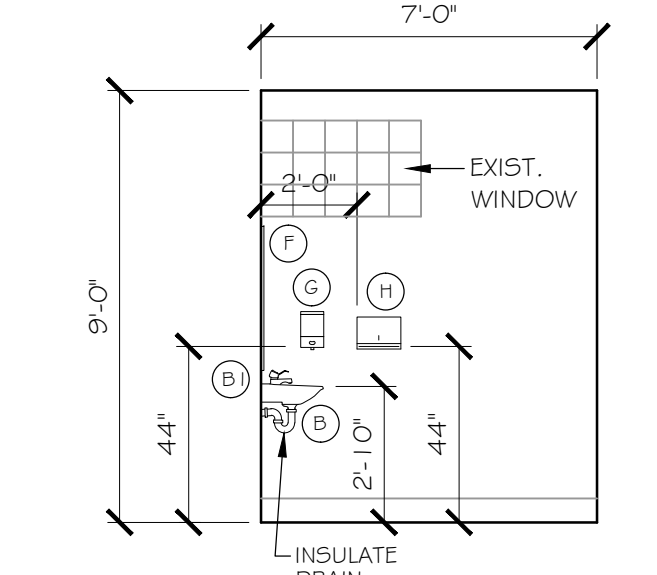
TOILET ROOM /BAR PLAN
SCALE: 1/4" = 1'-0"



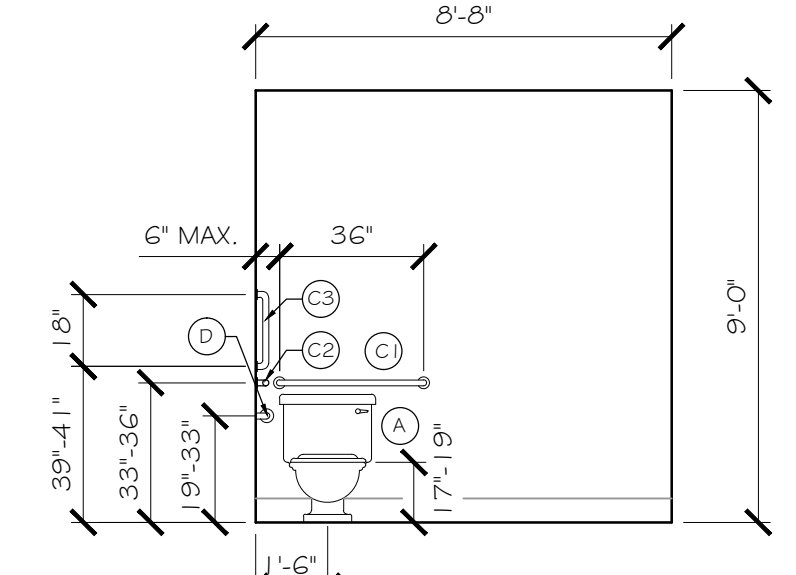
ELEVATION
SCALE: 1/4" = 1'-0"



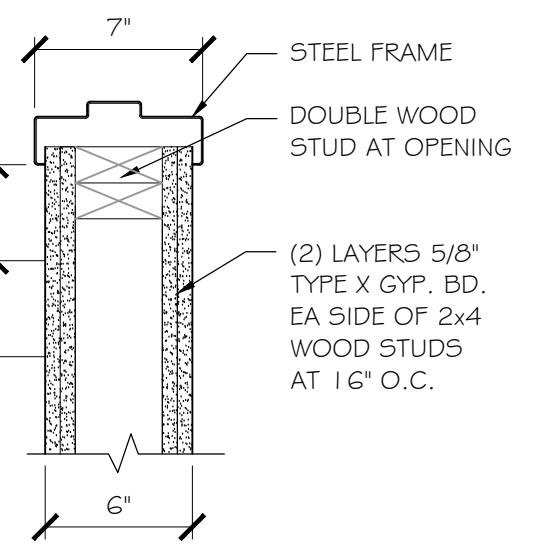
ELEVATION
SCALE: 1/4" = 1'-0"



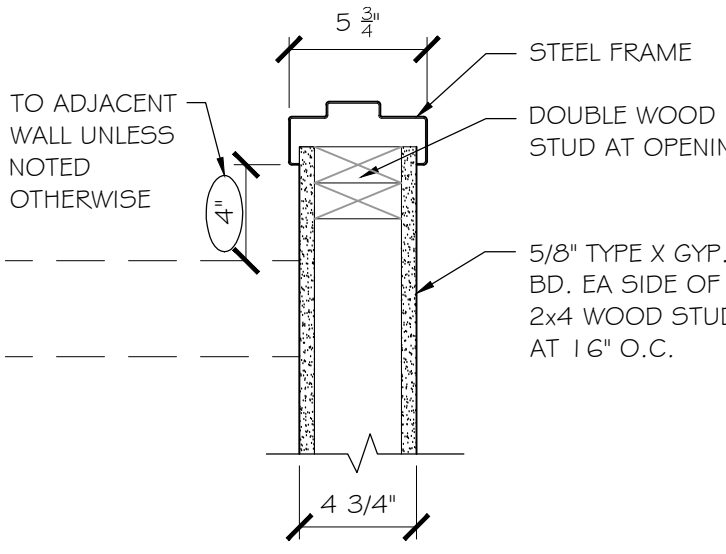
ELEVATION
SCALE: 1/4" = 1'-0"



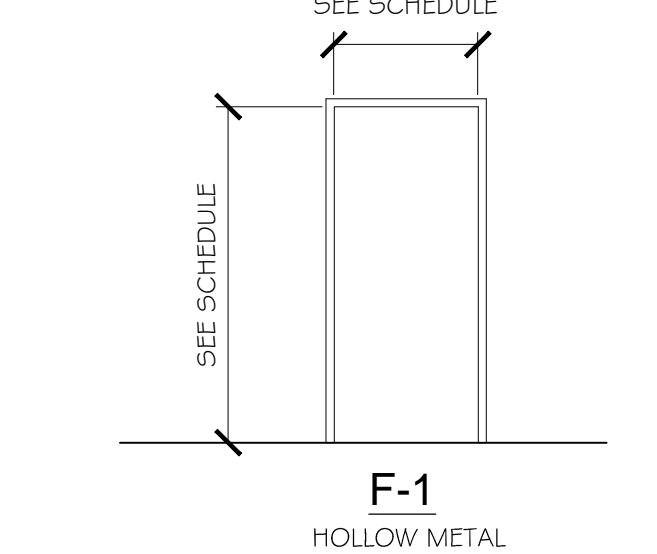
ELEVATION
SCALE: 1/4" = 1'-0"



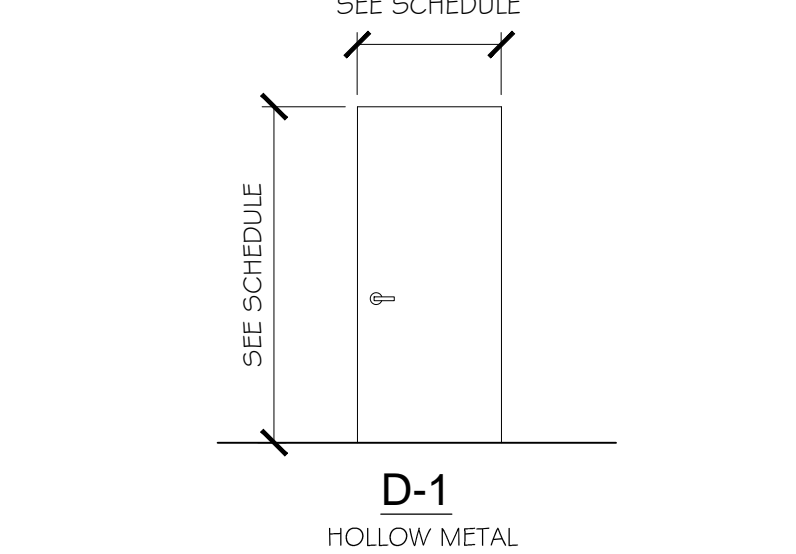
HEAD/JAMB DTL.
SCALE: 1/2" = 1'-0"



HEAD/JAMB DTL.
SCALE: 1/2" = 1'-0"

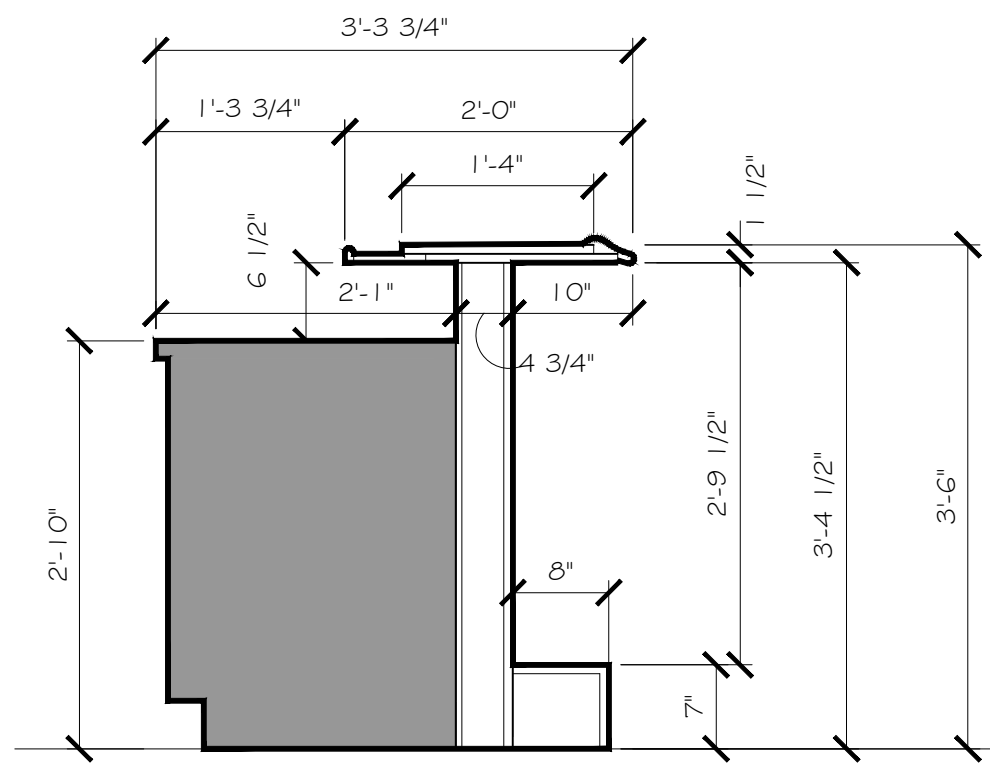


FRAME TYPES
SCALE: 1/4" = 1'-0"



DOOR TYPES
SCALE: 1/4" = 1'-0"

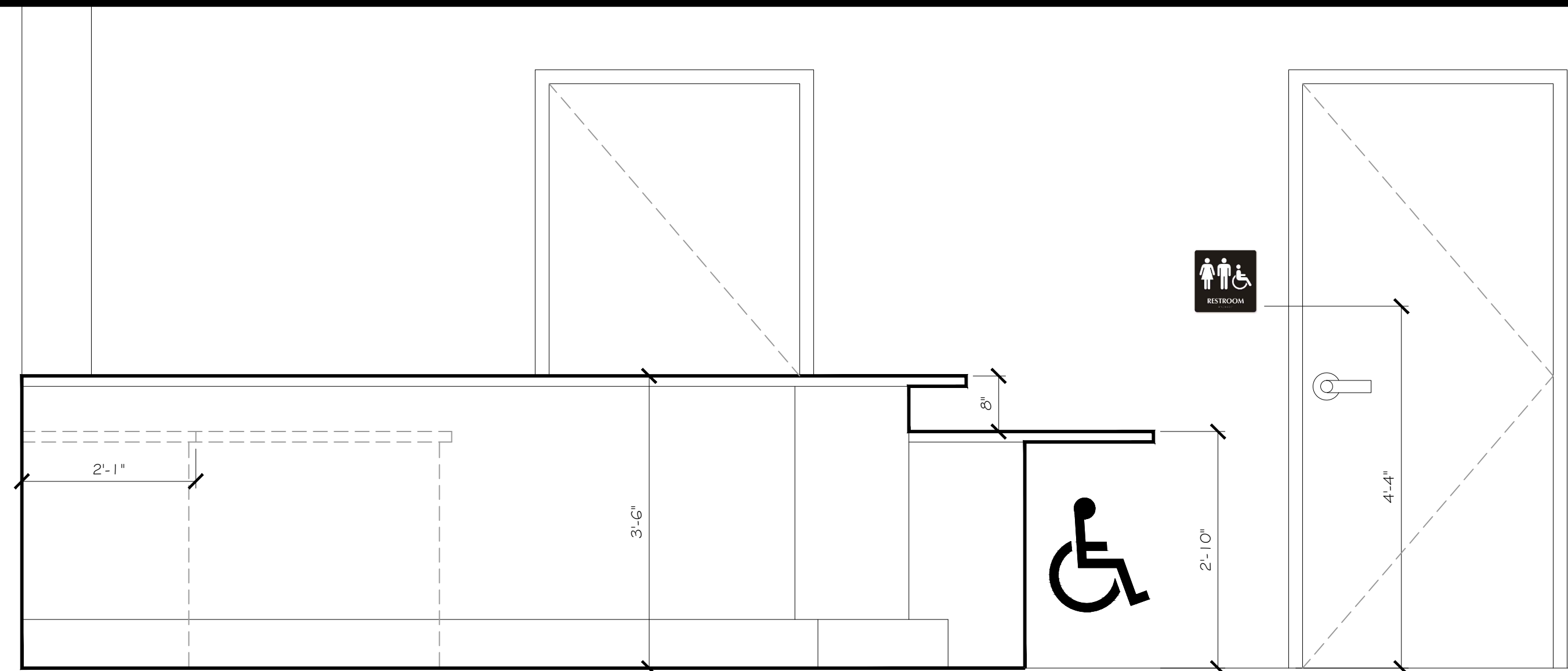
NOTE: THESE ELEVATIONS/ PLAN ARE FOR MATERIAL TAKE OFFS AND REFERENCE ONLY. THE OWNER WILL DECIDE THE MATERIALS OF THE BAR/ BACK BAR.



TYP. BAR SECTION

SCALE: 3/4" = 1'-0"

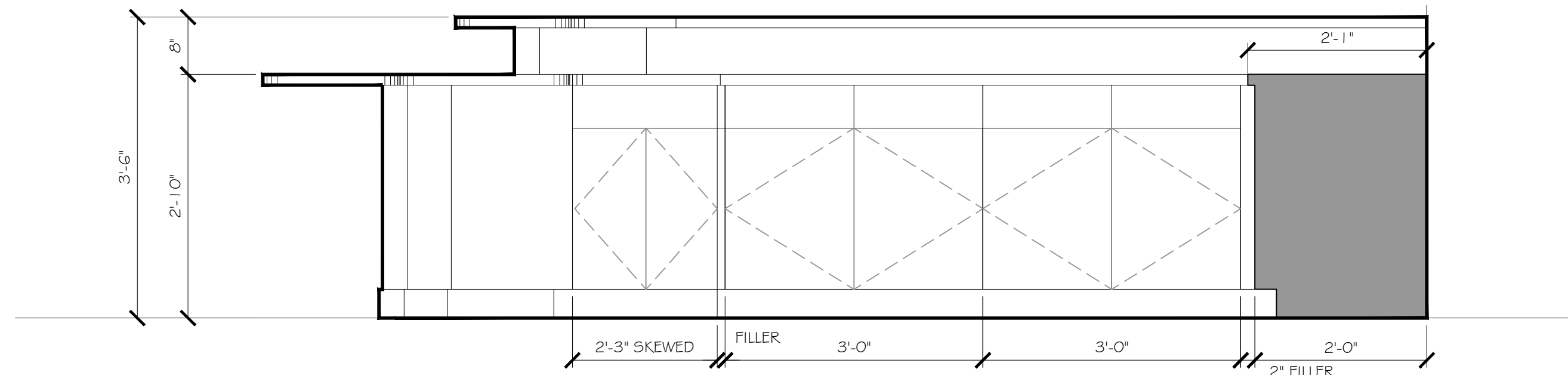
6
A2.3



FRONT OF BAR ELEVATION

SCALE: 3/4" = 1'-0"

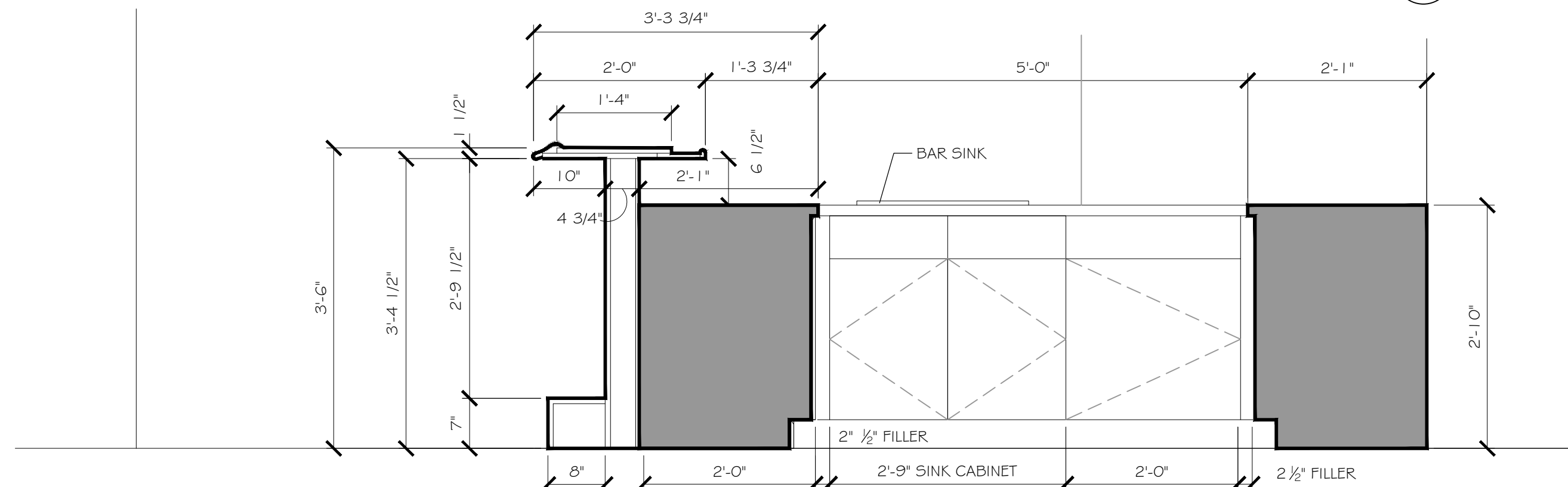
2
A2.3



BAR SECTION/ELEV.

SCALE: 3/4" = 1'-0"

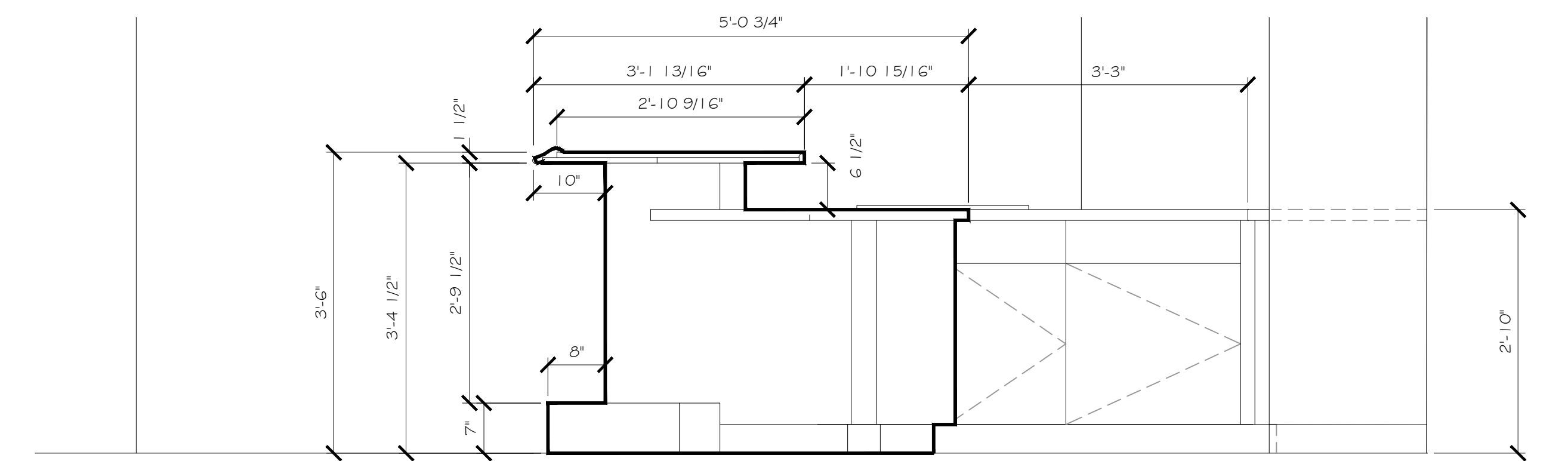
5
A2.3



BAR SECTION/ELEV.

SCALE: 3/4" = 1'-0"

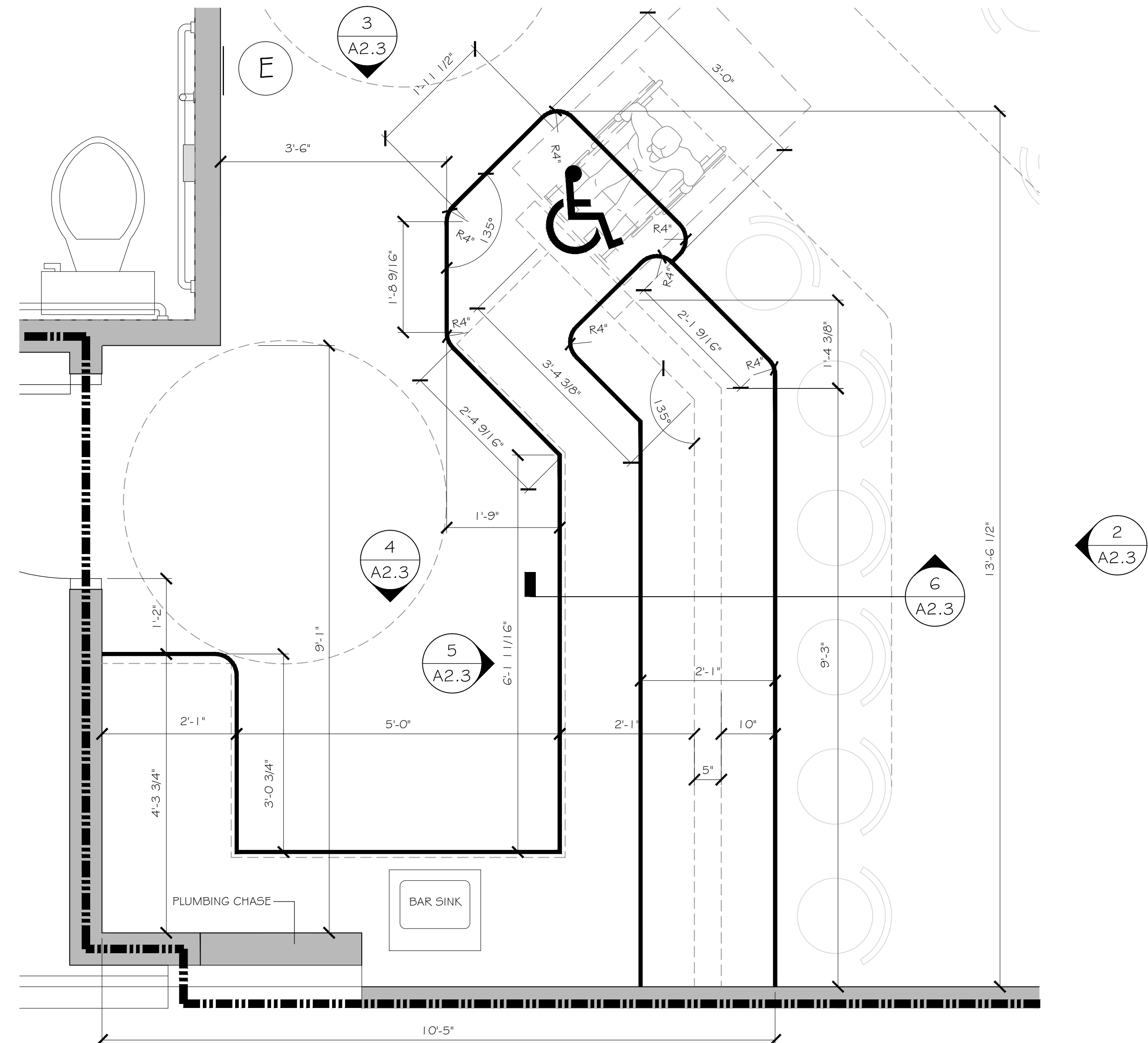
4
A2.3



SIDE BAR ELEV.

SCALE: 3/4" = 1'-0"

3
A2.3



BAR PLAN

SCALE: 3/4" = 1'-0"

1
A2.3



2
A2.3

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A2.3

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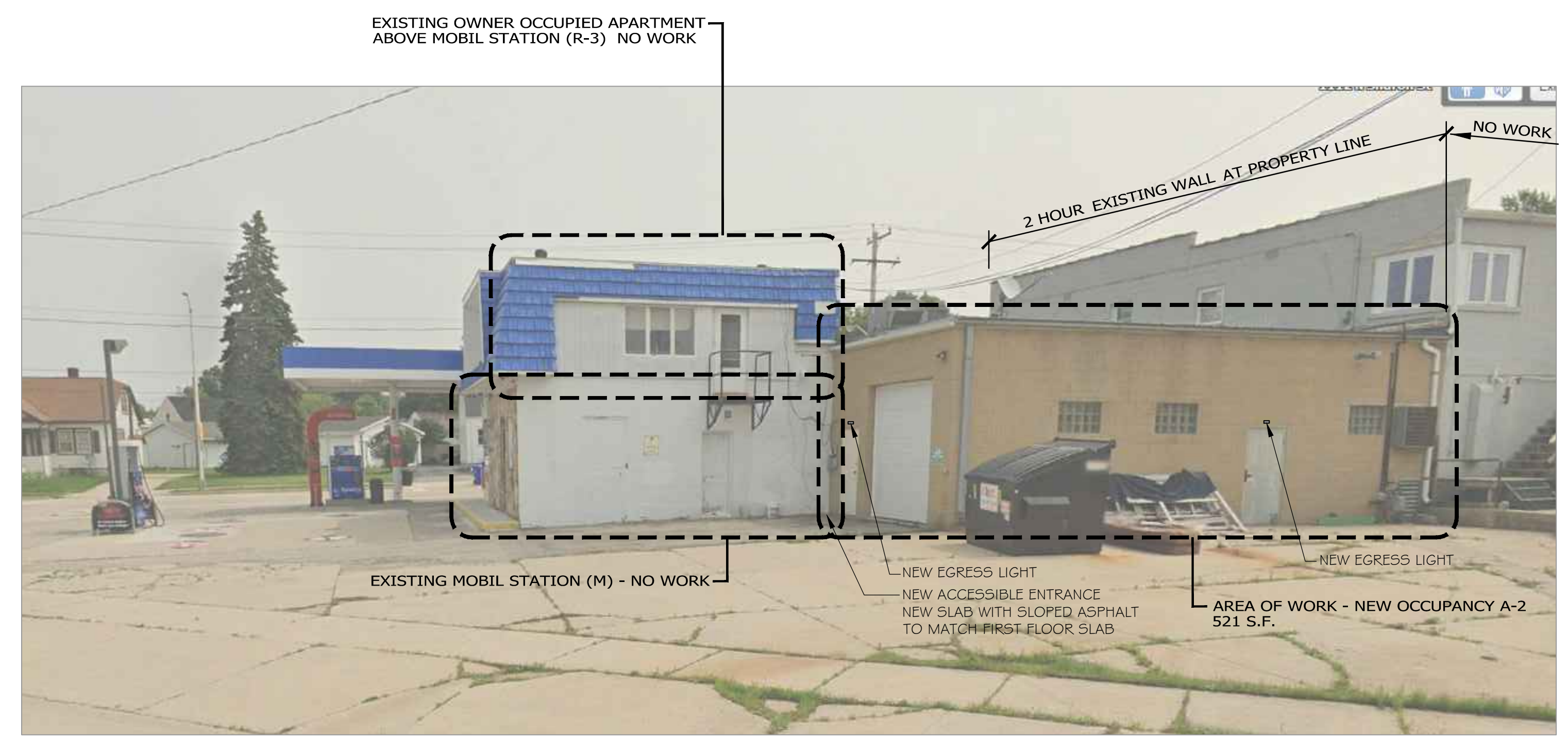
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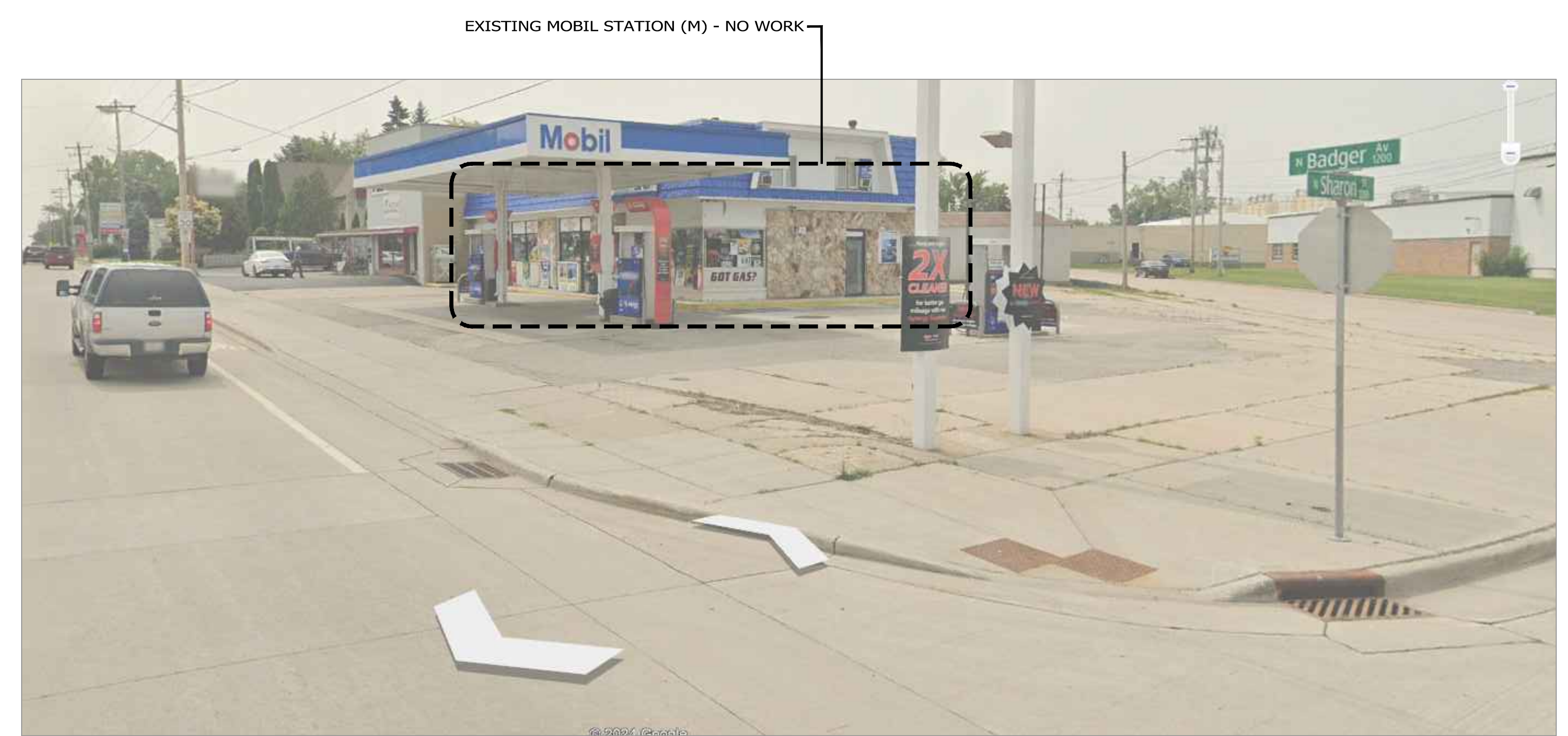
A3.1



REFERENCE PHOTO
SCALE: NO SCALE (BACK) 4 A3.1



REFERENCE PHOTO
SCALE: NO SCALE (SIDE) 2 A3.1



REFERENCE PHOTO AT BADGER AVE AND N. SHARON ST
SCALE: NO SCALE (FRONT / SIDE) 3 A3.1



REFERENCE PHOTO AT BADGER AVE
SCALE: NO SCALE (FRONT) 1 A3.1

4-24-24

Received voice mail from Janet Stellmacher of 1121 N. Badger Avenue. Her and her husband Ron have a home office, Badger Chiropractic, and live above it, which they have for the past 37 years.

She stated that she and Ron are against this proposed Special Use Permit. She stated they have seen a decline over the years in the behavior of people and stated this is close to the high school. She stated it would be a bad decision to allow it. She stated this business has a hard time keeping it clean and safe for people the way it is. For these and a variety of reasons, she feels this would be a bad decision and unmonitored use as tavern.

Brenda Broeske

From: Janet Stellmacher <janet.stellmacher@gmail.com>
Sent: Wednesday, April 24, 2024 3:43 PM
To: Brenda Broeske
Subject: Special Use Permit for Tavern @ 1201 N Badger Ave

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

Dear Brenda and Appleton Plan Commission, Thank you for the opportunity to express our concerns for the possible allowance of a tavern permit at the Gas Mart located at 1201 N Badger Avenue. We strongly feel allowing a tavern to operate in this location would be a mistake. We have operated our home/office location at 1121 N Badger Ave for 37 years and have always maintained a clean and organized property, enhancing the neighborhood. There have been many instances when cleanliness is not maintained at the address wanting to operate a tavern. We have also seen many situations of bad behavior in the surrounding area. Police have already made calls on a house across the street several times over the past years. It appears that drug-related activity is taking place. Would allowing alcohol to be available in an area already challenged in such a way be a wise decision? The location of Appleton West High School just down the street is of concern. How will the tavern be monitored for under-age drinking, drunken and disorderly behavior? Where will parking be provided for this business? What music and noise level will be allowed?

The location of a tavern so close to the corner intersection of Wisconsin Avenue and Badger Avenue is dangerous. Vehicles traveling from the west come around that curving yield intersection at a higher than normal speed and will not be anticipating additional traffic from a tavern in that location. We are also concerned that this location borders a residential area with many young children and elderly pedestrians attempting to cross Badger Avenue. The bicycle shop right next door has much street activity with vehicles coming and going and customers trying out new bikes.

The decision to allow a tavern in this location would be a bad one with possible tragic consequences.

Thank you for allowing us to express our sincere concerns.

Yours truly,

Ron and Janet Stellmacher

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



CITY OF APPLETON

MEMORANDUM

Date: April 24, 2024
To: City Plan Commission
From: Jessica Titel, Principal Planner, Community & Economic Development
Subject: Dedication of a Public Trail Within Southpoint Commerce Park per Wis. State Statute 62.23(5)

Wis. State Statute 62.23(5) states that the location and acceptance of land to be used as a public way, park (i.e. public trail) or public grounds shall be referred to the Plan Commission for its consideration and report before final action is taken by the Common Council.

Background:

The City of Appleton Trails Master Plan (2017) proposed network map identifies a proposed trail between Plank Road and Coop Road located within Southpoint Commerce Park.

On December 20, 2023, the Common Council took action to accept the dedication of the outlots for public trail purposes within the Southpoint Commerce Park from Coop Road to Quest Drive. The dedications were associated with proposed Certified Survey Maps and the Southpoint Commerce Park Plat 4.

The attached Certified Survey Map creates an outlot for the proposed trail and dedicates the outlot for public trail purposes within Southpoint Commerce Park. The City currently owns the land within the proposed CSM. The land dedication for the public trail occurs at the time the Certified Survey Map is recorded.

Please see the attached draft Certified Survey Map and the "Proposed Trails" map from the 2017 Trails Master Plan.

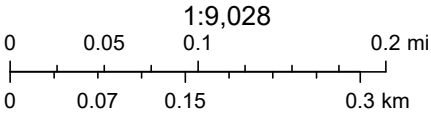
PLAN COMMISSION RECOMMENDED ACTION:

In accordance with Wis. State Statute 62.23(5), Staff recommends the acceptance of the proposed dedication of the outlot identified for public trail purposes within Southpoint Commerce Park, as shown on the attached maps and the 2017 Trails Master Plan, **BE APPROVED.**

SouthPoint Commerce Park Trail



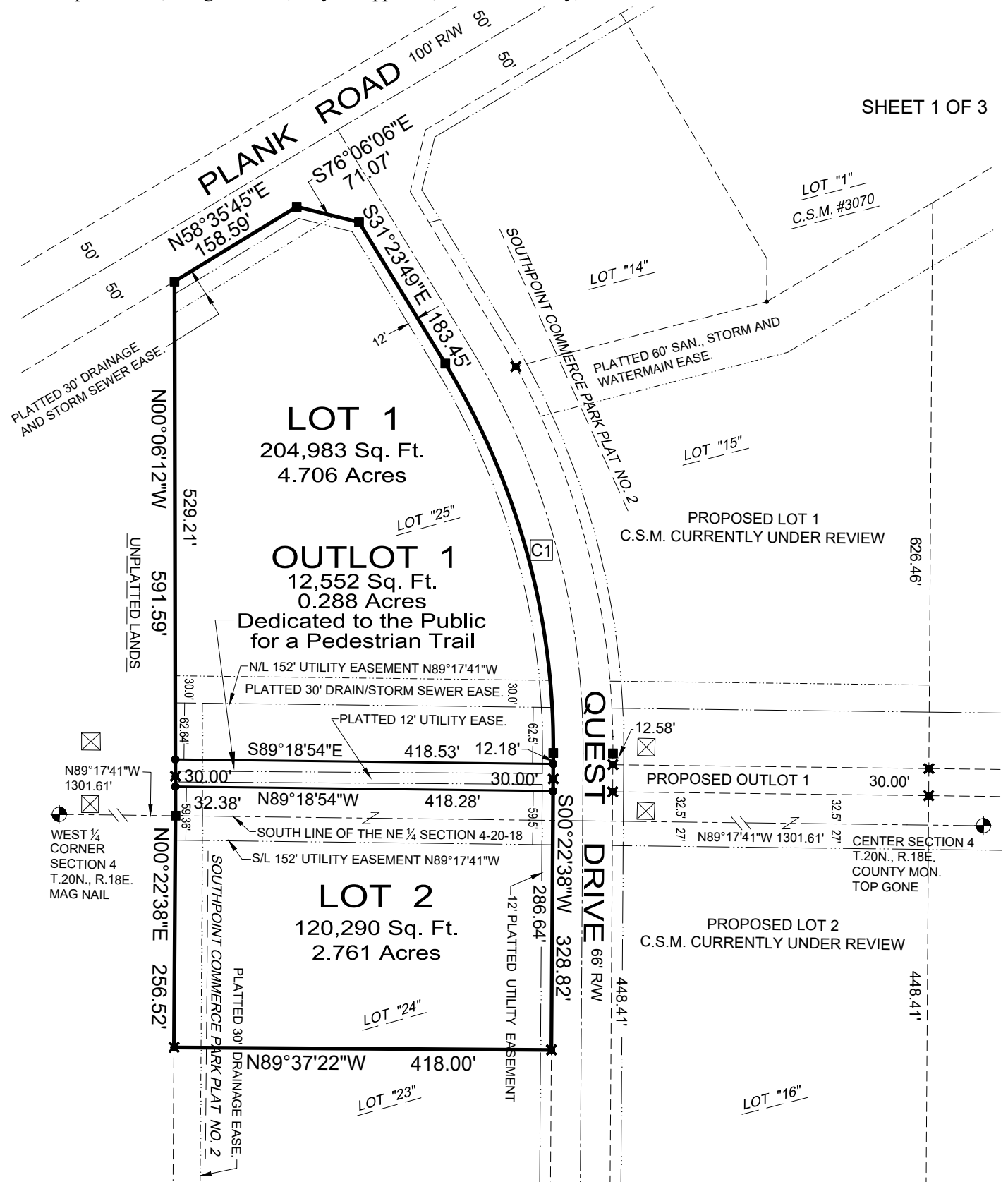
12/5/2023, 10:30:48 AM



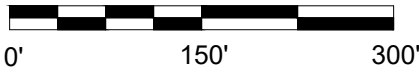
CERTIFIED SURVEY MAP NO. _____

All of Lot 24 and 25 of Southpoint Commerce Park Plat No. 2, located in the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ and the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 4, Township 20 North, Range 18 East, City of Appleton, Calumet County, Wisconsin.

SHEET 1 OF 3



SCALE IN FEET

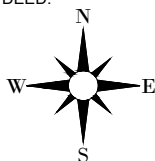


LEGEND

- = $\frac{3}{4}$ " Iron Rebar, 24" long, Weighing 1.5 lbs./ft. Set
- ✕ = $\frac{3}{4}$ " Iron Rebar Found
- = $1\frac{1}{4}$ " Iron Rebar Found
- ⊕ = Government Corner
- () = Measurements of Record
- ⊠ = Steel Transmission Tower
- = 12' Platted Utility Easement Unless Noted Otherwise

NOTES:

1. TYPICAL BUILDING SETBACK IS 40' AT FRONT, 25' SIDE AND REAR (50' REAR YARD AND SIDE YARD IF ABUTTING A RESIDENTIALLY-ZONED DISTRICT).
2. THIS CERTIFIED SURVEY MAP DOES NOT TRANSFER INTEREST IN REAL PROPERTY. TRANSFER OF INTEREST IN REAL PROPERTY REQUIRES A DEED.



BEARINGS ARE REFERENCED TO SOUTHPOINT COMMERCE PARK NO. 2, WHICH IS REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM, CALUMET COUNTY.

CURVE DATA TABLE

CURVE	RADIUS	LENGTH	LC	LCB
C1	817.00'	453.08'	447.30'	S15°30'35.5"E

CITY OF APPLETON

DEPT. OF PUBLIC WORKS

ENGINEERING DIVISION

100 NORTH APPLETON STREET

APPLETON, WI 54911

920-832-6474

DRAFTED BY: T. KROMM

Acad dwgs\CSMs\2024\Southpoint 2_Lot_25_2024

CERTIFIED SURVEY MAP NO. _____

All of Lot 24 and 25 of Southpoint Commerce Park Plat No. 2, located in the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ and the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 4, Township 20 North, Range 18 East, City of Appleton, Calumet County, Wisconsin.

SHEET 2 OF 3

SURVEYOR'S CERTIFICATE:

All of Lot 24 and 25 of Southpoint Commerce Park Plat No. 2, located in the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ and the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 4, Township 20 North, Range 18 East, City of Appleton, Calumet County, Wisconsin. Said lands subject to all easements and restrictions of record.

That I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes and the City of Appleton subdivision ordinance in surveying, dividing and mapping the same. That this map is a correct representation of all exterior boundaries of the land surveyed and the division thereof.

Dated this ____ day of _____, 2024.

Wisconsin Professional Land Surveyor: Thomas M. Kromm

This Certified Survey Map is all of tax parcel: 31-9-5712-24 and 31-9-5712-25.

This Certified Survey Map is contained within the property described in the following recorded instrument: Doc. in J.2996 I.18-19, Doc. in J.2992 I.5-6, Doc. in J.5037 I.63-64, Doc. No.401088, and Doc. No.402690. The property owner of record for Lot 24 and Lot 25 of Southpoint Commerce Park Plat No. 2 is the City of Appleton.

CORPORATE OWNER'S CERTIFICATE:

City of Appleton, a municipal corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, hereby certify that we caused the land on this Certified Survey Map to be surveyed, divided, mapped, and dedicated all as shown and represented on this map. We do further certify this Certified Survey Map is required by s.236.10 or 236.12 of the Wisconsin statutes to be submitted to the following for approval: City of Appleton

Jacob A. Woodford, Mayor Date

Kami Lynch, City Clerk Date

STATE OF WISCONSIN)
) SS
OUTAGAMIE COUNTY)

Personally came before me on this ____ day of _____, 2024, the above-named owners to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary

My commission expires _____

CERTIFIED SURVEY MAP NO. _____

All of Lot 24 and 25 of Southpoint Commerce Park Plat No. 2, located in the Southeast ¼ of the Northwest 1/4 and the Northeast 1/4 of the Southwest 1/4 of Section 4, Township 20 North, Range 18 East, City of Appleton, Calumet County, Wisconsin.

SHEET 3 OF 3

TREASURER’S CERTIFICATE:

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

City Finance Director Date
Jeri A. Ohman

County Treasurer Date
Rochelle Oskey

CITY OF APPLETON APPROVAL:

Approved by the City of Appleton on this _____ day of _____, 2024.

Jacob A. Woodford, Mayor Date

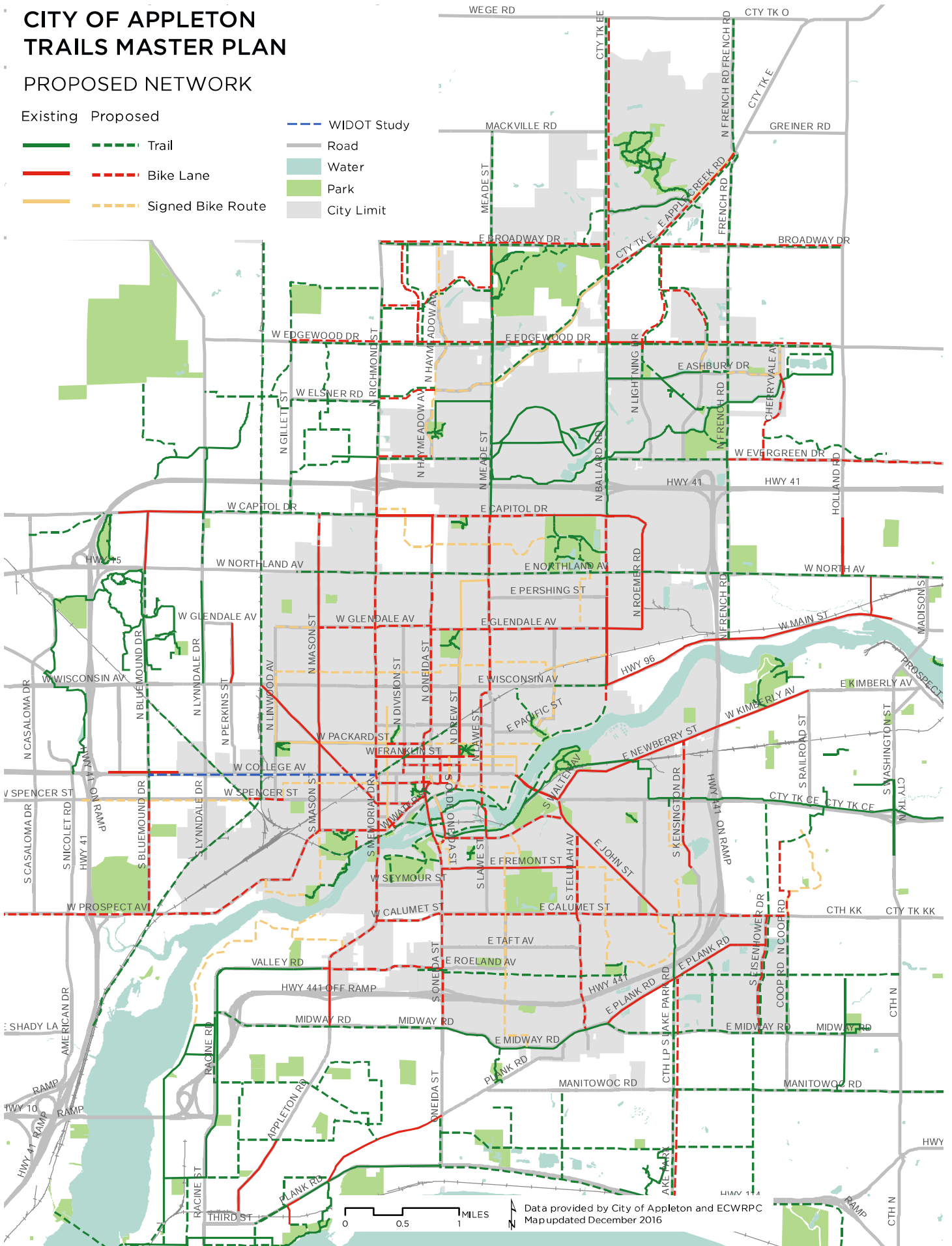
Kami Lynch, City Clerk Date

CITY OF APPLETON TRAILS MASTER PLAN

PROPOSED NETWORK

Existing Proposed

- Trail
- - - Bike Lane
- - - Signed Bike Route
- - - WIDOT Study
- Road
- Water
- Park
- City Limit



Data provided by City of Appleton and ECWRPC
Map updated December 2016



CITY OF APPLETON

MEMORANDUM

Date: 04/22/2024
To: Finance Committee
From: Chad Weyenberg, Project Engineer
Subject: Award of Contract for Unit O-24 Sanitary and Storm Sewer CIPP Lining to Insituform Technologies USA, LLC in an amount not to exceed \$384,975.43.

DPW received two bids for project Unit O-24 Sanitary and Storm Sewer CIPP Lining,, from Insituform Technologies USA, LLC, and from Visu-Sewer. Both contractors have successfully worked on CIPP Liners in the City of Appleton. The total bids received were over the budgeted amount. DPW was able to remove two CIPP liners from the project which then allowed the project to be within budget. The low bidder, Insituform Technologies, is acceptable to this plan and agreed to move forward with contract approval with the reduced scope.

The two CIPP Liners removed will be completed if excess funds are available or be budgeted for a future project.

Therefore, DPW recommends award of contract for Unit O-24 Sanitary and Storm Sewer CIPP Lining to Insituform Technologies USA, LLC in an amount not to exceed \$384,975.43.

CITY OF APPLETON
Department of Public Works
MEMORANDUM

TO: Finance Committee
 Municipal Services Committee
 Utilities Committee

SUBJECT: Award of Contract

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

Unit O-24 Sanitary and Storm Sewer CIPP Lining

Be awarded to:

Name: Insituform Technologies USA, LLC
Address: 580 Goddard Avenue
Chesterfield, MO 63005

In the amount of : \$383,640.70

With a 0.4% % contingency of : \$1,334.73

For a project total not to exceed : \$384,975.43

**** OR ****

In an amount Not To Exceed : _____

Budget: \$385,005.00
Estimate: \$380,000.00
Committee Date: 04/08/24
Council Date: 04/17/24

CITY OF APPLETON

Contract Funding Form

TO: Finance Department
 FROM: Pete Nueberger, P.E.
 DATE: 4/17/2024
 SUBJECT: Funding for Contract:

<u>O-24</u>	<u>Sanitary and Storm Sewer CIPP Lining</u>
Unit No.	Description

AWARD DATE: 5/1/24 (Council Date)
 AWARD TO: Insituform Technologies USA, LLC
580 Goddard Avenue
Chesterfield, MO 63005

Funding for the project will be as follows:

Item No.	<u>Account No.</u>	<u>Account Description</u>	<u>Contract Amount</u>	<u>Contingency</u>	<u>Total</u>
1.	<u>5230.680904</u>	<u>Storm Capital</u>	<u>\$358,325.43</u>		<u>\$358,325.43</u>
2.	<u>5431.680903</u>	<u>Sanitary Capital</u>	<u>\$25,315.27</u>	<u>\$1,334.73</u>	<u>\$26,650.00</u>
3.	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
4.	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
5.	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
6.	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
7.	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
8.	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
		TOTAL	<u>\$383,640.70</u>	<u>\$1,334.73</u>	<u>\$384,975.43</u>

Department of Public Works: _____

Date: _____

Finance Department: _____

Date: _____

cc: Project File

O-24 Sanitary & Storm Sewer CIPP Lining (#9022982)

Owner: Appleton WI, City of

Solicitor: Appleton WI, City of

04/01/2024 01:45 PM CDT

Section Title	Item Code	Item Description	UofM	Quantity	Insituform Technologies USA, LLC		Visu-Sewer	
					Unit Price	Extension	Unit Price	Extension
O-24 BASE BID						\$490,773.58		\$635,000.00
	1	Esmnt e/o Weimar Ct Storm	lump sum	1	\$22,276.14	\$22,276.14	\$42,600.00	\$42,600.00
	2	Esmnt e/o Vine St Storm	lump sum	1	\$43,409.04	\$43,409.04	\$91,300.00	\$91,300.00
	3	Roemer Rd Storm	lump sum	1	\$26,918.68	\$26,918.68	\$121,000.00	\$121,000.00
	4	Rankin St Storm	lump sum	1	\$17,425.14	\$17,425.14	\$20,300.00	\$20,300.00
	5	Esmnt s/o Prospect Ave Storm	lump sum	1	\$39,033.90	\$39,033.90	\$194,000.00	\$194,000.00
	6	Opechee St Storm	lump sum	1	\$62,494.77	\$62,494.77	\$11,600.00	\$11,600.00
	7	Jackson St Storm	lump sum	1	\$201,739.60	\$201,739.60	\$34,600.00	\$34,600.00
	8	Esmnt n/o Garden Ct Storm	lump sum	1	\$21,170.17	\$21,170.17	\$39,100.00	\$39,100.00
	9	Esmnt s/o Oakcrest Ct Sanitary	lump sum	1	\$21,946.24	\$21,946.24	\$50,800.00	\$50,800.00
	10	Spot Repair	each	4	\$4,324.15	\$17,296.60	\$3,500.00	\$14,000.00
	11	36" Metal End Section - MH II-48	each	1	\$4,075.79	\$4,075.79	\$3,200.00	\$3,200.00
	12	14" Concrete Grade Ring - MH II-2	each	1	\$1,528.42	\$1,528.42	\$3,300.00	\$3,300.00
	13	MH FF-46 Repair	each	1	\$2,732.05	\$2,732.05	\$4,000.00	\$4,000.00
	14	Lateral Inspection - Sanitary or Storm	each	3	\$2,541.00	\$7,623.00	\$1,600.00	\$4,800.00
	15	Lateral Reinststate - Sanitary or Storm	each	4	\$276.01	\$1,104.04	\$100.00	\$400.00
Base Bid Total:						\$490,773.58		\$635,000.00



DEPARTMENT OF
**PARKS, RECREATION
& FACILITIES
MANAGEMENT**

CITY OF APPLETON
1819 East Witzke Blvd.
Appleton, WI 54911
920-832-5572
appletonparkandrec.org

TO: Finance Committee

FROM: Dean R. Gazza

DATE: 4/22/2024

RE: Action: Award the City of Appleton's "2024 PRFMD Facility Generator Replacement" to Van Ert Electric Co., Inc. in the amount of \$278,579 with a contingency of 15% for a project total not to exceed \$320,366.

The 2024 Capital Improvement Plan includes \$375,000 to install a new generator at the PRFMD Facility. Of that amount, \$24,980 has been utilized for professional services, leaving a balance of \$350,020 for construction. The existing generator is over 40 years old and is at the end of its useful life.

The bids were received as follows:

Van Ert Electric Co., Inc.	\$278,579
Elmstar Electric Corporation	\$279,442

Our consulting engineer has written the City of Appleton a formal letter of recommendation to award the contract to Van Ert Electric Co., Inc. The Division of Facilities and Construction Management has also reviewed the bids and is in agreement with the engineer's recommendation. Therefore, we recommend awarding the contract to Van Ert Electric Co., Inc. in the amount of \$278,579 plus a contingency of 15% only to be utilized as needed.

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



DEPARTMENT OF
UTILITIES

Department of Utilities
Wastewater Treatment Plant
2006 East Newberry Street
Appleton, WI 54915
p: 920-832-5945
f: 920-832-5949

www.appleton.org/government/utilities

MEMORANDUM

Date: April 21, 2024
To: Chairperson Vered Meltzer
CC: Ryan Rice, Utilities Deputy Director
From: Chris Stempa, Utilities Director
Subject: **Utilities Committee Action: Sole Source Engineering Services Contract to McMahon as part of 2024 Primary Clarifiers #1 through #4 Rehabilitation Project in the amount of \$57,900 with a 15% contingency of \$8,685 for a Project Total not to exceed \$66,585**

BACKGROUND:

There are six primary clarifiers at the Appleton Wastewater Treatment Plant (AWWTP). Primary Clarifiers #1 and #2 were originally constructed in 1936 with Primary Clarifiers #3 and #4 later constructed as part of a 1961 expansion project. Primary Clarifiers #5 and #6 were constructed in 1992 during the last significant upgrade project at the AWWTP. The primary treatment system is designed to split wastewater flow between all six online clarifiers or any combination of clarifiers depending on treatment and maintenance needs. Each primary clarifier is 70 feet in diameter with a side water depth of 10 feet. The total volume is 1,728,000 gal and the detention times are 2.68 and 0.75 hours at 15.5 million gallons per day (mgd) and 55 mgd, respectively. Approximately 60% or more of the total suspended solids entering the AWWTP are removed by the primary clarifiers. The last major maintenance or CIP project completed on Primary Clarifiers #1 through #4 was in 2001. As part of that project, all four primary clarifiers were modified to raise the bridge elevations and install new drive mechanisms.

In April of 2019, McMahon was awarded the engineering services contract for AWWTP Improvements Project. That project was comprised of five individual projects which involved the rehabilitation, replacement, or improvements to address immediate needs and long-term reliability. One of the five project elements included concrete recoating and repairs of Primary Clarifiers #1 through #4. There were other critical operation and maintenance (O&M) needs identified in the later stages of the preliminary engineering phase that were included in the final public bidding documents of 2019 AWWTP Improvements Project scope. Alternate bid items were identified to provide flexibility with the contract award in anticipation that the base bids might exceed the available project budget caused by the change in scope. This contingency planning was further necessitated by the bidding climate which was already being impacted at that time as a result of the COVID epidemic. Unfortunately, the total bid amount with all alternatives exceeded the available budget. This required staff to prioritize the bid alternatives which resulted in deferring the rehabilitation of the Primary Clarifiers #1 through #4 until a later year.

Inspections completed by an independent contractor during the summer of 2023 provided support to address structural steel components impacted by corrosion along with restoring the original concrete grout layer which has deteriorated over the 60 plus years of continuous use. AWWTP staff reestablished the 2019 Primary Clarifier #1 through #4 scope of work along with the 2023 inspection findings as part of a 2024 rehabilitation project.

PROPOSAL

McMahon was asked to provide a proposal for design, bidding and construction management services as part of the Primary Clarifiers #1 through #4 Rehabilitation Project. The 2024 budget identified \$1,000,000 in total for engineering and construction costs. The McMahon proposal detailed each aspect of the rehabilitation project and the associated services required to provide the necessary deliverables. The Scope of Services described within their proposal includes the following compensation on a Time and Expense basis.

Service Description	Fee
Design/Bidding Documents	\$15,900
Bidding Services	\$3,500
Construction Administrative Services	\$19,000
Construction On-Site Services	\$16,000
Pump Control Panel As-Needed Assistance	\$3,500
TOTAL	\$57,900

JUSTIFICATION

Engineering fees integrated as a function of total construction can be 15% or more depending on the complexity of the scope of work involved. Even when applying a safety factor for contingency, the overall contract amount represents 7% of the budget. McMahon has already produced much of the preliminary design work that will be utilized as part of this project. They have provided quality engineering services on several projects at the AWWTP. That presence has given them a foundational understanding of the treatment plant operations and needs. That experience has translated into highly responsive and cost-effective services. Their proposal reflects the value the city would be receiving. For the reasons previously described, I recommend that McMahon be considered for a sole source engineering contract as part of the 2024 Primary Clarifiers #1 through #4 Rehabilitation Project.

RECOMMENDATION:

I am recommending the approval of a sole source engineering contract to McMahon as part of the 2024 Primary Clarifiers #1 through #4 Rehabilitation Project in the amount of \$57,900 with a 15% contingency of \$8,685 for a project total not to exceed \$66,585.

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

Encl: Finance Department Sole Source Request Form



SOLE SOURCE REQUEST

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

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

Much of the preliminary design work necessary for the rehabilitation of Primary Clarifiers #1 through #4 has been completed by McMahon. They have provided quality engineering services on several projects at the AWWTP. Their understanding and familiarity with the AWWTP provide the city with cost-effective services.

PROPOSED DETAILS
Requesting dept: Utilities
Product/service: Engineering services contract; Primary Clarifier Rehabilitation Project #1-4
Vendor name: McMahon
Total cost: \$57,900 with 15% contingency of \$8,685 - project total not to exceed \$66,585

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

Jenifer Huss
Purchasing Manager

04/11/2024
Date



April 15, 2024

To: Fox Cities Transit Commission
City of Appleton Common Council

From: Ron McDonald, General Manger

Subject: Award Recommendation for Paratransit Service Provider (ADA & Ancillary)

Background:

At the February 27, 2024 Fox Cities Transit Commission meeting, the Commission recommended that the Appleton Common Council approve a contract award to Running Inc. for the provision of Paratransit (ADA and Ancillary) Services. The recommendation was for a three-year contract with two one-year options. The Appleton Common Council approved awarding the contract to Running Inc. at the March 6th meeting. The referenced file number is 24-0203.

An error was made in the recommendation with regard to the terms of the contract. The request for proposal (RFP) listed the terms of the contract as a five-year contract with three one-year options. The proposals that were considered by the evaluation team were based on responses that projected a five-year with three one-year option contract.

This request is to amend the approved contract terms to the correct terms.

Recommendation: Authorize Valley Transit to enter into a 5-year contract with three 1-year optional extensions with Running Inc. to provide paratransit services.

21-24

**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 4-17-2024)**

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 repealed:

Ord. 19-14: “Parking be restricted to two hours from 7:00 a.m. to 5:00 p.m., except Saturdays, Sundays and Holidays, on Maple Street from Jefferson Street to Jackson 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.

22-24

AN ORDINANCE RELATING TO THE DEPARTMENT NAMING SYSTEM OF THE MUNICIPAL CODE OF THE CITY OF APPLETON.

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

Section 1: That whenever in the Municipal Code of the City of Appleton there is reference to the Department of Parks, Recreation, and Facilities Management, that those references be changed to the Parks and Recreation Department.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.

23-24

AN ORDINANCE AMENDING DIVISION 6 OF ARTICLE IV OF CHAPTER 2 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO DIRECTOR OF

PARKS AND RECREATION.

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

Section 1: That Division 6 of Article IV of Chapter 2 of the Municipal Code of the City of Appleton, relating to director of parks and recreation, is hereby amended to read as follows:

DIVISION 6. DIRECTOR OF PARKS AND RECREATION

Sec. 2-270. Office created.

The office of the Director of Parks and Recreation is hereby created.

Sec. 2-271. Duties.

All duties associated with public buildings and grounds shall be under the jurisdiction of the Finance Committee. For matters involving Parks and Recreation programs the Director shall report to the Parks and Recreation Committee and shall perform such duties as the job classification specifies or as the Council directs.

Secs. 2-272 – 2-279. Reserved.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.

24-24

AN ORDINANCE AMENDING DIVISION 6 OF ARTICLE V OF CHAPTER 2 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO DEPARTMENT OF PARKS AND RECREATION.

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

Section 1: That Division 6 of Article V of Chapter 2 of the Municipal Code of the City of Appleton, relating to department of parks and recreation, is hereby amended to read as follows:

DIVISION 6. DEPARTMENT OF PARKS AND RECREATION.

Sec. 2-460. Created.

There is hereby created a Department of Parks and Recreation in the City, to be under the supervision of a Director of Parks and Recreation, with such other personnel as is needed to

fulfill the functions of the Department.

Secs. 2-461 – 2-469. Reserved.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.

25-24

AN ORDINANCE RELATING TO THE DEPARTMENT NAMING SYSTEM OF THE MUNICIPAL CODE OF THE CITY OF APPLETON.

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

Section 1: That whenever in the Municipal Code of the City of Appleton there is reference to the Department of Community and Economic Development, that those references be changed to the Community Development Department.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.

26-24

AN ORDINANCE AMENDING DIVISION 7 OF ARTICLE IV OF CHAPTER 2 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO DIRECTOR OF COMMUNITY DEVELOPMENT.

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

Section 1: That Division 7 of Article IV of Chapter 2 of the Municipal Code of the City of Appleton, relating to director of community development, is hereby amended to read as follows:

DIVISION 7. DIRECTOR OF COMMUNITY DEVELOPMENT

Sec. 2-280. Office created.

The office of the Director of Community Development is hereby created.

Sec. 2-281. Duties.

The Director of Community Development shall act in an advisory capacity to the Plan Commission on matters relating to planning and planning activities. He/She shall be responsible for the maintaining of the original of the zoning district map and for the preparation of oral or written reports on all zoning petitions referred to the Plan Commission by the Common Council. The Director shall be under the jurisdiction of the Community Development Committee regarding matters of economic development and shall perform such duties as the job classification specifies or as the Council directs.

Secs. 2-282 – 2-289. Reserved.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.

27-24

AN ORDINANCE AMENDING DIVISION 7 OF ARTICLE V OF CHAPTER 2 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO DEPARTMENT OF COMMUNITY DEVELOPMENT.

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

Section 1: That Division 7 of Article V of Chapter 2 of the Municipal Code of the City of Appleton, relating to department of community development, is hereby amended to read as follows:

DIVISION 7. DEPARTMENT OF COMMUNITY DEVELOPMENT.

Sec. 2-470. Created.

(a) There is hereby created a Department of Community Development in the City, to be under the supervision of the Director of Community Development, with such other personnel as is needed to fulfill the functions of the Department.

(b) There is hereby created within the Department of Community Development the Division of the City Assessor, to be under the immediate supervision of the City Assessor, with such other personnel as required to fulfill the functions of the Division.

(c) Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information pursuant to §70.47(7)(af), Wis. Stats., or any successor statute thereto, then, such income and expense information that is provided to the Assessor shall be held by the Assessor on a confidential basis, except, however, that the information may be revealed to and used by persons: in the discharging of duties imposed by law; in the discharge of duties imposed by office (including, but not limited to, use by the Assessor in performance of official duties of the Assessor's office and use by the Board of

Review in performance of its official duties); or pursuant to order of a court. Income and expense information provided to the Assessor under §70.47(7)(af), unless a court determines that it is inaccurate, is, per §70.47(7)(af), not subject to the right of inspection and copying under §19.35(1), Wis. Stats.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.

28-24

AN ORDINANCE AMENDING SECTION 2-470(d) OF CHAPTER 2 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO DEPARTMENT OF COMMUNITY DEVELOPMENT; CREATED.

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

Section 1: That Section 2-470 of Chapter 2 of the Municipal Code of the City of Appleton, relating to department of community development; created, is hereby amended to read as follows:

Sec. 2-470. Created.

(d) There is hereby created within the Department of Community Development the Division of Inspections, to be under the immediate supervision of the Inspections Supervisor, with such other personnel as required to fulfill the functions of the Division.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.

29-24

AN ORDINANCE AMENDING SECTION 12-141 OF CHAPTER 12 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO DEFINITIONS.

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

Section 1: That Section 12-141 of Chapter 12 of the Municipal Code of the City of Appleton, relating to definitions, is hereby amended to read as follows:

Sec. 12-141. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City Inspections Department or Inspections means the Inspections Divisions of the Department of Community Development, Health and Fire Departments.

**only that definition that is affected is included in this ordinance.*

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.

30-24

**AN ORDINANCE REVISING SECTION 2-3 OF THE GENERAL ORDINANCES OF THE CITY OF APPLETON, RELATING TO BOUNDARIES AND WARDS BE REVISED TO READ:
(Redistricting, 2024 – 2/19/2024 WI 2023 Act 94)**

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

Section 1: The City of Appleton shall be divided into fifty-nine (59) wards as follows:
(Descriptions are based on centerlines of streets, centerline of intersections of two streets, centerline of the Fox River and railroads and exact boundary of the City of Appleton Corporate Limit Line, unless otherwise noted).

THE FIRST WARD

The first ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of College Avenue and Richmond Street and being the point of beginning; thence North on Richmond Street to Winnebago Street; thence East on Winnebago Street to Division Street; thence North on Division Street to Winnebago Street; thence East on Winnebago Street to Drew Street; thence South on Drew Street to College Avenue; thence West on College Avenue to the point of beginning.

THE SECOND WARD

The second ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Winnebago Street and Richmond Street and being the point of beginning; thence North on Richmond Street to Parkway Blvd.; thence East on

Parkway Blvd. to Morrison Street; thence South on Morrison Street to Wisconsin Avenue; thence East on Wisconsin Avenue to Drew Street; thence South on Drew Street to Winnebago Street; thence West on Winnebago Street to Division Street; thence South on Division Street to Winnebago Street; thence West on Winnebago Street to the point of beginning.

THE THIRD WARD

The third ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Wisconsin Avenue and Meade Street and being the point of beginning; thence North on Meade Street to Grant Street; thence East on Grant Street to Racine Street; thence North on Racine Street to Glendale Avenue; thence East on Glendale Avenue to Racine Street; thence North on Racine Street to Marquette Street; thence East on Marquette Street to McDonald Street; thence South on McDonald Street to Randall Avenue; thence Southwesterly on Randall Avenue to Wisconsin Avenue; thence West on Wisconsin Avenue to the point of beginning.

THE FOURTH WARD

The fourth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of McDonald Street and Randall Avenue and being the point of beginning; thence North on McDonald Street to Pershing Street; thence East on Pershing Street to Ballard Road; thence South on Ballard Road to Randall Avenue; thence Southwesterly on Randall Avenue to the point of beginning.

THE FIFTH WARD

The fifth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Pacific Street and Drew Street and being the point of beginning; thence North on Drew Street to Wisconsin Avenue; thence East on Wisconsin Avenue to Ballard Road; thence South on Ballard Road and the Southerly extension to the main channel of the Fox River; thence West and Southwesterly along the main channel of the Fox River to the Southeasterly extension of Green Bay Court; thence Northwesterly along said extension and then on Green Bay Court to Green Bay Road; thence Southwesterly on Green Bay Road to North Street; thence West on North Street to Wood Street; thence North on Wood Street to Vine Street; thence Northwesterly on Vine Street to Pacific Street; thence West on Pacific Street to the point of beginning.

THE SIXTH WARD

The sixth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Wisconsin Avenue and Randall Avenue and being the point of beginning; thence Northeasterly along Randall Avenue and its extension to the extension of the East line of Outlot 1 of Certified Survey Map No. 7537 as recorded in Volume 2 of Certified Survey Map on page 7537 as document No 2133499, located in the City of Appleton, Outagamie County; thence South along the East line of said Certified Survey Map No. 7537 to an angle point in the corporate limits; thence continue in a Southerly direction along the

corporate limits to the main channel of the Fox River; thence Westerly along the main channel of the Fox River to the Southerly extension of Ballard Road; thence North on said Southerly extension then along Ballard Road to Wisconsin Avenue; thence West on Wisconsin Avenue to the point of beginning.

THE SEVENTH WARD

The seventh ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Newberry Street and Weimar Court and being the point of beginning; thence North and then Northeasterly and East on Weimar Court to the East line of the of Section 25, T.21N., R.17E., thence North along the East line of said Section 25 to the main channel of the Fox River; thence Northeasterly along the main channel of the Fox River to the East line of Section 29, T.21N., R.18E.; thence South along the East line of said Section 29 to Newberry Street; thence Southwesterly on Newberry Street to the East line of Lot 4 of Certified Survey Map No. 494; thence South along the East line of said Lot 4 to the Southerly line of said Certified Survey Map No. 494; thence Southwesterly along the Southerly line of said Certified Survey Map No. 494 to the West line thereof; thence North 171.76 feet m/l along the West line of said Certified Survey Map No. 494 to the Southeast corner of City of Appleton tax parcel number 31-4-5576-00; thence Southwesterly 131.00 feet along the Southerly line of said City of Appleton tax parcel number 31-4-5576-00 to the West line thereof; thence North 195.00 feet m/l along the West line of said City of Appleton tax parcel number 31-4-5576-00 and the Northerly extension thereof to the centerline of Newberry Street; thence Southwesterly along Newberry Street to Weimar Court and the point of beginning.

THE EIGHTH WARD

The eighth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Newberry Street and Buchanan Street and being the point of beginning; thence Northeasterly on Newberry Street to the Northerly extension of the West line of City of Appleton tax parcel number 31-4-5576-00; thence South 195.00 feet m/l along the West line of said City of Appleton tax parcel number 31-4-5576-00 to the Southwest corner thereof; thence Northeasterly 131.00 feet along the Southerly line of said City of Appleton tax parcel number 31-4-5576-00 to the West line of Certified Survey Map No. 494; thence South 171.76 feet m/l along the West line of said Certified Survey Map No. 494 to the Southwesterly corner thereof; thence Northeasterly along the Southerly line of said Certified Survey Map No. 494 to the East line thereof; thence North along the East line of Lot 4 of said Certified Survey Map No. 494 and the Northerly extension to the centerline of Newberry Street; thence Northeasterly along Newberry Street to Marcella Street and the corporate limits; thence South along the corporate limits to College Avenue; thence West on College Avenue to Kensington Drive; thence South on Kensington Drive to Forest Street; thence West on Forest Street to Fidelis Street; thence South on Fidelis Street to Lourdes Drive; thence West on Lourdes Drive to Arlington Street; thence South and Southwest on Arlington Street to John Street; thence Northwest on John Street to Weimar Street; thence North on Weimar Street to Forest Street; thence East on Forest Street to Buchanan Street; thence North of Buchanan Street to Newberry Street and the point of beginning.

THE NINETH WARD

The ninth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of John Street and Arlington Street and being the point of beginning; thence Northeasterly on Arlington Street to Lourdes Drive; thence East on Lourdes Drive to Fidelis Street; thence North on Fidelis Street to Forest Street; thence East on Forest Street to Kensington Drive; thence North on Kensington Drive to College Avenue; thence East on College Avenue to the corporate limits; the South on the corporate limits to Calumet Street; thence West on Calumet Street to Kensington Drive; thence North on Kensington Drive to Rail Road; thence Southwesterly on Rail Road to Chickadee Lane; the Northwesterly on Chickadee Lane to Bona Avenue; thence West on Bona Avenue to Midpark Drive; thence South and Southwest on Midpark Drive to John Street; the Northwesterly on John Street to the point of beginning.

THE TENTH WARD

The tenth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of the College Avenue Bridge and the main channel of the Fox River and being the point of beginning; thence Northeasterly along the main channel of the Fox River to the East line of Section 25, T.21N., R.17E.; thence South along the East line of said Section 25 to Weimar Court; thence West, Southwesterly and South on Weimar Court to Newberry Street; thence East and Northeasterly on Newberry Street to Buchanan Street; thence Southeast and South on Buchanan Street to Forest Street; thence West on Forest Street to Weimar Street; thence South on Weimar Street to John Street; thence Northwesterly on John Street to College Avenue; thence Northwesterly on College Avenue and the College Avenue Bridge to the point of beginning.

THE ELEVENTH WARD

The eleventh ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of the Lawe Street Bridge and the main channel of the Fox River and being the point of beginning; thence Southeasterly and Northeasterly along the main channel of the Fox River to the College Avenue Bridge; thence Southeasterly on the College Avenue Bridge and College Avenue to John Street; thence Southeasterly on John Street to Weimar Street; thence South on Weimar Street to Fremont Street; thence West on Fremont Street to East Street; thence North and Northwest on East Street to South River Street; Westerly on South River Street to Lawe Street; thence North and Northwesterly on Lawe Street to the point of beginning.

THE TWELFTH WARD

The twelfth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Drew Street and Pacific Street and being the point of beginning; thence East on Drew Street to Vine Street; thence Southeasterly on Vine Street to Wood Street; thence South on Wood Street to North Street; thence East on North Street to Green Bay Road; thence Northeasterly on Green Bay Road to Green Bay Court; thence Southeasterly

along Green Bay Court and the Southeasterly extension of Green Bay Court to the main channel of the Fox River; thence Southwesterly and Northwesterly along the main channel of the Fox River to the Lawe Street Bridge; thence East-South-East to the Southeasterly end of Brokaw Place; thence Northwest and North on Brokaw Place to South Street; thence West on South Street to Meade Street; thence North on Meade Street to Washington Street; thence West of Washington Street to Drew Street; thence North on Drew Street to the point of beginning.

THE THIRTEENTH WARD

The thirteenth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Calumet Street and Telulah Avenue and being the point of beginning; thence East on Calumet Street to Lake Park Road; thence South on Lake Park Road to S.T.H. "441"; thence Southwesterly on S.T.H. "441" to Telulah Avenue; thence North on Telulah Avenue to Roeland Avenue; thence East on Roeland Avenue to Jason Drive; thence North and East on Jason Drive to Schaefer Circle; thence North on Schaefer Circle to Harding Drive; thence Northwesterly on Harding Drive to Telulah Avenue; thence Northwesterly on Telulah Avenue to the point of beginning.

THE FOURTEENTH WARD

The fourteenth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Midway Road and Telulah Avenue and being the point of beginning; thence Northerly on Telulah Avenue to S.T.H. "441"; thence Northeasterly on S.T.H. "441" to Lake Park Road; thence South on Lake Park Road to Plank Road; thence Southwesterly on Plank Road to the East line of Aspen Ridge Plat; thence South along the East line of Aspen Ridge Plat to Midway Road; thence West, Northwesterly and Southwesterly on Midway Road to the point of beginning.

THE FIFTEENTH WARD

The fifteenth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of the corporate limits and Lake Park Road and being the point of beginning; thence North on Lake Park Road to County Highway "KK" (Calumet Street); thence East on County Highway "KK" (Calumet Street) to the corporate limits; thence clockwise along the corporate limits to Lake Park Road and the point of beginning. Excepting all that land along Plank Road (County Highway "AP") and Lake Park Road not currently within the corporate limits.

THE SIXTEENTH WARD

The sixteenth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Schaefer Street and Calumet Street and being the point of beginning; thence North on Schaefer Street to Fremont Street; thence West on Fremont Street to Weimar Street; thence North on Weimar Street to John Street; thence Southeasterly on John Street to Midpark Drive; thence Northeasterly and North on Midpark Drive to Bona Avenue; thence East on Bona Avenue to Chickadee Lane; thence Southeasterly on

Chickadee Lane to Rail Road; thence Northeasterly on Rail Road to Kensington Drive; thence Southeasterly and South on Kensington Drive to Calumet Street; thence West on Calumet Street to the point of beginning.

THE SEVENTEENTH WARD

The seventeenth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Mason Street and Ridgeview Drive and being the point of beginning; thence North on Mason Street to the corporate limits; thence East and then clockwise along the corporate limits to the West line of the NE $\frac{1}{4}$ of Section 14, T.21N., R.17E; thence South along the West line of the NE $\frac{1}{4}$ of said Section 14, T.21N., R.17E to the South line of Interstate "41" and also being the corporate limits; thence West along the corporate limits and continue in a clockwise direction along said corporate limits to Northland Avenue; thence West on Northland Avenue to Richmond Street; thence North on Richmond Street to Ridgeview Drive; thence West on Ridgeview Drive to the point of beginning.

THE EIGHTEENTH WARD

The eighteenth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Lindbergh Street and Mason Street and being the point of beginning; thence North on Mason Street to Northland Avenue; thence West on Northland Avenue to the corporate limits; thence North and continuing in a clockwise direction along the corporate limits line to Mason Street; thence South on Mason Street to Ridgeview Drive; thence East along Ridgeview Drive to Richmond Street; thence South on Richmond Street to Lindbergh Street; thence West on Lindbergh Street to the point of beginning.

THE NINETEENTH WARD

The nineteenth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Parkway Avenue and Richmond Street and being the point of beginning; thence North on Richmond Street to Northland Avenue; thence East on Northland Avenue to Oneida Street; thence South on Oneida Street to Lindbergh Street; thence East on Lindbergh Street to Morrison Street; thence South on Morrison Street to Parkway Avenue; thence West on Parkway Avenue to the point of beginning.

THE TWENTIETH WARD

The twentieth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Apple Creek Road and the Corporate limits at the West line of the NE $\frac{1}{4}$ of Section 11, T.21N., R.17E and being the point of beginning; thence North and then continue in a clockwise direction along the corporate limits to Meade Street; thence South on Meade Street to Edgewood Drive; thence East on Edgewood Drive to the corporate limits; thence South and then continue in a clockwise direction along the corporate limits to the intersection of Holiday Drive and Melody Lane; thence East on Melody Lane to Ballard Road; thence South on Ballard Road to Interstate "41"; thence West on Interstate "41" to Meade Street; thence North on Meade Street to Apple Creek Road; thence Westerly on

Apple Creek Road to the point of beginning. Excepting all that land within the afore described boundary that is not currently within the corporate limits.

THE TWENTY-FIRST WARD

The twenty-first ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Capitol Drive and Meade Street and being the point of beginning; thence North on Meade Street to Interstate "41"; thence East on Interstate "41" to Ballard Road; thence South on Ballard Road to Capitol Drive; thence West on Capitol Drive to the point of beginning.

THE TWENTY-SECOND WARD

The twenty-second ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Interstate "41" and the corporate limits in the NE ¼ of Section 15, T.21N., R.17E. and being the point of beginning; thence North and then continue in a clockwise direction along the corporate limits to Apple Creek Road; thence Easterly along Apple Creek Road to Meade Street; thence South on Meade Street to Interstate "41"; thence West on Interstate "41" to the point of beginning. Excepting all that land along Alvin Street, Evergreen Drive and Richmond Street not currently within the corporate limits.

THE TWENTY-THIRD WARD

The twenty-third ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection Calumet Street and Oneida Street and being the point of beginning; thence North on Oneida Street to McKinley Street; thence East on McKinley Street to Lawe Street; thence South on Lawe Street to Calumet Street; thence West on Calumet Street to the point of beginning.

THE TWENTY-FOURTH WARD

The twenty-fourth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Lawe Street and Calumet Street and being the point of beginning; thence North on Lawe Street to Fremont Street; thence East on Fremont Street to Walden Avenue; thence South on Walden Avenue to Calumet Street; thence West on Calumet Street to the point of beginning.

THE TWENTY-FIFTH WARD

The twenty-fifth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of S.T.H. "441" and Cypress Street and being the point of beginning; thence North on Cypress Street to Sylvan Avenue; thence West on Sylvan to Greenview Street; thence North on Greenview Street to Roeland Avenue; thence West on Roeland Avenue to Harmon Street; thence North on Harmon Street to Taft Avenue; thence West on Taft Avenue to Carpenter Street; thence North on Carpenter Street to Calumet Street; thence East on Calumet Street to Telulah Avenue; thence Southeasterly on Telulah Avenue to

Harding Drive; thence East and Southeasterly on Harding Drive to Schaefer Circle; thence South on Schaefer Circle to Jason Drive; thence West and South on Jason Drive to Roeland Avenue; thence West on Roeland Avenue to Telulah Avenue; thence South and Southeasterly on Telulah Avenue to S.T.H. "441"; thence Westerly on S.T.H. "441" to the point of beginning.

THE TWENTY-SIXTH WARD

The twenty-sixth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of North line of Prospect Avenue, the corporate limits and the West line of Willow Glen Subdivision and being the point of beginning; thence North and then continuing in a clockwise direction along the corporate limits to Whitman Avenue; thence North on Whitman Avenue to Spencer Street; thence East on Spencer Street to Story Street; thence South on Story Street to Fourth Street; thence West on Fourth Street to Summit Street; thence South on Summit Street to Prospect Avenue; thence West on Prospect Avenue to Mason Street; thence South on Mason Street to Cedar Street; thence West on Cedar Street to Outagamie Street; thence South on Outagamie Street to Reid Drive; thence Westerly on Reid Drive to Hillcrest Drive; thence North on Hillcrest Drive to Prospect Avenue; thence Southwesterly on Prospect Avenue to the corporate limits; thence Northwesterly, West and South along the corporate limits to Prospect Avenue; thence West on Prospect Avenue to the point of beginning.

THE TWENTY-SEVENTH WARD

The twenty-seventh ward shall include and contain all that portion of territory lying within the following confines: Commencing at the Southwest corner of Section 34, T.21N., R.17E.; thence North along the West line of the SW $\frac{1}{4}$ of said Section 34 to the South shore of the Fox River and being the point of beginning; thence continue North and then continue in a clockwise direction along the corporate limits to Prospect Avenue; thence Northeasterly on Prospect Avenue to Hillcrest Drive; thence South on Hillcrest Drive to Reid Drive; thence Easterly on Reid Drive to Outagamie Street; thence North on Outagamie Street to Cedar Street; thence East on Cedar Street to Mason Street; thence North on Mason Street to Prospect Avenue; thence East on Prospect Avenue to Summit Street; thence North on Summit Street to Fourth Street; thence East on Fourth Street to Story Street; thence North on Story Street to College Avenue; thence East on College Avenue to Walnut Street; thence South on Walnut Street to Prospect Avenue; thence Southwesterly and West on Prospect Avenue to Memorial Drive; thence South on Memorial Drive and the Memorial Drive Bridge; thence Southwesterly on the Center thread of the Fox River to the Outagamie County line and the corporate limits; thence West along the Outagamie County line and the corporate limits to an angle point in the corporate limits; thence North along the corporate limits to the South shore of the Fox River; thence Westerly along the South shore of the Fox River to the point of beginning.

THE TWENTY-EIGHTH WARD

The twenty-eighth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Winnebago Street and the corporate limits at the East line of Canadian National Railroad and being the point of beginning; thence

North along the corporate limits to Wisconsin Avenue; thence East on Wisconsin Avenue to Summit Street; thence North on Summit Street to Brewster Street; thence East on Brewster Street to Richmond Street; thence South on Richmond Street to Winnebago Street; thence West on Winnebago Street to the point of beginning.

THE TWENTY-NINTH WARD

The twenty-ninth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of the College Avenue, Lilas Drive and the corporate limits and being the point of beginning; thence North and continue in a clockwise direction along the corporate limits to the Canadian National Railroad located near the East line of the SE ¼ of Section 28, T.21N., R.17E.; thence North along the Canadian National Railroad to to Winnebago Street; thence East on Winnebago Street to Richmond Street; thence South on Richmond Street to College Avenue; thence West on College Avenue to the point of beginning.

THE THIRTIETH WARD

The thirtieth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Spencer Street and Story Street and being the point of beginning; thence West on Spencer Street to the corporate limits; thence North, West and South along the corporate limits to Spencer Street; thence West on Spencer Street to the Canadian National Railroad; thence Northwesterly along the Canadian National Railroad to the corporate limits; thence West on the corporate limits to Lynndale Drive; thence North on Lynndale Drive to College Avenue; thence East on College Avenue to Story Street; thence South on Story Street to the point of beginning.

THE THIRTY-FIRST WARD

The thirty-first ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of College Avenue and Appleton Street; thence East on College Avenue to Drew Street; thence North on Drew Street to Washington Street; thence East on Washington Street to Meade Street; thence South on Meade Street to South Street; thence East on South Street to Brokaw Place; thence South and Southeast on Brokaw Place to its Southeast end; thence West-North-West to the Lawe Street Bridge at the main channel of the Fox River; thence Northwesterly and Southwesterly along the main channel of the Fox River to the Oneida Street Bridge; thence Northwesterly on the Oneida Street Bridge and Oneida Street to Appleton Street; thence North on Appleton Street to the point of beginning.

THE THIRTY-SECOND WARD

The thirty-second ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Prospect Avenue and Memorial Drive and being the point of beginning; thence East and Northeasterly on Prospect Avenue to Walnut Street; thence North on Walnut Street to College Avenue; thence East on College Avenue to Appleton Street; thence Southeasterly on Appleton Street to the Oneida Street Bridge; thence continue Southeasterly on the Oneida Street Bridge to the main channel of the Fox River; thence Southwesterly on the main channel of the Fox River to the Memorial Drive Bridge; thence North

on the Memorial Drive Bridge and then Memorial Drive to the to the point of beginning.

THE THIRTY-THIRD WARD

The thirty-third ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of the North line of State Highway "441" and Memorial Drive and being the point of beginning; thence North on Memorial Drive and following the corporate limits in a clockwise direction to the Outagamie/Winnebago County line; thence East on the Outagamie/Winnebago County line to the corporate limits at the North $\frac{1}{4}$ corner of Section 1, T.20N., R.17E.; thence South and then following the corporate limits in a clockwise direction to the West line of Oakwood Heights Plat; thence South and East along said Plat line to the East line of Kerry Lane; thence continue East along the South line of the Replat of Lots 42-51 of Oakwood Heights Plat; thence North along the East line of the Replat of Lots 42-51 of Oakwood Heights Plat to the North line of tax parcel number 31-8-1513-00; thence East along said North line to Oneida Street; thence South on Oneida Street to State Highway "441" and the corporate limits; thence continuing in a clockwise direction along the corporate limits to the point of beginning.

And

The thirty-third ward shall include and contain all that portion of territory lying within the following confines: A part of Lot 2 of Certified Survey Map No. 339 as recorded in Volume 2 of Certified Survey Map on page 339 as document No 845581, located in the City of Appleton, Winnebago and Outagamie County, Wisconsin, described as follows: All that part of said Lot 2 within Winnebago County.

THE THIRTY-FOURTH WARD

The thirty-fourth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of the Wilson Avenue, Oneida Street and the corporate limits and being the point of beginning; thence South on Oneida Street to the North line of tax parcel number 31-8-1513-00; thence West along the North line of said tax parcel to the East line of the Replat of Lots 42-51 of Oakwood Heights Plat; thence South and West along said Plat line to West line of Kerry Lane; thence West and along the South line of Oakwood Heights Plat to the West line thereof; thence North along the West line of Oakwood Heights Plat to the corporate limits; thence continue North and in a clockwise direction along the corporate limits to the point of beginning.

THE THIRTY-FIFTH WARD

The thirty-fifth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Parkway Boulevard and Mason Street and being the point of beginning; thence North on Mason Street to Glendale Avenue; thence West on Glendale Avenue to the corporate limits at the East line of the Canadian National Railroad; thence North along the corporate limits line to Northland Avenue; thence East on Northland Avenue to Mason Street; thence South on Mason Street to Lindbergh Street; thence East on Lindbergh Street to Richmond Street; thence South on Richmond Street to Parkway Boulevard; thence West on Parkway Boulevard to the point of beginning.

THE THIRTY-SIXTH WARD

The thirty-sixth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Wisconsin Avenue and the corporate limits at the East line of Canadian National Railroad and being the point of beginning; thence North along the corporate limits to Glendale Avenue; thence East on Glendale Avenue to Mason Street; thence South on Mason Street to Wisconsin Avenue; thence West on Wisconsin Avenue to the point of beginning.

THE THIRTY-SEVENTH WARD

The thirty-seventh ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Wisconsin Avenue and Mason Street and being the point of beginning; thence North on Mason Street to Parkway Boulevard; thence East on Parkway Boulevard to Richmond Street; thence South on Richmond Street to Brewster Street; thence West on Brewster Street to Summit Street; thence South on Summit Street to Wisconsin Avenue; thence West on Wisconsin Avenue to the point of beginning.

THE THIRTY-EIGHTH WARD

The thirty-eighth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Ballard Road and Broadway Drive and being the point of beginning; thence North on Ballard Road to a point 135.6 feet m/l south of the West $\frac{1}{4}$ corner of Section 30, T.22N., R.18E. and being an angle point in the corporate limits; thence East 180 feet along the corporate limits and continue in a clockwise direction along the corporate limits to its intersection with the centerline of French Road and Broadway Drive; thence West 1739.5 feet m/l on Broadway Drive to the Northerly extension of the East line of Lanser Lane and also being a point on the corporate limits line; thence North 33 feet along the corporate limits to a point also being the North line of Broadway Drive and continue East and then in a clockwise direction along the corporate limits to a point on the South line of the SW $\frac{1}{4}$ of Section 31, T.22N., R.18E. said point being 913.6 feet m/l East of the point of beginning; thence West 913.6 feet m/l along the South line of the SW $\frac{1}{4}$ of Section 31, T.22N., R.18E. to the point of beginning.

THE THIRTY-NINTH WARD

The thirty-ninth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Meade Street and Broadway Drive and being the point of beginning; thence East on Broadway Drive to Ballard Road; thence East along the South line of the SW $\frac{1}{4}$ of Section 31, T.22N., R.18E. to the corporate limits at a point on the South line of Lot 33, Apple Hill Farms; thence Southeasterly and continue in a clockwise direction along the corporate limits to West line of Sequoia Drive; thence North, Northeasterly and North along the West line of Sequoia Drive and being coincident with the corporate limits to the South line of Broadway Drive; thence East 36.98 feet along the South line of Broadway Drive to the West line of the Fractional NE $\frac{1}{4}$ of Section 5, T.21N., R.18E., thence South

00°16'59" West 1477.99 feet along the West line of the Fractional NE ¼ of said Section 5 to a point on the Southeast line of Sequoia Drive and also being on the corporate limits line; thence Southwesterly along the corporate limits and continue on the corporate limits line to Edgewood Drive; thence West on Edgewood Drive to French Road; thence South on French Road to Ashbury Drive; thence West on Ashbury Drive to Ballard Road; thence North on Ballard Road to Edgewood Drive; thence West on Edgewood Drive to Meade Street; thence North on Meade Street to its intersection with Spartan Drive and the corporate limits; thence East along the corporate limits and continue in a clockwise direction along the corporate limits and then Meade Street to the point of beginning. Excepting all that land within the afore described area that is not currently within the corporate limits.

And

The East 109 feet of the West 578 feet of the South 11 acres of the Southeast ¼ of the Southeast ¼ of Section 1, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, less and excepting premises conveyed and/or used for highway purposes.

And

All of that property lying South of Broadway Drive that is within the City of Appleton corporate limits and that is located in the North ½ of the Fractional NE ¼ of Section 6, T.21N., R.18E. (East of Lanser Lane and South of Broadway Drive).

THE FORTIETH WARD

The fortieth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Edgewood Drive and French Road and being the point of beginning; thence East on Edgewood Drive to the East corporate limits; thence South and West along the corporate limits to French Road; thence North on French Road to the point of beginning. Excepting all that land within the afore described area that is not currently within the corporate limits.

THE FORTY-FIRST WARD

The forty-first ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Ashbury Drive and Ballard Road and being the point of beginning; thence East on Ashbury Drive to French Road; thence South on French Road to its intersection with the corporate limits; thence continue South and in a clockwise direction along the corporate limits to Wisconsin Avenue; thence Southwesterly on Wisconsin Avenue to the intersection of Ballard Road; thence North on Ballard Road to the point of beginning. Excepting all that land within the afore described area that is not currently within the corporate limits.

THE FORTY-SECOND WARD

The forty-second ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Wisconsin Avenue and Morrison Street and being the point of beginning; thence North on Morrison Street to Lindbergh Street; thence

East on Lindbergh Street to Meade Street; thence North on Meade Street to Northland Avenue; thence East on Northland Avenue to Oakwood Court; thence South on Oakwood Court to Pershing Street; thence East on Pershing Street to McDonald Street; thence South on McDonald Street to Marquette Street; thence West on Marquette Street to Racine Street; thence South on Racine Street to Glendale Avenue; thence West on Glendale Avenue to Racine Street; thence South on Racine Street to Grant Street; thence West on Grant Street to Meade Street; thence South on Meade Street to Wisconsin Avenue; thence West on Wisconsin Avenue to the point of beginning.

THE FORTY-THIRD WARD

The forty-third ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Northland Avenue and Meade Street and being the point of beginning; thence North on Meade Street to Capitol Drive; thence East on Capitol Drive to Ballard Road; thence South on Ballard Road to Pershing Street; thence West on Pershing Street to Oakwood Court; thence North on Oakwood Court to Northland Avenue; thence West on Northland Avenue to the point of beginning.

THE FORTY-FOURTH WARD

The forty-fourth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of S.T.H. "441" and Oneida Street and being the point of beginning; thence North on Oneida Street to Calumet Street; thence East on Calumet Street to Carpenter Street; thence South on Carpenter Street to Taft Avenue; thence East on Taft Avenue to Harmon Street; thence South on Harmon Street to Roeland Avenue; thence East on Roeland Avenue to Greenview Street; thence South on Greenview Street to Sylvan Avenue; thence East on Sylvan Avenue to Cypress Street; thence South on Cypress Street to S.T.H. "441"; thence Westerly on S.T.H. "441" to the point of beginning.

THE FORTY-FIFTH WARD

The forty-fifth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Midway Road, Oneida Street and the corporate limits and being the point of beginning; thence North along the corporate limits to S.T.H. "441"; thence Easterly on S.T.H. "441" to Telulah Avenue; thence Southerly on Telulah Avenue to Meadow Grove Blvd.; thence Westerly on Meadow Grove Blvd. to Kernan Avenue; thence South, Southeasterly and South on Kernan Avenue to the corporate limits; thence West and continue in a clockwise direction along the corporate limits to the point of beginning.

THE FORTY-SIXTH WARD

The forty-sixth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Meadow Grove Blvd. and Kernan Avenue and being the point of beginning; thence Easterly on Meadow Grove Blvd. to Telulah Avenue; thence Southerly on Telulah Avenue to Plank Road; thence Northeasterly on Plank Road to Midway Road; thence Southeasterly on Midway Road to the corporate limits; thence

South and continue in a clockwise direction along the corporate limits to Kernan Avenue; thence Northerly, Northwesterly and North on Kernan Avenue to the point of beginning. Excepting all that land within the afore described area that is not currently within the corporate limits.

And

All of the First Addition to Cedar Ridge Estates, being a part of the Southwest quarter of the Northeast $\frac{1}{4}$ of Section 8, T.20N., R.18E. and also Pine Tree Estates, being located in the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 8, Township 20 North, Range 18 East Town of Harrison, Calumet County, Wisconsin.

THE FORTY-SEVENTH WARD

The forty-seventh ward shall include and contain all that portion of territory lying within the following confines: (Water Intake Site) A parcel of land in Government Lot 4, Section 18, T.20N., R.18E., Town of Harrison, Calumet County, Wisconsin, described as follows: Commencing at the intersection of the north shore of Lake Winnebago with the west line of said Government Lot 4; thence easterly, along the north shore of Lake Winnebago, 33.00' to the east line of public road, as a point of beginning; thence continuing Easterly, along the north shore of Lake Winnebago, 160.00'; thence north, parallel with the W/L of Government Lot 4, 280.00'; thence west, at right angles to the West line of Government Lot 4, 160.00' to the East line of a public road; thence south along the East line of a public road 280.00'+/- to the north shore of Lake Winnebago, as the point of beginning and containing 1.0 acres of land more or less.

THE FORTY-EIGHTH WARD

The forty-eighth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Green Grove Road and Hammond Avenue and being the point of beginning; thence East on Hammond Avenue to the Corporate limits; thence East and South along the corporate limits to the main channel of the Fox River; thence Westerly along the main channel of the Fox River to the corporate limits; thence North along the corporate limits to the point of beginning.

THE FORTY-NINTH WARD

The forty-ninth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Interstate "41" and the West line of the NE $\frac{1}{4}$ of said Section 14, T.21N., R.17E. and being the point of beginning; thence East on Interstate "41" to Meade Street; thence South on Meade Street to Northland Avenue; thence West on Northland Avenue to the corporate limits; thence North and West along the corporate to West line of the NE $\frac{1}{4}$ of said Section 14, T.21N., R.17E. ;thence North along the West line of the NE $\frac{1}{4}$ of said Section 14, T.21N., R.17E. to the point of beginning.

THE FIFTIETH WARD

The fiftieth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Lindbergh Street and Oneida Street and being the point of beginning; thence North on Oneida Street to Northland Avenue; thence East on

Northland Avenue to Meade Street; thence South on Meade Street to Lindbergh Street; thence West on Lindbergh Street to Oneida Street and the point of beginning.

THE FIFTY-FIRST WARD

The fifty-first ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of City of Appleton corporate limits near the South line of College Avenue and near the West line of Lilas Drive and being the point of beginning; thence North along the West corporate limits to the center of College Avenue; thence East on College Avenue to Lynndale Drive; thence South on Lynndale Drive to the corporate limits; thence Westerly on the corporate limits to the point of beginning.

THE FIFTY-SECOND WARD

The fifty-second ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of the Fremont Street and Lawe Street; thence North on Lawe Street to South River Street; thence East and Northeasterly on South River Street to East Street; thence Southeasterly and South on East Street to Fremont Street; thence West on Fremont Street to the point of beginning.

THE FIFTY-THIRD WARD

The fifty-third ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Meade Street and Broadway Drive and being the point of beginning; thence North and in a clockwise direction along the corporate limits to its intersection with Ballard Road; thence South on Ballard Road to Broadway Drive; thence West on Broadway Drive to the point of beginning. Excepting all that land within the afore described boundary that are not currently within the corporate limits.

And

Commencing at the intersection of the centerline of Mackville Road and the centerline of Ballard Road; thence South on Ballard Road 117.18 feet to the point of beginning; thence South 222.82 feet on Ballard Road to the corporate limits; thence West 225 feet along the corporate limits; thence North 307 feet along the corporate limits; thence East 107.95 feet along the corporate limits; thence Southeast 119 feet along the corporate limits; thence East 33 feet along the corporate limits to the point of beginning.

THE FIFTY-FOURTH WARD

The fifty-fourth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of the West line of Holiday Drive and the centerline of Melody Lane and the corporate limits and being the point of beginning; thence North along the West line of Holiday Lane and being coincident with the corporate limits to the North line of the 1st Addition to Edgewood Subdivision extended Westerly; thence East 180 feet m/l along said extension and then the North line thereof to the Northeast corner of Lot 9, Block 2 of said 1st Addition to Edgewood Estates; thence South 185 feet along the East line of said Lot 9 to the North line of Memory Lane; thence West along the North line of Memory Lane to the East

line of Holiday Drive; thence South along the East line of Holiday Drive to the centerline of Melody Lane; thence West on the centerline of Melody Lane to the point of beginning.

And

Commencing at the Northwest corner of Melody Lane and Ballard Road and also being the corporate limits and being the point of beginning; thence North and continue in a clockwise direction on the corporate limits to Edgewood Drive; thence East on Edgewood drive to Ballard Road; thence South on Ballard Road to the Easterly extension of the North line of Melody Lane; thence West along said extension to the point of beginning.

THE FIFTY-FIFTH WARD

The fifty-fifth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Walden Avenue and Calumet Street and being the point of beginning; thence North on Walden Avenue to Fremont Street; thence East on Fremont Street to Schaefer Street; thence South on Schaefer Street to Calumet Street; thence West on Calumet Street to the point of beginning.

THE FIFTY-SIXTH WARD

The fifty-sixth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Memorial Drive and the Southeast corner of Section 34, T.21N., R.17E. and also being the South line of Outagamie County and being the point of beginning; thence West along the South line of said Section 34 to the center thread of the Fox River; thence Northeasterly on the center thread of the Fox River to the Memorial Drive Bridge; the South on the Memorial Drive Bridge and then Memorial Drive to the point of beginning.

THE FIFTY-SEVENTH WARD

The fifty-seventh ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of the Memorial Drive bridge and the main channel of the Fox River and being the point of beginning; thence Northeasterly and Easterly on the main channel of the Fox River to the Lawe Street Bridge; thence South on the Lawe Street Bridge and then Lawe Street to McKinley Street; thence West on McKinley Street to Oneida Street; thence South on Oneida Street to Calumet Street also being the South line of the Southeast $\frac{1}{4}$ of Section 35 T.21N., R.17E.; thence West along the South line of the Southeast $\frac{1}{4}$ of said Section 35 and the South line of the Southwest $\frac{1}{4}$ of said Section 35 to the Southwest corner of said Section 35 also being the intersection of Memorial Drive; thence North on Memorial Drive and the Memorial Drive Bridge to the point of beginning.

THE FIFTY-EIGHTH WARD

The fifty-eighth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the N $\frac{1}{4}$ corner of Section 5, T.21N., R.18E.; Thence South $00^{\circ}16'59''$ West 33.00 feet along the West line of the Fractional NE $\frac{1}{4}$ of said Section 5 to the Point of Beginning; Thence South $89^{\circ}33'00''$ East 33.02 feet along the South line of Broadway Drive; Thence South $00^{\circ}31'45''$ West 1,347.01 feet along the East line of Sequoia Drive and the

corporate limits; Thence continue along the East line of Sequoia Drive and the corporate limits Southwesterly 134.60 feet along the arc of curve to the right having a radius of 335.00 feet and the chord of which bears South 12°02'21" West 133.69 feet to the West line of the Fractional NE ¼ of said Section 5; Thence North 00°16'59" East 1477.99 feet along the West line of the Fractional NE ¼ of said Section 5 to the Point of Beginning.

THE FIFTY-NINTH WARD

(Old Landfill) A parcel of land in the Town of Center, Outagamie County, Wisconsin, described as follows: The East ½ of the SE ¼, the SE ¼ of the NE ¼, of Section 33, T.22N., R.17E., and the South 300 feet of the NE ¼ of the NE ¼ of Section 33, T.22N., R.17E., lying West of the West line of the Canadian National Railroad, Outagamie County, WI.

Section 2: This Ordinance shall be effective on May 6, 2024 and shall govern the adjustment of aldermanic districts and wards for the purpose of elections subsequent to May 6, 2024.

Section 3: This is a charter ordinance and it shall take effect sixty (60) days after its passage and publication, unless within such sixty (60) days a petition for a referendum is filed pursuant to Section 66.01 of the Wisconsin Statutes in which event this ordinance shall not become effective until approved by a majority of the electors voting thereon.

31-24

AN ORDINANCE RELATING TO ALDERMANIC DISTRICTS OF THE GENERAL ORDINANCES OF THE CITY OF APPLETON, RELATING TO REDISTRICTING (Redistricting, 2024 – 2/19/2024 WI 2023 Act 94)

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

Section 1: The following provision relating to aldermanic districts is hereby created to read as follows:

(a) The City shall consist of fifteen (15) aldermanic districts which shall consist of whole ward or shall be established by combining contiguous whole wards, as follows:

(1) Aldermanic district 1 shall consist of wards 1 and 2.

- (2) Aldermanic district 2 shall consist of wards 3, 4, 5, 6 and 48.
- (3) Aldermanic district 3 shall consist of wards 7, 8, and 9.
- (4) Aldermanic district 4 shall consist of wards 10, 11, 12 and 52.
- (5) Aldermanic district 5 shall consist of wards 13, 14, 15, and 16.
- (6) Aldermanic district 6 shall consist of wards 17, 18, 19, 49 and 50.
- (7) Aldermanic district 7 shall consist of wards 20, 21, 22 and 54.
- (8) Aldermanic district 8 shall consist of wards 23, 24, 25 and 55.
- (9) Aldermanic district 9 shall consist of wards 26, 27 and 56.
- (10) Aldermanic district 10 shall consist of wards 28, 29, 30 and 51.
- (11) Aldermanic district 11 shall consist of wards 31, 32, 33, 34 and 57.
- (12) Aldermanic district 12 shall consist of wards 35, 36, and 37.
- (13) Aldermanic district 13 shall consist of wards 38, 39, 40, 41, 53, 58 and 59.
- (14) Aldermanic district 14 shall consist of wards 42 and 43.
- (15) Aldermanic district 15 shall consist of wards 44, 45, 46 and 47.

Section 2: This Ordinance shall be effective on May 6, 2024.

Section 3: This is a charter ordinance and shall take effect sixty (60) days after its passage and publication, unless within such sixty (60) days a petition for a referendum is filed pursuant to Section 66.01 of the Wisconsin Statutes in which event this ordinance shall not become effective until approved by a majority of the electors voting thereof.